

This PDF Package of Judicial Orders Contains:

Clatsop Presiding Judge General Order 2021-11 (Replaces General Order 2021-09):
Updated Restrictions on Court Operations ([05/10/2021](#))

Chief Justice Order 21-009 (Supersedes Amended CJO 20-016, CJO 20-028, and CJO
20-047): Order Imposing Updated Restrictions on Court Operations ([03/11/2021](#))

Clatsop Presiding Judge General Order 2020-19 (Supersedes General Order 2020-12):
Social Distancing and the Use of Personal Protective Equipment in Clatsop County Circuit Court
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Chief Justice Order 20-045:
Order Regarding the Use of Protective Face Coverings in the Oregon State Courts ([10/28/2020](#))

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

In the Matter of)
UPDATED RESTRICTIONS ON) **GENERAL ORDER 2021-11**
COURT OPERATIONS)
) **(Replaces General Order 2021-09)**
)

Pursuant to Governor Brown’s emergency declaration relating the spread of the COVID-19 virus (“COVID-19 state of emergency”), which currently extends until June 28, 2021 pursuant to Executive Order 21-05 and Chief Justice Order 21-009 imposing Updated Restrictions on Court Operations;

Effective immediately and to remain in effect until further Order of the Presiding Judge:

IT IS ORDERED:

Updated restrictions on court operations as detailed in the attached Chief Justice Order 21-009 shall continue in effect for Clatsop Circuit Court.

Additionally, and notwithstanding any Supplemental Local Rule to the contrary, the following procedures are in effect in Clatsop County Circuit Court:

1. For purposes of this order, telephone appearance may be substituted for video in any uncontested matter or in the event a participant is unable to participate by video and telephone appearance is approved by the judge hearing the matter.
2. All court proceedings shall be scheduled and heard in accordance with the Court’s current scheduling procedures and as required by law.
3. Non-essential proceedings that were rescheduled pursuant to Chief Justice Order 20-016 will continue to be set as docket time allows.
4. In-person proceedings may be scheduled in any courtroom when social distancing can be maintained.
5. For any hearing in which a defendant is in custody, except a trial or felony sentencing, defendant’s participation **shall** be by simultaneous electronic transmission video unless a party or attorney for a party requests defendant’s in-person appearance. Requests must be in writing, filed at least 48 hours before the time of the hearing, and include reasons why in-person appearance is necessary. The Presiding Judge or the judge scheduled to hear the matter will rule on the requests. A defendant may

stipulate to a court trial or felony sentencing hearing being conducted via video by providing written notice to the court 48 hours prior to the trial or sentencing.

6. For any hearing in which a defendant is out of custody, except a trial or felony sentencing, defendant **shall** participate by simultaneous electronic transmission video unless the court has ordered otherwise. A defendant may stipulate to a court trial or felony sentencing hearing being conducted via video by providing written notice to the court two weeks prior to the trial or sentencing.
7. Juvenile delinquency trials, contested waiver, and contested disposition hearings shall be conducted in person unless all parties and counsel stipulate to conducting them via remote means.
8. Any other juvenile delinquency hearing except a trial, contested waiver or contested disposition hearing shall be conducted by simultaneous electronic transmission video. A youth may stipulate to a trial, contested waiver or contested hearings being conducted via video by providing written notice to the court two weeks prior to the hearing or trial.
9. Juvenile termination of parental rights trials shall be conducted in person unless all parties and attorneys stipulate to conducting them via remote means.
10. All other juvenile dependency and termination proceedings shall be conducted by simultaneous electronic transmission video unless a party files a motion for in person appearance of a witness or party two weeks prior to the appearance date. The motion must include reasons why the party believes that the good cause for conducting the proceeding remotely is outweighed by the danger of undue prejudice. The Presiding Judge will rule on all such motions.
11. Jury trials in civil and criminal cases shall be conducted in person unless all parties and counsel agree to conduct the trial or portions thereof remotely and the Presiding Judge so orders.
12. Unless otherwise ordered by the Presiding Judge after consideration of the factors described in subsection 2.e.(2) of CJO 21-009 in a specific case, no jury trials will be conducted during any period where the Governor designates Clatsop County as Extreme Risk except for trials for criminal defendants who are subject to ORS 135.746, ORS 136.290, or ORS 136.295, or who have constitutional speedy trial rights where the defendant has not voluntarily waived those statutory or constitutional rights.
13. Unless otherwise ordered by the court, attorneys **shall** appear by simultaneous electronic transmission video for all court appearances unless to do so would compromise their ability to represent their clients. Attorneys shall request in writing to appear in person at least 48 hours before the time of the hearing and include the reasons why in-person appearance is necessary. The Presiding Judge or the judge scheduled to hear the matter will rule on all such requests. No attorney or client shall

appear in person if they are exhibiting any symptom of COVID-19.

