

Verified Correct Copy of Original 5/28/2020

CIRCUIT COURT  
FILED \_\_\_\_\_ RECEIVED \_\_\_\_\_  
MAY 28 2020  
AT \_\_\_\_\_ O' CLOCK \_\_\_\_\_ M  
BY \_\_\_\_\_

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

In the matter of the Lincoln County )  
Courthouse and the COVID-19 Virus)

AMENDED  
PRESIDING JUDGE ORDER [May 28, 2020]

20-04

As a matter of protecting public health and trying to contain the spread of COVID-19, the Lincoln County Circuit Court is, effective 5/31/20, **rescinding** the Presiding Judge Order dated March 29, 2020 and promulgating this Order in its place.

Commencing June 1, 2020, the following docket changes will be implemented:

**A. CRIMINAL.**

1. **Out-of-custody arraignments** will resume at 8:30 a.m. on June 1, 2020. They will alternate between Judge Branford and Judge Bachart presiding. Arraignment court will be held in courtroom 305.
  - a. 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. Retained counsel must appear by phone, as well as an appointed attorney who is already assigned to the case [typically, this would occur following an FTA in that case].
2. The call-in information for all Monday appearances will also be posted on our website by 9:00 a.m. each Friday. Do not call the normal phone numbers; the notice will assign a conference call number to use. 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, DUII show-cause** hearings, and **Trial Status** hearings must appear by phone as outlined in paragraph (2). The State and Defense may each designate a single individual to personally appear in court for status hearings. Defendants are required to appear in-person in Court as scheduled or be personally present in their attorney's office at the date and time of the scheduled appearance. Except in cases in which a defendant's appearance has been excused by the Court, when a defendant is appearing by phone,

the Court will direct at least one question [nothing incriminating, but a question like asking their full name or place of birth] to the defendant. If the Defendant fails to answer the question, it will confirm that the Defendant is not present. [This is due to the ethical limitations on attorneys reporting an absence of contact with their clients.] Failure to appear in person in Court or by phone will result in an FTA warrant.

4. Trial status hearings, DUII show-cause hearings, D/V Court, arraignment Court, Juvenile Court hearings, and jury trials will take place in courtroom 305 unless otherwise designated by the assigned court.
5. 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.
6. Defense counsel shall submit a plea petition and any supportive letters or documents electronically. All of these submissions shall occur early enough so that the Court staff has time to route such information to the Judge prior to the hearing.
7. All in-custody arraignments will occur at 1:15 p.m. each day,
8. Arraignments on indictments for people in custody will occur on Mondays at 1:15 p.m. with the other in-custody arraignments.
- 9. Drug Court**
  - a. Drug Court proceedings are deemed necessary and will be conducted weekly.
  - b. Drug Court in-person appearances shall observe social distancing standards and appearances will be staggered and/or reduced to maintain these standards.
- 9. Hope Court**
  - a. Hope Court is deemed necessary, but will only be conducted in person for participants who are reported to have been non-compliant since the last HOPE Court session or who have been arrested on a detainer or who are subject to formal probation violation allegations. All other participants will be required to appear remotely. Social distancing will be enforced during these proceedings.

**10. Mental Health/Wellness Court**

- a. Wellness Court is deemed necessary and will be conducted in-person, observing social distancing standards.
- b. These proceedings will occur in courtroom #305.

**11. Domestic Violence Court**

- a. This Court is deemed necessary and will be conducted in-person, observing social distancing standards.
- b. These proceedings will occur in courtroom #305.

**B. JUVENILE COURT PROCEEDINGS.**

- a. Juvenile Delinquency initial appearances; Juvenile Dependency review hearings, Juvenile Delinquency compliance reviews, and **Uncontested Permanency Hearings:**
  - i. All attorneys, DHS and Juvenile Department representatives, and CASA may appear by phone without need request permission from the Court.
- b. Juvenile Dependency & Delinquency Status Hearings:
  - i. All parties may appear by phone without need to request permission from the Court.
  - ii. Parents, guardians and custodians in Juvenile Dependency cases, and youth in Juvenile Delinquency cases, must appear in person unless granted permission by the Court to appear by phone. These requests may be made by e-mail to the Court.
- c. **Contested** permanency hearings, shelter hearings, motions 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 Court to appear remotely.
  - ii. All requests to appear by remote means just be made by motion and affidavit. Motions must state the positions of opposing parties.
- d. 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.

**C. DOMESTIC RELATIONS/PROTECTIVE ORDERS.**

- a. Contested 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.
- b. The Family Law facilitator will not be holding meetings, in person, with parties in domestic relations cases until at least JULY 1, 2020.
- c. Ex-parte applications for FAPA, EPPDAPA, SAPO and Stalking will be heard each day as scheduled in courtroom 302. These hearings will be conducted remotely.
- d. First appearances for Respondents in Stalking, Immediate Danger and Expedited Parenting Time Enforcement proceedings will be conducted by remote means.
- e. Contested hearings/trials will be conducted in person.

