

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

In the Matter of)
)
Updated Pandemic Response) PRESIDING JUDGE ORDER
)
) 2022-03

I HEREBY FIND AS FOLLOWS:

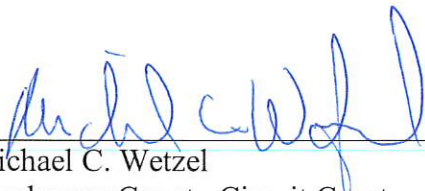
1. ORS 1.002 provides that the Chief Justice may delegate the exercise of any powers specified in ORS 1.002 to the Presiding Judge of a circuit court.
2. On March 8, 2020, Governor Kate Brown issued an emergency order relating to the spread of the COVID-19 virus (“COVID-19 state of emergency”). On June 25, 2021, Governor Brown issued Executive Order 21-15, which extended the COVID-19 state of emergency to December 31, 2021. On December 21, 2021, Governor Brown issued Executive Order 21-36, which extended the COVID-19 state of emergency to June 30, 2022.
3. On February 24, 2022, Governor Brown announced her intention to lift the COVID-19 state of emergency effective April 1, 2022. On February 28, 2022, the Oregon Health Authority (OHA) announced its rule for Masking for Indoor Spaces (OAR 333-019-1015) would no longer be in effect beginning March 12, 2022. The Center for Disease Control (CDC) recommends masks continue to be worn in correctional facilities. Oregon correctional facilities have indicated they intend to continue to follow CDC guidelines for indoor masks.
4. Clackamas County has announced it will follow OHA guidance with regards to requirements for masking in indoor spaces.
5. On March 9, 2022, Chief Justice Martha Walters issued CJO 22-002, ORDER REVISING AND GENERALLY LIFTING REQUIREMENT FOR USE OF PROTECTIVE FACE COVERINGS IN THE OREGON STATE COURTS, effective March 12, 2022, and CJO 22-003, ORDER LIFTING VACCINATION REQUIREMENT, effective April 1, 2022.

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. Except as provided below, protective face coverings (masks or other coverings of the nose and mouth to protect against the spread of viruses such as COVID-19) are no longer required to be worn in the Clackamas County Circuit Court, Holman Center, or Juvenile Court Building (collectively “court facilities”).

2. So long as an executive branch statewide requirement is in effect that requires protective face coverings to be worn in correctional facilities, judges and staff must wear protective face coverings when working in either an adult jail or correctional facility, or in a youth detention or correctional facility, as determined by the Presiding Judge or Administrative Authority. Any person in custody transported to appear at a court facility must wear a protective face covering subject to paragraph 4 below. An in-custody defendant in a jury trial need not wear a protective face covering.
3. Any judge, staff, participant (including lawyer, party, witness, juror, interpreter, or security personnel), or member of the public may wear a protective face covering if desired, subject to paragraph 4 below.
4. If a participant in an in person proceeding wears a protective face covering as provided in paragraphs 2 or 3, the judge presiding over the proceeding may:
 - a. Require a juror to temporarily remove a protective face covering when the juror is answering a question during *voir dire*;
 - b. Require a witness to remove a protective face covering when the witness is testifying; and
 - c. Require any participant to temporarily remove a protective face covering to ensure that a particular communication is understood.
5. The following proceedings will continue to be held remotely:
 - a. Civil commitments;
 - b. FED first appearances; and
 - c. Juvenile dependency proceedings as provided in PJO 2021-015.
6. All other proceedings will be in person. Any lawyer or party may file a motion for remote appearance and/or remote testimony and that motion will be determined by the judge assigned to the matter, the judge assigned to address remote witness testimony, or the Presiding Judge, as applicable.
7. This order supersedes all prior orders to the extent they are inconsistent with this order.
8. This order is effective March 12, 2022, and will remain in effect until amended, superseded, or vacated by further order.

DATED this 11th day of March, 2022.



Michael C. Wetzel
Clackamas County Circuit Court
Presiding Judge