14. All other hearings shall be conducted by remote means and all attorneys, parties and witnesses shall appear via simultaneous electronic transmission video unless a written request for in-person appearance is filed at least 48 hours before the time of the hearing. Requests must include reasons why in-person appearance is necessary. The Presiding Judge or the judge scheduled to hear the matter will rule on all such requests.
15. Forcible Entry and Detainer (FED) proceedings shall be conducted by remote means and will be scheduled in accordance with the statutory timelines whenever possible. However, and notwithstanding ORS 105.135(2) and ORS 105.137(6), first appearances may be scheduled up to 14 days from the judicial day next following the payment of filing fees and a trial may be scheduled within 30 days from the date of first appearance.
16. Any other proceeding or gathering scheduled to occur at the courthouse that is not essential shall be conducted by remote means and all participants shall appear via simultaneous electronic transmission through video or telephone, unless a written request for in-person appearance is filed at least 48 hours before the time of the scheduled proceeding or gathering. Requests must include reasons why in-person appearance is necessary. The Presiding Judge will rule on all such requests.
17. Except when statutory or constitutional timelines apply or judicial findings are required, court staff may approve requests to reset hearings without need for a motion. Requests shall be made by email or e-filed and must be received by 2:00 PM on the Thursday of the week prior to the hearing. Any later request for a reset must be made by formal motion and will be determined by the Presiding Judge or the judge scheduled to hear the matter. Any person requesting to reset a hearing shall copy all parties on the correspondence with the Court.
18. Persons who are required to pay court financial obligations on a monthly payment plan will be allowed an additional grace period until June 28, 2021. No collection action will be taken and the requirement to make payments will be suspended during the grace period. This provision does not apply to rent payments that a judge has ordered be made to the court in landlord/tenant cases.
19. All deadlines for completion of community service or work crew in adult and juvenile cases will continue to be extended for 90 days following the expiration of the COVID-19 state of emergency.
20. Any party to a domestic relations case who is required by SLR 8.046 to complete the parent education program may complete a comparable class online or in another location without obtaining prior court approval. The party must file a certificate of completion with the court.

Online courses can be found on our website
<https://www.courts.oregon.gov/courts/clatsop> by selecting

Family Court and then Parent Education.

21. The time limitations contained in Chapters 12 and 13 of the Supplemental Local Rules for scheduling and completion of Mediation and Arbitration shall be extended through June 28, 2021. A party's request to participate in mediation or arbitration via telephone or video shall be accommodated whenever possible.
22. Court payment for mediation in Domestic Relations proceedings involving child custody and parenting time shall be limited to 4 hours per case unless additional hours are approved in advance by the Presiding Judge.
23. Court hearings will continue to be open to the public subject to restrictions on the number of non-participants in the courtroom to allow for social distancing. Any person exhibiting symptoms of COVID-19 shall leave the courthouse immediately.
24. The lobby and other public areas of the courthouse will continue to be open to the public during normal business hours but will be subject to restrictions on the number of people present in order to allow for social distancing. Any person exhibiting symptoms of COVID-19 shall leave the courthouse immediately.
25. Visitors are encouraged to continue to call or email the court rather than doing business in person. A drop box will be available for walk-in payments and filings during times the courthouse is open, but the customer service window is closed. Documents and payments deposited in the drop box will be stamped as received that same day.
26. Clatsop County Circuit Court treatment courts (Drug Court, Mental Health Court and Family Treatment Court) are important and necessary programs and may continue to operate with procedural modifications. Proceedings may be conducted by telephone, video, or in person as directed by the treatment court judge in a manner that allows for social distancing.
27. Procedural updates will be posted on the Clatsop County Circuit Court website at <https://www.courts.oregon.gov/courts/clatsop/Pages/default.aspx>
28. This order replaces and supersedes General Order 2021-09 This order takes effect immediately.

Signed: 5/10/2021 08:34 AM



Dawn M. McIntosh
Presiding Judge, 18th Judicial District

In the Matter of Imposing Updated)	CHIEF JUSTICE ORDER
Restrictions on Court Operations)	No. 21-009
)	
)	ORDER IMPOSING UPDATED
)	RESTRICTIONS ON COURT OPERATIONS
)	

I HEREBY FIND AS FOLLOWS:

