

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

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In the Matter of Implementing CJO 21-050) PRESIDING JUDGE FILE NO. 2101-00000
)
) ORDER RE SOCIAL DISTANCING AND JURY
) SELECTION PROCEDURES

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.

During the state of emergency, Oregon Chief Justice Martha Walters has issued many Chief Justice Orders (CJOs) relating to court operations. As Presiding Judge of this judicial district, I have issued many Presiding Judge Orders (PJOs) relating to court operations during the COVID-19 state of emergency.

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 September 10, 2021, partly in response to CJO 21-035, I issued a PJO requiring the use of remote jury selection procedures in all civil and criminal cases. 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.

Because of the high volume of cases filed in this judicial district, many more people use court facilities in this judicial district than in any other district in the state of Oregon, thereby increasing the potential for exposure to COVID-19. During recent weeks, several people working in the courthouse—including judges and court staff—have tested positive for COVID-19. Many additional court employees have been quarantined after having contact with someone who tested positive for COVID-19. Quarantines due to exposures and potential exposures to COVID-19 make it difficult to fully conduct court proceedings. Nationwide, the number of “breakthrough” cases—infected fully-vaccinated people—has continued to increase. The Centers for Disease Control (CDC) continues to recommend social distancing of 6 feet or more for large indoor gatherings.

Remote jury selection—required for all trials in civil and criminal cases starting on or after October 4, 2021—has effectively kept thousands of prospective jurors out of the courthouse, thereby reducing the risk of exposure to the COVID-19 virus. Feedback from jurors on the remote jury selection process has been overwhelmingly positive. However, remote jury selection is slower, effectively adding a day or more to the length of each trial, and criminal defense lawyers have objected to remote jury selection for a variety of reasons.

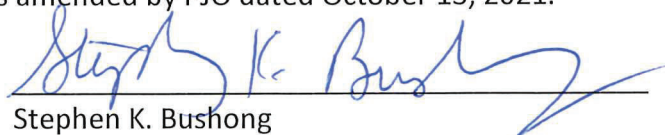
Under the circumstances, I have concluded that social distancing should be continued as a protective measure in this judicial district through January 2, 2022, as authorized by CJO 21-050. I have further concluded that, when social distancing is lifted in this district, the court should resume in-person jury selection for criminal cases and some civil cases, continuing with remote jury selection for longer trials in civil cases.

Accordingly, it is hereby ORDERED as follows:

1. Social distancing consistent with CDC guidelines shall continue to be required in all court facilities and for all court proceedings in this judicial district through January 2, 2022. The social distancing requirement shall be lifted starting January 3, 2022, unless extended by PJO or CJO.
2. Beginning on January 3, 2022, jurors will be summoned to appear in person—typically on Mondays and Wednesdays each week—for jury selection for trials in all criminal cases, and for trials in civil cases scheduled to last 4 days or less.
3. For trials in civil cases subject to SLR 7.055(14)—scheduled to last 5 days or more—jurors will continue to be summoned to appear via remote means (currently WebEx) for jury selection. Jurors will typically be summoned to appear remotely on a Thursday or Friday each week for civil trials starting the following week. The court will continue to allow jurors who are unwilling or unable to participate in jury selection remotely to appear in person at the courthouse to participate in the jury selection process using remote means from a location inside the courthouse. Failure to provide 6 weeks' advance notice as required by SLR 7.055(14) may result in a rescheduling of the trial.

This order takes effect immediately and shall remain in effect until extended, modified or terminated by further order of this court. This order supersedes the PJO requiring remote jury selection dated September 10, 2021, as amended by PJO dated October 13, 2021.

DATED: November 16, 2021


Stephen K. Bushong
Presiding Judge, Multnomah County Circuit Court