

1
2 IN THE CIRCUIT COURT OF STATE OF OREGON
3 FOR MARION COUNTY

4 In the Matter of)
5) 20MARPJO No. 20-08(A)
6 Marion County Circuit Court)
7) PRESIDING JUDGE ORDER
8) **ADOPTING CJO 20-016 AND**
9) **IMPELENTING PROVISIONS**
10) **THROUGH OCTOBER 31, 2020**
11)
12)

13 IT IS HEREBY ORDERED the Marion County Circuit Court fully adopts the provisions
14 of CJO 20-016¹ issued May 15, 2020, and implements them as follows:

15 Out of concern for public health and preventing the spread of COVID-19, the Marion
16 County Circuit Court is restricting operations to greatly reduce the number of people coming into
17 court facilities.

18 **Most public service counters will remain closed. Please see below for department
19 specific information and phone numbers.**

20 PJO 20-08(A) takes effect immediately and remains in effect as long as the Marion
21 County Circuit court is subject to Level 2 restrictions. If the Marion County Circuit Court is
22 subject to Level 3 restrictions or the court determines more restrictions are necessary, we will
23 notify the community and local bar and will post changes on the court’s website:
24 <https://www.courts.oregon.gov/marion>.

25 **JURY DUTY:**

- 26 • Most matters needing jurors have been rescheduled. We recognize this is a very
challenging time and the Governor’s order to Stay Home, Stay Safe is to be taken very
seriously. Some matters requiring jurors, including a small number of trials and grand
juries, have been deemed to be essential matters that must continue to occur even while
restrictions are in place. We are working to keep the courthouse a safe place for jurors,
staff, and visitors.
- If you have been summoned for **Jury Duty**, please call the number on your juror
summons after 5:00 p.m. the day before you are summoned to report to find out if you
need to appear for service. If you are in a “high risk” group as defined by the CDC
(<https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/people-at-higher-risk.html>) or are currently experiencing symptoms of COVID-19, please contact the jury

¹ The full text of the Order can be found here https://www.courts.oregon.gov/rules/ORAP/CJO%2020-016_Order-Imposing-Level-2-and-Level-3-Restrictions-on-Court-Operations.pdf

1 office at MAR.Jury@ojd.state.or.us, the preferred contact method, or by telephone at
2 503-588-5371.

- 3 • If you have further questions about jury duty, please check our web site at:
4 <https://www.courts.oregon.gov/courts/marion/jury/Pages/jury-schedule.aspx>

5 **GRAND JURY:**

- 6 • If you have been summoned for **Grand Jury**, please report as instructed. If you are in a
7 “high risk” group as defined by the CDC ([https://www.cdc.gov/coronavirus/2019-
8 ncov/need-extra-precautions/people-at-higher-risk.html](https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/people-at-higher-risk.html)) or are currently experiencing
9 symptoms of COVID-19, please contact the jury office at MAR.Jury@ojd.state.or.us, the
10 preferred contact method, or by telephone at 503-588-5371.
- 11 • Witnesses for Grand Jury shall testify by remote means if reasonably feasible.
- 12 • If you have further questions about jury duty, please check our web site at:
13 <https://www.courts.oregon.gov/courts/marion/jury/Pages/jury-schedule.aspx>

14 **CRIMINAL:**

- 15 • Trials
 - 16 ○ The court will hold **in-custody jury trials** and **bench trials** (including trials on
17 contempt charges) as scheduled unless the Presiding Judge determines there is
18 good cause to postpone a particular trial. All in-custody trials will occur in-
19 person in-the-courthouse on the Criminal Master Calendar *unless* the originally
20 assigned judge elects to retain the case.
 - 21 ○ All **out-of-custody jury trials** scheduled between June 1, 2020 and October 31,
22 2020, will be postponed and the case will be scheduled for a status conference to
23 be held on or after October 15, 2020. Jury trials may be rescheduled at that time.
24 As long as Marion County Circuit Court is subject to Level 2 restrictions under
25 CJO 20-016, canceled out-of-custody jury trials *may* be pulled to a special off-site
26 settlement conference and trial docket pending availability of facilities.
 - As long as the Marion County Circuit Court is subject to Level 2 restrictions
under CJO 20-016, **out-of-custody bench trials** (including trials on contempt
charges):
 - Currently set June 1, 2020 – October 31, 2020 will be canceled and set for
a status conference on or after October 15, 2020, **UNLESS** the parties
agree to proceed by remote means.
 - If the parties agree to proceed by remote means, the bench trial
will proceed unless the Presiding Judge determines there is good
cause to postpone a particular bench trial.
 - All bench trials will occur by remote means on the Criminal
Master Calendar *unless* the originally assigned judge elects to
retain the case.
 - New bench trials may be scheduled on the Criminal Master Docket in the
normal course prior to November 1, 2020, only if the parties agree to
proceed by remote means, if not, the case will be set for a status
conference to be held on or after October 15, 2020.

