



# Update from the Clackamas County Circuit Court

NOVEMBER 5, 2020

TRIAL COURT  
ADMINISTRATOR

Debbie  
Spradley

# Today's Presenters



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**Debbie Spradley** – Trial Court Administrator

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**Honorable Kathie Steele** – Presiding Judge

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**Justin Haner** – Technical Support Lead

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**Kelsey Wernsman**, Calendaring Clerk

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**Heather Kamin** – Civil Case Unit Supervisor

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**Gina Setter** – Court Manager

# Administrative Team



# Budget

- ▶ Biennium 2019-21 Budget
  - ▶ Budget Reductions due to COVID-19
    - ▶ Leaving 80 positions vacant (all of OJD)
    - ▶ Furloughs
      - ▶ 3 days for all staff (May, June, July)
      - ▶ Voluntary Extended Furloughs
    - ▶ Reduction in Services & Supplies Budget
- ▶ Biennium 2021-23 Budget
  - ▶ We expect further reductions

# COVID-19 - Website

- ▶ **Our website – COVID-19 Court Information**  
<https://www.courts.oregon.gov/courts/clackamas/Pages/coronavirus.aspx>
- ▶ Hours of operation
- ▶ Contact us
- ▶ What proceedings are happening at the court
- ▶ Face coverings
- ▶ When you should not visit the courthouse
- ▶ Information for jurors
- ▶ Presiding Judge Orders and Updates
- ▶ Remote Hearings

# COVID-19 – Jury Video



# COVID-19 – Visitors to the Courthouse

## Entrance Statistics & Masks Handed Out

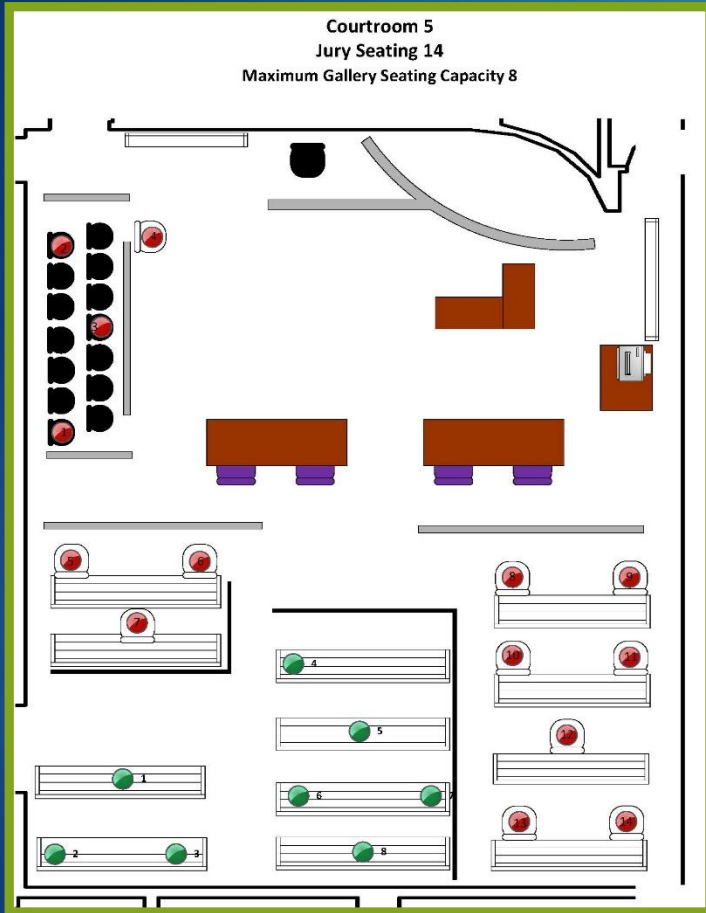
Month	Visitors	Masks Handed Out
January	14,475	
February	14,724	
March	8,300	
April	3,045	
May	3,661	
June	5,927	792
July	7,586	264
August	7,121	184
September	5,952	139



# COVID-19 – Courthouse Staff

- ▶ Courthouse Staff
  - ▶ 88 Staff when fully staffed
  - ▶ 11 Staff working remotely 100% of the time
  - ▶ 25 Staff who work remotely part of the time and at the courthouse in person part time.
  - ▶ Staffing Issues:
    - ▶ School and daycare
    - ▶ Need to be home for health reasons related to COVID-19
    - ▶ Remote hearings take more staff to manage
    - ▶ We need staff to assist in managing social distancing in the courtrooms and hallways
    - ▶ Fewer staff at the courthouse, even when working remotely, can mean a slower response time

