

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

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CIRCUIT COURT OF OREGON
FOR LANE COUNTY

BY *EC*

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

PRESIDING JUDGE ORDER
No. 2020-02
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,

I HEREBY ORDER that while CJO 20-006 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. All in-person services will be provided observing social distancing.
- C. All services that can be provided by alternative means such as web-based, video-conferencing and teleconferencing shall be provided by those alternative means.
- D. 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.
- E. 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.

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 between March 16, and April 30, 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 court 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 1, 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 1, 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.
- B. All trials are set out to after May 1, 2020. Parties will be notified of the new date.

5. All Other Trials and Hearings

- A. All other trials and hearings will be postponed to a date after May 1, 2020, and the court will not schedule any in-person hearing or trials while CJO 20-006 is in effect except those described in section 4 of the Chief Justice Order. Matters that will be scheduled and heard are:
 - a. In-custody proceedings as follows:

- i. Arraignments
 - ii. Probable cause hearings
 - iii. Probation violation hearings
 - iv. Plea hearings and sentencing
- b. Grand jury proceedings or preliminary hearings for felony indictments
- c. Case scheduling or docket management hearings
- d. Civil commitment hearings
- e. In juvenile proceedings
 - i. Applications for a Protective Custody Order
 - ii. Shelter Hearings
 - iii. In-Custody Delinquency hearings. In-Custody Original Hearings and Detention Review Hearings will be conducted by telephone or videoconference.
 - iv. Situations where the Presiding Judge has determined that a postponement may violate a statutory or constitutional right:
 1. Uncontested Jurisdictional Hearings will be conducted by telephone.
 2. Uncontested Delinquency Fact-Findings will be conducted by telephone.
 3. Contested Delinquency Fact-Findings if a majority of the evidence can be offered remotely will be conducted by telephone.
 4. Permanency Hearings. If a party informs the court by motion that a constitutional right is implicated, the court may set a telephonic hearing depending on the cause outlined in the motion and balancing health and safety.
 5. Court Reviews Upon Request of a Party or the Court. The following proceedings will be conducted using alternative means such as telephone or letter:
 - a. Threat of harm.
 - b. Ward removed from foster care.
 - c. Ward available for adoption and no placement.
 - d. No placement for a ward.
 - e. Uncontested TPR trials.
 - v. Protective Order (FAPA, SAPA, Stalking) Hearings involving Juveniles will be conducted by telephone.

- f. In Family Case Proceedings:
 - i. Immediate Danger motions and hearings
 - ii. Motions for Order of Assistance
 - iii. Protective order applications and contested hearings
 - iv. In custody violation of protective order trials
- g. In Probate Cases: Temporary guardianship or conservatorship ex parte motions.
- h. Treatment court proceedings: Will not be held in-person as they can not be conducted observing social distancing in the limited confines of a courtroom. However, the treatment court team will continue to staff via telephone.
- i. Other circumstances where the Presiding Judge determines that a postponement or failure to schedule would violate a statutory or constitutional right.

6. Other Provisions

- A. The court will work with the Public Safety Coordinating Council and other stakeholder groups to explore system issues and help ensure the health of those who are incarcerated or coming to court.
- B. The court will explore alternatives to arrest and detention policies including cite-in-lieu of arrest where appropriate to keep jail populations to a minimum.
- C. Attorneys are expected to appear in-person for trials or hearings that are held in-person unless the attorney is excused, or the court adopts a procedure that allows attorneys to appear remotely. Attorneys are expected to assist the court with maintaining the health and safety of the courthouse. An attorney who has concerns about appearing in-person, or having their client appear in person due to illness or COVID-19 concern should seek to be excused, request a postponement, or remote appearance if feasible.

7. Presiding Judge Authority


- A. I retain discretion to order that a particular trial, hearing, or other court operation will take place if the assigned judge, after consulting with the parties and other affected persons, determines 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)

8. Effective Dates

These restrictions are in effect no later than the start of business on Thursday March 19, 2020 and will continue through March 27, 2020. They may be extended or amended by further order.

Dated this 20th day of March, 2020



Debra K. Vogt, Presiding Judge