

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

IN THE MATTER OF COURT
OPERATIONS: COVID-19

PURSUANT TO CHIEF JUSTICE
ORDER 21-009.

PRESIDING JUDGE ORDER

No. 2021-01
61-01-04610

Whereas the conditions and impacts resulting from COVID-19 are changing rapidly. In accordance with Governor Kate Brown's emergency declaration, the current thinking of experts in public health, and Chief Justice Order 21-009.

I HEREBY ORDER that while CJO 21-009 is in effect the 2nd Judicial District, Lane County Circuit Court, will comply with all provisions outlined in the order and;

I HEREBY ORDER:

1. Court Hours and Services

- A. The court's current public service hours to accept filings, take payments, and answer phones remain in effect and are as follows: Lane County Circuit Court shall be open from 8:00 a.m. to 5:00 p.m. for conducting the business of the court.
- B. The Court will continue the services of the Family Court Assistance office by remote means.
- C. All in-person services will be provided observing social distancing.
- D. All services that can be provided by alternative means such as web-based, video-conferencing and teleconferencing will be provided by those alternative means as available by law.
- E. Litigants and the public are encouraged to call the court at 541-682-4020 for information or to determine if a personal appearance is available or needed in their case.
- F. Litigants and the public are encouraged to use the court's online services available on the court's website <https://www.courts.oregon.gov/courts/lane/Pages/default.aspx> as follows:
 - a. Make payments: <https://www.courts.oregon.gov/courts/lane/payments/Pages/default.aspx>

- b. Search for or request court records:_
<https://www.courts.oregon.gov/courts/lane/records/Pages/default.aspx>
 - c. Use the courts fillable forms to complete court forms prior to filing:_
<https://www.courts.oregon.gov/courts/lane/help/Pages/Forms.aspx>
 - d. Find out when to appear in court:_
<https://www.courts.oregon.gov/services/online/Pages/records-calendars.aspx>
 - e. And find out information about court services during the COVID-19 pandemic.
- G. Individuals coming to the courthouse or court services at the juvenile justice center who exhibit symptoms associated with Covid-19 may be directed to leave by any judge, court manager or deputy sheriff. If so directed, the individual must leave the premises.

2. All Trials, Hearings and Court proceedings will be managed as set forth in the the Lane County Circuit Court Covid-19 Operations Plan, which is incorporated herein by reference and is attached hereto. The plan sets out the operations response for management of cases by docket and case or hearing type. Where the operations plan denotes delegation of the Presiding Judge’s authority to other judges, it is so ordered. The operations plan remains subject to change as technology can be feasibly implemented and will be posted on the Lane County Circuit Court website. Please check the website <https://www.courts.oregon.gov/courts/lane/Pages/default.aspx> regularly for updates.

3. In Person Proceedings

- a. All in person proceedings conducted in the courthouse shall be conducted in compliance with the CJO 21-009, CJO 20-045, and PJO 2020-05 requirements for safety including social distancing and face coverings. Social distancing requirements shall be in effect in all courtrooms and throughout all the court-controlled areas of the courthouse as long as these orders remain in effect.
- b. All judges and court staff shall maintain vigilance about cleaning in accordance with OJD guidelines. During in person court proceedings, staff will be given strict guidelines about compliance with recommendations from the health department, including disinfecting objects and surfaces between each use.

4. Motions for a change in the mode of proceedings:

- a. Any party seeking to change a scheduled in person proceeding to a remote proceeding or a scheduled remote proceeding to an in person proceeding must file a motion with a supporting affidavit, and proposed order to the presiding judge for consideration.

- b. The supporting affidavit must include:
 - i. The reasoning and basis for the change in the mode of the proceeding, including statutes that may be implicated by the change and any statutory or constitutional rights that may be implicated by the change.
 - ii. The position of the opposing party.
- c. The presiding judge will rule upon a motion for a change in the mode of a scheduled proceeding based upon the provisions of CJO 21-009 and any applicable statute or constitutional provision.

5. Remote Hearings. In all instances where remote hearings, either via video conferencing or telephone, are contemplated by the Lane County Circuit Court Covid-19 Operations Plan:

- a. In the pleadings, parties shall provide their email address and phone number as well as the email address and phone number of the other party if known to them.