1. On March 8, 2020, Governor Kate Brown issued an emergency declaration relating to the spread of the COVID-19 virus (“COVID-19 state of emergency”), most recently extended until May 2, 2021, pursuant to Executive Order 21-05. On November 25, 2020, the Governor announced a statewide health and safety framework, with four different county risk levels based on each county’s level of COVID-19 spread: Extreme Risk, High Risk, Moderate Risk, and Lower Risk.
2. Since March 16, 2020, I have issued many Chief Justice Orders (CJOs) restricting court operations and imposing other requirements relating to the COVID-19 state of emergency, including:
 - a. Amended CJO 20-006 (March 27, 2020), Imposing Level 3 Restrictions;
 - b. CJO 20-016 (May 15, 2020), Imposing Level 2 and Level 3 Restrictions and Superseding Amended CJO 20-006;
 - c. CJO 20-028 (July 21, 2020), Directing or Permitting Appearances at Arraignment by Remote Means;
 - d. CJO 20-045 (October 28, 2020), Regarding the Use of Protective Face Coverings in the Oregon State Courts; and
 - e. CJO 20-047 (November 18, 2020), Imposing In-Person Restrictions on Court Operations During Statewide “Freeze,” as amended (February 17, 2021).
3. The Centers for Disease Control and Prevention (CDC) and the Oregon Health Authority anticipate that, to continue to curtail the spread of COVID-19, preventative measures – such as social distancing, wearing protective face coverings, and reducing the number of persons from different households gathered indoors – will continue while the COVID-19 state of emergency continues and until associated restrictions are lifted. My goal in issuing this order is to continue to meet our courts’ obligations to the public while also continuing to minimize health risks for judges, staff, litigants and case participants, interpreters, and members of the public who come into our courthouses and offices.
4. I have based prior orders on one or more of the following grants of statutory authority, and I base this order on the same authority:
 - a. ORS 1.002 provides that:
 - (1) The Chief Justice of the Oregon Supreme Court is the administrative head of the judicial department of government in this state; shall exercise administrative authority and supervision over the courts of this state

consistent with applicable provisions of law; and, to facilitate exercise of that administrative authority and supervision, may make rules and issue orders as appropriate or take any other action appropriate to perform the functions of the office of Chief Justice; and

- (2) The Chief Justice may delegate the exercise of any powers specified in ORS 1.002 to the Presiding Judge of a court.
- b. ORS 1.171(4) provides that a Presiding Judge may delegate the exercise of any of the administrative powers of the Presiding Judge to another judge of the court or to the Trial Court Administrator for the judicial district.
- c. Section 6(1)(a)(A) of Oregon Laws 2020, chapter 12, provides that, during a declared COVID-19 state of emergency and continuing for 60 days after the declaration or any extension is no longer in effect, and upon a finding of good cause, the Chief Justice may extend or suspend any time period or time requirement established by statute or rule that applies in any case, action or proceeding after its initiation in any circuit court.
- d. Section 6(4) of Oregon Laws 2020, chapter 12, provides that, during a declared COVID-19 state of emergency and continuing for 90 days after the declaration or any extension is no longer in effect,
 - (1) Notwithstanding any other statute or rule to the contrary, the Chief Justice may direct or permit any appearance before a court or magistrate to be by telephone, other two-way electronic communication device, or simultaneous electronic transmission; and
 - (2) If an appearance is set to occur as just described, a Presiding Judge instead may order that the appearance be in person if, upon the request of a party, the judge determines that there is a particular need for an in-person hearing or that a party has a constitutional right to an in-person hearing.
- e. Section 6(5) of Oregon Laws 2020, chapter 12, provides that the Chief Justice may delegate the exercise of any powers described in subparagraphs 4.c. and 4.d. of these findings to the Presiding Judge of a court.
5. For the reasons given by Governor Brown in declaring a COVID-19 state of emergency and in extending that state of emergency, I find that good cause, as that term is used in Oregon Laws, chapter 12, section 6(1)(a) and described in subparagraph 4.c. of these findings, exists to extend statutory time periods and time requirements in Forcible Entry and Detainer (FED) proceedings, as set out in paragraph 4 of this order.

I HEREBY ORDER, pursuant to the foregoing authority, and as provided further below, that the following updated restrictions on court operations take effect on March 15, 2021. This order remains in effect during the time when social distancing is required and until further order of the Chief Justice.

1. Definitions. As used in this order:

- a. "In person" means that a court schedules a proceeding to be conducted with the parties appearing in person, in either the courtroom or an alternative physical location being used as a courtroom, or so notifies the parties, and so conducts the proceeding, even if the judge presiding in the proceeding permits one or more parties or participants to appear by remote means.
- b. "Presiding Judge" means the presiding judge of a judicial district or any person to whom that judge has delegated authority under this order.
- c. "Proceeding" means a trial, hearing, or other court proceeding.
- d. "Remote means" means the use of telephone, video, other two-way electronic communication device, or simultaneous electronic transmission.
- e. "Remotely" means that a court schedules a proceeding to be conducted with the parties appearing by remote means, or so notifies the parties, and so conducts the proceeding, even if the judge presiding in the proceeding permits one or more parties or participants to appear in person.
- f. "Social distancing" means the minimum amount of physical distance between each person or other means approved by the State Court Administrator. The distance shall be determined by the social distancing requirements specified in the applicable Executive Order issued by the Governor or guidance issued pursuant to such an order. As of the date of this order, the distance is 6 feet between each person. When this order imposes social distancing requirements,
 - (1) A judge presiding over a proceeding may exempt members of the same household attending the proceeding; and
 - (2) The Presiding Judge may permit other exemptions.

