

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

CIRCUIT COURT  
FILED \_\_\_\_\_ RECEIVED \_\_\_\_\_  
APR 01 2021  
AT \_\_\_\_\_ O' CLOCK \_\_\_\_\_ M  
BY \_\_\_\_\_

In the Matter of )  
)  
) **PRESIDING JUDGE ORDER 21-02**  
) **(AMENDED)**  
Lincoln County Circuit Court ) ADOPTING CJO 21-009 AND  
) IMPLEMENTING PROVISIONS  
) REMAINING IN EFFECT DURING  
) COVID-19 STATE OF EMERGENCY  
) [3/15/21]

IT IS HEREBY ORDERED the Lincoln County Circuit Court fully adopts the provisions of CJO 21-009 issued March 11, 2021, and implements them as follows:

As a matter of protecting public health and trying to contain the spread of COVID-19, the Lincoln County Circuit Court is restricting operations to greatly reduce the number of people coming into the court facilities.

PJO 21-02 supersedes PJO 20-04 (as amended) and takes effect March 15, 2021 and remains in effect as long as the Governor's COVID-19 State of Emergency is in effect, social distancing is required, and until further order of the Chief Justice.

Per CJO 21-009 the following definitions apply:

- a. "In Person" means that a court schedules a proceeding to be conducted with the parties in person, in either the courtroom or an alternative physical location being used as a courtroom, or so notifies the parties, and so conducts the proceeding, even if the judge presiding in the proceeding permits one or more parties or participants to appear by remote means.
- b. "Remote means" means the use of telephone, video, other two-way electronic communication device, or simultaneous electronic transmission.
- c. "Remotely" means that a court schedules a proceeding to be conducted with the parties appear by remote means, or so notifies the parties, and so conducts the proceeding, even if the judge presiding in the proceeding permits one or more parties or participants to appear in person.

Commencing March 15, 2021, the following docket changes will be implemented:

## CRIMINAL

1. **Out-of-custody arraignments** will take place on Mondays at 8:30 a.m. in courtroom 305.
  1. To limit the number of people in the courtroom, only one Deputy District Attorney and the on-call defense attorney will be permitted to attend in person. All other attorneys will appear by phone unless permission is given by the assigned judge to appear in person.
  2. Defendants appearing for court will be given a slip by court staff prior to entering the courtroom to limit the number of individuals entering the courtroom. All persons appearing in court will be seated in marked seats.
  
2. The call-in information for all Monday appearances will also be posted on the Lincoln County Court's website by 9:00 a.m. each Friday. Attorneys will call in at the scheduled appearance time and stay on the line until their case(s) is/are called. Phones must be on mute until the case is called. If an attorney wishes to appear in person, the attorney must file a motion with the court the week prior to the scheduled court appearance stating the reason(s) for an in-person appearance.
  
3. **Status Hearings:** Attorneys handling **ERC, CRC** and **Trial Status** hearings **must** appear by phone as outlined in paragraph (2). The State and Defense may designate a single attorney to personally appear in court for status hearings. Defendants are required to appear in person in Court as scheduled, unless his/her appearance has been excused or permission has been granted by the assigned judge for a telephonic appearance.

Trial status hearings will take place in courtroom 305 unless otherwise designated by the assigned court.
  
4. The Sheriff's office is also implementing health-protective measures related to booking and to who is admitted into the jail. Book and releases following arraignments will occur as set forth on the May 22, 2020 Memorandum prepared by Lt. Jamie Russell, a copy of which is attached hereto and whose terms are incorporated herein by this reference.
  
5. **Trials**
  1. The Court will hold in-custody, out-of-custody, and bench trials as scheduled. All trials will be held in-person. Any request for a trial be held by remote means must be made at the time of the trial setting to the assigned judge and must be done by motion and affidavit, stating

- the position of the opposing party.
2. Only counsel, defendant, court security personnel, necessary court staff and those who have a constitutional right to be present in the courtroom may attend in person. Any person wishing to observe the trial may do so by remote means and a video link will be posted on the court's website during each trial. Any requests for relief from this provision must be made to the assigned judge 24-hours in advance of the trial. Primary consideration by the assigned judge will be whether space is available in the courtroom while maintaining social distancing requirements and whether appropriate distancing may be maintained between observers and jurors.
  3. Portions of voir dire and jury instructions will be conducted by remote means to maintain social distancing, however, each attorney will be afforded the opportunity to question jurors in-person.

#### **6. Motion Hearings**

1. Will proceed as scheduled in person or by remote means. The mode of the hearing will be designated at the time of the setting of the hearing by the assigned judge.

#### **7. Plea/Sentencing/Probation Violation Hearings**

1. All plea/sentencing/PV hearings will be conducted in person.

### **JUVENILE**

1. Juvenile Delinquency initial appearances, Juvenile Dependency review hearings, Juvenile Delinquency compliance reviews, and *Uncontested* Permanency Hearings:
  1. All attorneys, DHS and Juvenile Department representatives, and CASA may appear by phone without need request permission from the assigned judge.
2. Juvenile Dependency & Delinquency *Status Hearings*:
  1. All parties may appear by phone without need to request permission from the Court.
    - i. Parents, guardians and custodians in Juvenile Dependency cases, and youth in Juvenile Delinquency cases, must appear in person unless granted permission by the assigned judge to appear by phone. These requests may be made by e-mail to the assigned judge.

