

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

4 In the Matter of)
5) 20MARPJO No. 20-18
6 Marion County Circuit Court)
7) PRESIDING JUDGE ORDER
8) **ADOPTING CJO 20-047**
9) **IMPLEMENTING PROVISIONS**
10)
11)

12 I HEREBY FIND THAT:

- 13 1. On November 13, 2020, the Governor announces a statewide “Freeze” that imposes
14 additional restrictions on Oregonians.
15 2. On November 17, the Governor issued Executive Order 20-65 implementing the
16 “Temporary Freeze.”
17 3. On November 18, 2020, Chief Justice Walters issued Chief Justice Order 20-047
18 Imposing restrictions on court operations during the statewide “Freeze.”

19 IT IS HEREBY ORDERED the Marion County Circuit Court adopts the provisions of
20 CJO 20-047 issued November 18, 2020, and implements them as follows:

- 21 1. Remote Means:
22 The Marion County Circuit Court will continue to conduct remote proceedings as
23 allowed under PJO 20-14 and PJO 20-15. Such proceedings will be conducted entirely
24 by remote means.
25 2. In-Person Proceedings:
26 a. The Marion County Circuit Court will not conduct proceedings that require an in-
person appearance by any person other than judges or court staff, except for those
proceedings described in this paragraph and paragraph 3. Even when in-person
appearance is permitted by this order, the Marion County Circuit Court will hold
the described proceedings entirely by remote means if reasonably feasible and
permitted by law, including any Presiding Judge or Chief Justice Order.
b. If a proceeding may be held in-person under CJO 20-047 but is it not specifically
described in this paragraph or paragraph 3, then a party must file a Motion for In-
Person Hearing with the Presiding Judge (for a downtown or annex proceeding)

1 or the Presiding Juvenile Court Judge (for a juvenile court proceeding) if they
2 wish to proceed in-person.

3 b. Trials in criminal cases that will be held in-person:

4 (1) Trials for criminal defendants who are subject to ORS 135.746, ORS
5 136.290, or ORS 136.295, or who have constitutional rights to a speedy
6 trial, where the defendant's statutory or constitutional rights have not been
voluntarily waived, including for defendants who have opted for bench
trials; and

7 (2) Other jury trials in criminal cases, but only pursuant to paragraph 3.

8 c. Other proceedings that may be held in-person:

9 (1) Juvenile delinquency adjudications; and

10 (2) Category 1 and Category 2 essential proceedings set out below.

11 3. The Presiding Judge has discretion to permit an in-person appearance in a particular trial
12 or proceeding not described in subparagraph 2.b. or 2.c. upon a determination, after
13 consulting with the parties and other affected persons, that the trial or proceeding cannot
14 feasibly be held entirely by remote means, that it is important that the trial or proceeding
15 not be postponed, that the trial or proceeding can be held without significant risk to
16 health, and that the requirements set out in paragraph 4 can be met. A party must file a
Motion for In-Person Hearing with the Presiding Judge (for a downtown or annex
proceeding) or the Presiding Juvenile Court Judge (for a juvenile court proceeding) if
they wish to proceed in-person.

17 4. Any trial or proceeding that includes an in-person appearance must comply with all
18 requirements for courthouse proceedings set out in PJO 20-14, CJO 20-016 and CJO 210-
19 045, including compliance with social distancing requirements in the courtroom and
20 throughout all court-controlled areas of the courthouse, wearing protective face
coverings, vigilant cleaning, and any other reasonable precautions to protect the health of
all participants, including victims, interpreters, and court staff.

21 5. Oregon courts are required to be open to the public. This order does not preclude the
22 public from coming into a courthouse or a court facility, including to observe
proceedings. Additionally, the following departments are open for in-person assistance:

23 a. Accounting;

24 b. Probate; and

25 b. Family Law Facilitation will continue to be open for in-person appointments to
26 assist customers ONLY with the following:

- (1) Immediate danger motions;
- (2) Applications for orders of assistance to obtain custody of a child held in violation of a custody order;
- (3) Protective order applications, motions, and renewals (Family Abuse Prevention Act (ORS 107.700-107.735), Elderly Persons and Persons with Disabilities Abuse Prevention Act (ORS chapter 124), Sexual Abuse Protection Orders (ORS 163.760-163.777), Extreme Risk Protection Orders (ORS 166.525-166.543), Emergency Protection Orders (ORS 133.035), and stalking orders (ORS 30.866; ORS 163.744)); and
- (4) Contested protective orders, including exceptional circumstances hearings.

6. Definitions

As used in this order:

- a. “Remote means” means making a court appearance or conducting a trial, proceeding, hearing, or other gathering by telephone, video, other two-way electronic communication device, or simultaneous electronic transmission, including from a location that is in the courthouse, but outside the courtroom. “Entirely by remote means” means that all participants except the judge and court staff are required to participate by remote means.
- b. “Social distancing” means the minimum amount of physical distance between each person. The distance shall be determined by the social distancing requirements specified in the applicable Executive Order issued by the Governor, Guidance issued pursuant to such an order, or Guidance from the Centers for Disease Control and Prevention. As of the date of this order, the distance is 6 feet between each person. When this order imposes social distancing requirements, members of the same household, and others if permitted by the Presiding Judge, are excepted from those requirements.

7. Categories of Proceedings

- a. Category 1 essential proceedings
 - (1) The following criminal proceedings, whether the defendant is in or out of custody, when allowed to proceed in-person under PJO 20-14 or PJO 20-15: arraignments, probable cause hearings, release hearings, probation violation hearings, plea hearings, sentencing hearings, aid-and-assist hearings, and any other hearing that will directly lead to the release of the defendant or the resolution of the case; and

1 (2) Grand jury proceedings or preliminary hearings for felony indictments.

2 b. Category 2 essential proceedings

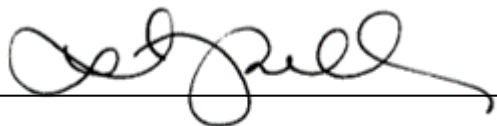
3 (1) Case management and docket hearings, whether or not the defendant is in
4 custody, when allowed to proceed in-person under PJO 20-14 or PJO 20-
5 15.

6 (2) Specialty Court proceedings at the discretion of the Specialty Court judge.

7 8. While this order is in effect, it supersedes any conflicting provisions of PJO 20-14 or PJO
8 20-15. Any provisions of PJO 20-14 or PJO 20-15 that do not conflict with this order
9 remain in effect.

10 9. This order becomes effective on November 19, 2020, and remains in effect through at
11 least December 4, 2020, but will not terminate until further Chief Justice Order.

12 Dated this 18th day of November 2020



13 **Circuit Court Judge Tracy A. Prall**