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| In the Matter of Lifting Social | ) | CHIEF JUSTICE ORDER             |
| Distancing Requirement          | ) | No. 21-050                      |
|                                 | ) |                                 |
|                                 | ) | ORDER LIFTING SOCIAL DISTANCING |
|                                 | ) | REQUIREMENT                     |
|                                 | ) |                                 |

I HEREBY FIND AS FOLLOWS:

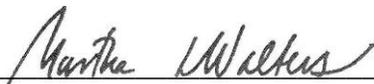
1. ORS 1.002 provides that the Chief Justice of the Oregon Supreme Court is the administrative head of the judicial department of government in this state; shall exercise administrative authority and supervision over the courts of this state consistent with applicable provisions of law; and, to facilitate 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.
2. 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”). On June 25, 2021, Governor Brown issued Executive Order 21-15, which extended the COVID-19 state of emergency to December 31, 2021.
3. Since March 16, 2020, I have issued many Chief Justice Orders (CJOs) relating to the COVID-19 state of emergency, including:
  - a. CJO 21-025 (June 28, 2021), Establishing Updated Directives Relating to Court Operations (including, in paragraph 2.a., a lifting of social distancing requirements generally, with specific provisions elsewhere in paragraph 2);
  - b. CJO 21-030 (August 13, 2021), Requiring Use of Protective Face Coverings in the Oregon State Courts;
  - c. CJO 21-035 (September 7, 2021), Imposing Updated Social Distancing Requirement (and superseding paragraph 2.a. of CJO 21-025, and also any conflicting provision of any then-effective Presiding Judge Order); and
  - d. CJO 21-039 (September 16, 2021), Imposing Vaccination Requirement (for judges and staff).
4. At the time when I issued CJO 21-035 (Imposing Updated Social Distancing Requirement), Governor Brown had recently announced that the Delta variant had created a level of crisis not yet seen during the pandemic in Oregon, with cases of COVID-19 and hospitalizations statewide at a record high. Since that time, the average number of COVID-19 cases in Oregon per day has decreased by more than 50 percent, with further decreases projected in the coming weeks. In that same timeframe, Oregon’s health system capacity has improved to a notable degree.
5. Also since I issued CJO 21-035, the Oregon courts have achieved a statewide full vaccination rate for judges and staff that exceeds 92 percent. And, pursuant to CJO 21-030, a protective face covering requirement remains in place for all persons entering or working in a court facility.

This Order is based on the foregoing and on currently available information concerning the risks and spread of the COVID-19 virus, and may be revised as further information becomes available or as directives from the Governor or guidance from health authorities change.

I HEREBY ORDER, pursuant to the foregoing authority, and as provided further below, that the following updated directive shall take effect on November 29, 2021. This order remains in effect until further order of the Chief Justice.

1. Definitions. As used in this order:
  - a. "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.
  - b. "Social distancing" means the minimum amount of physical distance between each person. As of the date of this order, pursuant to recommendations from the Centers for Disease Control and Prevention, the distance is 6 feet between each person.
2. Social Distancing, Generally
  - a. As a general matter, and unless provided otherwise in subparagraph 2.b. of this order or pursuant to a Presiding Judge Order issued under subparagraph 2.c. of this order, social distancing is not required and need not be maintained in the courtroom or any other public or nonpublic area of a court facility.
  - b. As provided in subparagraphs 2.c. and 2.d. of CJO 21-025, social distancing may be implemented as one or more reasonable protective measures taken in proceedings or in other particular circumstances.
  - c. A Presiding Judge may issue a Presiding Judge Order that requires social distancing in the public areas of a court facility through January 2, 2022.
3. This order supersedes CJO 21-035 (September 7, 2021) (Imposing Updated Social Distancing Requirement and superseding paragraph 2.a. of CJO 21-025).
4. This order is effective November 29, 2021.

Dated this 15<sup>th</sup> day of November, 2021.

  
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Martha L. Walters  
Chief Justice