

Verified Correct Copy of Original 10/29/2021.

210100000
OR
Order
14505345



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

In the Matter of Implementing CJO 21-025, 21-035, and PJO dated 6/29/21) PRESIDING JUDGE ORDER NO. 2101-00000
)
) ORDER RE MODE OF PROCEEDING DURING
) POST-TRANSITION PERIOD

On June 28, 2021, Chief Justice Martha Walters issued Chief Justice Order (CJO) 21-025, which lifted many restrictions previously imposed on court operations during the COVID-19 pandemic and the state of emergency declared by Oregon Governor Kate Brown. On June 29, 2021, I adopted a Presiding Judge Order (PJO) implementing CJO 21-025 during the Transition Period (June 30 through September 6, 2021), and addressing the manner of conducting court proceedings starting September 7, 2021 (then optimistically defined as the “Post-Pandemic Period”).

On July 28, 2021, I issued a PJO extending the requirement for protective face coverings in court facilities through September 6. On August 11, 2021, I issued another PJO extending the scope of the protective face covering requirement to include judicial chambers, staff work areas and other areas in the courthouse where people come into contact with each other. On August 13, 2021, Chief Justice Walters issued CJO 21-030 requiring protective face coverings in all court facilities and court proceedings in Oregon.

On August 26, 2021, I issued a PJO extending the “Transition Period” through October 31, 2021. Under that PJO, the “Post-Transition Period” begins November 1, with court proceedings conducted in the manner specified in the June 29, 2021 PJO. On September 7, 2021, Chief Justice Walters issued CJO 21-035, requiring social distancing for all public areas of a court proceeding, including courtrooms.

As we enter the Post-Transition Period with social distancing required by CJO, I have concluded that the June 29, 2021 PJO should be clarified, supplemented, and modified slightly with respect to the manner of conducting certain court proceedings.

Accordingly, it is hereby ORDERED as follows:

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4TH JUDICIAL DISTRICT



Criminal Cases

All criminal proceedings that have been conducted remotely under the June 29, 2021 PJO will continue to be conducted remotely during the Post-Transition Period. Out-of-custody arraignments shall be conducted at the Justice Center by video or telephone, unless in-person is allowed by the court in a particular case.

Civil Cases

Jury trials in some civil cases may resume in-person (with remote jury selection) starting November 1, 2021, but the court has limited capacity for civil jury trials as long as social distancing remains in effect.

Traffic and Parking Cases

Trials will continue to be conducted by video (WebEx) at the downtown and East County courthouses. Defendants without video capability may appear in-person for a video appearance from the courthouse.

Domestic Relations Cases

Except as specified below, all parties, attorneys, and witnesses will be required to appear in person for proceedings beginning November 1, 2021.

Any participant who wishes to appear remotely may file a Motion and Declaration requesting remote appearance, setting forth any compelling reason why an exception to the in-person requirement should be made. Motions should be directed to the Chief Family Law Judge or retained judge of the case at least 10 days in advance of the proceeding.

The Court will continue to hold the following proceedings remotely, unless the Chief Family Law judge or retained judge of the case grants a Motion for in-person appearance:

1. Trial Assignment
2. Applications for Protective Orders
3. Contested motions for custody/parenting time evaluations
4. Non-evidentiary motions to compel (and other non-evidentiary discovery motions)
5. Petitions for Attorney Fees
6. Form of Judgment hearings

7. Contested motions for special set
8. Status conferences
9. Pre-trial conferences
10. Motions involving legal arguments only
11. UCCJEA conferences

Juvenile Cases

On November 1, 2021, the following proceedings will resume (or continue as) in-person appearances:

1. Termination of Parental Rights (TPR) and Dependency Trials
2. Big Call
3. Delinquency and Dependency Prelims
4. Contested Permanency Hearings
5. Contested Motions to Dismiss
6. Delinquency Adjudications (including Probation Violations) (to continue in-person unless Youth waives personal appearance).
7. Delinquency Dispositions (to continue in-person unless Youth waives personal appearance).
8. Waiver Hearings (to continue in-person).

On January 3, 2022, all other matters will resume in-person appearances, except the following proceedings will continue to be conducted remotely indefinitely:

1. Delinquency Call
2. Delinquency/Dependency Ex Parte
3. UCCJEA Conferences
4. Case Management Conferences.

Any participant who wishes to appear remotely may file a Motion and Declaration requesting remote appearance, setting forth any compelling reason why an exception to the in-person requirement should be made. Motions should be directed to the judge of the case (JOC) or to the Chief Family Law judge if there is no JOC at least 10 days in advance of the proceeding.

Probate Cases

All proceedings in probate cases will be conducted in person starting November 1, 2021, except for the probate short matters docket, which will continue to be conducted remotely.

Effect on Statutory Provisions Requiring In-Person Appearance

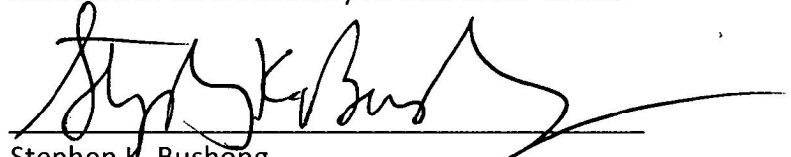
Section 6(4) of Oregon Laws 2020, chapter 12, authorizes the Chief Justice to permit remote appearances in court proceedings notwithstanding any other statute or rule to the contrary

during a declared COVID-19 state of emergency and continuing for 90 days after the state of emergency ends. Section 6(5) of that statute authorizes the Chief Justice to delegate that authority to a Presiding Judge. In CJO21-025, dated June 28, 2021, the Chief Justice expressly authorized circuit court proceedings to be conducted using remote means as determined by the Presiding Judge of each judicial district.

Accordingly, all circuit court proceedings authorized by this order and my June 29, 2021 PJO to be conducted by remote means may continue to be conducted by remote means during the Governor's declared state of emergency and continuing for 90 days after the state of emergency ends.

The June 29, 2021, PJO remains in effect except as modified, clarified or expressly superseded by this order and the September 10, 2021 PJO (requiring remote jury selection in all criminal and civil cases, amended by PJO dated October 13, 2021). This order takes effect immediately and shall remain in effect until extended or terminated by further order of this court.

DATED: October 29, 2021



Stephen K. Bushong
Presiding Judge, Multnomah County Circuit Court