

IN THE SUPREME COURT OF THE STATE OF OREGON
IN THE COURT OF APPEALS OF THE STATE OF OREGON

In the Matter of the Adoption of)
Temporary Amendments to the) CHIEF JUSTICE ORDER
Oregon Rule of Appellate Procedure) No. 21-026
6.20 and the Adoption of Temporary)
Rules 6.30 and 6.35) CHIEF JUDGE ORDER
) No. 21-05
)
)
)
)

**ORDER ADOPTING TEMPORARY AMENDMENTS
TO OREGON RULE OF APPELLATE PROCEDURE 6.20
AND TEMPORARY RULES 6.30 AND 6.35**

Pursuant to ORAP 1.10(3), the Supreme Court and Court of Appeals may, from time to time, adopt temporary rules and temporary amendments to the Oregon Rules of Appellate Procedure.

By this order, the courts adopt temporary amendments to rule 6.20 and new temporary rules 6.30 and 6.35.

The amendments and text of the new temporary rules are shown on the attached pages. Deleted material is shown in ~~double-strikeout~~ print; added material is shown in double-underline print.

The amendments and temporary rules adopted by this order will become effective on August 1, 2021. They will expire on December 31, 2022, except as the courts may extend by additional temporary amendments prior to that time.

Dated this 15th day of July 2021.



Martha L. Walters
Chief Justice

Dated this 15th day of July, 2021.



James C. Egan
Chief Judge

Rule 6.20
ARGUMENT IN SALEM AND OTHER LOCATIONS

The Court of Appeals will set most cases for oral argument in Salem, but, pursuant to Chief Justice Order 19-053, dated September 17, 2019 ~~98-007, dated January 12, 1998~~, the court may set cases for oral argument in other locations throughout the state, which includes setting cases for oral argument by remote means. For purposes of this rule, "remote means" refers to an oral argument conducted by video conference with all parties and judges appearing remotely.

See [ORS 2.560\(1\)](#) and [ORS 1.085\(2\)](#).

Rule 6.30
SPECIAL RULES FOR ORAL ARGUMENTS:
MODE OF ARGUMENT AND ARGUMENTS CONDUCTED BY REMOTE MEANS

(1) For purposes of this rule.

(a) "In person" refers to an oral argument to be conducted with all parties appearing in person, in either a courtroom or an alternative physical location being used as a courtroom; and

(b) "Remote means" refers to an oral argument conducted by video conference with all parties and justices or judges appearing remotely.

(2) This subsection applies to proceedings in the Court of Appeals.

(a) Except for cases designated as expedited under ORAP 4.60 and ORAP 10.15, within 21 days after the filing of an answering brief, the parties may file a joint notice that they are amenable to oral argument by remote means. Unless the court directs otherwise, when a joint notice under this rule has been filed and a party files a timely request for oral argument under ORAP 6.05(2), the case will be scheduled for argument by remote means.

(b) Notwithstanding paragraph (a) of this subsection the court may direct that oral argument in a case or set of cases occur by remote means, which includes setting remote oral argument sessions in the ordinary course or directing that oral arguments occur remotely in response to inclement weather or other unforeseen circumstances. If the court directs that an oral argument occur by remote means, a party may request an in-person argument as follows:

(i) A party may move the court for an order that an oral argument should proceed in person. The motion must be filed at least 14 days before the scheduled date of the oral argument. The motion must state the scheduled date and time of the oral argument and explain the circumstances that support the request.

(ii) Any party may file a response to the motion. The response must be filed within seven days after the filing of the motion.

(iii) The court may, for good cause shown, shorten the time for filing a motion or response.

(c) If an argument scheduled to proceed by remote means cannot occur due to technical difficulties, the court will reset the argument for a later date.

(d) A live audio and video feed of oral arguments that are being conducted by remote means will be available in the principal location for the sitting of the Court of Appeals.¹ Seating in the courtroom at the principal location to view a live audio and video feed of oral arguments that are being conducted by remote means will be limited to the number of persons that is posted at the Marshal's Station at the building entrance.

(3) This subsection applies to proceedings in the Supreme Court.

(a) The court will ordinarily schedule oral argument to be conducted in person.

(b) (i) A party may file a motion requesting that an argument scheduled to be conducted in person be conducted by remote means. Such a motion must be filed at least 21 days before the scheduled date of the oral argument and must state the scheduled date and time of the oral argument and explain the circumstances that support the request.

(ii) Any party may file a response to the motion. The response must be filed within seven days after the filing of the motion.

(4) Except as otherwise provided in ORAP 8.35, electronic recording of an appellate oral argument being conducted by remote means is not permitted without express prior approval of the court. "Electronic recording" includes, but is not limited to, video recording, audio recording, live streaming, and still photography by cell phone, tablet, computer, camera, recorder, or any other means.

(5) Absent permission from the court or, in the Court of Appeals, the presiding judge of the panel to proceed otherwise, when appearing for an oral argument to be conducted by remote means, all attorneys and court officials must wear appropriate attire, remain on camera, and conduct themselves as if they were appearing in person in the courtroom.

¹ See Chief Justice Order 19-053 (providing that the principal location for the sitting of the Court of Appeals is currently 1162 Court Street NE, Salem, OR 97301) or any subsequent order of the Chief Justice that amends or supersedes that order.

Rule 6.35 **MOTIONS FOR WEBCASTING EXEMPTIONS**

(1) For purposes of this rule, "webcast" refers to the streaming of live broadcasts over the internet.¹

(2) A party or other interested person may move the court for an order that an oral argument not already exempt from webcasting should be exempt. The motion must be filed at least 14 days before the scheduled date of the oral argument and must state the scheduled date and time of the oral argument and explain the circumstances supporting the request for exemption.

(3) Any party or other interested person may file a response to the motion. The response must be filed within seven days after the filing of the motion.

(4) The court may, for good cause shown, shorten the time for filing a motion or response.

¹ See Chief Justice-Chief Judge Order 21-22/21-01 (Joint Order Approving Criteria and Procedures for Webcasting Oral Arguments, available at this link: <https://www.courts.oregon.gov/courts/appellate/media/Pages/webcasting.aspx>).