

1 IN THE CIRCUIT COURT OF STATE OF OREGON
2 FOR MARION COUNTY

3 In the Matter of)
4) 21MARPJO No. 21-06
5 Marion County Circuit Court)
6) PRESIDING JUDGE ORDER
7) **ADOPTING CJO 21-009 AND**
8) **IMPLEMENTING PROVISIONS**
9)
10)
11)

12 IT IS HEREBY ORDERED the Marion County Circuit Court fully adopts the provisions
13 of CJO 21-009¹ issued March 11, 2021, and implements them as follows:

14 Out of concern for public health and preventing the spread of COVID-19, the Marion
15 County Circuit Court is restricting operations to greatly reduce the number of people coming into
16 court facilities.

17 PJO 21-06 supersedes PJO 20-08, PJO 20-08(A), PJO 20-10, PJO20-10(A), PJO 20-14,
18 and PJO 20-18. PJO 21-06 ***takes effect April 1, 2021 and remains in effect until further Order***
19 ***of this court.*** If at any time the court determines additional restrictions are necessary, we will
20 notify the community and local bar by posting changes on the court’s website:
21 <https://www.courts.oregon.gov/marion>.

22 To ensure the safety of all court users, **every person entering a court facility (including**
23 **remote locations utilized as a court facility) must wear a facial covering as directed in CJO**
24 **20-045**. Any person seeking an exemption must request and obtain the exemption prior to
25 entering any court facility. To request an exemption or to determine if you qualify, please see our
26 website or call 503-588-5105.

No person experiencing any symptoms of COVID-19 shall enter any court facility
without approval from the Presiding Judge, Trial Court Administrator, or their designee.

Symptoms include:

- Fever or chills
- Cough
- Shortness of breath or difficulty breathing
- Fatigue
- Muscle or body aches
- Headache
- New loss of taste or smell
- Sore throat
- Congestion or runny nose

¹ The full text of CJO 21-009 can be found on our website at <https://www.courts.oregon.gov/marion>.

- Nausea or vomiting
- Diarrhea

If you are experiencing any symptoms of COVID-19 please *stay home* and contact the court at 503-588-5632 or the lawyer requesting your appearance for further instructions.

No person who has knowingly been exposed (more than 15 minutes of close contact with or without a facial covering) to another person who:

- Is experiencing any symptoms of COVID-19,
- Has received a positive test result for COVID-19 within the last 14 days, or
- Is awaiting the results of a COVID-19 test

shall enter any court facility without approval from the Presiding Judge, Trial Court Administrator, or their designee. If you have been exposed, please *stay home* and contact the court at 503-588-5632 or the lawyer requesting your appearance for further instructions.

No person who has traveled outside the state of Oregon within the last 10 days or who has hosted a person in their home who has traveled from outside the state of Oregon within the last 10 days shall enter any court facility without approval from the Presiding Judge, Trial Court Administrator, or their designee. If you have traveled out of the state of Oregon within the last 10 days or have hosted a person in your home who has traveled from outside the state of Oregon within the last 10 days, please *stay home* and contact the court at 503-588-5632 or the lawyer requesting your appearance for further instructions.

Below, please find department specific information including online resources and contact information:

JURY DUTY:

- Some matters requiring jurors, including a small number of trials and grand juries, have been deemed to be essential matters that must continue to occur even while restrictions are in place. We are working to keep the Courthouse a safe place for jurors, staff, and visitors.
- If you have been summoned for **Jury Duty**, please call the number on your juror summons after 5:00 p.m. the day before you are summoned to report to find out if you need to appear for service. If you are in a “high risk” group as defined by the CDC (<https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/people-at-higher-risk.html>) or are currently experiencing symptoms of COVID-19, which include:
 - Fever or chills
 - Cough
 - Shortness of breath or difficulty breathing
 - Fatigue
 - Muscle or body aches
 - Headache
 - New loss of taste or smell
 - Sore throat
 - Congestion or runny nose
 - Nausea or vomiting
 - Diarrhea

1 please ***stay home*** and contact the jury office at MAR.Jury@ojd.state.or.us, the preferred
2 contact method, or by telephone at 503-588-5371.

