

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

IN THE MATTER OF COURT
OPERATIONS: COVID-19

PURSUANT TO CHIEF JUSTICE
ORDER 21-009.

PRESIDING JUDGE ORDER

No. 2021-01
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 21-009.

I HEREBY ORDER that while CJO 21-009 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. The Court will continue the services of the Family Court Assistance office by remote means.
- C. All in-person services will be provided observing social distancing.
- D. All services that can be provided by alternative means such as web-based, video-conferencing and teleconferencing will be provided by those alternative means as available by law.
- E. 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.
- F. 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.
- G. Individuals coming to the courthouse or court services at the juvenile justice center who exhibit symptoms associated with Covid-19 may be directed to leave by any judge, court manager or deputy sheriff. If so directed, the individual must leave the premises.

2. All Trials, Hearings and Court proceedings will be managed as set forth in the the Lane County Circuit Court Covid-19 Operations Plan, which is incorporated herein by reference and is attached hereto. The plan sets out the operations response for management of cases by docket and case or hearing type. Where the operations plan denotes delegation of the Presiding Judge’s authority to other judges, it is so ordered. The operations plan remains subject to change as technology can be feasibly implemented and will be posted on the Lane County Circuit Court website. Please check the website <https://www.courts.oregon.gov/courts/lane/Pages/default.aspx> regularly for updates.

3. In Person Proceedings

- a. All in person proceedings conducted in the courthouse shall be conducted in compliance with the CJO 21-009, CJO 20-045, and PJO 2020-05 requirements for safety including social distancing and face coverings. Social distancing requirements shall be in effect in all courtrooms and throughout all the court-controlled areas of the courthouse as long as these orders remain in effect.
- b. All judges and court staff shall maintain vigilance about cleaning in accordance with OJD guidelines. During in person court proceedings, staff will be given strict guidelines about compliance with recommendations from the health department, including disinfecting objects and surfaces between each use.

4. Motions for a change in the mode of proceedings:

- a. Any party seeking to change a scheduled in person proceeding to a remote proceeding or a scheduled remote proceeding to an in person proceeding must file a motion with a supporting affidavit, and proposed order to the presiding judge for consideration.

- b. The supporting affidavit must include:
 - i. The reasoning and basis for the change in the mode of the proceeding, including statutes that may be implicated by the change and any statutory or constitutional rights that may be implicated by the change.
 - ii. The position of the opposing party.
- c. The presiding judge will rule upon a motion for a change in the mode of a scheduled proceeding based upon the provisions of CJO 21-009 and any applicable statute or constitutional provision.

5. Remote Hearings. In all instances where remote hearings, either via video conferencing or telephone, are contemplated by the Lane County Circuit Court Covid-19 Operations Plan:

- a. In the pleadings, parties shall provide their email address and phone number as well as the email address and phone number of the other party if known to them.

Parties are required to remain available at the phone number provided to the Court beginning at the time of the hearing and continuing until notified by the Court that their matter has concluded. If the court has determined that the remote hearing will be via video conferencing, parties shall log into the video conference via the email invitation sent either by court staff or their attorney at the time noted in the invitation.

- b. Witnesses:
 - i. Parties are required to have any witnesses available by phone either with them or at a number that can be called by the Court at the time of the hearing.
 - ii. If the witness is not immediately accessible by phone, then the Court may not hear from that witness.
- c. Exhibits:
 - i. If a party is represented by an attorney, exhibits shall be filed in accordance with CJO 21-009.
 - ii. If a party is not represented by an attorney, exhibits may be filed in accordance with CJO 21-009 or filed with the Court not later than 48 hours in advance of the hearing.
 - iii. Non-documentary exhibits, such as audio or video exhibits, are to be submitted to the court clerk's office no later than 48 hours prior to the hearing, proceeding or trial.
 - iv. Copies of **all** exhibits must be provided to the other party not later than 48 hours in advance of the hearing.
 - v. Failure to timely file and serve exhibits may result in the Court disregarding the

exhibits or setting the matter over, for good cause, to allow the parties to receive and review exhibits.

- d. The Oregon Judicial Department remote hearing manual contains many guidelines for remote hearings. Lane County Circuit Court is currently utilizing GoToMeetings for video proceedings and does not intend to live stream proceedings. Thus, many of the guidelines within the manual will not apply.

