

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

IN THE MATTER OF IMPLEMENTING)
LEVEL 2 COURT OPERATION RESTRICTIONS) ORDER 20-005
DURING THE COVID-19 PANDEMIC)

IT APPEARING TO THE COURT that Chief Justice Order 20-016 (hereinafter “CJO 20-016”) dated May 15, 2020, eases “Level 3” restrictions and implements “Level 2” restrictions on court operations for Oregon courts that are located in jurisdictions where Oregon Governor Kate Brown has allowed a “Phase One” transition; that Governor Brown has allowed Benton County to transition to Phase One; that this Court has the ability to conduct court operations in a manner that is consistent with Level 2 restrictions and minimizes health and safety risks to participants, court staff and the public; and that it is the goal of this Court to conduct court operations in accordance with this PJO and CJO 20-016 to the fullest extent possible in light of current pandemic and budget limitations,

NOW, THEREFORE, IT IS ORDERED that, effective June 1, 2020 and until further order, the following shall be implemented:

1. Court Resources: Court staff and judges shall work remotely to the fullest extent possible. It is advisable to call ahead to confirm availability of in-person services. There will be one “on-site” judge available at the court each day between 8:00 am and 5:00 pm. The regular 3-week “on-call” duty rotation for after-hour search warrants shall remain unchanged during the effective period of this PJO.

2. Suspended SLRs: The court hereby suspends until further notice any Benton County Court Supplemental Local Trial Court Rule (hereinafter “SLR”) that is not in agreement with this PJO, including but not limited to the following: 6.202, 7.015(4), 7.025, 7.045, 8.045(2), 9.081, 12.005(2), and 13.285.

3. Court Filings: Parties may continue to file pleadings and other documents. Parties are strongly encouraged to use e-filing to the fullest extent possible. Documents filed electronically will be processed in the normal course, but you should expect delays.

All clerk counters will be closed to the public. However, the court has provided a secure drop box outside of Room 101 to receive in-person filings. The box will be checked regularly throughout the day for time sensitive filings, i.e. FAPA petitions that must be filed by 10:00 am deadline to be heard that day, or other documents marked urgent to meet a statutory, ORCP, UTCR or SLR filing deadline. All other documents will remain in the box for at least 24 hours before they are processed by court staff, therefore you should expect slower than normal document processing times.

4. Court Hearings: The Court will adhere to CJO 20-016 and any amendments thereto. Attorneys and parties should plan to appear remotely for all hearings unless otherwise specified herein or an exception has been granted by the Presiding Judge or assigned judge.

A. Definitions:

- a) "Hearing(s)" means all scheduled court proceedings, including trials.
- b) "In-person" means hearings conducted "in the courthouse" as defined in CJO-20-016. All such hearings shall be conducted in a manner that observes minimum social distancing as defined in CJO 20-016. All surfaces will be regularly sanitized to the fullest extent possible.
- c) "Remote" or "remotely" means conducting a hearing by video, telephone or other two-way electronic communication device as permitted by statute, court rule, CJO 20-016, or any amendments thereto. Hearing participants will be given a video event code or phone number and access code prior to each scheduled event.

B. Exhibits:

- a) **Attorneys** must submit hearing and trial exhibits that can be converted to a PDF through File & Serve, if the proceeding is to be conducted by remote means. Exhibits must be submitted electronically at least 24 hours prior to a scheduled hearing. This will make it easier for hearings and trials to be heard remotely and will reduce the need to hand exhibits back-and-forth in the courtroom. Paragraph 7 of CJO 20-016 details the changes.

The filer must submit exhibits in a single, unified PDF unless the envelope 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.

- b) **Self-represented parties** must submit exhibits as a single, unified PDF at least 24 hours prior to a scheduled hearing by email to the following: 1) ta`mara.sheeley@ojd.state.or.us for hearings before the Honorable Joan E. Demarest; 2) stacy.c.berg@ojd.state.or.us for hearings before the Honorable Matthew J. Donohue; and 3) cindi.m.wells@ojd.state.or.us for hearings before the Honorable Locke A. Williams.

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 courtroom clerk. Exhibits will not be received

by the court if the opposing party is not copied on the email submittal to the courtroom clerk.