- 3 • If you have further questions about jury duty, please check our web site at:
4 <https://www.courts.oregon.gov/courts/marion/jury/Pages/jury-schedule.aspx>

5 **GRAND JURY:**

- 6 • If you have been summoned for **Grand Jury**, please report as instructed. If you are in a
7 “high risk” group as defined by the CDC ([https://www.cdc.gov/coronavirus/2019-
8 ncov/need-extra-precautions/people-at-higher-risk.html](https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/people-at-higher-risk.html)) or are currently experiencing
9 symptoms of COVID-19, which include:

- 10 ○ Fever or chills
- 11 ○ Cough
- 12 ○ Shortness of breath or difficulty breathing
- 13 ○ Fatigue
- 14 ○ Muscle or body aches
- 15 ○ Headache
- 16 ○ New loss of taste or smell
- 17 ○ Sore throat
- 18 ○ Congestion or runny nose
- 19 ○ Nausea or vomiting
- 20 ○ Diarrhea

21 please ***stay home*** and contact the jury office at MAR.Jury@ojd.state.or.us, the preferred
22 contact method, or by telephone at 503-588-5371.

- 23 • Witnesses for Grand Jury shall testify by remote means if reasonably feasible.
- 24 • If you have further questions about jury duty, please check our web site at:
25 <https://www.courts.oregon.gov/courts/marion/jury/Pages/jury-schedule.aspx>

26 **CRIMINAL:**

- **Trials**

- The court will hold **in-custody jury and bench trials** (including trials on
contempt charges) as scheduled unless the Presiding Judge determines there is
good cause to postpone a particular trial. All in-custody trials will occur in-
person in the Courthouse with the assigned judge.
- **Out-of-custody jury and bench trials** scheduled for **one or two trial days:**
 - Currently scheduled April 1, 2021 – August 31, 2021, will be canceled
and the case will be scheduled for a mandatory settlement conference to be
held in-person June 7, 2021 – June 16, 2021 at The Grand Theatre
Ballroom. Following the settlement conference, out-of-custody jury trials
may be scheduled to proceed in-person at The Grand Theatre Ballroom
between July 26, 2021 and August 24, 2021.
- **Out-of-custody jury and bench trials** scheduled for **more than two trial days:**
 - Will proceed in the courthouse with the assigned judge as scheduled ***IF***
adequate court facilities are available and social distancing can be
maintained.
 - The Presiding Judge will determine if adequate facilities are
available at least one week before trial.

- 1 ➤ If the court does not have adequate facilities for all of the trials
2 scheduled, then the trials will proceed by case type (in-custody
3 over out-of-custody and criminal over civil) then by seniority
4 **UNLESS** there is some other factor a party wishes the Presiding
5 Judge to consider.
- 6 ➤ Court staff will consult the parties regarding final scheduling and
7 will advise the parties if a particular trial is allowed to proceed.
- 8 ○ All criminal trials scheduled under this section will occur in-person in the
9 Courthouse or at designated off-site court facilities.
- 10 ○ **Prior to pretrial and again the week before trial:**
- 11 ▪ Counsel for the defendant shall ask the defendant and every witness they
12 intend to call the “COVID-19 Questions” as listed on pages one and two
13 of this Order (**UNLESS** the defendant or witness is 14 days post final
14 vaccination with no symptoms) and shall immediately notify the court if
15 the defendant or any witness answers “yes” to any of the questions .
- 16 ▪ Counsel for the state shall ask every witness they intend to call the
17 “COVID-19 Questions” as listed on pages one and two of this Order
18 (**UNLESS** the defendant or witness is 14 days post final vaccination with
19 no symptoms) and shall immediately notify the court if any witness
20 answers “yes” to any of the questions.
- 21 ○ If the Governor has designated Marion County as in the “Extreme Risk Level”
22 category, and as long as the designation remains in effect, all out-of-custody jury
23 and bench trials will be postponed to a date on or after September 1, 2021.
- 24 ● **Status Conferences and Pretrial Hearings:**
- 25 ○ The court will continue to conduct status conferences and pretrial hearings as
26 scheduled on all criminal cases. Such proceedings shall be conducted by remote
means. Defense attorneys shall ensure that defendants sign a written
acknowledgement of the next court date and return the acknowledgement to the
court within 14 days.
- **Hearings**
- **In-custody**
- Including arraignments, probation violation hearings, pleas/sentencings,
probable cause hearings, release hearings, substitution hearings, and
motions will proceed as scheduled in-person or by remote means.
- In-custody hearings may be heard at the annex or in the Courthouse with
the assigned judge.
- **Out-of-custody**
- **Arraignments** for defendants *cited to appear* at the Criminal Court Annex
will occur in-person at the Criminal Court Annex as directed by the
citation. Out-of-custody arraignments for defendants *with a release*

