IN THE CIRCUIT COURT OF THE STATE OF OREGON

FOR THE COUNTY OF CLACKAMAS

In the Matter of:	)	
CRIMINAL PROCEDURES IN A CONTINUING PANDEMIC	)	**Presiding Judge Order 2020-29**

Clackamas County, Oregon and the nation continue to be subject to the COVID-19 virus which has created a threat to public safety and health and constituted a statewide emergency. Clackamas County Circuit Court has modified its procedures as a result pursuant to PJOs issued since March 2020. The pandemic and consequential procedural modifications is creating a backlog of pending criminal and civil cases. To alleviate the criminal case backlog, additional modifications are required.

Accordingly, for the reasons stated above and pursuant to the Amended CJO 20-006, IT IS HEREBY ORDERED THAT, during Level 2 and Level 3 restrictions, in addition to proceedings expressly permitted in the Amended CJO and the Governor's subsequent Orders, the following proceedings may be conducted with the limitations described below:

1. Case Management Appearances (CMAs):
    a. The first scheduled CMA may be administratively reset with docketing up to 45 days.
    b. Subsequent CMAs may be reset upon motion, declaration, and proposed order to the presiding judge.
    c. CMAs are presumed to occur remotely by telephone or WebEx.
    d. In any CMA, a defense attorney may appear on behalf of a defendant client if they can certify on the record they are in good, regular contact with their client.
    e. If a defense attorney appears (remotely or in person) on behalf of a client defendant with whom they represent they are in good contact to schedule another CMA, plea or trial, they must obtain and file a notice of the new appearance date

within 7 days.

2. Personal appearances by defendants and defense counsel are required for:
    a. Contested Contempt hearings,
    b. Probation Violation hearings,
    c. Sentencings involving potential jail sentences, and
    d. Trials (bench and jury).

3. Appearances by defendants and/or defense counsel are recommended and presumed to be remote for:
    a. In-custody appearance resets, continuances, and status checks as long as appropriate documents (motions, waivers, notices, plea documents/paperwork) are efiled at least 48 hours in advance of the appearance.
    b. Should a judge choose not to follow a recommendation of "no jail," upon a plea and sentencing, said sentencing shall be reset at least 24 hours, allowing defense counsel and defendant to be present.

4. Non-custodial criminal jury trials may occur as long as social distancing may be observed, and in-custody jury trials have priority.

5. Criminal trial (custodial and non-custodial) participants (prosecutors, defense counsel and defendants) must respond not later than 48 hours to emails from the court regarding pending issues of a jury trial.
    a. Said emails shall be sent by the court within 2 weeks of the scheduled trials to determine priority issues as set by the court.
    b. By the Friday before a trial occurs, the court shall prioritize all criminal trials, notifying participants if their trials are "occurring," are "back-up" if a priority trial fails to occur on a specific date or will be administratively continued/reset.
    c. All trials that are identified as being administratively reset require the prosecutor and defense attorney to obtain a new trial date with docketing and the defense attorney to obtain and submit a written notice of the new trial date within 10 days

of being designated "administratively reset" by the court.

6. All docketing changes, information, or modifications shall be communicated to the docketing department by 11:00 am the proceeding day, and 48 hours' notice of said change is preferred.

7. If multiple cases for one defendant are changed, the defense attorney is responsible for filing appropriate documents for each case and notifying docketing.

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

General Orders 2020-13, 2020-18 and 2020-20 are hereby amended by this order.

DATED this 7 day of October, 2020.

Kathie F. Steele
Clackamas County Circuit Court
Presiding Judge