

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

IN THE MATTER OF UPDATED
DIRECTIVES FOR COURT
OPERATIONS: POST COVID-19

PURSUANT TO CHIEF JUSTICE
ORDER 21-025.

PRESIDING JUDGE ORDER

No. 2021-07
61-01-04610

I HEREBY ORDER that while CJO 21-025 is in effect the 2nd Judicial District, Lane County Circuit Court, will comply with all provisions outlined in the order and that Presiding Judge Order 2021-01 is rescinded except for the following provisions:

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. 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.
- C. Litigants and the public are encouraged to use the court's online services available on the court's website <https://www.courts.oregon.gov/lane> 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>

D. Individuals coming to the courthouse or court services at the juvenile justice center who exhibit symptoms associated with Covid-19 may be asked to wear a face covering, social distance, or 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 Lane County Circuit Court Post 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/lane> regularly for updates.

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

- a. Any party seeking to change the mode of a scheduled proceeding to a mode that is different than what is listed in the current Post Covid-19 Operations Plan (remote, hybrid or in person) must file a motion with a supporting affidavit and proposed order to the presiding judge for consideration.
- b. Motions for a change in the mode of a scheduled proceeding must be filed at least 48 hours prior to the scheduled proceeding unless the presiding judge finds good cause for a late filing.
- c. 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.
- d. The presiding judge will rule upon a motion for a change in the mode of a scheduled proceeding based upon the provisions of CJO 21-025 and any applicable statute or constitutional provision.
- e. A motion for the mode in which a participant appears during a scheduled proceeding, but which does not change the mode of the proceeding itself, shall be made to the judge presiding over the proceeding.

4. Remote Hearings. In all instances where remote hearings, either via video conferencing or telephone, are contemplated by the Lane County Circuit Court Post 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 21-025.
 - ii. If a party is not represented by an attorney, exhibits may be filed in accordance with CJO 21-025 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.

The Oregon Judicial Department remote hearing manual contains many guidelines for remote hearings.

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

6. Presiding Judge Authority, UTCR and SLR:

- A. Notwithstanding the Lane County Circuit Court Post 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.
- B. The Uniform Trial Court Rules remain in full force and effect unless limited expressly or by action of CJO 21-025 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.

7. Effective Dates

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

Dated this 30th Day of June 2021

Signed: 6/30/2021 03:39 PM



Debra K. Vogt, Circuit Court Judge