1 *agreement to appear* at the Criminal Court Annex will occur by remote
2 means or in-person as directed by the release agreement.

- 3 ■ **Rule 7 hearing** will occur in-person or by remote means as directed by
4 the court.
- 5 ■ **Hearings on motions** currently set April 1, 2021 – August 31, 2021, shall
6 proceed as scheduled by remote means with the assigned judge.
- 7 ■ A party must file a Motion for In-Person Hearing with the Presiding Judge
8 if they wish for a hearing on a Motion to proceed in-person prior to
9 September 1, 2021. Such motions shall be filed at least 14 days prior to
10 the scheduled hearing date.
- 11 ■ **Change of plea/sentencing** shall be by remote means on the Change of
12 Plea Docket **UNLESS** one of issues listed below exist, then in-person
13 appearance will be allowed at the annex (if 30 minutes or less) or with the
14 assigned judge in the Courthouse:
 - 15 ➤ Interpreter needed.
 - 16 ➤ Prison time anticipated.
 - 17 ➤ Non-stipulated and **more than** 30 minutes needed (only with
18 assigned judge in the Courthouse).
 - 19 ➤ Multiple witness/victim statements.
 - 20 ➤ Defendant has significant developmental delays or MH issues.
 - 21 ➤ Security issues.
 - 22 ➤ Diversion entry.
 - 23 ➤ PV hearings where prison is sought as a sanction if revoked.
 - 24 ➤ Sentencing following trial with the trial judge.
 - 25 ➤ Sentencing following an in-person settlement with the settlement
26 judge or assigned judge if agreement was to “a range.”
 - Others as approved by the Presiding Judge.

● **Settlement Conferences**

- On **in-custody** criminal cases, may be scheduled and may proceed as previously
scheduled with the selected judge in-person (jail) or by remote means (DOC).
- On **out-of-custody** cases, may be scheduled and may proceed as previously
scheduled with the selected judge by remote means **UNLESS** the PJ approves the
matter to proceed in-person the week before the scheduled date. **No** Motion for
In-Person Hearing is necessary. Counsel will be advised by court staff if the
matter can proceed in-person.
- If you have questions about arraignments and other matters occurring at the Criminal
Court Annex, please call 503-588-8489.
- If you have further questions about trials at The Grand Theatre, the 4B Docket, or related
calendar, please call 503-588-5030.
- If you have further questions about criminal calendaring, please contact the assigned
judge’s office.