- 1 ▪ A party must file a Motion for Hearing In-the-Courthouse with the PJ if
2 they wish to proceed in-person.
- 3 ○ If the Marion County Circuit Court is subject to Level 3 restrictions under CJO
4 20-016, all out-of-custody jury and bench trials will be postponed to a date on or
5 after November 1, 2020.
- 6 • Status Conferences
- 7 ○ The court will continue to conduct status conferences and pretrial hearings as
8 scheduled on all criminal cases. Such proceedings shall be conducted by remote
9 means. Defense attorneys shall ensure that defendants sign a written
10 acknowledgement of the next court date and return the acknowledgement to the
11 court within 14 days.
- 12 • Hearings
- 13 ○ **In-custody** hearings including arraignments, probation violation hearings,
14 pleas/sentencings, probable cause hearings, release hearings, substitution
15 hearings, and motions will proceed as scheduled in-person or by remote means.
16 In-custody hearings may be heard at the annex, in-the-courthouse with the
17 assigned judge, or on the Criminal Master Docket.
- 18 ○ **Out-of-custody** arraignments for defendants cited to appear at the Criminal Court
19 Annex will occur in-person at the Criminal Court Annex as directed by the
20 citation. **Out-of-custody** arraignments for defendants with a release agreement to
21 appear at the Criminal Court Annex will occur by remote means as directed by the
22 release agreement.
- 23 ○ **Out-of-custody** Rule 7 hearing will occur in-person or by remote means as
24 directed by the court.
- 25 ○ Hearings on **out-of-custody** motions:
 - 26 ▪ **That require witness testimony** currently set June 1, 2020 – October 31,
 2020 shall be canceled, and the matter shall be set for a status conference
 on or after October 15, 2020.
 - **That DO NOT require witness testimony:**
 - Currently set June 1, 2020 – October 31, 2020 will **proceed as**
 scheduled by remote means if the date and time can be
 accommodated on the Criminal Master Docket *or* with the
 originally assigned judge if that judge so elects. If the date and
 time cannot be accommodated on the Criminal Master Docket it
 will be reset on the Criminal Master Docket to the next available
 date agreed upon by the parties prior to November 1, 2020.
 - If the originally assigned judge elects to retain the case, the hearing
 will proceed as scheduled by remote means.
 - Hearings on new motions may be scheduled on the Criminal
 Master Docket in the normal course to proceed by remote means
 prior to November 1, 2020.

- Hearings on new motions scheduled on or after August 1st shall be scheduled with the originally assigned judge.
- A party must file a Motion for Hearing In-the-Courthouse with the PJ if they wish for a hearing on a Motion to proceed in-person prior to November 1, 2020.
- **Out-of-Custody** change of plea/sentencing
 - Shall be by remote means on the 4B Docket **UNLESS** the **originally assigned judge** elects to retain the case **and the PJ approves** the plea/sentencing to proceed in-person or by remote means in-the-courthouse **OR** one of issues listed below exist, then in-person appearance will be allowed at the **annex**:
 - Interpreter needed
 - Prison time anticipated
 - Non-stipulated and more than 30 minutes needed
 - Multiple witness/victims
 - Defendant has significant developmental delays or MH issues
 - Security issues
 - Others as approved by the PJ
- Settlement Conferences
 - On **in-custody** criminal cases, may be scheduled and may proceed as previously scheduled with the selected judge in-person *or* by remote means.
 - On **out-of-custody** cases, may be scheduled and may proceed as previously scheduled with the selected judge by remote means **UNLESS** the PJ approves the matter to proceed in-person the week before the scheduled date.
- If you have questions about arraignments and other matters occurring at the Criminal Court Annex, please call 503-588-8489.
- If you have further questions about the Criminal Master Docket, the 4B Docket, or related calendaring, please call 503-588-5030.