# COVID-19 - Courtrooms



# Caseload Changes

13,740 Cases Filed in 2020, -22.3% Decrease from 2019

9,894 Cases Pending, -5.1% Decrease from 2019

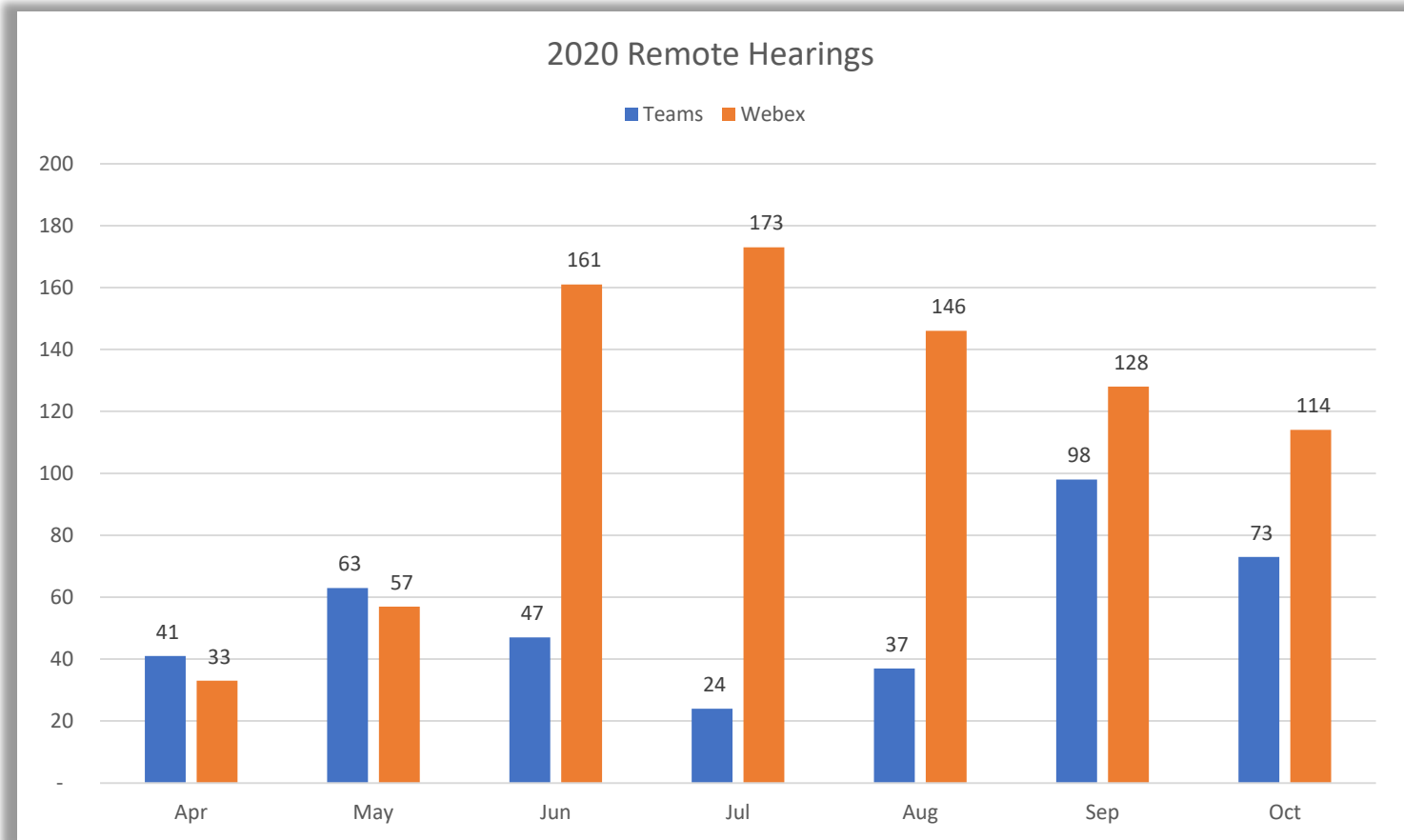
Criminal Case Backlogs Growing

Year	2020					
Stats Case Group	Cases Filed	Cases Filed 1-Yr Change	Pending Caseload	Pending Caseload 1-Yr Change	Case Filings 1-Yr % Change	Pending Caseload 1-Yr % Change
<b>Civil</b>	<b>4,722</b>	<b>-2,420</b>	<b>2,029</b>	<b>-688</b>	<b>-33.9%</b>	<b>-25.3%</b>
Civil	3,325	-827	1,446	-220	-19.9%	-13.2%
Landlord Tenant	161	-149	35	11	-48.1%	45.8%
Small Claims	1,236	-1,444	548	-479	-53.9%	-46.6%
<b>Criminal</b>	<b>4,837</b>	<b>-1,051</b>	<b>3,326</b>	<b>363</b>	<b>-17.8%</b>	<b>12.3%</b>
Felony	1,446	-259	1,087	151	-15.2%	16.1%
Misdemeanor	2,771	-844	1,710	118	-23.3%	7.4%
Procedural Matters	586	56	498	95	10.6%	23.6%
Violation	34	-4	31	-1	-10.5%	-3.1%
<b>Domestic Relations</b>	<b>2,589</b>	<b>-175</b>	<b>821</b>	<b>-53</b>	<b>-6.3%</b>	<b>-6.1%</b>
Dissolution	1,123	-114	502	-48	-9.2%	-8.7%
Other Domestic Relations	582	-84	282	-15	-12.6%	-5.1%
Protective Order	884	23	37	10	2.7%	37.0%
<b>Other</b>	<b>1,592</b>	<b>-300</b>	<b>3,718</b>	<b>-156</b>	<b>-15.9%</b>	<b>-4.0%</b>
Civil Commitment	488	-80	157	5	-14.1%	3.3%
Juvenile	247	-88	1,579	-27	-26.3%	-1.7%
Probate	857	-132	1,982	-134	-13.3%	-6.3%
<b>Total</b>	<b>13,740</b>	<b>-3,946</b>	<b>9,894</b>	<b>-534</b>	<b>-22.3%</b>	<b>-5.1%</b>

# Remote Hearings

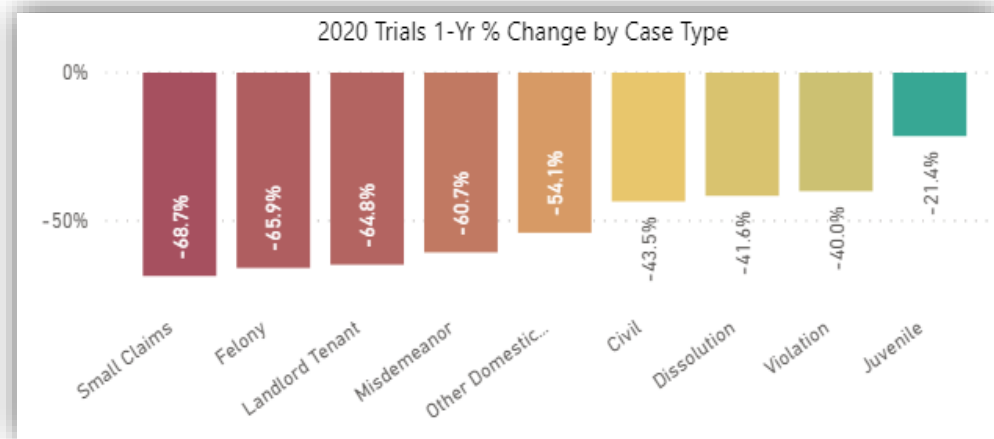
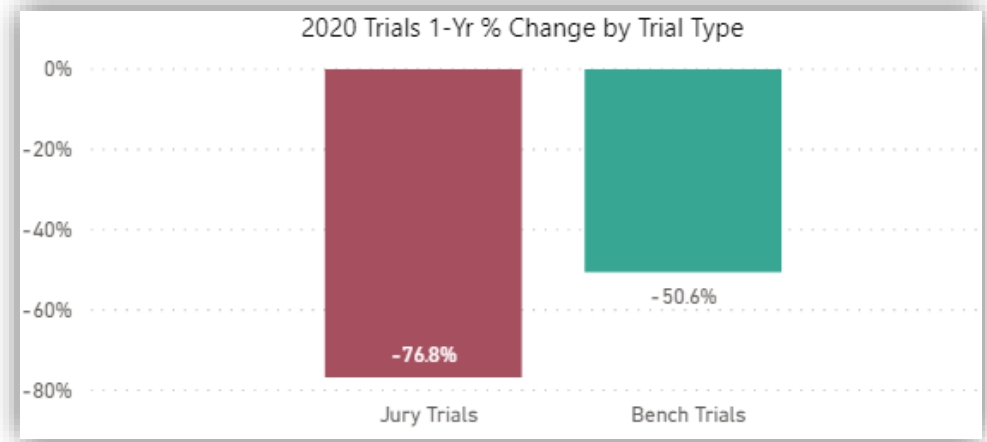
1,195 Remote Hearings in 2020

