

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

In the Matter of: )  
)  
)

UPDATED CRIMINAL PROCEEDINGS )  
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**PRESIDING JUDGE ORDER  
2021-14**

Due to the COVID-19 pandemic and accompanying necessary restrictions on court operations, the Court has conducted most criminal proceedings remotely since the issuance of PJO 2020-13 on April 20, 2020.

On June 25, 2021, Governor Brown issued Executive Order 21-15, which extended the COVID-19 State of Emergency to December 31, 2021, but otherwise rescinded earlier Executive Orders that had imposed statewide restrictions relating to protective face coverings, social distancing, capacity limits and the county risk level framework.

On June 28, 2021, Chief Justice Walter issued CJO 21-025, removing some restrictions previously placed on court operations. Pursuant to the authority granted in CJO 21-025(3),  
**IT IS HEREBY ORDERED:**

1. All criminal appearances hereafter shall be in person unless specifically indicated herein or approved by the Court in writing upon filing of a motion, declaration and proposed order with the Court.
2. Motions for a defendant to appear remotely shall follow the form or template attached as Exhibit A.
3. The remote (i.e. WebEx or telephone) appearance of a witness may occur upon the agreement of the parties or upon a motion, declaration and proposed order.
4. Remote appearances are allowed presumptively in the following circumstances:
  - a. Non-evidentiary motions (without witnesses or exhibits),
  - b. Custodial parents at support enforcement hearings and
  - c. Alleged victims who are not testifying.
5. Case Manager appearance procedures:
  - a. First reset is allowed directly through the criminal department for a new date within 30 days, subsequent continuances require a motion, declaration and proposed order.

- b. Reported potential COVID exposure of a defendant will result in a ten-day administrative reset/continuance and defendant will provide a medical note regarding diagnosis for the next appearance if the defendant is too ill to appear.
  - c. Defendants are only excused from the courtroom or courthouse by the judge unless reporting COVID exposure or obvious illness.
6. The current trial notification practice, whereby attorneys and parties must respond to Court email inquiries for trial preparedness with information that includes status of case, changes in trial length, number of witnesses, number of requested jurors and date of incident, shall remain in place.
  - a. The Court will issue a trial list each Friday for the following week which will include judges available for trial, in-custody designations and priorities.
  - b. Responses to said emails may satisfy a status conference appearance for BM11 cases at defense request.
  - c. Failure to respond may affect the priority designation of a scheduled trial.
7. For trials that are continued on the day of trial for lack of available judges, courtrooms, staff or low priority, attorneys, parties and witnesses shall remain available 30-60 minutes or until released by the Court in case another judge and/or courtroom becomes available.
8. All appearance notices must be personally signed by the defendant unless excused by a judge.
9. Temporary criminal judgments are no longer required starting July 12, 2021, but attorneys shall each prepare a UCJ worksheet for use by the court and clerks at the time of pleas or sentencing.
10. Complex case designation may be requested for cases other than homicides per UTCR 7.030 and may be requested by motion, declaration and proposed order.
11. This Order supersedes PJO 2020-13, 2020-18, 2020-20, 2020-29, 2020-35 and 2021-01.
12. This Order takes effect immediately upon signature.

DATED this 16 day of July, 2021.



Kathie F. Steele  
Clackamas County Circuit Court  
Presiding Judge