

In the Matter of Updating Directives)
Relating to Court Operations)
)
)

PRESIDING JUDGE ORDER 21-006

1. Whereas Governor Brown issued an emergency declaration related to the spread of the COVID-19 virus in Oregon most recently extended until December 31, 2021, pursuant to Executive Order 21-15. That order extended the COVID-19 state of emergency but otherwise rescinded earlier Executive Orders that had imposed statewide restrictions relating to protective face coverings, social distancing, capacity limits, and the county risk level framework. Executive Order 21-15 became effective June 30, 2021.
2. Whereas Chief Justice Walters has most recently issued Chief Justice Order (CJO) 21-025 that updates directives relating to court operations.
3. Whereas this court has previously issued Presiding Judge Orders (PJO) 20-008, 20-009, 20-010, 20-011, 20-012, 21-003 and 21-005 to regulate Josephine County court operations during the COVID-19 pandemic in conformance with Governor Brown's Executive Orders and Chief Justice Walters CJOs.
4. Whereas this PJO is designed to supersede all previous PJO's regarding Josephine County court operations during the COVID-19 pandemic.

IT IS HEREBY ORDERED as follows:

I. Social Distancing and Protective Face Coverings

A. Social distancing, generally

As a general matter, and unless provided otherwise in this paragraph, social distancing is no longer required and need not be maintained in any court facility.

B. Protective face coverings, generally

1. As a general matter, and unless provided otherwise in this paragraph, protective face coverings are no longer required in any court facility.
2. Protective face coverings must be worn by judges and staff when working in an adult jail or correctional facility, or in a youth detention or correctional facility.
3. Any individual, including judges, staff, participants in proceedings, or members of the public, may choose to wear a protective face covering while in a court facility. However, if an individual chooses to do so, a judge who is presiding over a proceeding may:
 - a. Require a juror to temporarily remove a protective face covering when the juror is answering a question during voir dire:

- b. Require that a witness remove a protective face covering when the witness is testifying; and
- c. Require any participant to temporarily remove a protective face covering to ensure that a particular communication is understood.

II. Mode of Proceedings

A. All Court proceedings and appearances will be conducted in-person, effective July 19, 2021, with the following exceptions:

1. Department of Justice Show Cause Hearings for Failure to Pay Child Support; and
2. Uncontested Juvenile Permanency Hearings.
3. Although the court proceedings referenced immediately above in paragraphs (II) (A)(1) & (2) will be considered remote proceedings, an attorney or party may choose to appear in-person.

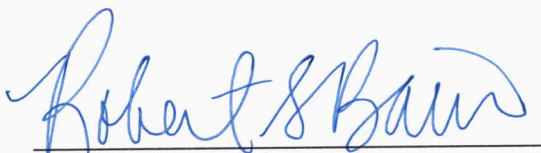
B. All Other Court Proceedings

1. A party or attorney for a party seeking to appear remotely for a proceeding other than those specified in paragraphs (II) (A) (1) & (2), must file a written motion with a supporting affidavit or declaration and proposed order. The supporting affidavit/declaration must include the following:
 - a. Facts sufficient to establish good cause for the need to appear remotely.
 - b. The position of the opposing attorney (or opposing party if self-represented).
 - c. These requests should be made as soon as practicable before the proceeding and must be served on opposing counsel or parties, as appropriate, to afford an opportunity to object. Late motions may be denied as untimely.
 - d. Definition: "to appear remotely" means to appear by video through Cisco WebEx.

III. All restrictions imposed in this order continue until further order, may be extended or amended by further order.

IV. This order supersedes PJO 21-005 (Court Operations in Response to COVID19).

DATED this 8th day of July 2021.



ROBERT S. BAIN
PRESIDING JUDGE