



CIRCUIT COURT OF OREGON  
FOR BENTON COUNTY

LOCKE A. WILLIAMS  
CIRCUIT COURT JUDGE

BENTON COUNTY COURTHOUSE  
POST OFFICE BOX 1870  
CORVALLIS, OREGON 97339

(541) 243-7822

October 1, 2020

Elijah Brown, President  
Linn-Benton Bar Association  
PO Box 2898  
Corvallis, OR 97339

Re: Benton County Circuit Court, Operations Update

Dear President and Members of the Linn-Benton Bar Association:

The close working relationship between the Benton County Circuit Court and the membership of the Linn-Benton Bar Association has played a pivotal role in the successful continuation of judicial services in Benton County these past seven months under a state of emergency. Statewide access to court services has improved steadily with expansion of authorization by Chief Justice Orders (CJO). Locally, our hearings have resumed across nearly the full spectrum of case types and docketed matters are, with limited exceptions, on par with pre-COVID rates. This success is due in large part to the high adaptability of our local attorneys who were unceremoniously pushed out of the familiar court rooms and into an evolving world of virtual platforms. I thank you for your cooperation and collaboration.

Looking ahead, we are confronted with as much uncertainty about the future as was encountered back in March and April. The court has concluded that the best approach is to prepare for indefinite continuation of modified operations, at least well into the coming year. The following is a brief summary of our current processes and long-range plans.

**Setting Jury Trials**

I have suspended all in-person jury trials through October 2020. Recognizing that circumstances remain very much in flux, I will assess the best available public health advisements for our state and our county on a quarterly basis to help me set future benchmarks. Key sources of information that I will rely on include the Oregon Chief Justice Orders, the Office of the State Court Administrator including the Oregon Judicial Department Marshal's Office, the Oregon Health Authority, the Benton County Health Department, and the US Centers for Disease Control and Prevention.

On June 30, 2020, Governor Brown signed HB 4212 into law, effective upon signing, that provides for "good cause" extensions to "speedy trial" deadlines of up to 180 days for reasons connected to COVID-19 (ORS 136.290; ORS 136.295). Additional extension may be ordered by the court for case-specific circumstances. Since March 2020, defendants have either waived their right to a speedy trial, the matters have been settled, or proceedings have been extended by the court based on good cause findings under HB 4212.

**In-Person Jury Trials**

On July 15, 2020, the court conducted a test run in the courthouse of a 12-person jury trial. We learned from this exercise that holding a jury trial in the courthouse is not practical. Social distancing requirements established by CJO 2020-016 make it more than cumbersome to maneuver jurors, parties, and court staff through the narrow halls and limited spaces of our historic courthouse.

However, Benton County has very graciously offered alternative locations to serve as court room space, should the need arise. Court personnel have been working steadily with Benton County and the Benton County Sheriff's Office to finalize preparations for use of a suitable facility at the Benton County Fairgrounds. The plans being developed provide for secure transport of a defendant, security of the off-site premises as well as maintaining active security at the courthouse, operation of court recording and sound equipment, managing the flow of vehicular traffic at the fairgrounds site, and controlling social distancing while navigating parties and observers into and throughout the alternate venue. The alternate facility is very well suited to the purpose if it becomes necessary to conduct an in-person jury trial under COVID-19 state of emergency conditions.

### **Conducting Proceedings by Remote Means**

The court has recently announced and rolled out a streamlined process to access remote proceedings. Using Cisco Webex, a fee-free, web-based video conferencing platform interactive with mobile devices as well as desktop office computers, we have been able to greatly expand the types and the overall numbers of docketed matters. Our goal is to provide all parties with stable access links that remain the same, day-to-day and hearing-to-hearing, for each of our regular dockets. We hope this approach will improve your ease of access and will also reduce the stress of tracking multiple, changing access links or phone numbers across a day or week.

