

# **GUIDE TO CLATSOP CIRCUIT COURT Supplemental Reference**

## **Criminal Case Management and Calendaring**

### **General – applies to all cases except those designated as Assigned Judge Only**

All criminal cases will be set for case management conference (CMC) 3 - 5 weeks after arraignment.

- CMCs for in-custody defendants should be set 3 weeks after arraignment.
- CMCs for out-of-custody defendants should be set 3 - 5 weeks after arraignment.

In felony cases, defendants are required to attend. In misdemeanor cases, defendants are required to attend unless a judge authorizes a waiver of appearance in advance.

Prosecutors and defense attorneys shall confer prior to the CMC.

At the CMC, attorneys will advise the court if:

1. Case has settled, will settle, or is likely to settle;
2. Case will go to trial; or
3. Additional time is needed and why.

CMC sessions are from 9:00 am to 10:00 am on Wednesday and Thursday on the general docket.

Attorneys are assigned a regular CMC session, but they may be scheduled in both sessions under certain circumstances (see Details below).

Future hearing dates will be provided during the CMC session except in rare circumstances when a trial may be set in due course.

Plea and sentencing hearings can be set:

1. Immediately following the CMC session;
2. In a 10:00 am session following a future CMC session;
3. During an attorney's miscellaneous time;
4. During open criminal case time on the general docket; or
5. On an individual docket at the attorney's request.

Consortium attorneys each have a weekly miscellaneous session for short criminal proceedings. The types of hearings typically set in the miscellaneous session include, but are not limited to:

1. Probation violation (PV) hearings;
2. Plea and/or sentencing hearings;
3. Release review or bail hearings; and
4. Victim waiver hearings.

## Details

For any CMC, if an attorney notifies the court in writing before the CMC that the case has settled, the court will cancel the CMC and set a plea and sentencing hearing. If, prior to any CMC, an attorney requests a trial date in writing, the court will cancel the CMC and set a trial.

The court will use best efforts to limit an attorney's clients to six for each CMC session. This may not always be possible.

If an attorney will be unavailable for a CMC session, they will endeavor to arrange for another attorney to cover their CMCs.

If an attorney is unavailable for one or more CMC sessions and another attorney is unable to cover, the CMCs will be set in the next CMC session(s) when the attorney is available.

If an attorney shows good cause why a second CMC is required, the judge may set another CMC within 3 - 5 weeks unless the defendant is in custody. A second CMC will not be set for an in-custody defendant unless defendant waives 60-day right to trial.

## Assigned Judge Only Cases (includes full designation complex cases)

The first CMC will be set the same as all other cases.

The next CMC will be set on the assigned judge's general or individual docket 3 - 5 weeks out.

At the second CMC, the assigned judge will assume full management of the case and will set future hearings on the individual docket.

## Frequently Asked Questions

**Q1. If an attorney has a CMC scheduled for 9:00 am and they know the client is going to plead, can the attorney tell the client to come at 10:00 am?**

Yes, if the attorney sends written notice to the court in advance.

**Q2. If a defendant has PVs and CMCs, can they be scheduled together?**

Yes, the court will make every effort to schedule them together.

**Q3. Will there be a cap on the number of clients for each attorney in CMC sessions?**

The court will attempt to schedule no more than six clients per attorney in a single CMC session.

**Q4. It seems like there will be many CMCs scheduled in each session. What will happen if a lot of those defendants plead? Can they move directly to a sentencing hearing or do they have to wait for the 10:00 am session? Will the judgments be completed and provided at that time?**

The judge will take as many pleas and do as many sentencings as possible immediately following CMCs. Judgments will be generated as quickly as possible. Some pleas may need to wait until CMCs are finished and some cases may need to be set over for plea and/or sentencing hearings.

**Q5. Does the defendant have to appear for the CMC?**

Yes, in felony cases. Yes, in misdemeanor cases unless a judge authorizes a waiver of appearance in advance.

**Q6. Can the defendant appear by telephone or video?**

Yes, with prior court approval.

**Q7. Do release hearings go in the attorney miscellaneous time?**

Yes, if they can be done in the time allowed.

**Q8. Will PV hearings be set in attorney miscellaneous time?**

Usually yes. As always, it is important for the attorney to notify the court if they know a PV hearing will be contested so enough time can be given for the hearing.

**Q9. Once a case has been set for trial, can it still be settled?**

Yes, if the case is resolved at or prior to docket call. If the court sets the case for plea and sentencing, trials will remain on the docket until the change of plea occurs.

**Q10. Can cases be resolved up to and including docket call?**

Cases can resolve until docket call, but it is better if they can be resolved earlier. Docket call is the final deadline for negotiated pleas.

**Q11. If both parties agree more time is needed and they notify the court, will the CMC be set over?**

Attorneys and their clients must appear for the first CMC. For good cause, the judge may authorize a second CMC within 3 - 5 weeks. See the Details section above for more information.

**Q12. Will the court set judicial settlement conferences on request?**

Yes, if all parties agree and a judge is available.