383 in Microsoft Teams, 812 in Webex



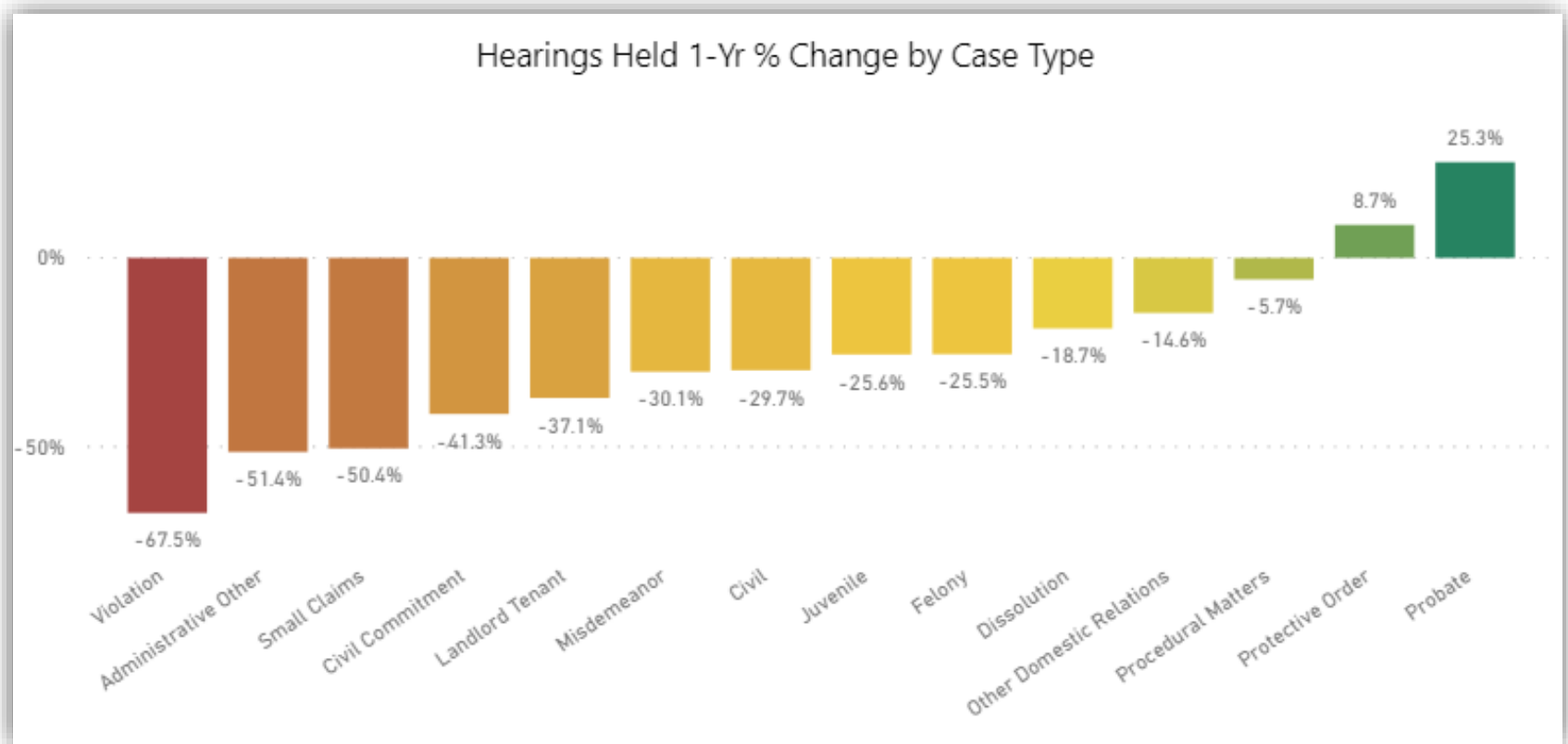
# Trials

- ▶ 237 Trials Held in 2020
- ▶ 29 Jury Trials, -76.8% from 2019
- ▶ 209 Bench Trials, -50.7% from 2019



