

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE 5TH JUDICIAL DISTRICT, CLACKAMAS COUNTY

In the Matter of:

Imposing Level 2 and Level 3)	PRESIDING JUDGE ORDER NO. 2020-17
Restrictions on Clackamas)	
County Circuit Court Operations)	ORDER IMPOSING LEVEL 2 AND LEVEL 3
in Response to the spread of)	RESTRICTIONS ON CLACKAMAS
COVID-19 Corona Virus)	COUNTY CIRCUIT COURT OPERATIONS
_____)	

This Presiding Judge Order operationalizes Chief Justice Order No. 20-016 for the Clackamas County Circuit Court.

In accordance with the Governor's emergency declaration, Chief Justice Order No. 20-016, and the current thinking of public health professionals, I am directing continuation of Level 3 restrictions on Clackamas County Circuit Court operations beginning immediately and continuing until further order of the Court.

Level 3 restrictions continue to significantly limit the number of persons in Clackamas County Circuit Court facilities. Our goal is to do our part to help slow the spread of the COVID-19 Corona Virus and to minimize health risks to judges, court employees, attorneys, litigants, witnesses, interpreters, law enforcement and others who come to our courthouse, while meeting the courts' obligations to the public.

This is a dynamic situation, and things are changing very quickly. The court is doing its best to serve and protect this community. We will continue to evaluate and adjust as new information and guidance becomes available.

ORS 1.002(8) provides "...the presiding judge of each judicial district of this state are the administrative heads of their respective courts. They are responsible and accountable to the Chief Justice of the Supreme Court in the exercise of their administrative authority and supervision over their respective courts."

I HEREBY ORDER, pursuant to ORS 1.002(8):

1. Level 3 restrictions on Clackamas County Circuit Court operations continue in effect as previously imposed in PJO 2020-07 in relation to the COVID-19 statewide emergency.
2. Definitions. As used in this order:

- a. "High risk" includes the category of persons whom the Centers for Disease Control has identified as being at high-risk for serious illness due to COVID-19, and similarly situated persons.
 - b. "Presiding Judge" means the presiding judge of a judicial district or any person to whom that judge has delegated authority under this order.
 - c. "Remote means" denotes making a court appearance or conducting a trial, proceeding, hearing, or other gathering by telephone, video, other two-way electronic communication device, or simultaneous electronic transmission.
 - d. "Social distancing" means the minimum amount of physical distance between each person or other means approved by the State Court Administrator. The distance shall be determined by the social distancing requirements specified in the applicable Executive Order issued by the Governor. As of the date of this order, the distance is 6 feet between each person. When this order imposes social distancing requirements, members of the same household, and others if permitted by the Presiding Judge, are excepted from those requirements.
 - e. "In the courthouse" means that a trial, proceeding, or hearing is being conducted, at least in part, in either the courthouse or an alternative physical location being used by the court, as opposed to being conducted entirely by remote means.
2. Level 3 restrictions will continue under CJO 20-016 and PJO No. 2020-07 if the Governor has not yet authorized Phase One reopening status in Clackamas County or if the Governor returns Clackamas County to "Stay at Home" status per Executive Order. Category 1 and 2 essential proceedings will continue as previously ordered.
 3. Level 2 restrictions will be in effect when and if the Governor authorizes Phase One reopening status in Clackamas County and if sufficient staff are available and social distancing requirements are met.
 - a. On or after June 1, 2020 and if and if sufficient staff are available and social distancing requirements are met Level 2 restrictions will allow per CJO 20-016:
 1. Bench trials; and
 2. All other court proceedings except non-custodial jury trials and FED first appearances and trials.
 - b. On or after July 6, 2020 and if sufficient staff are available and social distancing requirements are met, Level 2 restrictions will allow per CJO 20-006:
 1. Jury trials in all criminal and civil cases; and

2. FED first appearances and trials if no applicable moratorium is in effect.
 - c. At this time and pursuant to current social distancing requirements, no more than two jury trials per day may occur.
 4. Jury trials must be held in the courthouse. All other proceedings may be held remotely. When any part of a proceedings is held in person, the proceeding must comply with social distancing and other safety requirements of CJO 20-016 and this Order. Specifically:
 - a. All persons in a courtroom, excluding witnesses when testifying, are recommended to wear masks;
 - b. Masks and information about how to use them will be provided; and
 - c. Individuals may petition the trial judge to be excluded from this recommendation if appropriate social distancing may be accomplished.
 5. In courthouse areas other than a courtroom:
 - a. People are encouraged to wear masks;
 - b. Masks and information about how to use them will be provided;
 - c. Cleaning per OJD guidelines will occur; and
 - d. Other reasonable precautions to protect the health of court staff and the public will be required.
 6. This Order takes effect immediately;

DATED this 22 day of May 2020.


Kathie F. Steele
Clackamas County Circuit Court
Presiding Judge