1 **CIVIL:**

2 • **Trials**

- 3 ○ All **civil jury and bench trials** scheduled on or after April 1, 2021 will proceed
4 with the assigned judge as scheduled ***IF*** adequate court facilities are available and
5 social distancing can be maintained.
6 ▪ The Presiding Judge will determine if adequate facilities are available at
7 least one week prior to the scheduled trial date.
8 ▪ If the court does not have adequate facilities for all of the trials scheduled,
9 then the trials will proceed by case type (in-custody over out-of-custody
10 and criminal over civil) then by seniority ***UNLESS*** there is some other
11 factor a party wishes the Presiding Judge to consider.
12 ▪ Court staff will consult the parties regarding final scheduling and will
13 advise the parties if a particular trial is allowed to proceed.
14 ○ All civil trials will occur in-person in the Courthouse or at designated off-site
15 court facilities.
16 ○ Counsel, parties, and witnesses shall appear in-person for trial ***EXCEPT***, absent
17 good cause, out-of-state witnesses shall appear remotely. If the assigned judge
18 finds good cause for an out-of-state witness to appear in-person, counsel calling
19 the witness must ensure the witness complies with court requirements regarding
20 out of state travel before the witness enters any court facility.
21 ○ **Prior to pretrial and again the week before trial**, counsel for each party shall
22 ask their client(s) and every witness they intend to call the “COVID-19
23 Questions” as listed on pages one and two of this Order (***UNLESS*** the client or
24 witness is 14 days post final vaccination with no symptoms) and shall
25 immediately notify the court if their client(s) or any witness answers “yes” to any
26 of the questions.
○ If the Governor has designated Marion County as in the “Extreme Risk Level”
category, and as long as the designation remains in effect, all civil jury and bench
trials will be postponed to a date on or after September 1, 2021.

18 • **Status Conferences and Pretrial Hearings**

- 19 ○ The court will continue to conduct status conferences and pretrial hearings. Such
20 proceedings shall be conducted by remote means.

21 • **Hearings on Civil Motions**

- 22 ○ Currently set on or April 1, 2021 shall **proceed as scheduled** with the assigned
23 judge by remote means.
24 ○ Hearings on new civil motions may be scheduled with the assigned judge to
25 proceed by remote means.
26 ○ Counsel and parties shall all appear by the same mode (i.e. all by phone or all by
video) unless the assigned judge directs otherwise.
○ A party must file a Motion for In-Person Hearing with the Presiding Judge if they
wish to for a civil hearing to proceed in-person. Such motions shall be filed at
least 14 days prior to the scheduled hearing date.

1 • **Settlement Conferences**

- 2 ○ May be scheduled and may proceed as previously scheduled with the selected
3 judge by remote means **UNLESS** the PJ approves the matter to proceed in-person
4 the week before the scheduled date. **No** Motion for In-Person Hearing is
5 necessary. Counsel will be advised by court staff if the matter can proceed in-
6 person.

- 7 • If you have further questions about civil calendaring, please contact the assigned judge's
8 office.

9 **CIVIL COMMITMENT PROCEEDINGS:**

- 10 • All civil commitment proceedings shall proceed as scheduled and shall be scheduled in
11 accordance with the court's regular scheduling procedures to be heard by remote means
12 on the Miscellaneous Docket.
13 • A party must file a Motion for In-Person Hearing with the Presiding Judge if they wish
14 for a civil commitment hearing to proceed in-person.
15 • If you have further questions about the Miscellaneous Docket, please call 503-588-5135

16 **FAMILY LAW PROCEEDINGS:**

- 17 • **Hearings on Petitions and Motions** (including but not limited to petitions for divorce,
18 custody, or support and motions to modify, for immediate danger orders, to enforce
19 parenting time, for status quo orders, or for temporary orders):
20 ○ Currently set on or after April 1, 2021 shall **proceed as scheduled** with the
21 assigned judge by remote means.
22 ○ Hearings on new motions may be scheduled with the assigned judge to proceed
23 by remote means.
24 ○ Counsel and parties shall all appear by the same mode (i.e. all by phone or all by
25 video) unless the assigned judge directs otherwise.
26 ○ A party must file a Motion for In-Person Hearing with the Presiding Judge if they
 wish for a hearing on a petition or motion to proceed in-person. Such motions
 shall be filed at least 14 days prior to the scheduled hearing date.
- 27 • **Motions for Immediate Danger Orders**
28 ○ Will be accepted at the accounting window Monday-Thursday before 11:00 and
29 Fridays before 2:00 p.m. Motions filed after the deadline will be heard the
30 following judicial day.
31 ○ Family Law Facilitators will be available to assist with forms.
32 ○ Hearings will be conducted remotely by phone on the day of the filing or the next
33 judicial day if the Motion is filed after the filing deadline. Court staff will contact
34 the filing party, and the opposing party if post-judgment, to set up the phone
35 hearing.
- 36 • **Status Conferences**
37 ○ The court will continue to conduct status conferences. Such proceedings shall be
38 conducted by remotely by phone.