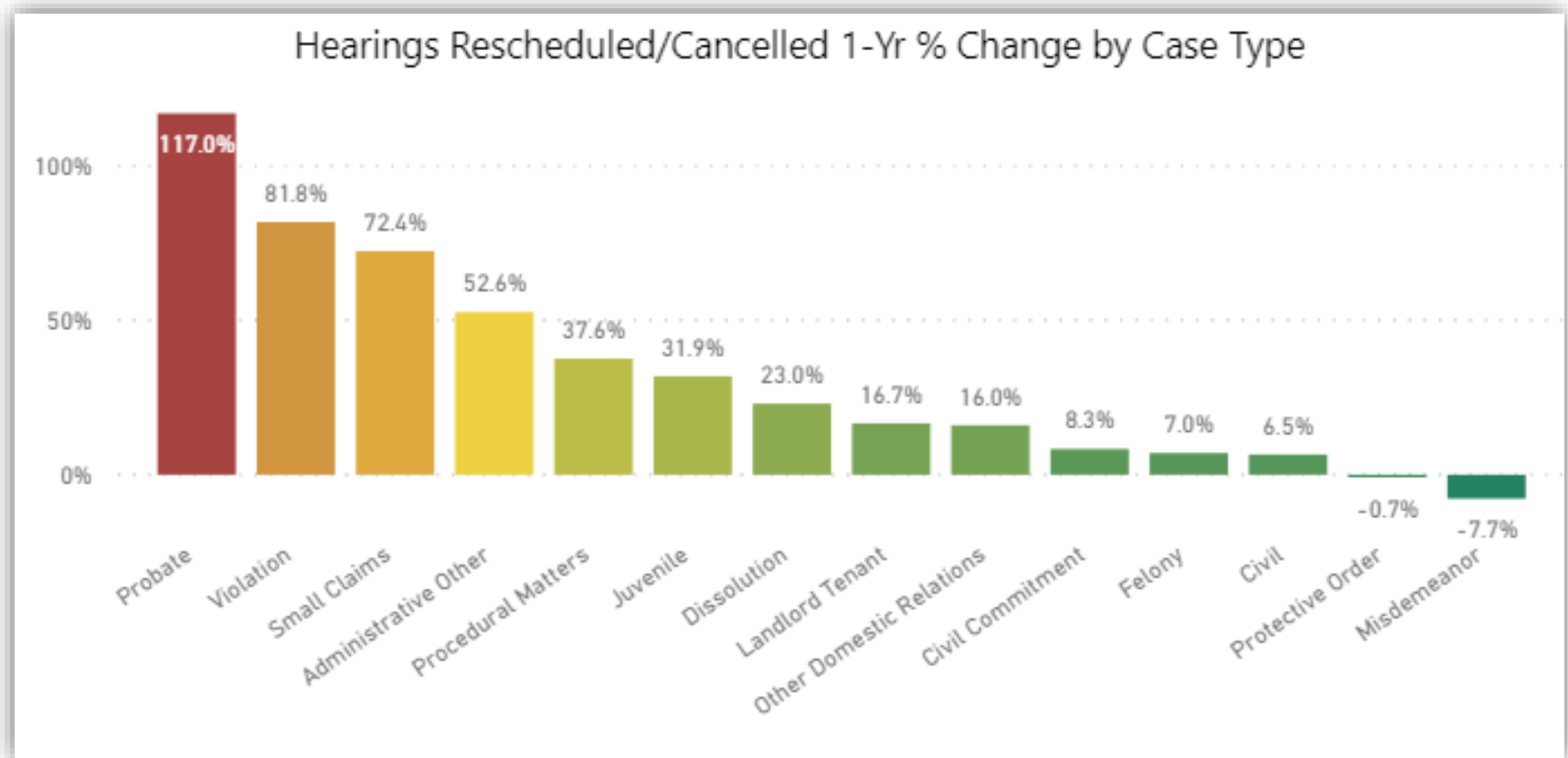
# Hearings Held

31,223 Hearings Held in 2020  
-26.5% Decrease from 2019



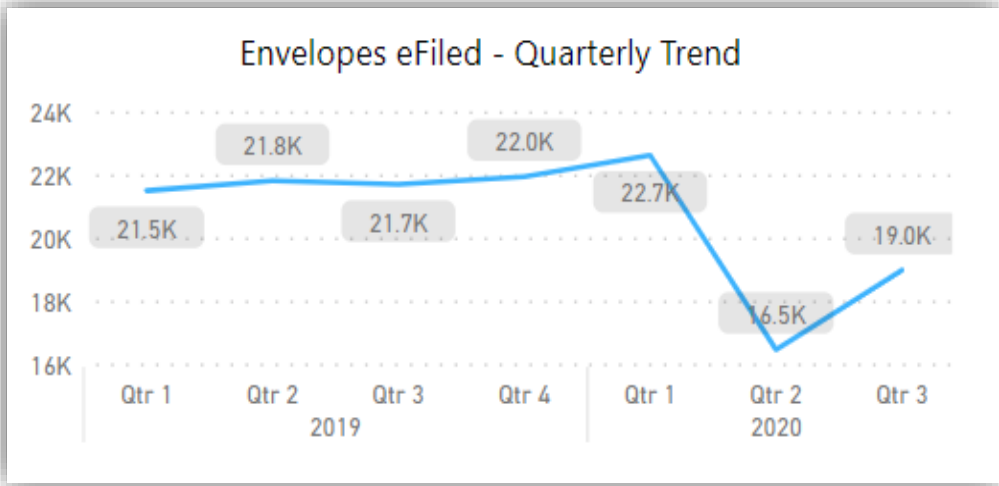
# Hearings Reset

18,138 Hearings Reset in 2020  
11.6% Increase from 2019

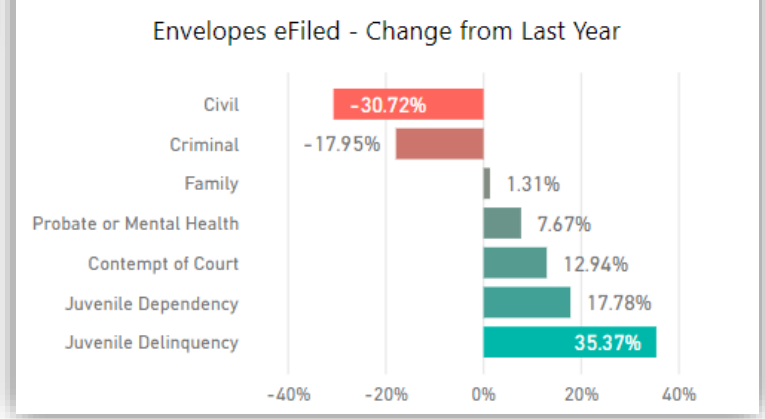
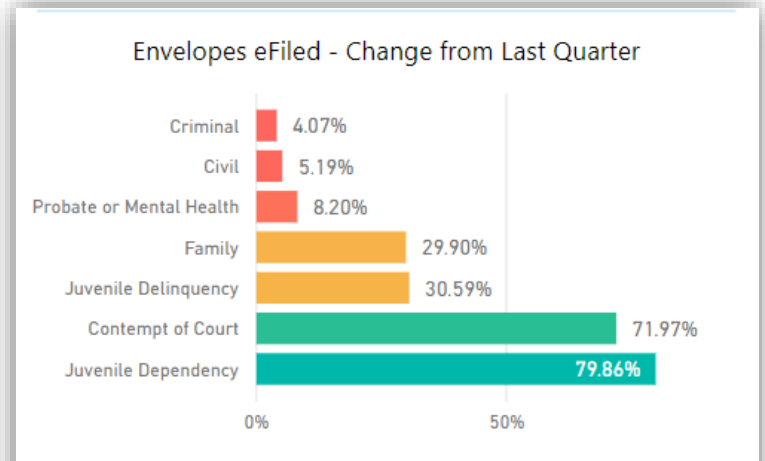


# eFile Statistics

58,141 Envelopes eFiled in 2020  
 -12.5% Decrease from 2019



*Decrease in filings Qtr 2 2020  
 Increased by 15.3% in Qtr 3 2020*





# Draft Supplementary Local Rules

## **New** Draft SLR

- ▶ SLR 4.081 Appearance at Criminal Proceedings by Means of Simultaneous Electronic Transmission
  - ▶ UTCR 4.080 allows for courts to adopt a local rule regarding appearance at criminal proceedings by means of simultaneous electronic transmission.
- ▶ SLR 18.045 Forcible Entry and Detainer (FED) Landlord Tenant Trial: Expungement of Eviction Record
  - ▶ Expungement of eviction record legislation went into effect on January 1, 2020, and this SLR provides direction on the filing of a certificate of service to prove compliance with ORS 105.163(2)

# Draft Supplementary Local Rules

## **Amended** Draft SLR

- ▶ SLR 5.061(7)(c) and (d) *Ex Parte* Matters
  - ▶ Amended to remove domestic relations cases as an exception to matters that may not be submitted at *ex parte* when submitting a Motion to Set Aside or Motion for Attorney Withdrawal, and changed the name of the motion to reinstate to “motion to set aside”.
- ▶ SLR 13.121 Compensation of Arbitrator
  - ▶ The Arbitration Commission voted to amend SLR 13.121 to increase the deposit amount to \$700 from each party.

