

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

IN THE MATTER OF RESTRICTION OF
COURT OPERATIONS: COVID-19

PURSUANT TO CHIEF JUSTICE ORDER
20-006 AMENDED.

PRESIDING JUDGE ORDER
No. 2020-03
61-01-04610

Whereas the conditions and impacts resulting from COVID-19 are changing rapidly. In accordance with Governor Kate Brown's emergency declaration, the current thinking of experts in public health, and Chief Justice Order 20-006, Amended,

I HEREBY ORDER that while CJO 20-006, Amended is in effect, the 2nd Judicial District, Lane County Circuit Court will comply with all provisions outlined in the order and;

I HEREBY ORDER:

1. Court Hours and Services

- A. The court's current public service hours to accept filings, take payments, and answer phones remain in effect and are as follows: Lane County Circuit Court shall be open from 8:00 a.m. to 5:00 p.m. for conducting the business of the court.
- B. The Court will continue the services of the Family Court Assistance office by remote means.
- C. All in-person services will be provided observing social distancing.
- D. All services that can be provided by alternative means such as web-based, video-conferencing and teleconferencing will be provided by those alternative means as available by law.
- E. Litigants and the public are encouraged to call the court at 541-682-4020 for information or to determine if a personal appearance is available or needed in their case.
- F. Litigants and the public are encouraged to use the court's online services available on the court's website <https://www.courts.oregon.gov/courts/lane/Pages/default.aspx> as follows:
 - a. Make payments:
<https://www.courts.oregon.gov/courts/lane/payments/Pages/default.aspx>

- b. Search for or request court records:
<https://www.courts.oregon.gov/courts/lane/records/Pages/default.aspx>
 - c. Use the courts fillable forms to complete court forms prior to filing:
<https://www.courts.oregon.gov/courts/lane/help/Pages/Forms.aspx>
 - d. Find out when to appear in court:
<https://www.courts.oregon.gov/services/online/Pages/records-calendars.aspx>
 - e. And find out information about court services during the COVID-19 pandemic.
- G. Individuals coming to the courthouse or court services at the juvenile justice center who exhibit symptoms associated with Covid-19 may be directed to leave by any judge or court manager. If so directed, the individual must leave the premises.

2. Jury Trials

- A. All jury trials other than jury trials for defendants who are in custody on criminal charges that provide them with a statutory or constitutional right to a speedy trial, which are scheduled prior to May 31, 2020 shall be rescheduled to a later date without motion by parties.
- B. Defendants who are in custody on criminal charges that provide them with a statutory or constitutional right to jury trial will not be postponed unless the Presiding Judge determines that a postponement will not violate a statutory or constitutional right.

3. Landlord Tenant Proceedings

- A. All first appearances under ORS 105.137(1) and (2) shall be postponed without the need for a motion. All parties who are required to appear on the date set by a summons shall be deemed to have appeared, and no answer shall be required at that time. All first appearance dates shall be set out to after May 31, 2020. Parties will be notified of the new date and all parties shall appear at the first appearance on the date set.
- B. All trials are set out to after May 31, 2020. Parties will be notified of the new date.

4. Traffic Violations

- A. Citing agencies are directed to cite defendants to appear on traffic violations at a minimum of 60 days in the future from the date of citation and no sooner than June 1, 2020.
- B. All trials are set out to after May 31, 2020. Parties will be notified of the new date.

5. **All Other Trials and Hearings** will be managed as set forth in the The Lane County Circuit Court Covid-19 Response Management Plan, which is incorporated herein by reference and is attached hereto. The plan sets out the response for management of cases by docket and case or hearing type. Where the management plan denotes delegation of the Presiding Judge's authority to other judges, it is so ordered. The management plan remains subject to change as technology can be feasibly implemented and will be posted on the Lane County Circuit Court website. Please check the website <https://www.courts.oregon.gov/courts/lane/Pages/default.aspx> regularly for updates.

6. **Remote Hearings.** In all instances where remote hearings are contemplated by the Lane County Circuit Court Covid-19 Response Management Plan:
 - a. In the pleadings, parties shall provide their phone number as well as the phone number of the other party if known to them.
 - b. Parties are required to remain available at the phone number provided to the Court beginning at the time of the hearing and continuing until notified by the Court that their matter has concluded.
 - c. Witnesses:
 - i. Parties are required to have any witnesses available by phone either with them or at a number that can be called by the Court at the time of the hearing.
 - ii. If the witness is not immediately accessible by phone, then the Court may not hear from that witness.
 - d. Exhibits:
 - i. If a party is represented by an attorney, exhibits shall be filed in accordance with CJO 20-006 Amended 7.
 - ii. If a party is not represented by an attorney, exhibits may be filed in accordance with CJO 20-006 Amended 7 or filed with the Court not later than 48 hours in advance of the hearing.
 - iii. Copies of exhibits must be served upon the other party not later than 48 hours in advance of the hearing.
 - iv. Failure to timely file and serve exhibits may result in the Court disregarding the exhibits or setting the matter over, for good cause, to allow the parties to receive and review exhibits.