1 • **Settlement Conferences**

- 2 ○ May be scheduled and may proceed as previously scheduled with the selected
3 judge by remote means **UNLESS** the PJ approves the matter to proceed in-person
4 the week before the scheduled date. **No** Motion for In-Person Hearing is
5 necessary. Counsel will be advised by court staff if the matter can proceed in-
6 person.

7 • **Mediation** (in child custody cases)

- 8 ○ May continue at the direction of the appointed mediator. Mediation shall be
9 conducted by remote means.

10 • **Support enforcement (SED)** matters will be conducted by remote means. Parties will
11 be sent a notice with the date, time, and call-in information for the hearing. The court
12 will make arrangements for in-custody respondents to appear by remote means.

13 • If you have further questions about general Family Law matters, please call 503-373-
14 4349.

15 • If you have further questions about domestic relations calendaring, please contact the
16 assigned judge's office.

17 **JUVENILE:**

- 18 • Presiding Judge Order 21-07 addresses matters that will be heard by the Marion County
19 Juvenile Court including the downtown juvenile judges.
20 • If you have further questions about Juvenile matters, please call 503-566-2974.

21 **LANDLORD TENANT:**

- 22 • Landlord Tenant first appearances and trials scheduled on or after April 1, 2021 may
23 proceed by remote means if adequate staffing and facilities are available.
24 ○ Notwithstanding ORS 105.135(2), a first appearance may be scheduled within 14
25 days after the next judicial day following payment of filing fees.
26 ○ Notwithstanding ORS 105.137(6), a trial may be scheduled within 30 days from the
date of first appearance
• A party must file a Motion for In-Person Hearing with the Presiding Judge if they wish
for a Landlord Tenant hearing to proceed in-person. Such motions shall be filed at least
seven (7) days prior to the scheduled hearing date.
• If you have further questions about Landlord Tenant matters, please call 503-588-5105.

27 **PROBATE:**

- 28 • Probate Staff are available during business hours. Please inquire at the Information or
29 Accounting Window.
30 • Temporary guardianships and temporary conservatorships will be heard in-person or by
31 remote means if scheduled through the Probate Department.
32 • All hearings on motions shall proceed by remote means.
33 • A party must file a Motion for In-Person Hearing with the Presiding Judge if they wish
34 for a probate hearing to proceed in-person.
35 • If you have further questions about Probate matters, please call 503-588-5141.

1 **PROTECTIVE PROCEEDINGS:**

- 2 • Protective Order applications, motions, and renewals (Family Abuse Prevention Act,
3 Elderly Person and Persons with Disabilities Prevention Act, Sexual Abuse Protection
4 Orders, Extreme Risk Protection Orders, and Stalking Orders) will be accepted at the
5 accounting window before 11:00 a.m. each day. Petitions filed after the deadline will be
6 heard the following judicial day.
7 • Family Law Facilitators will be available to assist with forms.
8 • Hearings will be conducted at 1:30 each judicial day by remote means. The
9 applicant/petitioner will be called at the time of the hearing.
10 • Contested hearings will be scheduled and parties will be sent notice with the date, time,
11 and call-in information for the hearing by remote means.
12 • The court will continue to conduct in-custody violation of restraining orders (VRO)
13 hearings in-person or by remote means.
14 • If you have further questions about Protective Proceedings, please call 503-373-4349.