PRESIDING  
JUDGE

Honorable  
Kathie  
Steele

# What We are Doing During COVID-19

We are doing EVERYTHING we were doing before COVID except civil jury trials – it just looks different

- ▶ Presumption is that appearances are remote (WebEx or telephone)
- ▶ If you want in-person appearances, file motion/declaration/proposed Order showing good cause to do so
- ▶ 2 courtrooms/trial
- ▶ 1 jury selection/day
- ▶ Continuances for trials now being set to May 2021 and beyond
- ▶ Criminal trial procedures now working electronically toward a “call” system & the rest may follow
  - ▶ Respond to PJ staff emails
  - ▶ Friday emails our re: prioritization of next week criminal trials

# Fully Remote Dockets



There are now three dockets that are fully remote:

- ▶ Civil Commitment Docket
- ▶ Civil Motion Docket (Monday)
- ▶ Domestic Relation Short Docket (Friday)

# Remote Hearings

- ▶ The Order to Show Cause Re: Enforcement of Parenting Time and Order to Show Cause re: Temporary Relief forms updated to order parties to appear via WebEx, rather than by personal appearance.
  - ▶ If using your own forms, we ask that you modify the documents so that it reflects that these hearings are remote. If we receive a proposed order which states the opposing party must appear in person, the court will modify that document with the correct language.
- ▶ We are encouraging parties to use WebEx for all other hearings aside from contested contempt hearings, probation violation hearings, sentencings, and trials. We currently have some limitations in many of our courtrooms and are in the process of updating them to make Webex work easily in all courtrooms .

# Judicial Assignments

These are the same as last year except for one BIG difference:

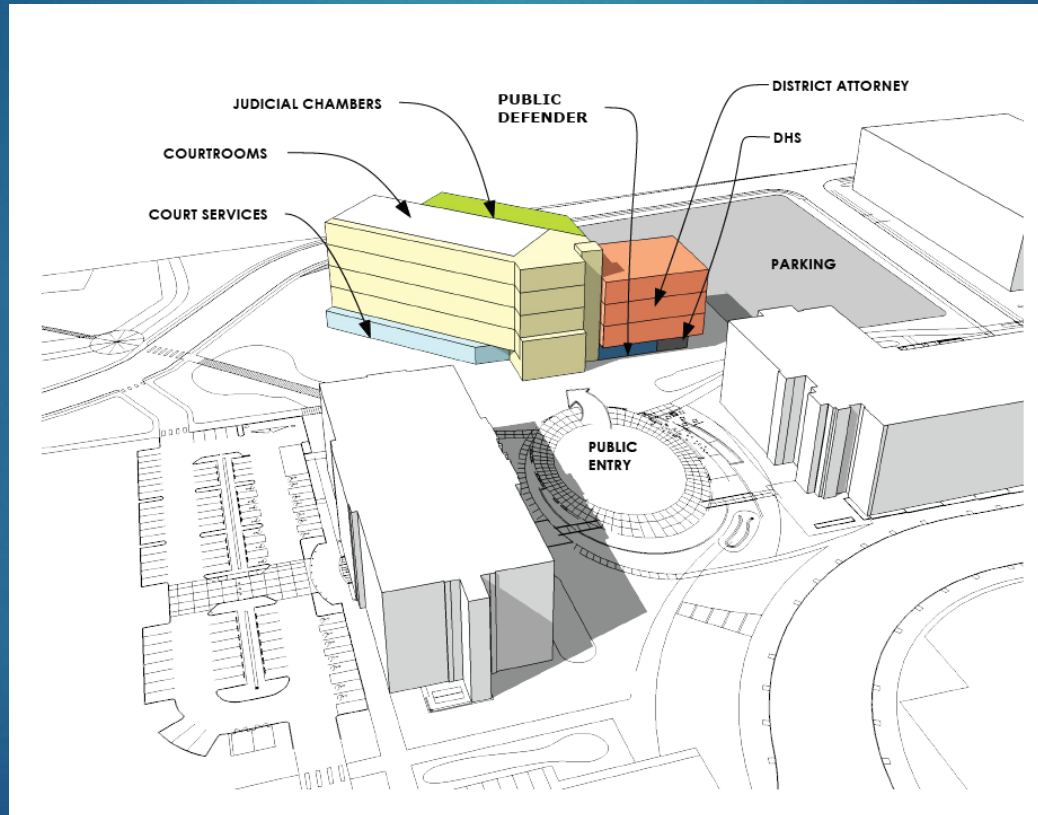
- ▶ Adoptions – Norby
- ▶ Adult Drug Court – Lininger
- ▶ Aid and Assist – Karabeika
- ▶ Commitment Hearings – Gilmartin
- ▶ Community Court – Gilmartin
- ▶ Domestic Relations – Van Rysselberghe (NOT Jones)
- ▶ DUII Court – Van Rysselberghe
- ▶ DUII Diversions – Van Dyk

# Judicial Assignments, continued

- ▶ DVDSP - Watkins
- ▶ Juvenile Court – Gilmartin, Jones, Karabeika, Lininger, Van Rysselberghe
- ▶ Mental Health Court – Karabeika
- ▶ Probate – Norby, Rastetter, Jones
- ▶ Restitution Court – Watkins
- ▶ Presiding (case assignments/continuances/PCRs/motions/the rest) – Steele



# Clackamas County Courthouse Replacement Project



# Our Courthouse is Obsolete

- ▶ Built in the 1930's, the courthouse can't be retrofitted to meet modern standards
- ▶ Equipment used at the courthouse is far past its useful life and unreliable
- ▶ Not ADA Compliant



# Delays of Justice

- ▶ Lack of room for judges leads to bulging caseloads
- ▶ Delays in trials, incarcerations, hearings



# Not Seismically Sound

- ▶ On the bank of the Willamette River (<1 yard from 100' drop-off)
- ▶ Significant earthquake would inflict serious damage, and present a risk of death



# Enhanced Security & Safety

- ▶ Incredibly tight spaces / hallways
  - ▶ Victims right next to defendants
  - ▶ Families of perpetrators next to witnesses
- ▶ Jury Assembly Room in another building.