C. Criminal:

- a) Trials for in-custody defendants with 60-day or speedy trial time limitations will be held as described in CJO 20-016.
- b) Unless otherwise required or ordered by the court, all other criminal hearings as defined in CJO 20-016 will be conducted remotely. In-custody defendants will appear by video. Defense attorneys will have the ability to speak privately with their client during the hearing if requested.
- c) Case management hearings (hereinafter "PADs") will continue to be held on Monday and Thursday at 10:30 am.
- d) Arraignments of in-custody defendants will continue to be held each day at 1:30 pm. An attorney will be appointed at arraignment for all in-custody defendants without application.
- e) Defendants that remain in custody following arraignment will be scheduled for a PAD the following week at which time their case will be assigned to a judge. Future case management hearings on these cases will be held remotely with the assigned judge.
- f) Unless otherwise scheduled for a remote hearing with an assigned judge, all preliminary hearings and all in-custody release hearings, probation violation hearings, plea and/or sentencing hearings, aid-and-assist hearings and any other hearing that will directly lead to the release of the defendant or the resolution of the case will be scheduled on the on-site docket. Defense attorneys shall send signed plea petitions to the prosecutor at least 2 hours prior to the hearing. The prosecutor shall then sign and email the plea petition to the appropriate courtroom clerk prior to the scheduled start of the hearing.
- g) All out-of-custody arraignments will be held each Tuesday and Wednesday at 10:00 am. An attorney will be appointed at arraignment for out-of-custody defendants without application. The appointed attorney shall return a signed conditional release agreement to the court as soon as reasonably practical.
- h) Case management hearings, preliminary hearings, release hearings, aid-and-assist hearings, pre-trial motions, plea and/or sentencing hearings, probation violation hearings, and any other hearing may be scheduled for remote hearing with the assigned judge.

D. Juvenile Delinquency:

- a) Contested fact finding hearings for youth held in detention will be held as described in CJO 20-016.

- b) In-custody arraignments and detention review hearings will be held remotely at 1:15 pm each day.
 - c) JPADs will be held remotely on Fridays at 4:00 pm.
- E. Juvenile Dependency:
- a) All hearings will be conducted remotely.
 - b) Shelter/Protective Order hearings will continue to be held at 1:00 pm each day.
 - c) Jurisdiction, disposition, permanency and hearings on motions to dismiss or motions by parents for parenting time will be scheduled on Fridays between 8:30 am and 5:00 pm.
- F. Civil Commitment: Hearings will be conducted remotely between 2:00 pm and 5:00 pm on Monday through Thursday.
- G. Drug Treatment Court: DTC proceedings are deemed necessary and will be conducted remotely each Wednesday between 3:30 pm and 5:00 pm.
- H. Domestic Relations:
- a) Hearings in domestic relations cases shall be held remotely unless an exception has been granted by the assigned judge. Opposing parties will not be ordered to appear in person for a first appearance. Instead, the opposing party will be ordered to file a written response by or before the deadline set by rule or statute.
 - b) Mandatory parent education requirements set forth in SLR 8.011 continue in effect. Parent education classes shall be conducted as an ancillary proceeding in accordance with paragraph 6(b)(1)(A) of CJO 20-016.
 - c) Mandatory mediation requirements set forth in SLR 12.005 shall continue in effect, except that there will be no mediation orientation conducted at the courthouse. Parties will be assigned a mediator by the court clerk. Mediation shall be conducted in accordance with paragraph 3(c)(2) of CJO 20-016.
 - d) Motions for temporary relief pursuant to ORS 107.095 and Benton County Circuit Court SLR 8.041 may be filed and will continue to be determined in the usual course without hearing. Hearings to contest the Court's ruling on temporary exclusive use of the family residence, custody or parenting time may be scheduled for remote hearing with the assigned judge.
 - e) Case management hearings may be scheduled for remote hearing with the assigned judge.

- f) Ex-parte applications for FAPA, EPPDAPA, SAPO, Stalking, Order of Assistance, and Immediate Danger proceedings will continue to be heard remotely at 11:30 am each day.
 - g) First appearance dates for Opposing Party in FAPA, EPPDAPA, SAPO, Stalking, Immediate Danger, and Expedited Parenting Time Enforcement proceedings (ORS 107.434) will be scheduled at 9:30 am on Tuesday and Wednesday.
 - h) Contested hearings in FAPA, EPPDAPA, SAPO, Stalking, Immediate Danger, and Expedited Parenting Time Enforcement proceedings will be held remotely.
- I. Civil:
- a) All general civil jury trials not listed in CJO 20-016 are postponed and will be rescheduled by the court for a date after July 1, 2020.
 - b) The court will entertain civil motions where feasible. Parties may stipulate to waive hearing and allow the court to decide a motion on the pleadings. If the parties do not agree to waive hearing, the court will schedule a remote hearing. All requests for hearing or ruling on civil motions shall be made to the assigned judge.
 - c) Case management hearings may be scheduled for remote hearing with the assigned judge.
- J. Probate and Protective Proceedings: All probate, guardianship and conservatorship hearings will be held remotely unless an exception has been granted by the assigned judge.
- K. Small Claims/Violations/FEDs:
- a) All small claims and violations trials are postponed.
 - b) All FED first appearances and trials shall be scheduled and conducted as described in paragraph 4 of CJO 20-016.

This order takes effect on June 1, 2020, shall supersede PJO 20-001 (2nd Amended) and shall remain in effect for the same period of time as CJO 20-016.

DATED this 27th day of May, 2020.



Locke A. Williams, Presiding Judge
21st Judicial District