6. Expectations of Attorneys

- A. Attorneys are expected to appear in-person for trials or hearings that are held in-person unless the attorney is excused, or if the Presiding Judge adopts a procedure that allows attorneys to appear remotely as reflected in the Lane County Circuit Court Covid-19 Response Management Plan. Attorneys are expected to assist the court with maintaining the health and safety of the courthouse. Attorneys shall maintain social distancing while in the courthouse.
- B. An attorney who has concerns about appearing in-person, or having their client appear in person, due to illness or COVID-19 concerns should seek to be excused, request a postponement or request to appear remotely if feasible.
- C. An attorney seeking to appear remotely at a scheduled in person court appearance due to concerns regarding COVID-19 must submit a motion with a supporting affidavit and proposed order.
 - a. The affidavit must include:
 - i. Whether the attorney or a member of the attorney's household has a concern based upon confidentially protected health information that would preclude the attorney to safely appear in person at the particular proceeding. Specific confidentially protected health information should not be included in the motion or affidavit, as the documents are a public record.
 - ii. Whether their client has been notified of and consents to the attorney appearing remotely.
 - b. If the matter is a proceeding in a criminal case and a defense attorney's request to appear remotely is allowed under this section, the defense attorney must arrange for another defense attorney to be present in person at the proceeding with the client.

7. Lane County Circuit Court's Quarantine and Isolation Judge is: The Presiding Judge


8. Presiding Judge Authority, UTCR and SLR:

- A. Notwithstanding the Lane County Circuit Court Covid-19 Operations Plan, I retain discretion to order that a particular trial, hearing, or other court operation will take place in- person or by remote means on or after a certain date, after consulting with the parties and other affected persons, I determine that there is a need for the court action, that if it is in- person social distancing can be required, and that the court can order other reasonable precautions to protect the health of the participants, including court staff, and, whether in person or by remote means, that the court has sufficient staff to conduct the hearing.
- B. The Uniform Trial Court Rules remain in full force and effect unless limited expressly or by action of CJO 21-009 or this PJO. This includes UTCR 3.180(5), the provision prohibiting the recording of any court proceeding without the prior express permission of the court. These provisions apply to all court proceedings regardless of whether the proceeding is in person or remote.
- C. I hereby suspend the following Supplementary Local Rules to conform with this order and the CJO 21-009:
 - a. SLR 2.501(1)(a)-(c) and (e)-(g)
 - b. SLR 2.501(2)
 - c. SLR 2.501(4)
- D. In the event that I become unable to perform the duties of the presiding judge during these Level 2 restrictions, Judge Charles Zennaché shall have authority to act as presiding judge during my incapacity.

9. Effective Dates

The provisions of this order are in effect upon signature and will continue until otherwise ordered.

Dated this 12th Day of March, 2021



Debra K. Vogt, Presiding Judge

Lane County Circuit Court Covid-19 Operations Plan – Revised 3/12/2021 (changes highlighted)

Pursuant to Chief Justice Order 21-009 and PJO 2021-01, this plan restricts court proceedings and operations. This plan will be in operation indefinitely and will be updated by the Court as necessary.

To seek a change to the way the proceeding is to be conducted, parties shall follow the procedure in PJO 2021-01(4).

Proceeding	Case or Hearing Type	Operations Plan
35 Day Call	In custody	Remote hearings via video conferencing If defendant is released from custody, follow 35 Day Call Out of Custody process.
35 Day Call	Out of custody	Remote proceedings via video conferencing or telephone. Initial setting 60 days after date of arraignment. Commenced June 1, 2020, standard days and times: Defense to submit a written case management report form <u>by 5:00 p.m. on the day prior to the scheduled date:</u> <ol style="list-style-type: none"> 1) Report settled = set over to O/C COP and sentencing docket (remote GTM). 2) Report Settlement Conference needed = remote hearing on scheduled date (attorneys on GTM, defendant on phone with counsel or in person with counsel) 3) Report stipulated set over request = new date set by calendar 4) Report opposed set over request = appear on scheduled date (same as #2) 5) Report filed after 5pm on the day prior = appear on the scheduled date (same as #2)
Adoptions	All hearings (non-Serbu)	Remote hearings via video conferencing or telephone.
Arraignments	In custody Aid and Assist uncontested	Remote hearings via video conferencing; telephonic if defendant in quarantine, isolation, segregation