2. *Contested* permanency hearings, shelter hearings, motion hearings, adjudications, admission and disposition hearings, and termination of parental rights trials:
  - i. All parties and witnesses must appear in person unless granted permission by the assigned judge to appear remotely.
  - ii. All requests to appear by remote means must be made by motion and affidavit. Motions must state the positions of opposing parties.

3. COVID-19 Concerns:

Requests to continue any juvenile hearing due to COVID-19 concerns must be made by motion and affidavit, and state the positions of opposing parties.

4. EXHIBITS

Exhibits in juvenile dependency cases will be submitted conventionally, by paper-copy, to the court.

## **FAMILY LAW PROCEEDINGS**

1. Hearings on immediate danger motion or applications for orders of assistance to obtain custody of a child held in violation of a custody order will be held in person.
2. The Family Law facilitator will not be holding meetings, in person, with parties in domestic relations cases until further notice.
3. Ex-parte applications for FAPA, EPPDAPA, SAPO and Stalking will be heard each day as scheduled in courtroom 302. These hearings will be conducted by remote means unless permission to appear in person is granted by the assigned judge.
4. First appearances for Respondents in Stalking, Immediate Danger and Expedited Parenting Time Enforcement proceedings will be conducted by remote means unless permission to appear in person is granted by the assigned judge.
5. Contested hearings/trials will be conducted by remote means, but may be conducted in person upon request of a party and permitted by the assigned judge. Requests for an in-person proceeding must be made at the time of the trial setting. The assigned judge may permit a party or participant to appear by remote means even if one or more parties request an in-person trial.

## **CIVIL**

1. All general civil motion hearings will be conducted by remote means.

2. Civil jury trials will proceed as scheduled and will be conducted in person.
3. Civil bench trials will be conducted by remote means, but may be conducted in person upon request of a party and permitted by the assigned judge. Requests for an in-person bench trial must be made at the time of the trial setting. The assigned judge may permit a party or participant to appear by remote means even if one or more parties request an in-person trial.
4. No other persons besides counsel, parties, witnesses and necessary court staff are permitted in the courtroom during trial. Trials will be streamed by remote means for interested observers. Any requests for relief from this provision must be made to the assigned judge 24-hours in advance of the trial. Primary consideration by the assigned judge will be whether space is available in the courtroom while maintaining social distancing requirements and whether appropriate distancing may be maintained between observers and jurors.
5. All civil commitment proceedings shall proceed as scheduled and will be conducted in person.

#### **FED**

1. All FED appearances and trials are governed by CJO 21-009.
2. FED first appearances are conducted in person in order to allow parties the opportunity to engage in mediation at the time of the first appearance.

#### **PROBATE**

1. All hearings on motions will be conducted by remote means.
2. Temporary guardianships and temporary conservatorships will be heard in person unless a request is made to the assigned judge to appear by remote means.

#### **SMALL CLAIMS**

1. Small claims hearings and trials will be heard by remote means unless permission is granted by the assigned judge for an in-person appearance in advance of the scheduled hearing.

#### **TRAFFIC**

1. Traffic trials will be heard in person unless a request is made to appear to appear by remote means by any party or participant. Requests must be made at least one week prior to trial and may be made by e-mail to the assigned judge.

#### **SPECIALTY COURTS**

1. Lincoln County Specialty Court proceedings are necessary for the health and well-being of the participants and for the safety of the community. Therefore, Drug Court, Domestic


Violence Court, Mental Health and Wellness Court and HOPE Court will be conducted in person unless directed to appear by remote means by the assigned judge.

## COURT OPERATIONS

- a. Every person entering a court facility (including remote locations being utilized as a court facility to conduct court proceedings) must wear a facial covering as directed in CJO 20-045.
- b. If an attorney is ill, do NOT attend court in person. Please contact the assigned courtroom to receive instructions regarding scheduling.
- c. If a client reports being ill to an attorney, the attorney should ask the Court for a continuance of whatever kind of hearing is on the docket or request the person appear by remote means.
- d. No person experiencing symptoms of COVID-19 shall enter any court facility. If a person is ill, contact the assigned courtroom or call 541-265-4236 to advise of the illness and request a postponement of a court hearing or permission to appear by remote means.
- e. To the extent there exists any inconsistency between this Presiding Judge Order and Chief Justice Order 21-009, the latter shall control.
- f. Hours of court operation are from 8:00 a.m. to 12:00 p.m. and 1:00 p.m. to 5:00 p.m. Monday through Friday. Room 202 (Trial Court Administrator's Office) is open to the public from 8:00 a.m. to 12:00 p.m. and 1:00 p.m. to 4:00 p.m. Monday through Friday.
- g. In-custody arraignments will be heard at 1:15 p.m. daily. Arraignments on indictments will occur at 1:15 p.m. on Mondays during in-custody arraignments.
- h. Courtroom 305 will be utilized for arraignment court, trial status hearings, DV Court and other hearings as required to accommodate social distancing requirements.

IT IS FURTHER ORDERED that a copy of this Order shall be provided to the Chief Justice of the Supreme Court.

Dated this 31st day of March, 2021.

  
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Sheryl Bachart, Presiding Judge  
Lincoln County Circuit Court