

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

In the Matter of:)
)
Resuming Noncustodial) **PRESIDING JUDGE ORDER**
Criminal Jury Trials) **2021-04**
)
_____)

On November 17, 2020, Governor Brown issued Executive Order 20-65, ordering a statewide “two-week freeze.” In response, Chief Justice Martha Walters issued CJO 20-047 on November 18, 2020, imposing in-person restrictions on court operations during the statewide “freeze.” Subsequently, the Court issued PJO 2020-33, pausing noncustodial jury trials for the duration of the freeze.

On December 2, 2020, Governor Brown signed Executive Order 20-66, which introduced a new “Risk and Safety Framework” for reopening counties statewide which designated counties as Extreme, High, Moderate, and Lower Risk. In response, the Court issued PJO 2020-34, continuing the pause of noncustodial jury trials.

On February 17, 2021, Chief Justice Walters issued Amended CJO 20-047, ordering that a Presiding Judge may authorize jury trials other than those allowed to continue under the “freeze,” provided that, as of the date of the scheduled trial, the Governor has approved one or more counties in the judicial district to move to a category other than “Extreme Risk.” On February 9, 2021, Governor Brown announced that Clackamas County moved from “Extreme Risk” to “High Risk.”

Therefore, IT IS HEREBY ORDERED:

1. On or after March 2, 2021 and if sufficient staff are available and social distancing requirements are met, noncustodial criminal jury trials shall resume.
2. Jury trials shall be conducted in-person when adequate facilities are available, social distancing requirements can be met, and staffing levels permit, with the following exceptions:
 - a. Aspects of a jury trial may be conducted remotely by video if permitted by law and the judge who is presiding in a case has so ordered.
 - b. A jury trial may be conducted remotely by video in its entirety if permitted by law, essential bandwidth and technology are available, the parties have agreed, and the Presiding Judge has so ordered.

3. At this time and pursuant to current social distancing requirements, no more than two jury trials per day may occur.
4. This Order supersedes PJO 2020-34.
5. This Order takes effect immediately.

DATED this 19 day of February, 2021.



Kathie F. Steele
Clackamas County Circuit Court
Presiding Judge