

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

In the Matter of:

**IMPLEMENTING AMENDED CHIEF
JUSTICE ORDER NO. 20-016 IN
CERTAIN CRIMINAL PROCEEDINGS**

**Presiding Judge Order
2020-18**

The conditions created by the COVID-19 pandemic and the subsequent gradual reopening of the State constitute good cause for delaying certain criminal proceedings or modifying procedures in certain criminal cases. Chief Justice Order 20-016 authorizes the Presiding Judge to order that a certain proceeding may be held while the Level 2 and Level 3 restrictions are in place if the Presiding Judge determines that the proceeding should be held; that it can be conducted by remote means or by maintaining sufficient social distancing for any participants appearing in person; and that other reasonable precautions can be taken to protect the health of participants.

Accordingly, for the reasons stated above, **IT IS HEREBY ORDERED** that, during Level 3 and eventual Level 2 restrictions, in addition to the proceedings expressly permitted in CJO 20-016 and PJO 2020-17, the following proceedings may be conducted with the limitations described below:

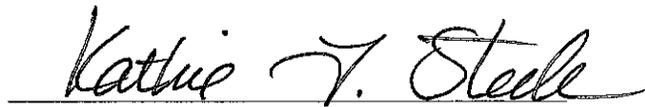
1. Parties do not need to file a Motion and Proposed Order Requesting Telephonic Appearance in certain categories of appearances and proceedings indicated below in paragraphs 3, 4, and 5.
2. UCJ clerks will no longer write judgments in the courtroom following guilty pleas or findings. Parties, attorneys, and Clackamas County deputies will receive a UCJ Temporary Sentencing Order which will be converted into a formal Criminal Judgment within 48 hours.
 - a. Defense attorneys shall prepare the above forms.
 - b. If any portion of the form is blank, that part of the plea/sentencing agreement is not stipulated and is “open.”
 - c. The final formal Criminal Judgment shall be provided to the defendant by their defense attorney or, if pro se, by corrections or by mail to the defendant.

3. Out-of-custody misdemeanor defendants may appear by telephone/remotely beginning June 1, 2020.
 - a. Defendants will be given information and directed to the Court Appointed Attorney application team when initially calling the court. On this initial call, staff will obtain an unblocked telephone number, email address, and/or mailing address for each defendant.
 - b. On the date of arraignment, the court will confirm the defendant's date of birth, correct name spelling, and give the defendant a CMA date on the record.
 - c. The court will advise the defendant of their rights, any No Contact Orders in place, and direct the defendant to deliver to the courthouse drop box or send the court any information that has not yet been received, including a Court Appointed Attorney application, a specified mailing address or fax number.
4. Out-of-custody felony defendants may utilize the above procedures.
5. CMA procedures are modified beginning June 1, 2020 as follows:
 - a. Attorneys will sign in with the court when they arrive and are ready to proceed. Cases will be called in the order of this sign-in sheet/board.
 - b. Cases may be scheduled on the CMA docket more expansively.
 - c. Attorneys may appear for their client by remote means without the defendant personally appearing if they can represent they are in good contact with the defendant and will take responsibility to get notice to the defendant.
6. Attorneys (prosecutors and defense counsel) may wear earphones in court for criminal appearances.
7. The 1:30 pm docket shall allow scheduling of release agreement modifications, No Contact Orders, and release hearings.
8. The 2:00 pm docket for in-custody criminal arraignments shall remain (versus the former 3:00 pm docket).
9. The complex plea docket (formerly at 1:30 pm) shall be placed on regular CMA dockets.
10. Jury Trials

- a. The court shall try a maximum of two jury trials per day. Each jury trial will utilize two courtrooms to allow for social distancing during jury selection, recesses, and deliberations.
- b. Trials shall begin at 9:00 am and 1:30 pm. Jurors will be summoned for both times.
- c. Real time decisions regarding which trial begins at 9:00 am and which at 1:30 pm will be made by the trial judges and docketing, with input from and consultations with prosecution and defense counsel.
- d. Juries shall generally be selected (although not sworn in) before pretrial motions or matters to allow room for additional jurors in the jury assembly room.
- e. Real time decisions on witness issues will be made by the trial judge.
 - i. Parties may stipulate in writing to witnesses appearing remotely under ORS 131.045.
 - ii. Witnesses should wear masks into the courtroom but drop or remove their masks for testimony.
 - iii. If testifying remotely, witnesses will be provided guidelines for remote hearings by the parties and will testify at a designated remote location without others present.
- f. The Presiding Judge's clerk shall monitor actual jury trial occurrences weekly. Parties and attorneys shall be reasonably forthcoming as to the necessity of the trial.

11. This Order takes effect immediately;

DATED this 22 day of May 2020.



Kathie F. Steele
Clackamas County Circuit Court
Presiding Judge