

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

IN THE MATTER OF
COURT OPERATIONS
IN RESPNSE TO COVID-19

PRESIDING JUDGE ORDER
20-008

Whereas Governor Kate Brown has declared a public health emergency in response to the spread of the Coronavirus Disease 2019 (COVID-19);

Whereas Chief Justice Walters has suggested that local Judicial Districts take certain recommended precautions to reduce Oregonians' exposure to COVID-19 and to minimize the further spread of the disease;

Whereas public health officials are currently recommending that citizens try and keep a certain physical distance between themselves and others, a practice known as "social distancing," and this is especially true for our more vulnerable population of citizens, including those over the age of 60, those with underlying health-related conditions including heart disease, lung disease, diabetes, those with weakened immune systems and pregnant women; and

Whereas the Oregon Judicial Department is recommending that Judicial Districts limit the exposure of employees and the public and to consider the overall public safety of both groups;

Whereas in-custody defendants have a constitutional and statutory right to a speedy trial;

Therefore, in order to protect the public health and reduce the size of public gatherings within the Josephine County Courts, the following is ordered, **effective March 17, 2020**:

1. All civil and criminal Jury and Non-jury trials (excluding in-custody speedy trials under ORS 136.290), are continued pending further order of the court to a date not prior to March 27, 2020.
2. All hearings are continued to a date not prior to March 27, 2020, with the exception of the following:
 - a. In-custody arraignments;
 - b. Probable cause hearings;
 - c. Probation violation hearings;
 - d. Plea hearings;
 - e. Grand jury proceedings or preliminary hearings on felony indictments;

- f. Civil Commitment hearings;
 - g. Protective Custody Order hearings;
 - h. Shelter hearings;
 - i. Delinquency in-custody initial appearances;
 - j. 10-day review hearings and 28/56 day review hearings for in-custody youth;
 - k. Protective Order applications (FAPA, Elder/disabled/SAPO/ERPO/Stalking)
 - l. Contested Protective Order hearings;
 - m. Immediate Danger motions and hearings;
 - n. Temporary guardianship/conservatorship hearings;
 - o. Treatment court proceedings, as determined necessary by the Presiding Judge.
3. For all in-person court appearances, hearings and operations, the following precautions shall be observed: social distancing (at least 3 feet distance between all persons present) and court staff shall be vigilant in cleaning in accordance with OJD guidelines.
4. Expectation of Lawyers:
When in-person trials or hearings are held in accordance with this Order, attorneys are expected to appear in-person unless the attorney is excused, or the attorney has made arrangements to appear remotely or telephonically with the consent of the Court. Attorneys who have concerns about making in-person appearances due to COVID-19, should seek to be excused, should request a postponement and if appropriate, should take steps to help the client find substitute counsel.
5. Case-by-case exceptions to this Order may be made for matters by the Presiding Judge after consultation with counsel for the parties.
6. As circumstances surrounding this public emergency are changing rapidly, the court may amend, extend or rescind this Presiding Judge Order as necessary for the protection of the public and court staff.

IT IS SO ORDERED, effective March 17, 2020.

DATED this 16th day of March 2020.



ROBERT S. BAIN
Presiding Judge