Proceeding	Case or Hearing Type	Operations Plan
Arraignments	Out of custody	<p>In person proceeding Commenced June 1, 2020 daily: Defendant in person (one defendant in the courtroom at a time, monitored masked and social distanced line in 3rd floor lobby).</p> <p>Counsel may appear by telephone or in person – for telephone appearance counsel MUST notify chambers of attorney and phone number by 3pm the day before.</p> <p>Procedure: 3 groups of 9 scheduled 30 minutes apart beginning at 8:30 a.m. PTS to schedule and verify those on RA. All others should endeavor to the verified prior to the date of arraignments. If not verified by that date, to be verified after the appearance – either via phone or in person at the direction of the judge presiding over the proceeding.</p> <p>8:30 Citation Appearances (9) 9:00 Release Agreement Appearances (9) 9:30 Letter Appearances. (9)</p> <p>35 day call will be set 60 days after the arraignment.</p> <p>No in person “add on” docket permitted. Such requests shall be in writing.</p>
Civil Commitments	All	Remote hearings when feasible – feasibility to be determined by the judge conducting the hearing.
Civil Oral Motions Monday Dkt	Oral Motion Hearings	<p>Remote hearings via video conferencing or telephone.</p> <p>UTCRRs requiring request for telephonic hearing are waived.</p>
Claim of Exemptions Garnishment Monday Dkt	Oral motions	<p>Remote hearings via video conferencing or telephone</p> <p>Commenced 6/15/20</p>
Criminal Motions	Second Look Hearings Habeas Corpus	<p>Remote hearings via video conferencing.</p> <p>See Exhibits CJO 21-009 and PJO 2021-01.</p>

Proceeding	Case or Hearing Type	Operations Plan
Criminal Motions	Oral Including Contested Expungements	Remote hearings via video conferencing or telephonic. Commenced 7/1/20; Hearings scheduled Wednesdays at 8:30 a.m.
Criminal Motions	In Custody and Out of custody Non-Oral Includes Uncontested Expungements	Court will rule on the pleadings in the normal course.
Criminal Petitions	Driver Rights Restoration Gun Rights Restoration Relief from Sex Offender Registration DNA Petitions	Remote hearings via video conferencing or telephonic. Commenced 7/1/20; Hearings scheduled Wednesdays at 8:30 a.m.
Domestic Relations Status Conferences	Tuesday status hearings – Family law cases	Remote hearings via telephone. Commenced 6/16/2020 Follow up hearings may be scheduled by the status conference judge and shall be remote. Follow up hearings may include ruling on contested case issues, taking settlements on the record and issuing judgments as needed.

Proceeding	Case or Hearing Type	Operations Plan
Ex parte	Immediate Danger Protective Order Dismissals Order of Assistance	Remote hearings The parties must provide the court with telephone numbers pre-hearing. Attorneys should eFile these proceedings. See Exhibits CJO 21-009 and PJO 2021-01.
Ex parte	All other family law ex parte matters (see above)	Take filings at counter or via eFiling. No attorney filings in person – only eFile. Pro se filings taken over counter to be forwarded to the FCAO workflow for review and notes for judge as necessary then to appropriate judicial workflow. Documents that are filed must be dealt with by the court and not returned to party. Attorney filings ex parte – via counter or eFiling. Send to appropriate judicial workflow.
Ex parte	Civil case matters Including adult name and sex change cases	Remote hearings if court determines a hearing is necessary. Attorneys should eFile. Self-represented litigants may eFile or file in person at the court clerk’s office. Court will rule on the pleadings in the normal course.
Identity Cases Change of Name and Sex	Minor name and sex change cases Adult cases (see ex parte above)	Remote hearings. To be set for hearing 30 days after the date of the notice at 8:30 a.m. each Thursday morning.
Juvenile	All proceedings	Remote hearings. See PJO 20-06 and juvenile court operation plan.

Proceeding	Case or Hearing Type	Operations Plan
Landlord Tenant (FED)	First appearance hearings Cases NOT subject to Eviction Moratorium	In person proceeding. Commenced sending summons 08/24/2020. Commenced proceedings 9/1/2020. Tuesday through Friday. No more than <u>two per day</u> before the judge assigned to the 8:30 a.m. landlord tenant docket. Trials are remote proceedings. Upon Answer filed by the defendant, the trial shall be scheduled 1 week from the date of the first appearance on the trial call docket. See Exhibits CJO 21-009 and PJO 2021-01.
Landlord Tenant (FED)	Trials	Remote proceedings. As of October 1, Landlord Tenant trial session – PJ to assign out from Trial Call docket. See Exhibits CJO 21-009 and PJO 2021-01.
Landlord Tenant (FED)	Hearings ORS 105.149 ORS 105.163(2)	Remote proceedings. To be heard by FED judge at 9:00 a.m. following first appearances. Not to be scheduled on the first appearance docket.
OSH/SB 24 Hearings	All	Remote hearings via video conferencing.
Presiding Judge Matters	All	To be eFiled. Presiding Judge to review on a case by case basis and schedule remote hearings as needed.
Probate Case Management	Temporary Guardianship or Conservatorship	Remote hearings.