2. Mode of Proceedings

- a. During the period in which social distancing is required and this order is in effect, circuit court proceedings shall be conducted in the manner specified in this order and local Presiding Judge Orders.
- b. No in-person proceeding shall be held unless adequate facilities are available, social distancing requirements can be met, and staffing levels permit. In any in-person proceeding, all judges, staff, and participants must comply with social distancing requirements, protective face covering requirements, and all other safety requirements set out in paragraph 5.
- c. Jury trials in criminal cases shall be conducted in person, with the following exceptions:
 - (1) 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.

- (2) An entire jury trial may be conducted remotely by video if permitted by law, essential bandwidth and technology are available, the parties have agreed, and the Presiding Judge has so ordered.
- d. Jury trials in civil cases shall be conducted in person, with the following exceptions:
 - (1) Aspects of a jury trial may be conducted remotely by video if permitted by law and the judge who is presiding in the case has so ordered.
 - (2) An entire jury trial may be conducted remotely by video if permitted by law, essential bandwidth and technology are available, and the Presiding Judge has so ordered.
- e. Jury trials, Extreme Risk level category exception
 - (1) No jury trials may be held in the following circumstances, except for trials for criminal defendants who are subject to ORS 135.746, ORS 136.290, or ORS 136.295, or who have constitutional rights to a speedy trial, where the defendant's statutory or constitutional rights have not been voluntarily waived:
 - (A) In single-county judicial districts, the Governor has designated the county as in the Extreme Risk level category, and the designation remains in effect; and
 - (B) In multiple-county judicial districts, the Governor has designated all counties in the district as in the Extreme Risk level category, and those designations remain in effect.
 - (2) A Presiding Judge has discretion, on a case-by-case basis, to permit holding a jury trial not described in subparagraph 2.e.(1) upon a determination, after consulting with the parties and other affected persons, that the trial cannot feasibly be held entirely remotely, that it is important that the trial not be postponed, that the trial can be held without significant risk to health, and that the requirements set out in subparagraph 2.b. can be met.
- f. All other types of proceedings, including bench trials and all Forcible Entry and Detainer (FED) proceedings described in paragraph 4, shall be conducted remotely, by video and/or audio, unless:
 - (1) The Presiding Judge issues an order, approved by the Chief Justice, that provides that a type of proceeding may be conducted in person; or
 - (2) The Presiding Judge permits a particular proceeding to be conducted in person, for reasons particular to that proceeding.
- g. In a particular proceeding conducted in accordance with subparagraph 2.f. and any Presiding Judge order or permission described in that subparagraph, the

judge presiding over the proceeding may allow a party or participant to appear by any type of remote means, either audio or video, or in person.

h. Relationship to other law and additional Presiding Judge authority

- (1) Notwithstanding ORS 131.045(2) and (3), ORS 135.030(3), and ORS 135.360(3), any category of arraignment may be conducted remotely, without agreement of the parties.
- (2) Notwithstanding any other statute or rule requiring that a person “personally appear,” “appear personally,” “appear in person,” make a “personal appearance,” or be “present in court,” the proceeding may be held remotely, and any appearance may be made by remote means.
- (3) Notwithstanding any other provision of this order, if the constitution requires an in-person appearance or proceeding, then the appearance or proceeding must be conducted in person. If a party contends that a remote appearance or proceeding conducted remotely results in violation of the party’s rights, then the party may file a motion seeking an order that the appearance or proceeding be conducted in person. This subparagraph applies to any crime victim who contends that an order results in a violation of the victim’s constitutional rights.
- (4) Each Presiding Judge shall have authority to suspend any Supplementary Local Rule that may be an impediment to the updated restrictions on operations set out in this order, as applicable, including any requirement that an *ex parte* submission be made in person.

3. Exhibits

- a. Notwithstanding UTCR 6.050(3) and UTCR 21.070(3)(p), when a proceeding is to be conducted remotely, any exhibit that can be converted to PDF may be submitted through the court’s electronic filing (eFiling) system.
- b. When submitting exhibits through the eFiling system, the filer shall designate the exhibits as described in UTCR 21.070(6).
- c. The submission of exhibits through the eFiling system must comply with UTCR 21.040(1), (2), and (4), to the extent applicable, except that the court may direct that multiple exhibits in a particular proceeding be submitted as separate eFiled documents.
- d. Exhibits submitted as a unified single PDF file under this paragraph must:
 - (1) Be accompanied by an index that identifies each exhibit, located at the beginning of the submission, and each identified exhibit must be electronically linked to the index; and
 - (2) Include an electronic bookmark for each exhibit.
- e. The court may reject submissions that do not comply with this paragraph.