# Our Goal: An Efficient, Safe, and Financially-Responsible Courthouse

- ▶ Clackamas County has invested millions to prepare
- ▶ There is a growing coalition of support for a new courthouse that includes elected officers, judges, state representatives, and city officials.



# New Courthouse Timeline

- ▶ Original timeline has been adjusted as follows
  - ▶ Phase 1: Planning
    - ▶ Procurement Preparation– for a private development team to join the county in a P3 Structure. **In process now through 1<sup>st</sup> Quarter 2021** If the plan is approved, will move to Phase 2
  - ▶ Phase 2: Procurement
    - ▶ Issuance of RFQ, RFP, identify preferred bidder for BCC Approval
    - ▶ Timeline: Completed by Spring of 2022
  - ▶ Phase 3: Finalizing Design & Construction
    - ▶ Timeline: Target date for building completion late **2024 or early 2025.**

# Need Your Help

- ▶ What features do you think would be important for a new courthouse to have?
  - ▶ Technology
  - ▶ Attorney / Client Meeting Space
  - ▶ Place to Work on Your Laptop
  - ▶ Other?

**Send ideas / suggestions to Judge Steele or Debbie Spradley**



TECHNICAL  
SUPPORT LEAD

Justin  
Haner

AT CLACKAMAS  
COUNTY  
COURTHOUSE

# Courtroom Technology



# Video Conferencing

The Courthouse has two video conferencing methods:

## ▶ **Webex Events**

- ▶ Capable of multiple video/audio connections at one time
- ▶ Does not need specialized video equipment for remote participants to connect to an event
- ▶ Remote participants can appear via audio only (phone) or via video from a tablet, smart phone or computer
- ▶ Participants are invited via email or can be called on their phone (call comes from a California area code)

## ▶ **H.323 IP Video (Polycom)**

- ▶ Capable of connecting to the Oregon Department of Administrative Services (DAS) video conference network
- ▶ Limited to one video connection at any given time
- ▶ Requires a device capable of H.323 IP Video Conferencing or the paid version of Polycom Real Presence application.

# High Tech Courtrooms

- ▶ High Tech Courtrooms include courtrooms 1, 5, 10, 11, and Juvenile
- ▶ These courtrooms are equipped with:
  - ▶ ADA Assisted hearing devices
  - ▶ TVs that can be used to share media from participants' laptops
  - ▶ H.323 capable Polycom Camera Systems
  - ▶ Full Webex Capability
    - ▶ Integrated FTR microphones
    - ▶ Two cameras per courtroom
    - ▶ Participants can be remote, in person, **or both** remote and in person

# Standard Courtrooms

- ▶ Standard courtrooms include courtrooms 2, 3, 4, 6, 8, and 9
- ▶ These courtrooms are equipped with:
  - ▶ ADA Assisted hearing devices
  - ▶ Webex Bench PCs with limited capability
    - ▶ Only has one camera and microphone
    - ▶ Can be used for video conferencing if only the Judge and clerk are in the courtroom, **all other participants must be remote**
    - ▶ Can be used as a conference phone but is still limited to just one microphone

# New Standard Courtrooms

- ▶ New Standard Courtrooms include Courtroom 7
- ▶ All Standard Courtrooms will be updated to the new standard in the near future. Equipment has been ordered and installation is being scheduled as equipment arrives.
- ▶ These courtrooms are/will be equipped with:
  - ▶ Fully capable Webex systems that provides the capability for participants to be remote, in person, **or both** remote and in person.
  - ▶ Integrated FTR microphones so all participants in the courtroom can be heard by remote participants
  - ▶ A TV so remote participants can be seen and heard by everyone in the courtroom
  - ▶ Phone conference calling connected to all FTR microphones

# Video Carts

- ▶ There are three mobile video carts that can be used to supplement any courtroom's current technical capabilities
- ▶ These video carts have the following capabilities:
  - ▶ TV that can be used to share media from participants laptop
  - ▶ H.323 capable Polycom Camera System
  - ▶ Full Webex Capability
    - ▶ Additional room microphones
    - ▶ Two cameras
    - ▶ Participants can be remote, in person, **or both** remote and in person

# Recommendations for a Successful Webex Experience

- ▶ **Quiet place**
- ▶ **Mute yourself**
  - ▶ Push the spacebar to talk
  - ▶ Mute your phone
- ▶ **Virtual backgrounds**
  - ▶ Can slow down your device
  - ▶ Can mask your current location
- ▶ **Headsets help**



# Recommendations for a Successful Webex Experience

## ▶ **Connect early but be patient**

- ▶ Most Events start 10 to 15 min early
- ▶ If the Event has not been started yet, the system will not allow you to join. Keep trying and keep your phone near by.

## ▶ **Test before court**

- ▶ The Clackamas County Courthouse IT Team can provide a test Webex Event so you can verify your devices capability and settings prior to court. Please provide as much notice as possible. Requests submitted the day of a hearing/trial may not be completed in time.

## ▶ **To schedule a test, contact Justin Haner via email**

- ▶ [justin.m.haner@ojd.state.or.us](mailto:justin.m.haner@ojd.state.or.us)

CALENDARING  
CLERK

Kelsey  
Wernsman

# Example Timeline for a Remote Court Hearing

- ▶ Week Before
  - ▶ A clerk will contact attorneys/parties via email
  - ▶ Respond with any additional parties needing Webex invitation
- ▶ 2 Days Before
  - ▶ Webex invitation will be sent to all parties/attorneys requesting to appear remotely
  - ▶ Accept invitation option
- ▶ The Day of Hearing (9 am start)
  - ▶ Meeting will begin between 8:35 am – 8:45 am
  - ▶ All parties should be in the meeting by 9 am
  - ▶ Sound check will happen as parties join

# Remote Hearings – What We Need From You & Tips for Success

- ▶ Email: [CLA.Call.Docket@ojd.state.or.us](mailto:CLA.Call.Docket@ojd.state.or.us)
- ▶ What we need:
  - ▶ Full name
  - ▶ Email
  - ▶ Contact Number
- ▶ Tips for Success:
  - ▶ If a party is not speaking, mic should be muted
  - ▶ The court will mute any party with disruptive background noise
  - ▶ We send out instructions for connection to Webex with the Notice of Hearing – test them out in advance to ensure you can connect without issues.