Proceeding	Case or Hearing Type	Operations Plan
Probate Case Management	Other non-trial probate matters	<p>Remote hearings.</p> <p>Commenced June 1, 2020</p> <p>Remote hearings to be scheduled and heard by the probate judge in consultation with the presiding judge due to staffing.</p>
Probation Violations Monday Dkt	In custody	<p>Remote hearings via video conferencing.</p> <p>See Exhibits CJO 21-009 and PJO 2021-01.</p> <p>NOTE: If the defendant is released on a release agreement prior to PV hearing, Pretrial is to ensure that the date set for the PV hearing on or after 9/14/2020. If not, set a date on the release agreement 9/14/2020 or after. Copies are sent to DA and defense counsel. Pretrial to notify clerk's office to reschedule the hearing.</p>
Probation Violations Monday Dkt	Out of custody	<p>Remote hearings via video conferencing.</p> <p>Commenced September 14, 2020.</p> <p>See Exhibits CJO 21-009 and PJO 2021-01.</p>
Protective Orders (assigned at Trial Call)	New Applications	Remote hearings via telephone.
Quarantine and Isolation Proceedings	All hearings	<p>Remote hearings</p> <p>Scheduled on the Presiding Judge's calendar.</p>

Proceeding	Case or Hearing Type	Operations Plan
Release Hearings	In custody	Remote hearings Expedited hearings to be scheduled by the chief criminal judge.
Sentencing and COP	In custody	Remote hearings via video conferencing NOTE: If the defendant is released on a release agreement prior to the sentencing date, this appearance shall be cancelled. Pretrial to notify clerk's office to cancel. Parties may follow out of custody sentencing procedure to reschedule appearance.
Sentencing and COP	Out of custody	Remote hearings via video conferencing. Commenced 5/5/2020. Monday - Friday at 8:30 a.m. Tuesday at 1:30p.m. Set cases/defendants every 15 minutes. Defense to contact calendar clerk for scheduling. Defense responsible for arranging defendant's appearance in video conferencing.
Sentencing and COP (HARRIS HALL)	Out of custody	In Person – for defendants without technology access or cases not suitable for remote hearing Friday at 8:30 a.m. (6 defendants) and 10:00 a.m. (6 defendants). Defense to contact calendar clerk for scheduling.
Settlement Conferences All case types	Settlement Conferences	Remote hearings SLR 6.012 (2021) for scheduling

Proceeding	Case or Hearing Type	Operations Plan
<p>Show Cause</p> <p>Monday Dkt</p>	<p>All Proceedings</p>	<p>Remote hearings.</p> <p>See Exhibits CJO 21-009 and PJO 2021-01.</p> <p>Protective Order Hearings 9:00 a.m. Immediate Danger Hearings 9:00 a.m. DR Pre and Post Judgment Status Quo 9:00 a.m. DR Enforce Parenting Time 9:00 a.m. Domestic Relations Contempt 9:00 a.m. Support Enforcement 8:30 a.m. DA Contempt (VRO) 8:30 a.m. Debtor Exams 9:00 a.m. De Novo 1:30 p.m.</p> <p>The SLR 7.008 lengthy hearing requirement to contact the calendar clerk is suspended except for Protective Order Hearings and Immediate Danger Hearings more than 2 hours in length. All other lengthy hearings will be scheduled by the show cause docket judge.</p> <p>Note: Financial TSO matters determined on the pleadings in the normal course.</p>
<p>Small Claims</p> <p>Monday Dkt</p>	<p>Hearings and trials</p>	<p>Remote hearings and trials.</p> <p>Remote mediation commenced December 2020.</p> <p>Cases not settled in mediation to be scheduled for 9:00 a.m. two weeks out on Monday via remote proceeding. Parties failing to settle in mediation must provide email and telephone number to the mediator for their case to be scheduled for trial. Failure to provide contact information could result in a default begin entered against the party.</p> <p>Stipulated settlement documents may be filed and will be processed by the court.</p>