- f. A Presiding Judge shall determine how nondocumentary exhibits, such as audio or video exhibits, are to be submitted for a proceeding.

4. Forcible Entry and Detainer (FED) Proceedings

- a. Notwithstanding ORS 105.135(2), a first appearance may be scheduled within 14 days after the judicial day next following payment of filing fees.
- b. Notwithstanding ORS 105.137(6), a trial may be scheduled within 30 days from the date of first appearance.
- c. Notwithstanding subparagraphs 4.a. and 4.b., courts shall schedule first appearances and hold trials as soon as practicable, taking into consideration the availability of staff, the adequacy of the facilities or bandwidth and technology, and the needs of the parties. First appearances and trials are subject to paragraphs 2 and 3 of this order, as applicable.

5. Requirements for Proceedings and Court Services in the Courthouse

For all proceedings and any other court services that take place, whether in whole or in part, in either the courthouse or an alternative physical location being used as a courtroom, all judges and court staff shall take the following precautions:

- a. Require and maintain social distancing in the courtroom and throughout all court-controlled areas of the courthouse;
- b. Comply with all protective face-covering requirements set out in CJO 20-045;
- c. Maintain vigilance about cleaning in accordance with other Oregon Judicial Department (OJD) guidelines; and
- d. Require any other reasonable precautions to protect the health of all participants, including victims, interpreters, and court staff.

6. Expectations for Attorneys

- a. When proceedings are conducted in person, attorneys shall appear in person, unless the attorney is excused or the Presiding Judge has adopted a procedure that allows attorneys to appear by remote means.
- b. An attorney who has concerns about appearing at an in-person proceeding should seek to be excused; seek permission to appear by remote means, or take steps to help the client find suitable counsel.

7. Fines, Fees, and Costs

As permitted by law, courts are strongly encouraged to waive or suspend fines, fees, and costs for persons with limited financial resources.

8. Remote Work Assignments

- a. As directed by the Administrative Authority, judges and staff shall be assigned to work either at the courthouse or a non-home workplace, or from home, for the purpose of providing court or other services in accordance with the updated restrictions set out in this order.
- b. The Administrative Authority should avoid directing persons in high-risk categories, or those with good cause, to work in the courthouse or a non-home workplace.
- c. In this paragraph:
 - (1) “Administrative Authority” means a Presiding Judge, a Trial Court Administrator, the State Court Administrator, a Division Director, or, in the Appellate Courts, any other judge or employee so designated in writing by the Chief Justice or Chief Judge.
 - (2) “High risk” means the category of persons whom the CDC has identified as being at increased risk of severe illness from COVID-19, as set out at <https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/people-with-medical-conditions.html> and <https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/older-adults.html>. As of the date of this order, and as applicable to this paragraph, that category includes the following persons:
 - (A) Persons 65 and older;
 - (B) Persons with Down Syndrome or high-risk conditions including serious heart conditions, cancer, and chronic obstructive pulmonary disease (COPD);
 - (C) Persons with certain underlying medical conditions, particularly if not well controlled, such as Type 2 diabetes, renal failure, chronic kidney disease, sickle-cell disease, and metabolic disorders;
 - (D) Persons with weakened immune systems, including from cancer treatment, smoking, and organ transplant;
 - (E) Persons who are pregnant; and
 - (F) Persons with obesity (body mass index (BMI) of 30 kg/m² or higher but <40 kg/m²) or severe obesity (BMI ≥40 kg/m²).

9. Meetings, Conferences, and Travel

- a. Maximum size of meetings or conferences and related restrictions
 - (1) In-person meetings and conferences (not proceedings) shall follow the Governor’s guidelines for the maximum number of people who may gather in one room for in-person social gatherings based on county risk-level, unless otherwise authorized by the Presiding Judge, State Court

Administrator, or designee. As of the date of this order, the Governor's guidelines for the number of people who may gather in one room are: Extreme Risk and High Risk level categories, 6; Moderate Risk level category, 8, Lower Risk level category, 10.

- (A) In single-county judicial districts, the maximum size of meetings or conferences is based on the designated risk level for that county.
 - (B) In multicounty judicial districts, the maximum size of meetings or conferences is based on the lowest designated risk level for a county in that district.
- (2) Judges and staff should hold or attend in-person meetings only after weighing the benefits and risks, and considering the available alternatives.
 - (3) In-person meeting and conference participants shall maintain social distancing and observe other precautionary measures as set out in paragraph 5.

b. Travel restrictions

All in-state and out-of-state work-related travel is prohibited, except for travel within a judicial district by judge or staff working within that district, or as otherwise authorized by the State Court Administrator or designee.