SUPERVISOR, CIVIL  
AND DOMESTIC UNIT

EMAIL:

[HEATHER.K.KAMIN@OJD.STATE.OR.US](mailto:HEATHER.K.KAMIN@OJD.STATE.OR.US)

Heather  
Kamin

# Electronic Submission of Exhibits for Hearings or Trials

- ▶ UTCR 6.050(3)
- ▶ UTCR 21.070(3)(p)
- ▶ Chief Justice Order (CJO) 20-006

# Chief Justice Order 20- 006

- ▶ Unified Single PDF
- ▶ Index Identifying Each Exhibit and Linked to Each
- ▶ Include an Electronic Bookmark

# Example of Order

4/24/2020 11:53 AM

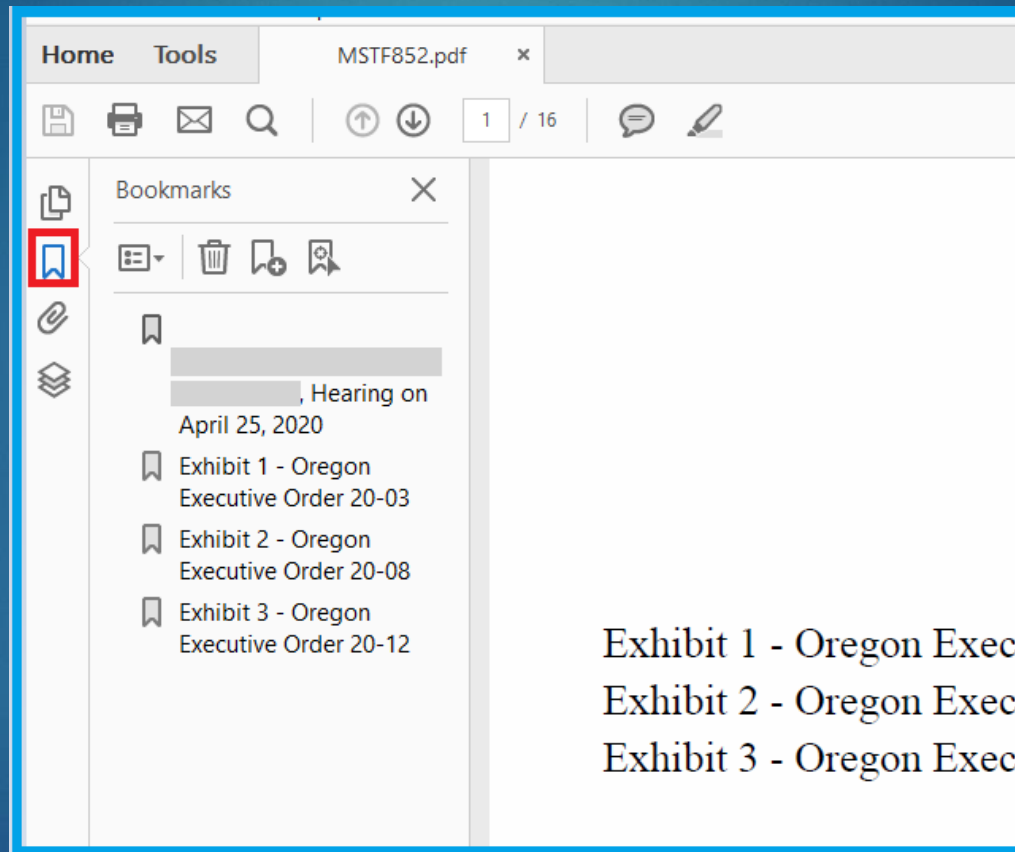
## Exhibit List

Hearing on April 25, 2020

Exhibit 1 - Oregon Executive Order 20-03 .....	2
Exhibit 2 - Oregon Executive Order 20-08 .....	5
Exhibit 3 - Oregon Executive Order 20-12 .....	9



# Example of Electronic Bookmark



# Family Law 2020 Filing Deadline

<b>DECEMBER 2020</b>						
<b>SUN</b>	<b>MON</b>	<b>TUE</b>	<b>WED</b>	<b>THU</b>	<b>FRI</b>	<b>SAT</b>
		<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>	<b>11</b>	<b>12</b>
<b>13</b>	<b>14</b>	<b>15</b>	<b>16</b>	<b>17</b>	<b>18</b>	<b>19</b>
<b>20</b>	<b>21</b>	<b>22</b>	<b>23</b>	<b>24</b>	<b>25</b>	<b>26</b>
<b>27</b>	<b>28</b>	<b>29</b>	<b>30</b>	<b>31</b>		

- ▶ December 11, 2020

COURT  
MANAGER

Gina  
Setter

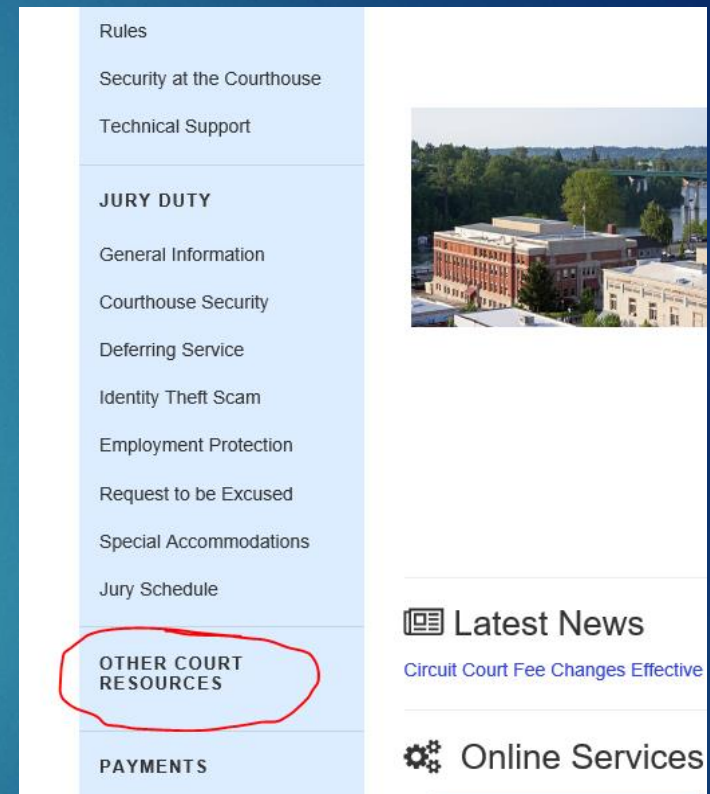
# Court Reference Guide

▶ **New Name**

▶ **How to find it:**

On our court's home page you will look for "OTHER COURT RESOURCES."

It is approximately in the middle of the light blue band along the left side of the home page.



