

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

**In the Matter of:**

**IMPLEMENTING AMENDED CHIEF  
JUSTICE ORDER NO. 20-006 IN  
CIVIL PROCEEDINGS**

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**Presiding Judge Order  
2020-14**

On March 8, 2020, Oregon Governor Kate Brown issued Executive Order 20-03 declaring that the COVID-19 virus created a threat to public safety and health and constituted a statewide emergency. On March 11, 2020, the World Health Organization declared the COVID-19 virus to be a pandemic of global proportions. On March 13, 2020, U.S. President Donald Trump declared a national state of emergency related to the COVID-19 virus. On March 23, 2020, Governor Brown issued Executive Order 20-12 requiring Oregonians to stay at home and closing specified businesses.

On Monday, March 16, 2020, Oregon Supreme Court Chief Justice Martha Walters issued Order No. 20-006 imposing Level 3 restrictions on court operations due to the Governor's emergency declaration regarding the COVID-19 virus. On March 27, 2020, Chief Justice Walters issued Amended Order No. 20-006 (the "Amended CJO"), which extended the Level 3 restrictions and postponed most trials and nonessential hearings until after June 1, 2020. The Amended CJO is designed to slow the spread of the COVID-19 virus and to minimize health risks to court personnel, litigants,

representatives, and others who come to courthouses, while meeting the courts' obligations to the public.

The restrictions imposed under the Amended CJO may be extended beyond June 1, 2020, depending on the circumstances surrounding the COVID-19 virus. The Amended CJO authorizes the court to conduct certain Category 3 essential proceedings in civil cases by remote means and/or by maintaining social distancing while Level 3 restrictions are in effect. The Amended CJO also authorizes the Presiding Judge to authorize a non-essential proceeding to occur while the Level 3 restrictions are in effect in certain limited circumstances. Whenever the restrictions are lifted, the court will face a significant backlog of cases that must be resolved within statutory or constitutional deadlines. In addition, parties and attorneys in civil cases need some certainty in scheduling for efficient use of their time and resources.

Under UTCR 7.020, trials in civil cases must be set within one year from the date of filing (two years for complex cases under UTCR 7.030), absent good cause for setting a later trial date. The conditions described above constitute good cause for delaying trials and hearings in civil cases. Those conditions also make it necessary and appropriate for the court to postpone hearings and trials in civil cases for a defined period even after the Level 3 restrictions are lifted.

Accordingly, for the reasons stated above, IT IS HEREBY ORDERED:

1. All civil trials scheduled to begin on or after June 1, 2020 and before July 6, 2020, will be postponed to a date after July 6. The period during which trials are postponed due to Level 3 restrictions and this Order shall not count towards the time-to-resolution provisions in UTCR 7.020 and 7.030. If the Level 3 restrictions are extended beyond June 1, 2020, civil trials scheduled to begin during the 60-day period after the Level 3 restrictions are lifted will be postponed to a date at least 60 days after the Level 3 restrictions are lifted.

2. In all cases other than cases designated complex or specially assigned by court order, docketing will reschedule trials as usual, although the parties may request a specific date. In complex and specially assigned cases, the parties may request a scheduling conference by telephone with the assigned judge while the Level 3 restrictions are in effect if the parties arrange for a mechanism for making a record; otherwise, the scheduling conference will be with the assigned judge after the Level 3 restrictions are lifted.
3. Civil motions hearings postponed under the Amended CJO may be scheduled now for a hearing to be held after June 1, 2020 on the civil motions docket. Responses to civil motions and any replies may be filed in accordance with the Oregon Rules of Civil Procedure and the Uniform Trial Court Rules. Upon request of all parties, the assigned motions judge may issue a ruling on a civil motion based on the paper record without a hearing while Level 3 restrictions are in effect.
4. A judge may conduct a Judicial Settlement Conference (JSC) in a civil case while the Level 3 restrictions are in effect if the parties and the settlement judge agree to conduct the JSC entirely by remote means. Parties should email a judge's staff to request a JSC.
5. Civil proceedings designed to address immediate irreparable harm to public health, safety, or other exigent circumstances may be held while the Level 3 restrictions and this Order are in effect. A party claiming good cause to hold such a proceeding or a trial postponed under this Order may present that request to the Presiding Judge by Motion/Declaration/Proposed Order. The Presiding Judge will determine whether there is good cause for holding the trial or civil proceeding while the Level 3 restrictions and this Order are in effect.
6. Mediation hearings will continue to occur remotely for small claims, forcible entry and detainer (FED), and family law cases as scheduled by docketing or arranged by the parties.
7. This order applies to all civil cases, including cases designated complex or otherwise specially assigned, except as listed herein. This order does not apply to domestic relations, juvenile, probate, habeas corpus, or isolation proceedings under ORS 433.123 or 433.142, FED, and small claims cases except as specified herein.

8. Court staff will process filings, send arbitrator lists and notices, and take other actions to keep civil cases moving through the system to the extent the tasks can be performed remotely. Questions about court-annexed mandatory arbitrations shall be presented remotely.

This order takes effect immediately and shall remain in place until amended by further order or terminated by this court.

DATED this 20 day of April 2020.



Kathie F. Steele  
Clackamas County Circuit Court  
Presiding Judge