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IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR MULTNOMAH COUNTY
FILED
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4TH JUDICIAL DIST.

In the Matter of Protective Measures) PRESIDING JUDGE FILE NO. 2201-00001
During the COVID-19 Pandemic)
) ORDER RE SOCIAL DISTANCING AND
) PROTECTIVE FACE COVERINGS

On March 8, 2020, Oregon Governor Kate Brown issued an emergency declaration relating to the spread of the COVID-19 virus. On June 25, 2021, Governor Brown issued Executive Order 21-15, which extended the COVID-19 state of emergency to December 31, 2021. On December 21, 2021, Governor Brown issued Executive Order 21-36, which extended the COVID-19 state of emergency to June 30, 2022. During the state of emergency, Chief Justice Martha Walters has issued many Chief Justice Orders (CJOs) and this judicial district has issued many Presiding Judge Orders (PJOs) relating to court operations.

On September 7, 2021, Chief Justice Walters issued CJO 21-035, which re-imposed social distancing requirements for all court proceedings and court facilities in Oregon. On November 15, 2021, Chief Justice Walters issued CJO 21-050, which generally lifted the social distancing requirements for courtrooms and court facilities statewide effective November 29, 2021, while authorizing the Presiding Judge in any judicial district continue to require social distancing as a protective measure in court facilities within the district through January 2, 2022.

On December 22, 2021, Chief Justice Walters issued CJO 21-058, which authorized the Presiding Judge in any judicial district to continue or re-impose social distancing requirements after January 3, 2022, due to the threat posed by the Omicron variant of the COVID-19 virus. On December 22, 2021, Presiding Judge Bushong issued a PJO requiring the continued use of social distancing as a protective measure in the 4th Judicial District and ordering the return to the use of remote means for jury selection on January 24, 2022.

On February 28, 2022, Governor Brown announced that Oregon's general requirement to wear protective face coverings indoors will be lifted after March 11, 2022, and that Executive Branch state employees working in state facilities will no longer be required to wear protective face coverings, except for employees working in correctional or health care settings, and other exceptions that are temporary in nature.

The Oregon Judicial Department (OJD) has achieved an exceptionally high vaccination rate against COVID-19 which has significantly helped to protect our judges and staff against serious illness, and Multnomah County's rates of new COVID-19 infections and hospitalizations are declining. Under these circumstances, I have concluded that it is in the best interest of the court to eliminate the requirement for social distancing in court facilities effective March 27, 2022, allowing the court to resume more matters in person at full capacity and to return to selecting trial jurors in person at the courthouse beginning March 28, 2022.

However, the guidance of the Oregon Health Authority remains that high risk individuals, including those who are unvaccinated, immunocompromised, or have underlying health conditions, are strongly encouraged to continue wearing protective face coverings.

Conducting the work of the court in a jurisdiction as large as Multnomah County requires hundreds of people to be in close proximity for prolonged periods of time, posing a potential risk of COVID-19 transmission for high risk individuals when social distancing cannot be maintained. Additionally, judges, attorneys, and court employees interact with a significant number of adults in custody, and, due to the risk of COVID-19 transmission in correctional facilities, employees and residents of those facilities are still being required to wear face coverings beyond March 11, 2022. Further, the statewide designated spring break vacation week for most public and private schools in Oregon is March 21 -25, a period when many Oregon residents travel and may be visiting areas with higher COVID-19 infection rates or lower vaccination rates.

Given these considerations and the return to in-person jury selection the week of March 28, 2022, I have concluded that for the protection of employees, attorneys, and potential jurors, and all members of the public who use our court, the Multnomah Circuit Court will continue to require face coverings to be worn in court facilities beyond March 11, 2022, and will re-evaluate the need for this requirement by the end of April, 2022. As part of that reevaluation, I will stay apprised of the latest recommendations from the Oregon Health Authority and the Center for Disease Control.

Accordingly, it is hereby ORDERED as follows:

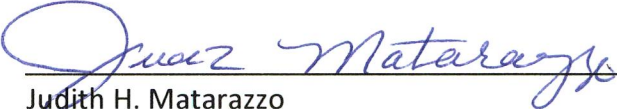
1. Definitions: "Courthouse" means the Multnomah County Courthouse, the Juvenile Justice Center, the Downtown Justice Center, and the East County Courthouse.
"Protective face covering" means a covering of the nose and mouth to protect against spreading the COVID-19 virus, as recommended by the Center for Disease Control.

“Social Distancing” means the minimum amount of physical distance between each person.

2. Social Distancing of 6 feet or more is no longer required in a Multnomah County Courthouse or in Multnomah County Circuit Court proceedings.
3. Potential jurors will be summoned to appear in person for jury selection beginning on March 28, 2022. Jury selection by remote means may continue to be used in certain circumstances where feasible, such as for the selection of grand jurors, in order to protect public safety.
4. Except for witnesses while testifying, and as provided in paragraphs 5 - 8 below, every person entering a Courthouse is required to wear a Protective Face Covering while in the Courthouse.
5. A judge presiding over a trial or other proceeding in a courtroom may authorize any person participating in the trial or proceeding to temporarily remove the Protective Face Covering to facilitate communication as the judge deems appropriate.
6. Court employees working in a room with no other court employees present may temporarily remove a Protective Face Covering while working alone. The employee must use the Protective Face Covering whenever others are present in the room and when accessing other parts of the Courthouse.
7. Employees of the Executive Branch and other organizations outside of the OJD are not required to wear Protective Face Coverings while working in their designated work areas, not controlled by OJD, which may be in a Courthouse. All persons should wear protective face coverings in Courthouse lobbies and shared hallways.
8. The court will provide Protective Face Coverings as needed.

This order takes effect on March 12, 2022 and supersedes the PJO dated December 22, 2021. This order shall remain in effect until April 30, 2022, or until extended, modified or terminated by further order of this court.

DATED: March 10, 2022



Judith H. Matarazzo
Presiding Judge, Multnomah County Circuit Court