

In the Matter of Presiding Judge	)	CHIEF JUSTICE ORDER
Authority to Impose Social Distancing	)	No. 21-058
Requirement	)	
	)	ORDER EXTENDING PRESIDING JUDGE
	)	AUTHORITY TO IMPOSE SOCIAL
	)	DISTANCING REQUIREMENT

I HEREBY FIND AS FOLLOWS:

1. ORS 1.002 provides that:
  - a. 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; and
  - b. The Chief Justice may delegate the exercise of any powers specified in ORS 1.002 to the Presiding Judge of a court.
  
2. On March 8, 2020, Governor Kate Brown issued an emergency declaration relating to the spread of the COVID-19 virus (“COVID-19 state of emergency”). On December 21, 2021, Governor Brown issued Executive Order 21-36, which extended the COVID-19 state of emergency through June 30, 2022.
  
3. Since March 16, 2020, I have issued many Chief Justice Orders (CJOs) relating to the COVID-19 state of emergency, including:
  - a. CJO 21-025 (June 28, 2021), Establishing Updated Directives Relating to Court Operations (including, in paragraph 2.a., a lifting of social distancing requirements generally, with specific provisions elsewhere in paragraph 2);
  - b. CJO 21-035 (September 7, 2021), Imposing Updated Social Distancing Requirement (and superseding paragraph 2.a. of CJO 21-025, and also any conflicting provision of any then-effective Presiding Judge Order);
  - c. CJO 21-039 (September 16, 2021), Imposing Vaccination Requirement (for judges and staff); and
  - d. CJO 21-050 (November 15, 2021), Lifting Social Distancing Requirement (superseding CJO 21-035, except that a Presiding Judge may issue a Presiding Judge Order that requires social distancing in public areas of a court facility through January 2, 2022).
  
4. At the time when I issued CJO 21-050, the Oregon Judicial Department had achieved a full vaccination rate for judges and staff, statewide, that exceeded 92 percent. Subsequently, that rate has exceeded 94 percent. Also when I issued CJO 21-050, COVID-19 cases were decreasing statewide, and the trends appeared favorable.


5. In recent weeks, however, the Omicron variant has spread at a rapid rate internationally and in the United States, and has been detected in Oregon. The Oregon Health & Science University predicts that, as a result, the Omicron variant will drive a wave of severe illness that will eclipse previous surges of hospitalization in Oregon, starting in mid-January 2022. According to the Centers for Disease Control and Prevention (CDC), the Omicron variant appears to spread more rapidly than the original variant, and breakthrough infections in fully vaccinated individuals are likely to occur, although current vaccines are expected to protect against severe illness, hospitalizations, and deaths due to infection.

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

I HEREBY ORDER, pursuant to the foregoing authority, and as provided further below, that the following shall take effect on December 22, 2021. This order remains in effect until further order of the Chief Justice.

1. Definitions. As used in this order:
  - a. "Court facility" means the courthouse or any alternative physical location being used by the court or the Office of the State Court Administrator, but not any part of a building or location that is not under the court's control.
  - b. "Social distancing" means the minimum amount of physical distance between each person. As of the date of this order, pursuant to recommendations from the CDC, the distance is 6 feet between each person.
2. Social Distancing
  - a. A Presiding Judge may issue a Presiding Judge Order that requires social distancing in the public areas of a court facility through June 30, 2022.
  - b. As provided in subparagraphs 2.c. and 2.d. of CJO 21-025, social distancing may be directed or required as one or more reasonable protective measures taken in proceedings or in other particular circumstances.
3. This order supersedes CJO 21-050 (November 15, 2021) (Imposing Updated Social Distancing Requirement and superseding paragraph 2.a. of CJO 21-025).
4. This order is effective immediately.

Dated this 22<sup>nd</sup> day of December, 2021.

  
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Martha L. Walters  
Chief Justice