15 **RECORDS:**

- 16 • The Records Department is closed for in-person matters. To request copies online please
17 see our online request form and instructions pleas at the following link:
18 <https://www.courts.oregon.gov/courts/marion/records/Pages/file-copies.aspx>

19 **SMALL CLAIMS:**

- 20 • **Small claims hearings and trials** scheduled on or after April 1, 2021 may proceed by
21 remote means if adequate staffing and facilities are available.
22 • If you have further questions about Small Claims cases, please call 503-588-5105.

23 **SPECIALTY COURTS:**

- 24 • Marion County Specialty Court proceedings are necessary for the health and wellbeing of
25 the participants and for the safety of the community. Therefore, the following specialty
26 courts will continue to operate by remote means UNLESS a specific hearing is allowed to
proceed in-person by the Presiding Judge:
○ Adult Drug Court
○ Veterans Court
○ Mental Health Court
○ Fostering Attachment Treatment Court (FATC)
○ STAR Court
• If you have further questions about Adult Drug Court, Veterans Court, or Mental Health
Court, please call 503-584-7741.
• If you have further questions about FATC or STAR Court, please call 503-584-4831.

27 **TRAFFIC:**

- 28 • **Traffic first appearances** are being handled by phone, online or by mail. **On or before**
29 the date you are directed to appear on your citation, you must enter a plea:
30 ○ If you wish to plea “Not Guilty” and have a trial:
31 ▪ Call 503-588-8489 option 6, or
32 ▪ Mail in your response requesting a trial.
33 ○ If you wish to resolve the case with a “No Contest” plea:

- Call 1-888-564-2828, or
- Enter your “No Contest” plea and make payments online at: <https://www.courts.oregon.gov/services/online/Pages/epay.aspx>, or
- Mail your payment to the address on your citation.
- **Traffic trials** may proceed by remote means if adequate staffing and facilities are available.
- If you have further questions about Traffic cases, please call 503-588-8489.

OTHER COURT PROCEEDINGS:

- All other court proceedings not addressed above may proceed **if approved** by the Presiding Judge. The Presiding judge will determine the mode of the hearing.

EXHIBITS:

- Attorneys shall submit **documentary exhibits** (documents, photos, charts) electronically through Oregon eCourt according to CJO 21-009 subsection 3(a)-(e). If you need to make other arrangements, please contact the assigned judge’s staff.
- Self-represented litigants may submit **documentary exhibits** by email to court staff. If you need to make other arrangements, please contact the assigned judge’s staff.
- **Non-documentary exhibits** (audio/video) shall be submitted as directed by the assigned judge.

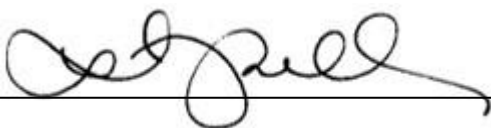
PUBLIC ACCESS:

- Open courtrooms – Currently, all proceedings are being held in open courtrooms within the Courthouse. Even if the hearing is by remote means, the hearing is on the record in open court. Information about where a particular hearing or trial can be observed or heard is available at the Information Window or by calling 503-588-5105.
- Remote access – If a trial or hearing can be accessed remotely, that information will be available on our website or by calling 503-588-5105

PAYMENTS/COLLECTIONS:

- The Accounting Department is open.
- We are accepting payments at the accounting window and online.
- Oregon Judicial Department is not referring any new cases to collections at this time.
- Oregon Judicial Department asked debt collectors for delinquent accounts to discontinue any new garnishment actions and provide grace periods and leniency to debtors.
- Individuals can continue to make payments online at <https://www.courts.oregon.gov/services/online/Pages/epay.aspx>
- Payments can also be made by calling 1-888-564-2828. This line is for payments only.
- If you have further questions about payments/collections, please call 503-588-5601.

Dated this 23rd day of March 2021



Tracy A. Prall, Presiding Circuit Court Judge