

In the Matter of Processes Required)	CHIEF JUSTICE ORDER
Under Appellate Courts' Protocol)	No. 20-038
for COVID-19 Exposure or)	
Symptoms)	CHIEF JUDGE ORDER
)	No. 20-04
)	
)	Order Approving Processes Required
)	Under Appellate Courts' Protocol for
)	COVID-19 Exposure or Symptoms

On September 3, 2020, the Oregon Appellate Courts and the Oregon Tax Court adopted a Protocol for COVID-19 Exposure or Symptoms ("Protocol") (Attachment A). The Protocol governs the courts' response in the event of a potential exposure involving members of the public present in the courts' facilities and includes definitions and actions that the courts may take to mitigate the spread of COVID-19 and facilitate tracing in the event of exposure. In Paragraph C.1., the Protocol requires each court to develop several processes, as set out below.

We hereby ORDER as follows:

1. Definitions
 - a. "Court facility" means the area or parts of the following buildings being used for court operations:
 - (1) The Oregon Supreme Court Building, located at 2850 Broadway St NE, Salem, Oregon; and
 - (2) The Justice Building, located at 1162 Court Street, Salem, Oregon.
 - b. "Exposed person" has the meaning set out in Paragraph B.5. of the Protocol.
2. The on-duty trooper or marshal shall log the following information about any member of the public who physically enters the court facility: The date of entry; the person's name, and contact information; who the person is visiting or reason for the visit; location or floor of the visit (as applicable to the facility); time in; and time out.
3. Each court facility shall post signage in public areas informing members of the public that any person entering the court facility who is an exposed person must report the nature of the exposure or symptoms to the on-duty trooper or marshal.
4. Each court and the Appellate Court Services Division shall maintain a means of logging the daily on-site work attendance for any justice, judge, or OJD employee.

5. This order is effective immediately and applies for the duration of the COVID-19 state of emergency described in Chief Justice Order 20-016, or until otherwise revoked or modified.

DATED this 29th day of September, 2020

A handwritten signature in black ink, appearing to read 'MLW', followed by a horizontal line.

Martha L. Walters
Chief Justice

DATED this 29th day of September, 2020

A handwritten signature in black ink, appearing to read 'JCE', followed by a horizontal line.

James C. Egan
Chief Judge

ATTACHMENT A

Protocol for COVID-19 Exposure or Symptoms - Oregon Appellate Courts and Oregon Tax Court

Approved September 3, 2020

COVID 19 has required a heightened level of security and cleanliness in our court facilities. As a result, an appropriate response considering the nature of an exposure is required, as set out below.

A. Scope

This protocol applies to the Oregon Appellate Courts and the Oregon Tax Court, regarding potential exposure involving members of the public present in the court's facilities. Except as provided in paragraph C.4.d., HRSD-developed protocols otherwise apply regarding potential exposure, in those facilities, involving OJD staff, magistrates, and judges.

B. Definitions

1. "Contact" or "close association" means that any person was within six feet of an exposed person for at least 15 minutes, during the following timeframe: within two days before illness onset (or, for asymptomatic patients, two days prior to positive specimen collection) and continuing until the time when the infected person has been isolated.
2. "Contact tracing" means the identification, monitoring, and support of contacts who have been exposed to, and possibly infected with, COVID-19, following exposure to an exposed person.
3. "Court facility" means the area or parts of the following buildings being used for court operations:
 - a. Supreme Court: 2850 Broadway Street NE, Salem, or 1163 State Street, Salem
 - b. Court of Appeals: Justice Building, 1162 Court Street NE, Salem
 - c. Tax Court: Robertson Building, 1241 State Street, Salem
 - d. Any other alternative physical location being used for court operations, consistently with Chief Justice Order (CJO) 20-016, Paragraph 1.a.
4. "Excluding authority" means each person who, for each court, is authorized to exclude members of the public pursuant to this policy, as follows:
 - a. All three courts: OJD Chief Marshal
 - b. Supreme Court: (1) Appellate Court Services Director or Supervisor; (2) the Chief Justice; (3) the Appellate Legal Counsel; and (4) the Office Manager
 - c. Court of Appeals: (1) the Chief Judge; and (2) the Counsel in Charge

- d. Tax Court: (1) the Tax Court Judge; (2) the Tax Court Administrator; and (3) the Magistrate Division Lead Worker.
5. "Exposed person" means a person who has personally has had a positive test for COVID-19; has had primary symptoms consistent with COVID-19; or has had contact or close association with another person who, within the last 14 days, has tested positive for COVID-19 personally or been in contact or close association with someone else who tested positive for COVID-19 personally.