CIVIL:

- Trials
 - All **civil jury trials** scheduled between June 1, 2020 and October 31, 2020, will be postponed and the case will be scheduled for a status conference to be held on or after October 15, 2020. Trials may be rescheduled at that time. No new civil jury trials will be scheduled at this time.
 - As long as the Marion County Circuit Court is subject to Level 2 restrictions under CJO 20-016, **civil bench trials**:
 - Currently set between June 1, 2020 and November 1, 2020 will **proceed as scheduled** by remote means, **if the date and time can be accommodated** on the Civil Master Docket *or* with the originally assigned judge if that judge so elects. If the date and time cannot be accommodated on the Civil Master Docket, and the originally assigned

1 judge does not elect to retain the case, it will be reset on the Civil Master
2 Docket to the next available date agreed upon by the parties.

- 3 ■ If the originally assigned judge elects to retain the case, the bench trial will
4 proceed as scheduled by remote means **if approved by the PJ**. The judge
5 or the judge's staff must contact the PJ via email to get approval.
- 6 ■ New bench trials may be scheduled to proceed by remote means prior to
7 November 1, 2020, on the Civil Master Docket *or* with the originally
8 assigned judge if that judge so elects *and* the **PJ approves**.
- 9 ■ New bench trials scheduled after November 1, 2020 may be scheduled
10 with the originally assigned judge.
- 11 ■ A party must file a Motion for Hearing In-the-Courthouse with the PJ if
12 they wish to proceed in-person.

- 13 ○ If the Marion County Circuit Court is subject to Level 3 restrictions under CJO
14 20-016, all Civil bench trials will be postponed to a date on or after November 1,
15 2020.

- 16 ● Status Conferences

- 17 ○ The court will continue to conduct status conferences. Such proceedings shall be
18 conducted by remote means.

- 19 ● Hearings on civil motions:

- 20 ○ **That require witness testimony** currently set June 1, 2020 – October 31, 2020
21 shall be canceled, and the matter shall be set for a status conference on or after
22 October 15, 2020.

- 23 ○ **That DO NOT require witness testimony:**

- 24 ■ Currently set between June 1, 2020 and November 1, 2020 will **proceed**
25 **as scheduled** by remote means **if the date and time can be**
26 **accommodated** on the Civil Master Docket *or* with the originally
assigned judge if that judge so elects. If the date and time cannot be
accommodated on the Civil Master Docket it will be reset on the Civil
Master Docket to the next available date agreed upon by the parties.
- If the originally assigned judge elects to retain the case, the hearing will
proceed as scheduled by remote means.
- Hearings on new civil motions may be scheduled on the Civil Master
Docket to proceed by remote means prior to November 1, 2020.
- Hearings on new civil motions scheduled on or after November 1, 2020
shall be scheduled with the originally assigned judge.

- A party must file a Motion for Hearing In-the-Courthouse with the PJ if they wish
for a hearing on a Motion to proceed in-person prior to November 1, 2020.

- Settlement Conferences

- May be scheduled and may proceed as previously scheduled with the selected
judge by remote means **UNLESS** the PJ approves the matter to proceed in-person
the week before the scheduled date.

- If you have further questions about the Civil Master Docket or calendaring, please call 503-588-7950.