Proceeding	Case or Hearing Type	Operations Plan
Traffic	Traffic violation first appearances	<p>Violations Bureau will handle all in-person first appearances, except violations that are specifically excluded in the VB schedule, these violations will be routed to a judge for ruling.</p> <p>Can accept No Contest or Not Guilty pleas over the phone.</p> <p>People entering a No Contest Plea that want to provide an explanation to a judge can write a letter.</p> <p>People seeking payment options and/or to have their license suspension lifted should be directed to send the court a letter rather than appear in person. Those who show up voluntarily will be asked to write letters.</p> <p>Police agencies notified to encourage people to appear by telephone.</p>
Traffic	Violation trials	<p>Remote proceeding.</p> <p>Commenced 9/28/2020.</p> <p>Cases set for trial with complete affidavits received will be sent to a judge for ruling on the date scheduled for trial.</p> <p>Cases set for trial without complete affidavits will proceed remotely on the date set for trial.</p> <p>See Exhibits CJO 21-009 and PJO 2021-01.</p>
Treatment Court Dockets	All hearings	<p>Remote proceedings.</p> <p>Treatment Court Judge to schedule and conduct via remote hearing in consultation with the Presiding Judge.</p>
Trial Call	<p>Criminal Jury Trials</p> <p>Subject to: ORS 135.746, ORS 136.290, ORS 136.295, Constitutional Speedy Trial Provisions</p>	<p>In person.</p> <p>To be scheduled at the Presiding Judge’s discretion in compliance with the defendant’s statutory and constitutional rights.</p> <p>Jury trials are <u>required to be cancelled in advance</u>. No jury panels will be called in unless strictly authorized by the PJ after consultation with the parties and any preassigned judge.</p>

Proceeding	Case or Hearing Type	Operations Plan
Trial Call	Criminal and Civil jury trials	<p>In person.</p> <p>Cases for the following month to be reset at the direction of the presiding judge during the last week of each month if COVID restrictions not lifted. The presiding judge will leave cases on the docket if there is a possibility that staffing, technology and social distancing will allow them to proceed and will communicate with the parties as necessary.</p> <p>Party may make motion to PJ for hearing due to exceptional circumstance.</p> <p>Setting and postponing civil cases: If the court does not have a trial date available within the year required by UTCR 7.020(5), the calendar clerk is authorized to set dates with 18 months of filing.</p> <p>Jury trials are <u>required to be cancelled in advance</u>. No jury panels will be called in unless strictly authorized by the PJ after consultation with the parties and any preassigned judge.</p>
Trial Call	<p>Criminal Bench Trials</p> <p>Subject to: ORS 135.746, ORS 136.290, ORS 136.295, Constitutional Speedy Trial Provisions</p>	<p>Remote proceedings pursuant to CJO 21-009 if permitted by law.</p>
Trial Call	Family Law	<p>Remote proceedings via video conference.</p> <p>Commenced 8/1/2020.</p> <p>See Exhibits CJO 21-009 and PJO 2021-01.</p>

Proceeding	Case or Hearing Type	Operations Plan
Trial Call	Criminal and Civil Bench Trials (other than those noted above) Excepting 2.a. speedy trial cases	Remote proceedings if permitted by law. Exception requests for in-person proceedings shall be filed with the presiding judge at least 30 days prior to the scheduled trial date. The presiding judge will determine if the requirements of CJO 21-009 can be met.
Trial Call	Immediate Danger Hearings More than 2 hours.	Remote hearings via telephone. See Exhibits CJO 21-009 and PJO 2021-01.
Trial Call	Termination Trials	Remote proceedings pursuant to CJO 21-009 Leave on Trial Docket. Refer to Juvenile judge who will determine if case is settled or can otherwise be resolved remotely. If default, to be conducted remotely by judge assigned by presiding judge. Party may make motion to PJ for hearing due to exceptional circumstance.
Trial Call	Protective Order Cases New applications and hearings more than 2 hours	Remote hearings via telephone or via video conferencing.
Trial Call	Criminal Contested Fitness to Proceed Hearings	Remote hearings via telephone or via video conferencing.

Proceeding	Case or Hearing Type	Operations Plan
Trial Call	Diversion docket hearings	Remote hearings via video conferencing. No more than 8 defendants per Friday at 10:00 a.m. Commenced August 7, 2020. Diversion paperwork to be filed a minimum of two days prior to the hearing.
Waiver of No Contact	Criminal Non-Oral	Court will rule on the pleadings on the date scheduled