As a result of the collective spirit of cooperation, we are not only managing to keep current with new filings but are also steadily reducing the backlog of cases that were postponed from the spring. Working in this way, we aspire to emerge from the state of emergency with no greater number of pending cases than historically carried.

### **Settlements**

Where a matter can be resolved by settlement, I encourage parties to submit proposed orders to the court.

### **Exhibits Must be Submitted Electronically**


Current provisions of Presiding Judge Order (PJO) 2020-005, paragraph 4.B, require parties to submit all exhibits in PDF format at least 24 hours prior to a scheduled hearing. Attorneys must upload their document exhibits to File & Serve. Parties may request to submit video or audio media exhibits by emailing [BEN.Exhibits@ojd.state.or.us](mailto:BEN.Exhibits@ojd.state.or.us) at least 48 hours prior to a scheduled hearing. Parties will then be contacted by court personnel and provided instructions for submitting such media via a secure electronic portal. I have attached a white paper that includes more details, for your convenience.

### **Accessing Current Information**

All of our customer service counters have been closed since mid-March 2020. Most of the court personnel are working remotely, including judges. Our webpage <https://www.courts.oregon.gov/courts/benton/Pages/default.aspx> is updated daily with the most current operational policies, including links to all PJO's in effect. Court staff remain available to answer questions by calling 541-243-7850.

Your individual and collective efforts, working with us and our other partners, are greatly appreciated.

Sincerely yours,



Locke A. Williams, Presiding Judge  
Benton County Circuit Court  
P.O. Box 1870  
Corvallis, OR 97339-1870



***CIRCUIT COURT of the State of Oregon***  
*for Benton County*  
*Twenty-First Judicial District*  
*Benton County Courthouse*  
*120 NW 4<sup>th</sup> Street Corvallis, Oregon*



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**Effective September 30, 2020**

**Trial exhibits must be electronically submitted for proceedings conducted by remote means and those held in-person at the courthouse.**

In accordance with Presiding Judge Order (PJO) 2020-005, paragraph 4.B, all exhibits for all proceedings must be submitted electronically at least 24 hours prior to a scheduled hearing. Submittal of exhibits shall conform with the provisions of Chief Justice Order 20-016, paragraph 7, PJO 2020-005, paragraph 4.B, and these further instructions.

**Attorneys:** The filer must submit exhibits via File & Serve in a single, unified PDF unless the file is larger than 25MB, or as otherwise directed by the court. The filer should submit the document as confidential, which facilitates appropriate security settings for external users. The filer must include both a linked index or table of contents, and a bookmark for each exhibit. To check these requirements in File & Serve, reviewers will click on the [PDF] link above the document, open the document, click on a link in the index to ensure the link directs you to a specific exhibit, and click on a bookmark to ensure it directs you to a specific exhibit. Documents that do not meet these requirements will be rejected.

**Self-represented parties** must submit exhibits as a single, unified PDF at least 24 hours prior to a scheduled hearing. Notwithstanding PJO 2020-005, paragraph 4.B(b), self-represented parties shall submit exhibit documents by email to [BEN.Exhibits@ojd.state.or.us](mailto:BEN.Exhibits@ojd.state.or.us). The filer must include both a linked index or table of contents, and a bookmark for each exhibit. Exhibits must be copied to the opposing party at the time of emailing them to the court. Exhibits will not be received by the court if the opposing party is not copied on the email submittal to the court.

**Video and Audio Exhibits:** Requests to submit video and audio exhibits may be sent to [BEN.Exhibits@ojd.state.or.us](mailto:BEN.Exhibits@ojd.state.or.us) at least 48 hours prior to a scheduled hearing. Parties will then be contacted by court personnel and provided explicit instructions for how to submit video and audio media exhibits. The filer is responsible for sharing these same video or audio files with all other parties.

**Courtesy Copies:** In addition to required electronic submittal, a judge may request that parties also submit a physical copy of very lengthy documents, or of large compilations of documents. Parties will be provided explicit instructions for submitting courtesy copies at the time such request is made by the court.