CIVIL COMMITMENT PROCEEDINGS:

- All civil commitment proceedings shall proceed as scheduled and shall be scheduled in accordance with the court's regular scheduling procedures to be heard by remote means on the Miscellaneous Docket.
- A party must file a Motion for Hearing In-the-Courthouse with the Presiding Judge if they wish for a hearing to proceed in-person prior to November 1, 2020.
- If you have further questions about the Miscellaneous Docket, please call 503-588-5135

FAMILY LAW PROCEEDINGS:

- Hearings on Petitions and Motions (including but not limited to petitions for divorce, custody, or support and motions to modify, for immediate danger orders, to enforce parenting time, for status quo orders, or for temporary orders):
 - Currently scheduled between June 1, 2020 and November 1, 2020 will **proceed as scheduled** by remote means **if the date and time can be accommodated** on the Domestic Relations Master Docket *or* with the originally assigned judge if that judge so elects. If the date and time cannot be accommodated on the Domestic Relations Master Docket it will be reset on the Domestic Relations Master Docket to the next available date agreed upon by the parties.
 - If the originally assigned judge elects to retain the case, the hearing will proceed as scheduled by remote means **if approved by the PJ**. The judge or the judge's staff must contact the PJ via email to get approval.
 - New hearing may be scheduled to proceed by remote means prior to November 1, 2020, on the Domestic Relations Master Docket *or* with the originally assigned judge if that judge so elects *and* the **PJ approves**.
 - A party must file a Motion for Hearing In-the-Courthouse with PJ if they wish to for a hearing to proceed in-person prior to November 1, 2020.
- Motions for Immediate Danger Orders:
 - Will be accepted at the accounting window Monday-Thursday before 11:00 and Fridays before 2:00 p.m. Motions filed after the deadline will be heard the following judicial day.
 - Family Law Facilitators will be available to assist with forms.
 - Hearings will be conducted by phone at 2:00 p.m. Monday-Thursday and at 3:00 p.m. on Fridays. The filing party, and the opposing party if post-judgment, will be called at the time of the hearing.
- Presiding Judge Order 20-07 addresses information for parents sharing custody or parenting time of children during the COVID-19 pandemic.
- Status Conferences
 - The court will continue to conduct status conferences. Such proceedings shall be conducted by phone.

- 1 • Settlement Conferences
 - 2 ○ May be scheduled and may proceed as previously scheduled with the selected
 - 3 judge by remote means **UNLESS** the PJ approves the matter to proceed in-person
 - 4 the week before the scheduled date.
- 5 • Mediation (in child custody cases)
 - 6 ○ May continue at the direction of the appointed mediator. Mediation shall be
 - 7 conducted by remote means.
- 8 • The court will continue to conduct in-custody support enforcement (SED) matters.
- 9 • If you have further questions about general Family Law matters, please call 503-373-
- 10 4349.
- 11 • If you have further questions about the Domestic Relations Master Docket or
- 12 calendaring, please call 503-588-5026.

9 **EXHIBITS:**

- 10 • Documentary exhibits (documents, photos, charts) shall be submitted electronically
- 11 through Oregon eCourt (attorneys) or by email to court staff (*pro se* parties). If you need
- 12 to make other arrangements, please contact the assigned judge's staff.
- Non-documentary exhibits (audio/video) shall be submitted as directed by the assigned
- judge.

13 **LANDLORD TENANT:**

- 14 • Please see section 4 of Chief Justice Order 20-016 (a link to the full text is available on
- 15 page 1 of this Order) for further information regarding forcible entry and detainer
- 16 proceedings.
- 17 • Any hearings allowed to proceed under section 4 of Chief Justice Order 20-016 shall
- 18 proceed by remote means.
- A party must file a Motion for Hearing In-the-Courthouse with the Presiding Judge if
- they wish to for a hearing to proceed in-person prior to November 1, 2020.
- If you have further questions about Landlord Tenant matters, please call 503-588-5105.

19 **SMALL CLAIMS:**

- 20 • Small claims hearings and trials scheduled through October 31, 2020, will be postponed
- 21 and may be rescheduled to be held on or after November 1, 2020.
- If you have further questions about Small Claims cases, please call 503-588-5105.

22 **PROTECTIVE PROCEEDINGS:**

- 23 • Protective Order applications, motions, and renewals (Family Abuse Prevention Act,
- 24 Elderly Person and Persons with Disabilities Prevention Act, sexual Abuse Protection
- 25 Orders, Extreme Risk Protection Orders, and stalking orders) will be accepted at the
- 26 accounting window before 11:00 a.m. each day. Petitions filed after the deadline will be
- heard the following judicial day.
- Family Law Facilitators will be available to assist with forms.
- Hearings will be conducted by phone at 1:30 each judicial day by remote means. The
- applicant/petitioner will be called at the time of the hearing.