**D. CIVIL.**

- a. All general civil motion hearings which do not require witness testimony will be conducted by remote means.
- b. All civil jury trials shall be postponed until after July 1, 2020.
- c. Civil bench trials may occur, but only in accordance with the priority assigned to those cases by the latest Chief Justice Order.
- d. All status and scheduling hearings will be conducted remotely, unless the assigned Judge were to order otherwise in an individual case.

**E. FED.**

- a. All FED appearances and trials are governed by CJO 20-016.

**F. COURT OPERATIONS.**

- a. Facial coverings are required of every person appearing in court. Witnesses will be requested to remove any facial covering during testimony.
- b. A person who refuses to wear a suitable facial covering into the courtroom, or to keep it on at all times once inside the courtroom, engages in contempt. Refusing to put on a suitable facial covering to enter the courtroom also renders a person vulnerable to prosecution for Failure to Appear in the First or Second Degree. A person who has a valid medical exception to wearing a suitable facial covering may be excused by the assigned Judge from compliance with section F.a. above.
- c. If an attorney is ill, do NOT attend court in person. Please contact the assigned courtroom to receive instructions regarding scheduling.
- d. 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.
- e. Judge Sheryl Bachart is hereby delegated to exercise any authority of the Presiding Judge under CJO 20-016.
- f. To the extent there exists any inconsistency between this Presiding Judge Order and Chief Justice Order 20-016, the latter shall control.

- g. 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.
- h. Courtroom 305 will be utilized for arraignment court, trial status hearings, DV Court, and DUII diversions.
- i. Jury trials will be heard in courtroom 305 to provide for social distancing.
- j. In-person filing of documents in Room 202 will be allowed as follows:  
Documents will be placed in the secure drop box located outside of Room 202. This box will be checked prior to 11:00 a.m. each day for filings for which immediate hearings are required. The box will be checked prior to 5:00 p.m. so any filings will be marked as received on the day in which they were placed in the drop box. Any other handling of documents received in the drop box will not be processed for 72 hours.
- k. Nondocumentary exhibits. All of these must be enclosed in a sealed clear plastic container.

**G. PROBATE.**

- a. Contested temporary guardianship and conservatorship hearings must be heard in person. All other probate filings will be processed without need for hearing.

**H. CIVIL COMMITMENT PROCEEDINGS.**

- a. Hearings will be conducted in person in courtroom 302 as scheduled by courtroom 302.

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

Dated this 28th day of May, 2020.



THOMAS O. BRANFORD  
Circuit Judge

cc: Chief Justice Walters  
Nancy Cozine  
Judge Bachart  
Judge Benjamin  
Judge Buckley  
Jonathan Cable  
Guy Greco  
Sheriff Landers  
Lt. Jamie Russell  
Wayne Belmont, County Counsel  
Alan Reynoldson  
Sally Bovett



**OFFICE OF THE SHERIFF**  
**Sheriff Curtis L. Landers**  
**JAIL DIVISION**  
251 W. Olive Street  
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## **M E M O R A N D U M**

**DATE:** May 22, 2020

**TO:** Jamie Russell, Lieutenant  
Jail Commander

**FROM:** Josh McDowall, Sergeant

**RE:** Proposed Book & Release Procedure

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Due to the public health concerns involving COVID-19, modifications to the book and release procedure are proposed. Our goal is to maximize public health by facilitating social distancing and increasing sanitation efforts while still accomplishing our tasks in an efficient manner.

➤ **Summary of changes**

- All visitors must wear a face covering and practice social distancing
- Arraignments to be conducted in 305
- A vacant courtroom will be utilized as a staging area for book & releases (post arraignment)
- Implement a book & release work station on the second floor near the TCA and Sheriff's Offices

➤ **Staff courthouse assignments**

- Deputy assigned to 3<sup>rd</sup> floor
- Deputy assigned to booking station
- Deputy assigned to fingerprint station
- Pretrial Specialist assigned to conditional release station

➤ **Book & Release procedure**

- All visitors reporting to the courthouse for arraignment will enter through the security checkpoint where they will receive a face covering (unless they have their own)

- Visitors will then proceed to the third floor where a deputy will be present to seat them in courtroom 305. Seating will be in accordance to social distancing standards
- As each visitor completes their arraignment, the third floor deputy will provide them with a book & release form, pen and clipboard. The visitor will be escorted to the vacant courtroom and seated in accordance to social distancing standards
  - Staff will sanitize the clipboard prior to issuing it to the next visitor
  - Visitors will take the pen down to the book & release station to complete the booking
  - Visitors can either keep the pen or discard it in the waste basket when finished
  - Prior to leaving the 3<sup>rd</sup> floor, ensure individual has completed necessary court appointed attorney paperwork (station to be set up outside 307)
- Each book & release will be called down to the 2<sup>nd</sup> floor booking station for processing
  - There will be three stations a minimum of six feet apart
  - Only one visitor will be at each station at a time
  - Each staff member will be responsible for sanitizing their work station before accepting the next visitor

### ➤ **Equipment**

- Booking station computer
- Fingerprint machine
- Printer
- Pretrial Computer
- Two desks
- Pens and clipboards
- Waste bin
- Sanitation supplies
- Gloves
- Camera

For consistency and effectiveness, a book & release team will be assembled. The team will consist of the same members weekly. Communication will be important to prevent congestion.