Primary symptoms include:

Primary:	Fever and chills	Cough	Shortness of breath or difficulty breathing
Other:	Fatigue Sore throat Diarrhea	Muscle or body aches Congestion or runny nose Nausea or vomiting	Headache New loss of taste or smell

C. Protocol

1. To facilitate contact tracing involving an exposed person by health authorities, each court shall develop a process for:
 - a. Logging the name and contact information for any member of the public who physically enters the court facility;
 - b. Asking each member of the public to confirm that he or she is not an exposed person; and
 - c. Logging the daily on-site work attendance for any justice, judge, magistrate, or OJD employee.
2. Pursuant to CJO 20-016, paragraph 9.d., "[i]f any person in or about to enter a courthouse exhibits symptoms associated with COVID-19, the [court] may direct the person to leave the courthouse."
3. If an exposed person enters a court facility, the excluding authority should immediately exclude the exposed person from the facility. Before leaving, the exposed person must provide the excluding authority with contact information.
4. If an exposed person is excluded from the court facility,
 - a. The excluding authority shall immediately notify the Chief Marshal and the persons listed below with the following information: The exposed person's name, physical description, and contact information; the reason for concern; and any other specific information (including locations visited) as needed to reasonably inform people of the potential exposure, including general actions taken:

- (1) Supreme Court: (a) the Appellate Court Services Director or Supervisor; (b) the Chief Justice; (c) the Appellate Legal Counsel; and (d) the Office Manager
 - (2) Court of Appeals: (a) the Chief Judge; and (b) the Counsel in Charge
 - (3) Tax Court: (a) the Tax Court Judge; (b) the Tax Court Administrator; and (c) the Magistrate Division Lead Worker
- b. The Chief Marshal or the Chief Marshal's designee shall immediately notify:
- (1) Marion County Public Health office, as needed;
 - (2) Other stakeholders as needed, as to notice of a potential exposure that meets CDC guidelines for contact and close association, together with notice of actions taken, as follows:
 - (a) Stakeholders may include:
 - i. Supreme Court: On-site OSP Trooper; janitorial services; any non-OJD attorney recently in the court facility; and any other visitor recently in the court facility for court business.
 - ii. Court of Appeals: On-site OSP Trooper; DAS; the Administrative Authority of any OJD court or division occupying the same building but not the same court facility; the Oregon Department of Justice; and any other visitor recently in the court facility for court business.
 - iii. Tax Court: Robertson Building management; the Administrative Authority of any OJD court or division occupying the same building but not the same court facility; the Oregon Department of Justice; and any other visitor recently in the court facility for court business.
 - (b) Information that may be shared with stakeholders is as follows:
 - i. The nature of the information that is the basis for the notice:
 - (i) A confirmed COVID-19 positive test;
 - (ii) A statement from the excluded person that that person, or a person to whom they have been exposed, has tested positive for COVID-19; or
 - (iii) A person showed primary symptoms of COVID-19, brought to the court's attention;
 - ii. Specific information as needed to reasonably inform people of potential exposure; and
 - iii. General actions taken, *e.g.*, the person was excluded from the court facility.

(c) Information that may not be shared with stakeholders is as follows:

- i. Names of individuals without their consent; and
 - ii. Personal health information.
- c. A person designated by the Chief Justice, Chief Judge, or Tax Court Judge shall notify the justices, judges, magistrates and all staff of the affected court, including Appellate Court Services employees, consistently with Paragraph C.4.b.(2)(b) and (c).
- d. The notification requirements described in this subparagraph apply when any member of the public is excluded from the court facility under paragraph C.3, and also if any on-site justice, judge, magistrate, or OJD employee has been exposed to COVID-19, as set out in HRSD guidelines.
5. If an exposed person has recently visited a court facility, the person shall notify the court about the exposure. If the court receives such information, then the court administrator shall facilitate the notifications described in Paragraph C.4., as appropriate.
6. Any area of a court facility that has been exposed to the excluded person will be cleaned immediately or closed off until it can be cleaned. If needed, a ticket will be submitted to the court facility's janitorial service, to request cleaning of any area exposed to the excluded person.