

In the Matter of Lifting Vaccination	)	CHIEF JUSTICE ORDER
Requirement in the Oregon State	)	No. 22-003
Courts	)	
	)	ORDER LIFTING VACCINATION
	)	REQUIREMENT

I HEREBY FIND THAT:

1. ORS 1.002 provides that the Chief Justice of the Oregon Supreme Court is the administrative head of the judicial department of government in this state; shall exercise administrative authority and supervision over the courts of this state consistent with applicable provisions of law; and, to facilitate exercise of that administrative authority and supervision, may make rules and issue orders as appropriate or take any other action appropriate to perform the functions of the office of Chief Justice.
2. On March 8, 2020, Governor Kate Brown signed Executive Order 20-03, which declared a state of emergency because of the threat that the COVID-19 coronavirus posed to public health and safety (hereafter, "COVID-19 state of emergency"), most recently extended by Executive Order 21-36 through June 30, 2022.
3. On August 13, 2021, as a result of the rapid and extensive spread of the highly contagious Delta variant of COVID-19, Governor Brown signed Executive Order 21-29, which required state executive branch employees to be fully vaccinated against COVID-19, with an exception available for individuals unable to be vaccinated due to disability, qualifying medical condition, or sincerely held religious belief.
4. Since March 16, 2020, I have issued many Chief Justice Orders (CJOs) relating to the COVID-19 state of emergency and the ongoing risks to the state court system posed by COVID-19, including:
  - a. CJO 21-033 (August 25, 2021), Order Requiring Vaccination for In-Person Attendance at the 2021 Judicial Conference and at Statewide Presiding Judge and Trial Court Administrator Meetings;
  - b. CJO 21-039 (September 16, 2021), Order Imposing Vaccination Requirement, which:
    - (1) Imposed a vaccination requirement that applied to judges and staff, with the opportunity to request an exception; and
    - (2) Imposed a twice-weekly testing requirement for any judge or staff who had submitted a timely request for an exemption that was pending, or who had been granted an exception; and
  - c. CJO 22-002 (March 9, 2022), Order Revising and Generally Lifting Requirement for Use of Protective Face Coverings in the Oregon State Courts, effective March 12, 2022.
5. On February 24, 2022, Governor Brown announced that, based on the rapid drop in COVID-19 hospitalizations and case numbers statewide, she will be lifting the COVID-19

state of emergency effective April 1, 2022. On March 1, 2022, Governor Brown relatedly announced that she will rescind the vaccination mandate set out in Executive Order 21-29, effective April 1, 2022.

6. The Oregon Judicial Branch has achieved an exceptionally high vaccination rate against COVID-19 – at least 94 percent of all judges and staff. I am extremely proud of every judge and staff person in our branch, and I sincerely thank them for taking that important step, which has significantly helped to protect our judges and staff against serious illness, to protect others who enter our court facilities, and to stabilize our court operations during the COVID-19 pandemic.


This order is based on the foregoing and also on currently available information concerning the risks and spread of the COVID-19 virus. This order may be revised as further information becomes available or as directives from the Governor change.

I hereby ORDER as follows:

1. Definitions. As used in this order:
  - a. “Administrative Authority” means, as to any judge, the Presiding Judge; as to any staff, “Administrative Authority” has the meaning set out in Judicial Department Personnel Rule 2.01.
  - b. “Judge” means:
    - (1) A member of the Oregon Supreme Court, the Oregon Court of Appeals, the Oregon Tax Court, or an Oregon circuit court;
    - (2) A senior judge serving as a judge in an Oregon state court, pursuant to ORS 1.300;
    - (3) A retired judge member serving as a Plan B judge in an Oregon state court, pursuant to ORS 238.535;
    - (4) A person acting as a judge pro tempore in any Oregon state court, pursuant ORS 1.600 to 1.675;
    - (5) A person acting as a reference judge in an Oregon circuit court, pursuant to ORS 3.300 to 3.321;
    - (6) A person serving as a referee in any Oregon circuit court, pursuant to ORS 419A.150; and
    - (7) A person serving as a special master in any Oregon state court pursuant to ORCP 65 or other provision of law or by court order.
  - c. “Staff” means Oregon Judicial Department employees.

2. Lifting of Vaccination and Testing Requirements
  - a. The vaccination and testing requirements for judges and staff, set out in paragraphs 2, 3, and 4 of CJO 21-039, and also in paragraph 2 of CJO 21-033, are lifted, as of the effective date of this order.
  - b. Between the date of this order and its effective date, any judge or staff person with an approved exception to the vaccination requirement set out in CJO 21-039, or for whom an exception request from that requirement is pending, must continue to comply with the testing requirement and any other safety measures directed by the Administrative Authority, except that the Administrative Authority may not require the wearing of protective face coverings after March 11, 2022, pursuant to CJO 22-002.
3. This order supersedes CJO 21-033 (Order Requiring Vaccination for In-Person Attendance at the 2021 Judicial Conference and at Statewide Presiding Judge and Trial Court Administrator Meetings) (August 25, 2021), and CJO 21-039 (Order Imposing Vaccination Requirement) (September 16, 2021).
4. This order is effective on April 1, 2022, and will remain in effect until amended, superseded, or vacated by further Chief Justice Order.

Dated this 9th day of March, 2022.

  
\_\_\_\_\_  
Martha L. Walters  
Chief Justice