



UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

APPLICATION TO SERVE AS A COURT-SPONSORED MEDIATOR

Local Rule 16-4 permits the Court to refer a case to mediation with a mediator whose name appears on the District's list of Court-sponsored mediators. Court-sponsored mediators agree to conduct mediation for four hours per case without cost to the parties. If the parties do not settle the case within the four hours, the mediator and the parties may discuss whether to continue mediation and, if agreed, how much the mediator will be paid per hour. Payment arrangements are to be made between the mediator and the parties. Court-sponsored mediators agree to perform at least eight hours of mediation service for the Court per calendar year without payment.

NAME Last First Middle Initial

FIRM Bar No. (specify the state)

ADDRESS Office Phone No.

Cell Phone No.

FAX No.

WEBSITE E-mail Address

JUDICIAL EXPERIENCE [ ] YES [ ] NO

If Yes, insert name of the Court(s):

PRACTICE EMPHASIZES PRIMARILY: [ ] PLAINTIFF [ ] DEFENSE [ ] BOTH

MEDIATION TRAINING (Please attach proof of training. Mediators must have at least 30 hours of mediation training to qualify. See LR 16-4(j)(4).):

MEDIATION EXPERIENCE (Mediators must have at least 12 hours of actual mediation experience to qualify. See LR 16-4(j)(4).):

LISTING OF THE GEOGRAPHICAL AREAS OR LOCATIONS IN THE DISTRICT OF OREGON WHERE WILLING TO SERVE (complete all applicable):

Cities:

Counties:

Entire State (check box if applicable): [ ]

I have read Local Rule 16-4. I am a member in good standing of the Oregon State Bar, I have been admitted to practice before the federal courts for at least five years, and/or I am a retired or senior judge of any district, circuit, or appellate court in the United States.

Dated:

Signature

## SURVEY OF SUBJECT MATTER EXPERTISE

Conflict resolution requires communication and mediation skills that help parties identify issues and interests, identify areas of common ground, allow parties to be heard, and envision creative solutions. However, lawyers sometimes also wish to know a mediator's specific areas of expertise. Please think carefully about your personal level of expertise in the following general subject areas. (Note: These categories are those displayed on the civil cover sheet submitted to the court at the time of case initiation.)

Designate with a "1" those main categories (like CONTRACT, REAL PROPERTY, etc.) that are your primary subject areas of expertise. Designate with a "2" those categories in which you have some experience. Designate with a "3" those categories in which you have little or no experience. Place an "X" next to any category of case, or specialty within a category, for which you would not wish to serve as a mediator.