10. Appellate Courts, Tax Court, and Office of the State Court Administrator

a. Appellate Courts

- (1) No in-person proceeding shall be held unless adequate facilities are available, social distancing requirements can be met, and staffing levels permit. In any in-person proceeding, all justices, judges, staff, and participants must comply with social distancing requirements, protective face covering requirements, and all other safety requirements set out in paragraph 5.
- (2) Oral arguments and Supreme Court public meetings shall be conducted remotely, by video, unless the Chief Justice or the Chief Judge, as applicable, permits a particular proceeding or public meeting to be conducted in person.
- (3) The Chief Justice and the Chief Judge may delegate authority to take actions under this order.
- (4) The restrictions and other requirements described in paragraphs 5, 7, 8, and 9 apply, to the extent practicable, to the Supreme Court and the Court of Appeals. Application of subparagraph 9.a.(1), regarding maximum size of meetings or conferences (not proceedings), depends on the Governor's approved risk level category designation for Marion County.

b. Tax Court

- (1) No in-person proceeding shall be held unless adequate facilities are available, social distancing requirements can be met, and staffing levels permit. In any in-person proceeding, all judges, magistrates, staff, and participants must comply with social distancing requirements, protective face covering requirements, and all other safety requirements set out in paragraph 5.
- (2) Tax court proceedings shall be conducted remotely, by video or audio, unless the Tax Court Judge permits a particular proceeding to be conducted in person.
- (3) The Tax Court Judge may delegate authority to take actions under this order.
- (4) The restrictions and other requirements described in paragraphs 5, 7, 8, and 9 apply, to the extent practicable, to the Tax Court. Application of subparagraph 9.a.(1), regarding maximum size of meetings or conferences (not proceedings), depends on the Governor's approved risk level category designation for Marion County.

c. Office of the State Court Administrator

- (1) The Citizen Review Board shall schedule and conduct periodic reviews of cases involving children in foster care, using only remote means.
- (2) The restrictions described in paragraphs 5, 8, and 9 apply, to the extent practicable, to the Office of the State Court Administrator and the Divisions within that Office. Application of subparagraph 9.a.(1), regarding maximum size of meetings or conferences, depends on the Governor's approved risk level category designation for Marion County.

11. Once in effect, all restrictions imposed in this order continue until further order, and they may be extended or amended by further order.
12. This order supersedes Amended CJO 20-016 (Imposing Level 2 and Level 3 Operations, March 27, 2020), to the extent that order is still in effect; CJO 20-028 (Directing or Permitting Appearances at Arraignment by Remote Means, July 21, 2020); and CJO 20-047 (Imposing In-Person Restrictions on Court Operations During Statewide "Freeze," November 18, 2020, as amended February 17, 2021).
13. This order takes effect on March 15, 2021.

Dated this 11th day of March, 2021.



Martha L. Walters
Chief Justice

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

In the Matter of)
)
IN THE MATTER OF) **GENERAL ORDER 2020-19**
SOCIAL DISTANCING AND THE) **(Supersedes General Order 2020 -12)**
USE OF PERSONAL PROTECTIVE)
EQUIPMENT IN CLATSOP COUNTY)
CIRCUIT COURT)

On May 14, 2020, Governor Brown approved a Phase One reopening for Clatsop County, easing certain restrictions in relation to the COVID-19 State of Emergency. On May 15, 2020, Chief Justice Walters issued Chief Justice Order 20-016 imposing “Level 2” and “Level 3” restrictions on Court operations.

On May 22, 2020, General Order 2020- 12 was signed, relating to social distancing and use of personal protective equipment in Clatsop County Circuit Court.

On October 28, 2020 Chief Justice Walters issued Chief Justice Order 20-045 (attached) requiring the use of protective face coverings in all Oregon State Courts.

In anticipation of increased operations and light of the continuing risk to public health and safety posed by COVID-19:

IT IS ORDERED:

1. Definitions: Court facility means the common areas open to the public, courtrooms and work areas for courtroom personnel in the Clatsop County Courthouse or any alternative physical location being used by the Court that is under the Court’s control.
2. “Protective face covering” means a covering of the nose and mouth to protect against spreading the COVID-19 virus, as recommended by the Centers for Disease Control (CDC).
3. Except for children under 5 years of age, and as provided below, all persons entering the Courthouse are required to wear a protective face covering while in a court facility. This includes, but is not limited to, parties, judges, jurors, witnesses, staff and members of the public.
4. A judge presiding over a trial or other proceeding may require or permit the temporary removal of a protective face covering under those circumstances outlined in section 3 of the attached Chief Justice Order 20-045.
5. Judges and staff may remove their face coverings when they are alone in enclosed offices or workstations.
6. Any person other than a court employee seeking to enter the Courthouse without using a protective face covering because of disability, respiratory or other health-related issues, or otherwise for good cause, can request an exemption from the Presiding Judge.