# Court Reference Guide,

continued

- ▶ **Every unit of our court has helpful information in this guide including key people to contact**
- ▶ **More detailed information is just a click away when you see a hyperlink**
- ▶ **What areas bring the most questions or confusion?**
  - ▶ *Ex Parte* matters
  - ▶ UTCR, SLR & ORS clarification (links throughout)
  - ▶ Family Law Show Cause Motions--Guide
  - ▶ File & Serve - eFiling

# Probate Department

## Contact Information:

- ▶ Rebecca Vance Probate Coordinator (503) 655-8623  
[rebecca.m.vance@ojd.state.or.us](mailto:rebecca.m.vance@ojd.state.or.us)
- ▶ Brenda Shelley Probate Clerk-Auditor (503) 655-8447 opt.4  
[brenda.l.shelley@ojd.state.or.us](mailto:brenda.l.shelley@ojd.state.or.us)
- ▶ Christy Poole Probate Clerk (503) 655-8447 opt.4  
[christine.l.poole@ojd.state.or.us](mailto:christine.l.poole@ojd.state.or.us)
- ▶ Gina Setter Court Manager/Probate Supervisor (503) 655-8361  
[gina.l.setter@ojd.state.or.us](mailto:gina.l.setter@ojd.state.or.us)

General Probate Email to Contact All Probate Staff: [CLA.Probate@ojd.state.or.us](mailto:CLA.Probate@ojd.state.or.us)

For general questions, please call 503-655-8447 option 4.

# Probate Department

- ▶ During this time, some of the probate department is working remotely. One staff member is typically at the court to issue letters and review pro se filing of small estates. Typically, the probate coordinator and auditor are working remotely and can still be reached for questions. Email is preferred, but we are available by phone:
  - ▶ Probate Coordinator Work Cell: 971-718-6399
  - ▶ Probate Auditor Work Cell: 971-718-4054
- ▶ For questions about hearings and the probate docket, temporary protective proceedings, and expedited filings please contact the probate coordinator.
- ▶ For questions about accountings, please contact the auditor.
- ▶ For questions about how to file a small estate, get an issued letter, or general probate questions, please contact the clerk.

# Probate Department

## Issuance of Letters / Copies

- ▶ The regular procedure is still being followed for the issuance of letters. One complimentary letter is mailed to the attorney of record.
- ▶ Additional letters may be requested from the probate department by email or phone (503-655-8447 option 4).
- ▶ Probate staff can arrange for phone payments to the financial unit for issued letters. This must be arranged ahead of time.
- ▶ We keep a box of self-addressed stamped envelopes on hand. If you would like to send some extra self-addressed stamped envelopes for your firm, please do so. This will reduce the amount of fees you are charged in envelopes and mailing costs.
- ▶ Court-certified copies of documents (including small estates) should be requested through the Clackamas County Court Records Unit.
- ▶ Instructions for record requests are available online at:  
<http://www.courts.oregon.gov/courts/clackamas/records/Pages/default.aspx>.
- ▶ If you have any questions about requests sent to the records unit, please contact the supervisor, Melissa Parker or lead worker, Melissa Rose.



# Probate Department

## 2021 Probate Changes – Pending Supplementary Local Rules – Estates

If you have any questions, please speak to the probate coordinator to discuss policy changes.

### ▶ SLR 9.020 Probate Estate Filings:

- 1) All petitioners in estate proceedings shall state their full legal name in the petition.
- 2) Petitions to open estate proceedings must clarify the relation of each heir to the deceased following consanguinity and passage by representation as described in ORS 112.045 and ORS 112.065, to enable the court to confirm that distribution of estate assets is just and proper.
- 3) Petitions to open estate proceedings that include requests to waive bonds shall clearly explain the reason waiver is just and proper in light of all known assets and creditors, and shall be supported by contemporaneously filing consents from all known heirs.
- 4) Petitions to open estate proceedings shall disclose whether any devisee's bequest will fail, and the reasons that the failure is inevitable.

# Probate Department

## 2021 Probate Changes – Pending Supplementary Local Rules – Estates

### ▶ SLR 9.075: Protective Proceeding Filings

- (1) A petition for guardianship shall state in the caption whether it is for guardianship of a minor or an adult, whether it is for a temporary or indefinite time (or both), and whether a conservatorship will also be requested. All petitioners shall state their full legal name in their petition. If a petition for guardianship includes a request for waiver of two (2) day notice, then the caption shall also designate that it is an “Emergency Protective Proceeding.” For adult guardianships, the deposit for the visitor’s investigation fee shall be paid within one (1) business day of filing the Petition unless the party has secured a fee waiver or deferral.
- (2) When an order appointing a court visitor is issued, the petitioner’s attorney shall provide copies of the petition, marked “VISITOR’S COPY” with supporting documentation and copies of proposed notices and the ORS 125.070(4) respondent’s objection (the blue form) to the designated court visitor by e-mail.
- (3) Petitions for appointment of a temporary guardian shall be accompanied by appropriate affidavits and medical reports and filed with the Probate Department.

# Probate Department

## 2021 Probate Changes – Pending Supplementary Local Rules – Estates

### ▶ SLR 9.075: Protective Proceeding Filings

- (4) If a guardian intends to use a protected person's funds for room and board that the guardian or guardian's spouse, parent or child will provide to the protected person, then the petition for guardianship must include a monthly budget showing the total cost for all occupants' room and board, the proportion of the total room and board proposed to be paid by the protected person's funds, and the amount of the protected person's funds that will remain for other necessary expenses. A limited judgment granting a petition for guardianship that includes such a budget satisfies the ORS 125.320(2) requirement for an advance order. The protected person's contribution to room and board shall not be increased without a new court order that allows it.
- (5) Within thirty (30) days after each anniversary of appointment, a guardian of a minor shall file a written report with the court. Copies of the guardian's report must be given to those people specified in ORS 125.060(3). The report shall be in substantially the same form as that described in ORS 125.325.
- (6) If a guardian uses a protected person's funds for room and board that the guardian or guardian's spouse, parent or child has provided to the protected person without having had a budget approved with the petition, then a budget as described in section (4) must be included with the next annual guardian's report. Approval of the annual guardian's report with the budget satisfies the ORS 125.320(2) requirement for an advance order. Thereafter, the protected person's contribution to room and board shall not be increased without a new court order that allows it.
- (7) When the protected person in a Clackamas County guardianship case moves to a residence outside of Clackamas County, a motion, declaration and order to transfer the case must be filed to move it to the court where the protected person lives. This is presumed to serve the protected person's best interest under ORS 125.020(4) unless the guardian explains good reasons for the case to remain in Clackamas County in a declaration filed with the Probate Department.

# Questions?



# Contact Information

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