7. **In Custody Criminal Proceedings.** In criminal proceedings, regardless of the Lane County Circuit Court Covid-19 Response Management Plan, the judge assigned to the proceeding has the authority to hear the matter remotely if the defendant is in custody and:
- a. The defendant is in medical isolation
 - b. The defendant is being held in quarantine
 - c. The defendant is being held in segregation
 - d. The defendant has a recent history of projecting bodily fluids at others.

8. Expectations of Attorneys

- A. Attorneys are expected to appear in-person for trials or hearings that are held in-person unless the attorney is excused, or if the Presiding Judge adopts a procedure that allows attorneys to appear remotely as reflected in the Lane County Circuit Court Covid-19 Response Management Plan. Attorneys are expected to assist the court with maintaining the health and safety of the courthouse. Attorneys shall maintain social distancing while in the courthouse.
- B. An attorney who has concerns about appearing in-person, or having their client appear in person due to illness or COVID-19 concerns should seek to be excused, request a postponement or request to appear remotely if feasible.
- C. An attorney seeking to appear remotely at a scheduled in person appearance due to concerns regarding COVID-19 must submit a motion with a supporting affidavit and proposed order.
 - a. The affidavit must include:
 - i. The specific reasons based on the particular situation as it relates to Covid-19, such as if there are persons involved that are high risk as defined in CJO 20-006 Amended 1.a.
 - ii. Whether their client has been notified of and consents to the attorney appearing remotely.
 - b. If the matter is a change of plea or sentencing in a criminal case and a defense attorney's request to appear remotely is allowed under this section, the defense attorney must arrange for another defense attorney to be present in person at the proceeding with the client.

9. Ancillary Proceedings

- A. Visitation for Wards of the Juvenile Court
 - a. In light of the current State of Emergency and consistent with the Governor's mandate, until May 31, 2020 or further order of the Presiding Judge, any order or

judgment of the Juvenile Department of the 2nd Judicial District ordering a specific schedule for in-person visitation is suspended. During the pendency of this order, the frequency and type of visitation for all children who are wards of the court and in the custody of the Department of Human Services-Child Welfare Division (DHS) will be at the discretion of DHS. DHS may continue or suspend in-person visitation as DHS deems necessary to maintain familial bonds and to protect the health and safety of children, parents, foster families and caseworkers.

- b. During the pendency of this order, DHS is ordered to provide alternative modes of contact between children, their parents and family. For any case where in-person visitation is suspended, DHS shall document efforts to provide alternative modes of contact. When in-person visitation is suspended, DHS shall provide notice to the court, the Department of Justice and to the attorneys of children and parents of both the suspension of in-person visits, the specific reason for the suspension of the visits and what efforts DHS has made to provide alternative modes of contact.
- c. A party may, by motion, request a hearing regarding the modification or suspension of in-person visitation. The court may set a telephonic hearing depending on the cause outlined in the motion and after balancing the health and safety of the community.

B. Closure of Placements holding Youth under the Jurisdiction of the Court (Delinquency)

- a. Any Youth under the jurisdiction of the Juvenile Department of the 2nd Judicial District under a delinquency petition, currently placed in a treatment program or closed custody pursuant to order or case plan may be moved to another program or placement without further hearing if the move is necessary due to a program closing or modifying placement due to COVID-19.
- b. The Lane County Division of Youth Services or Oregon Youth Authority shall submit a modified case plan with a cover letter or memo within three days of any move. The cover letter or memo must describe the former placement, the reason for the move, and the current placement. The cover letter or memo and the new case plan must be sent to the Court, the District Attorney and the Youth's attorney.
- c. A party may, by motion, request a hearing regarding the movement of a youth pursuant to this order. The court may set a telephonic hearing depending on the cause outlined in the motion and after balancing the health and safety of the community.

10. Lane County Circuit Court's Quarantine and Isolation Judge is: The Presiding Judge

11. Presiding Judge Authority

- A. I retain discretion to order that a particular trial, hearing, or other court operation will take place if, after consulting with the parties and other affected persons, I determine that there is a need for in-person court action, that social distancing can be required, and that the court can order other reasonable precautions to protect the health of the participants, including court staff.
- B. I hereby suspend the following Supplementary Local Rules to conform with this order and the CJO 20-006:
 - a. SLR 2.501(1)(a)-(c) and (e)-(g)
 - b. SLR 2.501(2)
 - c. SLR 2.501(4)
- C. In the event that I become unable to perform the duties of the presiding judge during these Level 3 restrictions, Judge Charles Zennaché shall have authority to act as presiding judge during my incapacity.

12. Effective Dates

These restrictions are in effect no later than the start of business on April 1, 2020 and will continue until otherwise ordered.

Dated this 1st day of April 2020,

Signed: 4/1/2020 04:45 PM



Debra K. Vogt **Debra K. Vogt, Circuit Court Judge**
Presiding Judge