<p><input type="checkbox"/> <b>CONTRACT</b></p> <p><input type="checkbox"/> 110 – Insurance</p> <p><input type="checkbox"/> 120 – Marine</p> <p><input type="checkbox"/> 130 – Miller Act</p> <p><input type="checkbox"/> 140 – Negotiable Instrument</p> <p><input type="checkbox"/> 150 – Recovery of Overpayment &amp; Enforcement of Judgment</p> <p><input type="checkbox"/> 151 – Medicare Act</p> <p><input type="checkbox"/> 152 – Recovery of Defaulted Student Loans (Excludes Veterans)</p> <p><input type="checkbox"/> 153 – Recovery of Overpayment of Veteran's Benefits</p> <p><input type="checkbox"/> 160 – Stockholders' Suits</p> <p><input type="checkbox"/> 190 – Other Contract</p> <p><input type="checkbox"/> 195 – Contract Product Liability</p> <p><input type="checkbox"/> 196 – Franchise</p> <p><input type="checkbox"/> <b>REAL PROPERTY</b></p> <p><input type="checkbox"/> 210 – Land Condemnation</p> <p><input type="checkbox"/> 220 – Foreclosure</p> <p><input type="checkbox"/> 230 – Rent Lease &amp; Ejectment</p> <p><input type="checkbox"/> 240 – Torts to Land</p> <p><input type="checkbox"/> 245 – Tort Product Liability</p> <p><input type="checkbox"/> 290 – All Other Real Property</p> <p><input type="checkbox"/> <b>PERSONAL INJURY</b></p> <p><input type="checkbox"/> 310 – Airplane</p> <p><input type="checkbox"/> 315 – Airplane Product Liability</p> <p><input type="checkbox"/> 320 – Assault, Libel &amp; Slander</p> <p><input type="checkbox"/> 330 – Federal Employers' Liability</p> <p><input type="checkbox"/> 340 – Marine</p> <p><input type="checkbox"/> 345 – Marine Product Liability</p> <p><input type="checkbox"/> 350 – Motor Vehicle</p> <p><input type="checkbox"/> 355 – Motor Vehicle Product Liability</p> <p><input type="checkbox"/> 360 – Other Personal Injury</p> <p><input type="checkbox"/> 362 – Personal Injury – Medical Malpractice</p> <p><input type="checkbox"/> 365 – Personal Injury – Product Liability</p> <p><input type="checkbox"/> 367 – Healthcare/Pharmaceutical Personal Injury Product Liability</p> <p><input type="checkbox"/> 368 – Asbestos Personal Injury Product Liability</p> <p><input type="checkbox"/> <b>PERSONAL PROPERTY</b></p> <p><input type="checkbox"/> 370 – Other Fraud</p> <p><input type="checkbox"/> 371 – Truth in Lending</p> <p><input type="checkbox"/> 380 – Other Personal Property Damage</p> <p><input type="checkbox"/> 385 – Property Damage Product Liability</p> <p><input type="checkbox"/> <b>BANKRUPTCY</b></p> <p><input type="checkbox"/> 422 – Appeal 28 USC 158</p> <p><input type="checkbox"/> 423 – Withdrawal 28 USC 157</p> <p><input type="checkbox"/> <b>CIVIL RIGHTS</b></p> <p><input type="checkbox"/> 440 – Other Civil Rights</p> <p><input type="checkbox"/> 441 – Voting</p> <p><input type="checkbox"/> 442 – Employment</p> <p><input type="checkbox"/> 443 – Housing/Accommodations</p> <p><input type="checkbox"/> 445 – Amer. w/ Disabilities – Employment</p> <p><input type="checkbox"/> 446 – Amer. w/ Disabilities – Other</p> <p><input type="checkbox"/> 448 – Education</p> <p><input type="checkbox"/> <b>IMMIGRATION</b></p> <p><input type="checkbox"/> 462 – Naturalization Application</p> <p><input type="checkbox"/> 465 – Other Immigration Actions</p>	<p><input type="checkbox"/> <b>PRISONER PETITIONS</b></p> <p><b>Habeas Corpus:</b></p> <p><input type="checkbox"/> 463 – Alien Detainee</p> <p><input type="checkbox"/> 510 – Motions to Vacate Sentence</p> <p><input type="checkbox"/> 530 – General</p> <p><input type="checkbox"/> 535 – Death Penalty</p> <p><b>Other:</b></p> <p><input type="checkbox"/> 540 – Mandamus &amp; Other</p> <p><input type="checkbox"/> 550 – Civil Rights</p> <p><input type="checkbox"/> 555 – Prison Condition</p> <p><input type="checkbox"/> 560 – Civil Detainee – Conditions of Confinement</p> <p><input type="checkbox"/> <b>FORFEITURE/PENALTY</b></p> <p><input type="checkbox"/> 625 – Drug Related Seizure of Property 21 USC 881</p> <p><input type="checkbox"/> 690 – Other</p> <p><input type="checkbox"/> <b>LABOR</b></p> <p><input type="checkbox"/> 710 – Fair Labor Standards Act</p> <p><input type="checkbox"/> 720 – Labor/Management Relations</p> <p><input type="checkbox"/> 740 – Railway Labor Act</p> <p><input type="checkbox"/> 751 – Family and Medical Leave Act</p> <p><input type="checkbox"/> 790 – Other Labor Litigation</p> <p><input type="checkbox"/> 791 – Employee Retirement Income Security Act</p> <p><input type="checkbox"/> <b>PROPERTY RIGHTS</b></p> <p><input type="checkbox"/> 820 – Copyrights</p> <p><input type="checkbox"/> 830 – Patent</p> <p><input type="checkbox"/> 840 – Trademark</p> <p><input type="checkbox"/> <b>SOCIAL SECURITY</b></p> <p><input type="checkbox"/> 861 – HIA (1395ff)</p> <p><input type="checkbox"/> 862 – Black Lung (923)</p> <p><input type="checkbox"/> 863 – DIWC/DIWW (405(g))</p> <p><input type="checkbox"/> 864 – SSID Title XVI</p> <p><input type="checkbox"/> 865 – RSI (405(g))</p> <p><input type="checkbox"/> <b>FEDERAL TAX SUITS</b></p> <p><input type="checkbox"/> 870 – Taxes (U.S. Plaintiff or Defendant)</p> <p><input type="checkbox"/> 871 – IRS – Third Party 26 USC 7609</p> <p><input type="checkbox"/> <b>OTHER STATUTES</b></p> <p><input type="checkbox"/> 375 – False Claims Act</p> <p><input type="checkbox"/> 376 – Qui Tam (31 USC 3729(a))</p> <p><input type="checkbox"/> 400 – State Reapportionment</p> <p><input type="checkbox"/> 410 – Antitrust</p> <p><input type="checkbox"/> 430 – Banks and Banking</p> <p><input type="checkbox"/> 450 – Commerce</p> <p><input type="checkbox"/> 460 – Deportation</p> <p><input type="checkbox"/> 470 – Racketeer Influenced and Corrupt Organization</p> <p><input type="checkbox"/> 480 – Consumer Credit</p> <p><input type="checkbox"/> 490 – Cable/Sat TV</p> <p><input type="checkbox"/> 850 – Securities/Commodities/Exchange</p> <p><input type="checkbox"/> 890 – Other Statutory Actions</p> <p><input type="checkbox"/> 891 – Agricultural Acts</p> <p><input type="checkbox"/> 893 – Environmental Matters</p> <p><input type="checkbox"/> 895 – Freedom of Information Act</p> <p><input type="checkbox"/> 896 – Arbitration</p> <p><input type="checkbox"/> 899 – Administrative Procedure Act/Review or Appeal of Agency Decision</p> <p><input type="checkbox"/> 950 – Constitutionality of State Statutes</p>
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**SUBMIT**