Exemption requests should be made in advance via telephone or email whenever possible. Such requests will be granted when required by law.

7. Any court employee seeking an exemption because of disability, respiratory or other health-related issues, or otherwise for good cause, can request an exemption from the Trial Court Administrator. Such requests will be granted when required by law.
8. All persons entering the Clatsop County Courthouse shall observe and maintain “social distancing” at all times. For purposes of this order, the required distance shall be determined by the social distancing requirements specified in the applicable Executive Order issued by the Governor. As of the date of this order, the distance is 6 feet between each person. Members of the same household are excepted from this requirement but the household as a group must maintain social distancing from non-household members. Any other exception to this social distancing requirement must be approved in advance by the Presiding Judge.

This Order takes effect November 1, 2020 and shall remain in effect until amended, superseded or further order of the Chief Justice or Presiding Judge.

Signed: 11/10/2020 03:00 PM

Dated:



Dawn M. McIntosh
Presiding Judge, 18th Judicial District

In the Matter of Protective Face)	CHIEF JUSTICE ORDER
Coverings in the Oregon State Courts)	No. 20-045
)	
)	ORDER REGARDING THE USE OF
)	PROTECTIVE FACE COVERINGS IN THE
)	OREGON STATE COURTS

I HEREBY FIND THAT:

1. ORS 1.002 provides that:
 - a. The Chief Justice of the Oregon Supreme Court is the administrative head of the judicial department of government in this state; shall exercise administrative authority and supervision over the courts of this state consistent with applicable provisions of law and the Oregon Rules of Civil Procedure (ORCP); and, to facilitate exercise of that administrative authority and supervision, may make rules and issue orders as appropriate or take any other action appropriate to perform the functions of the office of Chief Justice; and
 - b. The Chief Justice may delegate the exercise of any powers specified in ORS 1.002 to the Presiding Judge of a court.
2. ORS 1.171(4) provides that a Presiding Judge may delegate the exercise of any of the administrative powers of the Presiding Judge to another judge of the court or to the trial court administrator.
3. On March 8, 2020, Governor Kate Brown signed Executive Order 20-03, which declared a state of emergency because of the threat that the COVID-19 coronavirus posed to public health and safety (hereafter, "COVID-19 state of emergency"). On October 27, 2020, Governor Brown signed Executive Order 20-59, which extended Executive Order 20-03 and the declaration of the COVID-19 state of emergency.
4. On March 23, 2020, Governor Brown signed Executive Order 20-12, which ordered Oregonians to "Stay Home, Save Lives," including, to the maximum extent possible, staying at home or at their place of residence and otherwise observing social distancing that provides a distance of at least 6 feet between individuals. On May 14, 2020, Governor Brown signed Executive Order 20-25, which directed a phased reopening of the State of Oregon.
5. On March 27, 2020, I issued Amended Chief Justice Order (CJO) 20-006, which imposed amended Level 3 restrictions on operations due to the spread of the COVID-19 virus and Governor Brown's March 8, 2020, declaration of an emergency and her issuance of Executive Order 20-12. On May 15, 2020, I issued CJO 20-016, which imposed updated Level 3 restrictions, as well as Level 2 restrictions, on court operations in light of the Governor's Executive Order 20-25 and Oregon's phased reopening. Among other provisions, paragraph 10 of CJO 20-016 granted a Presiding Judge authority to require that specified persons in a courtroom wear masks and, in other proceedings where court operations are conducted, to recommend that people wear masks as appropriate.
6. On August 13, 2020, and again on October 19, 2020, under the direction of Governor Brown, the Oregon Health Authority (OHA) issued Guidance that sets out several requirements and recommendations regarding the wearing of protective face coverings.

This Order is based on the foregoing and on information concerning the continuing risks and spread of the COVID-19 virus that is currently available, and may be revised as further information becomes available.

