

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

In the Matter of:)
)
) **PRESIDING JUDGE ORDER**
) **2021-02**
Authorizing Court- Annexed Mandatory)
Arbitration Proceedings During)
The Pandemic)
_____)

On November 18, 2020, Chief Justice Walters signed Chief Justice Order 20-047, in which §1 encouraged legal proceedings to be conducted by entirely remote means whenever possible. Per Chief Justice Order 20-016§6b(2)(C)(iii), the Court has discretion on a case-by-case basis to permit in-person appearances in any proceeding “upon a determination, after consulting with the parties and other affected persons, that the trial or other proceeding cannot feasibly be held entirely by remote means, that it is important that the trial or proceeding not be postponed, that the trial or proceeding can be held without significant risk to health, and that the requirements set out in §4 can be met”

Due to the Court’s current limitations, parties who need finality in their disputes are struggling, and when the Court is again able to conduct civil trials, the number of cases that will need hearings and decisions will be overwhelming.

Arbitrators assigned cases in the Court-Annexed Mandatory Arbitration Program are uniquely empowered to help parties who currently have no other means of resolving their cases. Court-Annexed Mandatory Arbitration proceedings should not be delayed unless there is no method to conduct the hearing safely.

Therefore, IT IS HEREBY ORDERED:

1. Court-Annexed Mandatory Arbitration proceedings shall continue to be held. The Arbitrator selected in each case shall hold proceedings entirely by remote means whenever possible.
2. The Arbitrator selected shall have discretion on a case-by-case basis to permit in-person appearances upon a determination, after consulting with the parties and other affected persons, that:
 - a. The trial or proceeding cannot be feasibly be held entirely by remote means, and
 - b. The trial or proceeding can be held without significant risk to health.
3. When personal appearances are allowed, the Arbitrator must require all who appear to

adhere to rules adopted by the state and the courts to enforce social distancing and mask wearing. The Arbitrator must also follow proper guidelines to clean the environment where the proceeding occurs.

This order takes effect immediately.

DATED this 5 day of February, 2021.



Kathie F. Steele
Clackamas County Circuit Court
Presiding Judge