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Dear Members of the Oregon State Bar,

On October 28, 2020, I signed a new Chief Justice Order, CJO 20-045, that sets out updated face-covering requirements that apply in our courthouses and workplaces, across our department and throughout the state, beginning on November 1. You will see that, under the CJO, wearing a face covering is now the general rule – for judges, staff, and all who come to our courts – with only limited exceptions.

I do not anticipate that this CJO will require a change for you or your clients. As I understand the Presiding Judge Orders that have been issued in each court, those who appear in our courtrooms already have been required to wear protective face coverings, but I think it is important that practices be consistent throughout the state, and I want to highlight a couple of provisions in particular. First, the CJO defines “protective face covering” consistently with recommendations from the Centers for Disease Control and Prevention (CDC) and the Oregon Health Authority (OHA). Under the CJO, a face shield does not qualify as a “protective face covering.” Second, the CJO requires that all persons who enter or work in the courthouse wear protective face coverings at all times, with narrow exceptions. During a trial or proceeding in a courtroom, the judge who is presiding may make an exception to facilitate specific communication, such as communication by jurors or witnesses. When such exceptions are made, the CJO either permits or requires the use of other protective measures, such as face shields or additional distancing.

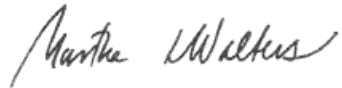
The decision to issue a new CJO was not an easy one. In thinking about whether it was necessary, I listened to requests for flexibility from Presiding Judges and Trial Court Administrators, particularly given the different circumstances that exist throughout our state. But, after consultation with our Chief Marshal regarding the ongoing spread of COVID-19 and the latest guidelines from the CDC and the OHA, and after further careful consideration, I am convinced that a CJO imposing best practices is what is needed to keep all of us, including our judges, staff, lawyers, case parties and participants, and the public, safe.

Over the last week we have seen some of the highest COVID-19 positive numbers in Oregon – 929 new cases were diagnosed last Friday and Saturday, and four of our counties are currently on the Governor’s watch list. CDC guidance indicates that the main way COVID-19 spreads is by respiratory droplets among people who are in close contact with each other. But new CDC guidance also shows that aerosol transmission can occur even when there is not close contact, particularly in indoor settings, over periods of time.

I know that wearing a face covering can be distracting and frustrating. But, I must ensure that we are taking all reasonable steps to protect those whose health could be at risk.

I have greatly appreciated the input, support, and work from Bar members across the state as we have adjusted our court operations to respond to the COVID-19 pandemic. Please continue to provide your comments and thoughts through cjofeedback@ojd.state.or.us. Let's keep working together to keep people safe and ensure access to justice across our state.

With gratitude,

A handwritten signature in cursive script that reads "Martha Walrus". The signature is written in black ink and is positioned below the text "With gratitude,".