COUNSELOR

RULE 2.1 ADVISOR

In representing a client, a lawyer shall exercise independent professional judgment and render candid advice. In rendering advice, a lawyer may refer not only to law but to other considerations such as moral, economic, social and political factors, that may be relevant to the client's situation.

Adopted 01/01/05

Comparison to Oregon Code

This rule has no counterpart in the Oregon Code, although it codifies the concept of exercising independent judgment that is fundamental to the role of the lawyer and which is mentioned specifically in DRs 2-103, 5-101, 5-104, 5-108 and 7-101.

RULE 2.2 [RESERVED]

RULE 2.3 EVALUATION FOR USE BY THIRD PERSONS

(a) A lawyer may provide an evaluation of a matter affecting a client for the use of someone other than the client if the lawyer reasonably believes that making the evaluation is compatible with other aspects of the lawyer's relationship with the client.

(b) When the lawyer knows or reasonably should know that the evaluation is likely to affect the client's interests materially and adversely, the lawyer shall not provide the evaluation unless the client gives informed consent.

(c) Except as disclosure is authorized in connection with a report of an evaluation, information relating to the evaluation is otherwise protected by Rule 1.6.

Adopted 01/01/05

Defined Terms (see Rule 1.0):

"Believes"

"Informed consent"

"Knows"

"Matter"

"Reasonably believes"

"Reasonably should know"

Comparison to Oregon Code

This rule is similar to DR 7-101(D), which was adopted in 1997 based on former ABA Model Rule 2.3. Paragraph (b) is new in 2002 to require client consent only when the evaluation poses a risk of material and adverse affect on the client. Under paragraph (a), when there is no such risk, the lawyer needs only to determine that the

evaluation is compatible with other aspects of the relationship.

RULE 2.4 LAWYER SERVING AS MEDIATOR

(a) A lawyer serving as a mediator:

(1) shall not act as a lawyer for any party against another party in the matter in mediation or in any related proceeding; and

(2) must clearly inform the parties of and obtain the parties' consent to the lawyer's role as mediator.

(b) A lawyer serving as a mediator:

(1) may prepare documents that memorialize and implement the agreement reached in mediation;

(2) shall recommend that each party seek independent legal advice before executing the documents; and

(3) with the consent of all parties, may record or may file the documents in court.

(c) The requirements of Rule 2.4(a)(2) and (b)(2) shall not apply to mediation programs established by operation of law or court order.

Adopted 01/01/05

Amended 01/01/14: Original paragraph (c) relating to firm representation deleted to eliminate conflict with RPC 1.12.

Defined Terms (see Rule 1.0):

"Matter"

Comparison to Oregon Code

This rule retains much of former DR 5-106.

ADVOCATE

RULE 3.1 MERITORIOUS CLAIMS AND CONTENTIONS

In representing a client or the lawyer's own interests, a lawyer shall not knowingly bring or defend a proceeding, assert a position therein, delay a trial or take other action on behalf of a client, unless there is a basis in law and fact for doing so that is not frivolous, which includes a good faith argument for an extension, modification or reversal of existing law, except that a lawyer for the defendant in a criminal proceeding, or the respondent in a proceeding that could result in incarceration may, nevertheless so defend the proceeding as to require that every element of the case be established.

Adopted 01/01/05