I hereby ORDER as follows:

1. Definitions. As used in this order:
 - a. “Administrative authority” means, for any judge seeking an exemption under paragraph 5, the Presiding Judge. For any staff seeking an exemption, “administrative authority” has the meaning set out in Judicial Department Personnel Rule 2.01.
 - b. “Court facility” means the courthouse or any alternative physical location being used by the court or the Office of the State Court Administrator, but not any part of a building or location that is not under the court’s control.
 - c. “Enclosed office or workstation” means an office or workstation that is enclosed from floor to ceiling on all sides, including a courtroom.
 - d. “Open work area” means a work area consisting of one or more temporary or permanent workstations that either have no barriers or are partially separated by barriers that do not enclose the workstation from floor to ceiling on all sides, such as cubicles.
 - e. “Protective face covering” means a covering of the nose and mouth to protect against spreading the COVID-19 virus, as recommended by the Centers for Disease Control and Prevention (CDC) and the Oregon Health Authority.
 - f. “Remote means” means making a court appearance or conducting a trial, proceeding, hearing, or other gathering by telephone, video, other two-way electronic communication device, or simultaneous electronic transmission.
 - g. “Social distancing” means the minimum amount of physical distance between each person. The distance shall be determined by the social distancing requirements specified in the applicable Executive Order issued by the Governor, Guidance issued pursuant to such an order, or Guidance from the CDC. As of the date of this order, the distance is 6 feet between each person. When this order imposes social distancing requirements, members of the same household, and others if permitted by the Presiding Judge, are excepted from those requirements.
 - h. “Staff” means all Oregon Judicial Department staff working in a court facility, including any volunteers.
 - i. “Temporarily remove a protective face covering” means removal for a short period of time, necessary to fulfill the purpose of an exception, as described in paragraph 3.
2. Except for children under 5 years of age, and as provided in paragraphs 3, 4, and 5, all persons entering or working in the court facility, including judges and staff, are required to wear a protective face covering while in the court facility.

3. Trials, proceedings, or hearings held in a courtroom
 - a. The judge who is presiding over the trial or proceeding may
 - (1) Temporarily remove the judge's protective face covering to ensure that a particular participating person understands a particular communication from the judge;
 - (2) Require or permit a juror to temporarily remove a protective face covering when the juror is answering a question during *voir dire*;
 - (3) Require or permit a witness to remove a protective face covering when the witness is testifying, provided that a minimum of 6 feet of social distance is consistently maintained between the witness and any other person; and
 - (4) Require or permit any other participating person to temporarily remove a protective face covering to ensure that a particular communication is understood.
 - b. When the judge who is presiding removes the judge's own protective face covering or requires or permits a juror, a witness, or any other participating person to do so under subparagraph 3.a.:
 - (1) If the removal is for less than 15 minutes, the judge may use or require other protective measures, such as the use of a face shield or protective physical barrier, additional social distancing, or the use of remote means;
 - (2) If the removal is for more than 15 minutes, the judge shall use or require other protective measures, such as the use of a face shield or protective physical barrier, additional social distancing, or the use of remote means.
4. Enclosed offices and workstations
 - a. Judges and staff may remove their face coverings when they are alone in enclosed offices or workstations. When judges or staff leave their enclosed offices or workstations, or when another person enters their enclosed offices or workstations, they must wear a protective face covering.
 - b. Subparagraph 4.a. applies to a workstation located within an open work area of any size, including any workstation partially separated by barriers from that open area, such as a cubicle, but only if
 - (1) Only 1 person is working in that open work area; and
 - (2) That open work area is separated from the public by a floor to ceiling divider.
5. Exemptions
 - a. A Presiding Judge or that judge's designee(s) may grant an exemption from paragraph 2 to any person who seeks to enter, but who does not work in, the court facility, due to disability, respiratory or other health-related issues, or other legally required cause. The Presiding Judge shall grant such an exemption when required by law.

- b. An Administrative Authority may grant an exemption from paragraph 2 to a judge or a staff person who works in the court facility only when the law requires an exemption due to disability or other legally required cause. The Administrative Authority may grant a temporary exemption from this rule for the time necessary to determine whether the law requires an exemption.
 - c. If an exemption is granted under this paragraph, the Presiding Judge or that judge's designee(s) may require other protective measures, such as the use of a face shield or protective physical barrier, additional social distancing, or the use of remote means.
6. The court will provide protective face coverings and information about how to use them.
 7. A Presiding Judge, the Chief Judge of the Court of Appeals, or the Tax Court Judge may issue a Presiding Judge Order, Chief Judge Order, or Tax Court Judge Order that imposes additional requirements regarding the wearing of protective face coverings, provided that such an order does not conflict with the provisions of this order and is not less protective or restrictive than the provisions set out in this order.
 8. This order supersedes subparagraphs 10.b. and 10.c. of CJO 20-016 (imposing Level 2 and Level 3 restrictions on court operations).
 9. This order supersedes any existing Presiding Judge Order, Chief Judge Order, or Tax Court Judge Order, or part of any such an order, that conflicts with the provisions of this order. This order also supersedes CJO 20-025 (protective face coverings in the Supreme Court Building) and CJO 20-026 (protective face coverings in the Office of the State Court Administrator).
 10. This order is effective on November 1, 2020, and will remain in effect until amended, superseded, or vacated by further Chief Justice Order.

Dated this 28th day of October, 2020.



Martha L. Walters
Chief Justice