

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR MULTNOMAH COUNTY

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In the Matter of Implementing)
Amended Chief Justice Order)
No. 20-006 In Civil Proceedings)
)
PRESIDING JUDGE ORDER NO. 2001-00000
ORDER-RE: CIVIL TRIALS PROCEEDINGS DURING
COVID-19 PANDEMIC

On March 8, 2020, Oregon Governor Kate Brown issued Executive Order 20-03 declaring that the COVID-19 virus created a threat to public safety and health and constituted a statewide emergency. On March 11, 2020, the World Health Organization declared the COVID-19 virus to be a pandemic of global proportions. On March 13, 2020, U.S. President Donald Trump declared a national state of emergency related to the COVID-19 virus. On March 23, 2020, Governor Brown issued Executive Order 20-12 requiring Oregonians to stay at home and closing specified businesses.

On Monday, March 16, 2020, Oregon Supreme Court Chief Justice Martha Walters issued an Order imposing Level 3 restrictions on Court Operations due to the Governor’s emergency declaration regarding the COVID-19 virus. On March 27, 2020, Chief Justice Walters issued an Order (“the Amended CJO”) extending the Level 3 restrictions and postponing civil trials and nonessential hearings until after June 1, 2020. The Amended CJO is designed to slow the spread of the COVID-19 virus and to minimize health risks to court personnel, litigants, representatives, and others who come to courthouses, while meeting the courts’ obligations to the public.

The restrictions imposed under the Amended CJO may be extended beyond June 1, 2020, depending on the circumstances surrounding the COVID-19 virus. The Amended CJO authorizes the court to conduct certain Category 3 essential proceedings in civil cases by remote means and/or by maintaining social distancing while the Level 3 restrictions are in effect. The Amended CJO also authorizes the Presiding Judge to authorize a non-essential proceeding to occur while the Level 3 restrictions are in effect in certain limited circumstances. Whenever the restrictions are lifted, the court will face a significant backlog of cases that must be resolved within statutory or constitutional deadlines. In addition, parties and attorneys in civil cases need some certainty in scheduling for efficient use of their time and resources.

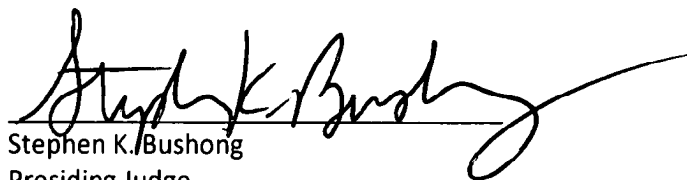
Under UTCR 7.020, trials in civil cases must be set within one year from the date of filing (two years for complex cases under UTCR 7.030), absent good cause for setting a later trial date. The conditions described above constitute good cause for delaying trials and hearings in civil cases. Those conditions also make it necessary and appropriate for the court to postpone hearings and trials in civil cases for a defined period even after the Level 3 restrictions are lifted.

Accordingly, for the reasons stated above, I hereby ORDER as follows:

1. All civil trials scheduled to begin on or after June 1, 2020 and before August 1, 2020, will be postponed to a date after August 1, 2020. The period during which trials are postponed due to Level 3 restrictions and this Order shall not count towards the time-to resolution provisions in UTCR 7.020 and 7.030. If the Level 3 restrictions are extended beyond June 1, 2020, civil trials scheduled to begin during the 60-day period after the Level 3 restrictions are lifted will be postponed to a date at least 60 days after the Level 3 restrictions are lifted.
2. In all cases other than cases designated complex or specially assigned by court order, the parties may schedule a scheduling conference with the Presiding Judge by telephone to reschedule trials postponed as a result of the Level 3 restrictions and this Order. In complex and specially-assigned cases, the parties may request a scheduling conference by telephone with the assigned judge while the Level 3 restrictions are in effect if the parties arrange for a mechanism for making a record; otherwise, the scheduling conference will be with the assigned judge after the Level 3 restrictions are lifted.
3. Civil motions hearings postponed under the Amended CJO may be scheduled now for a hearing to be held after June 1 with the assigned motions judge. Responses to civil motions and any replies may be filed in accordance with the Oregon Rules of Civil Procedure and the Uniform Trial Court Rules. Upon request of all parties, the assigned motions judge may issue a ruling on a civil motion based on the paper record without a hearing while the Level 3 restrictions are in effect.
4. A judge may conduct a Judicial Settlement Conference (JSC) in a civil case while the Level 3 restrictions are in effect if the parties and the settlement judge agree to conduct the JSC entirely by remote means. Parties should email a judge to request a JSC.
5. Civil proceedings designed to address immediate irreparable harm to public health, safety or other exigent circumstances may be held while the Level 3 restrictions and this Order are in effect. A party claiming good cause to hold such proceedings or a trial postponed under this Order may present that request to the Presiding Judge *ex parte* or at a scheduling conference. The Presiding Judge will determine whether there is good cause for holding the trial or civil proceeding while the Level 3 restrictions and this Order are in effect.
6. This order applies to all civil cases, including cases designated complex or otherwise specially assigned, except as listed herein. This order does not apply to domestic relations, juvenile, probate, habeas corpus, isolation proceedings under ORS 433.123 or 433.142, forcible entry and detainer (FED), and small claims cases.
7. Court staff will process filings, send arbitrator lists and notices, and take other actions to keep civil cases moving through the system to the extent the tasks can be performed remotely. Questions about court-annexed mandatory arbitrations shall be presented remotely to Judge David Rees.

This order takes effect immediately and shall remain in place until amended by further order or terminated by this court.

Dated this 10th day of April, 2020


Stephen K. Bushong
Presiding Judge
Multnomah County Circuit Court