Parties are required to remain available at the phone number provided to the Court beginning at the time of the hearing and continuing until notified by the Court that their matter has concluded. If the court has determined that the remote hearing will be via video conferencing, parties shall log into the video conference via the email invitation sent either by court staff or their attorney at the time noted in the invitation.

- b. Witnesses:
 - i. Parties are required to have any witnesses available by phone either with them or at a number that can be called by the Court at the time of the hearing.
 - ii. If the witness is not immediately accessible by phone, then the Court may not hear from that witness.
- c. Exhibits:
 - i. If a party is represented by an attorney, exhibits shall be filed in accordance with CJO 21-009.
 - ii. If a party is not represented by an attorney, exhibits may be filed in accordance with CJO 21-009 or filed with the Court not later than 48 hours in advance of the hearing.
 - iii. Non-documentary exhibits, such as audio or video exhibits, are to be submitted to the court clerk's office no later than 48 hours prior to the hearing, proceeding or trial.
 - iv. Copies of **all** exhibits must be provided to the other party not later than 48 hours in advance of the hearing.
 - v. Failure to timely file and serve exhibits may result in the Court disregarding the

exhibits or setting the matter over, for good cause, to allow the parties to receive and review exhibits.

- d. The Oregon Judicial Department remote hearing manual contains many guidelines for remote hearings. Lane County Circuit Court is currently utilizing GoToMeetings for video proceedings and does not intend to live stream proceedings. Thus, many of the guidelines within the manual will not apply.

6. Expectations of Attorneys

- A. Attorneys are expected to appear in-person for trials or hearings that are held in-person unless the attorney is excused, or if the Presiding Judge adopts a procedure that allows attorneys to appear remotely as reflected in the Lane County Circuit Court Covid-19 Response Management Plan. Attorneys are expected to assist the court with maintaining the health and safety of the courthouse. Attorneys shall maintain social distancing while in the courthouse.
- B. An attorney who has concerns about appearing in-person, or having their client appear in person, due to illness or COVID-19 concerns should seek to be excused, request a postponement or request to appear remotely if feasible.
- C. An attorney seeking to appear remotely at a scheduled in person court appearance due to concerns regarding COVID-19 must submit a motion with a supporting affidavit and proposed order.
 - a. The affidavit must include:
 - i. Whether the attorney or a member of the attorney's household has a concern based upon confidentially protected health information that would preclude the attorney to safely appear in person at the particular proceeding. Specific confidentially protected health information should not be included in the motion or affidavit, as the documents are a public record.
 - ii. Whether their client has been notified of and consents to the attorney appearing remotely.
 - b. If the matter is a proceeding in a criminal case and a defense attorney's request to appear remotely is allowed under this section, the defense attorney must arrange for another defense attorney to be present in person at the proceeding with the client.

7. Lane County Circuit Court's Quarantine and Isolation Judge is: The Presiding Judge


8. Presiding Judge Authority, UTCR and SLR:

- A. Notwithstanding the Lane County Circuit Court Covid-19 Operations Plan, I retain discretion to order that a particular trial, hearing, or other court operation will take place in- person or by remote means on or after a certain date, after consulting with the parties and other affected persons, I determine that there is a need for the court action, that if it is in- person social distancing can be required, and that the court can order other reasonable precautions to protect the health of the participants, including court staff, and, whether in person or by remote means, that the court has sufficient staff to conduct the hearing.
- B. The Uniform Trial Court Rules remain in full force and effect unless limited expressly or by action of CJO 21-009 or this PJO. This includes UTCR 3.180(5), the provision prohibiting the recording of any court proceeding without the prior express permission of the court. These provisions apply to all court proceedings regardless of whether the proceeding is in person or remote.
- C. I hereby suspend the following Supplementary Local Rules to conform with this order and the CJO 21-009:
 - a. SLR 2.501(1)(a)-(c) and (e)-(g)
 - b. SLR 2.501(2)
 - c. SLR 2.501(4)
- D. In the event that I become unable to perform the duties of the presiding judge during these Level 2 restrictions, Judge Charles Zennaché shall have authority to act as presiding judge during my incapacity.

9. Effective Dates

The provisions of this order are in effect upon signature and will continue until otherwise ordered.

Dated this 12th Day of March, 2021



Debra K. Vogt, Presiding Judge