- 1 • Contested hearings will be scheduled and parties will be sent notice with the date, time, and call-in information for the hearing by remote means.
- 2 • The court will continue to conduct in-custody violation of restraining orders (VRO) hearings in-person or by remote means.
- 3 • Civil commitment hearings will be held by remote means.
- 4 • If you have further questions about Protective Proceedings, please call 503-373-4349.

5 **JUVENILE:**

- 6 • Presiding Judge Order 20-09(A) addresses matters that will be heard by the Marion County Juvenile Court including the downtown juvenile judges.
- 7 • If you have further questions about Juvenile matters, please call 503-566-2974.

8 **SPECIALTY COURTS:**

- 9 • Marion County Specialty Court proceedings are necessary for the health and wellbeing of the participants and for the safety of the community. Therefore, the following specialty courts will continue to operate by remote means or in person if approved by the PJ:
 - 10 ○ Adult Drug Court
 - 11 ○ Veterans Court
 - 12 ○ Mental Health Court
 - 13 ○ Fostering Attachment Treatment Court (FATC)
 - 14 ○ STAR Court
- 15 • If you have further questions about Adult Drug Court, Veterans Court, or Mental Health Court, please call 503-584-7741.
- 16 • If you have further questions about FATC or STAR Court, please call 503-584-4831.

17 **PROBATE:**

- 18 • Probate Staff are available during business hours at the accounting window.
- 19 • Temporary guardianships and temporary conservatorships will be heard in-person or by remote means if scheduled through the Probate Department.
- 20 • All hearings on motions may proceed by remote means.
- 21 • If you have further questions about Probate matters, please call 503-588-5141.

22 **RECORDS:**

- 23 • The Records Department is closed for in-person matters. To request copies online please see our online request form and instructions pleas at the following link:
<https://www.courts.oregon.gov/courts/marion/records/Pages/file-copies.aspx>

24 **TRAFFIC:**

- 25 • The Traffic Department is closed for in-person matters. Traffic trials through October 31, 2020 will be rescheduled to be held on or after November 1, 2020.
- 26 • Traffic first appearances will not be able to occur in-person. Defendants will not be penalized for failing to appear in-person or otherwise failing to respond to citations during this period; citations appearance deadlines will be extended to beyond October 31, 2020.
- The court has ceased imposing penalties for failing to appear or pay for traffic citations or failing to comply with court-ordered classes during this period.

- Individuals can continue to make payments online at <https://www.courts.oregon.gov/services/online/Pages/epay.aspx>
- If you have further questions about Traffic cases, please call 503-588-8489.

OTHER COURT PROCEEDINGS:

- All other court proceedings not addressed above shall proceed **if approved** by the Presiding Judge. The Presiding judge will determine the mode of the hearing.

PUBLIC ACCESS:

- Open courtrooms – Currently, all proceedings are being held in open courtrooms within the courthouse. Even if the hearing is by remote means, the hearing is on the record in open court. Information about where a particular hearing or trial can be observed or heard is available at the Accounting Window or by calling 503-588-5105.
- Remote access – If a trial or hearing can be accessed remotely, that information will be available on our web-site or by calling 503-588-5105

PAYMENTS/COLLECTIONS:

- The Accounting Department is open.
- We are accepting payments at the accounting window and on-line.
- Oregon Judicial Department is not referring any new cases to collections at this time.
- Oregon Judicial Department asked debt collectors for delinquent accounts to discontinue any new garnishment actions and provide grace periods and leniency to debtors.
- Individuals can continue to make payments online at <https://www.courts.oregon.gov/services/online/Pages/epay.aspx>
- Payments can also be made by calling 1-888-564-2828. This line is for payments only.
- If you have further questions about payments/collections, please call 503-588-5601.

Dated this 31st day of July 2020



Circuit Court Judge Tracy A. Prall