

IN THE JUSTICE COURT OF THE STATE OF OREGON
FOR THE COUNTY OF WASHINGTON

COUNTY OF WASHINGTON)
) TEMPORARY ORDER 20.001
) IMPOSING IN-PERSON RESTRICTIONS
) ON COURT OPERATIONS DURING
) STATEWIDE "FREEZE"
)

This Temporary Order amends and supplements Washington County Justice Court Third Amended General Order 20.005 dated November 10, 2020.

I HEREBY FIND THAT:

1. As described in Oregon Judicial Department (OJD) Chief Justice Order (CJO) 20-016 and CJO 20-045, Governor Kate Brown has declared a state of emergency and has signed a series of executive orders because of the threat that the COVID-19 coronavirus posed to public health and safety (hereafter, "COVID-19 state of emergency"). The Oregon Health Authority has issued Guidance pursuant to those orders that sets out other requirements pertaining to the COVID-19 state of emergency.
2. On March 27, 2020, OJD issued Amended CJO 20-006, which imposed amended Level 3 restrictions on operations due to the COVID-19 state of emergency and the spread of the virus. On May 15, 2020, OJD issued CJO 20-016, which imposed updated Level 3 restrictions, as well as Level 2 restrictions, on court operations. The Washington County Justice Court issued similar orders in alignment with the orders from OJD, Governor Brown and the Oregon Health Authority.
3. On October 28, 2020, OJD issued Chief Justice Order 20-045, which requires the wearing of protective face coverings in court facilities, with only limited exceptions, and the Washington County Justice Court followed suit.
4. On November 17, 2020, the Governor issued Executive Order 20-065, which imposes a statewide "freeze" with additional restrictions on Oregonians, beginning November 18, 2020, and continuing through at least December 2, 2020.

I HEREBY ORDER, pursuant to the foregoing authorities and considerations, that the following in-person restrictions on operations take effect on November 19, 2020, and remain in effect as set out in this order:

1. Remote Means
The Washington County Justice Court may conduct any legal proceedings as long as it does so entirely by remote means and as long as remote means are permitted by law.
2. In-Person Proceedings
 - a) The Washington County Justice Court may not conduct proceedings that permit or require an in-person appearance by any person other than judges or court staff, except for those proceedings described in this paragraph and paragraph 3. Even when in-person appearance is permitted by this order, the court is encouraged to hold the described proceedings entirely by remote means if reasonably feasible and permitted by law.
 - b) Trials in criminal actions that may be held in person
 - (1) Trials for defendants who have constitutional rights to a speedy trial, where the defendant's statutory or constitutional rights have not been waived, including for defendants who have opted for bench trials; and
 - (2) Other jury trials in criminal actions, but only pursuant to paragraph 3.
 - c) Category 1 and Category 2 proceedings, as defined in paragraph 7.
3. A Presiding Judge has discretion, on a case-by-case basis, to permit any in-person appearance in any particular trial or proceeding not described in subparagraph 2.b. or 2.c. upon a determination, after consulting with the parties and other affected persons, that the trial or proceeding cannot feasibly be held entirely by remote means, that it is important that the trial or proceeding not be postponed, that the trial or proceeding can be held without significant risk to health, and that the requirements set out in paragraph 4 can be met.
4. Any trial or proceeding that includes an in-person appearance must comply with all requirements for courthouse proceedings set out in Washington County Justice Court General Order 20.005 (Third Amended) including compliance with social distancing requirements in the courtroom and throughout all court-controlled areas of the courthouse, wearing protective face coverings, vigilant cleaning, and any other reasonable precautions to protect the health of all participants, including victims, interpreters, and court staff.
5. Oregon courts are required to be open to the public. This order does not preclude the public from observing court proceedings.

6. Definitions

As used in this order:

- a. "Remote means" means making a court appearance or conducting a trial, proceeding, hearing, or other gathering by telephone, video, other two-way electronic communication device, or simultaneous electronic transmission, including from a location that is in the courthouse, but outside the courtroom.

"Entirely by remote means" means that all participants except the judge and court staff are required to participate by remote means.

- b. "Social distancing" means the minimum amount of physical distance between each person. The distance shall be determined by the social distancing requirements specified in the applicable Executive Order issued by the Governor, Guidance issued pursuant to such an order, or Guidance from the Centers for Disease Control and Prevention. As of the date of this order, the distance is 6 feet between each person. When this order imposes social distancing requirements, members of the same household, and others if permitted by the Presiding Judge, are excepted from those requirements.
- c. "Criminal action" means an action at law by means of which a person is accused of the commission of a violation, misdemeanor or felony; see ORS 131.005(6).
- d. "Criminal proceeding" means any proceeding which constitutes a part of a criminal action or occurs in court in connection with a prospective, pending or completed criminal action; see ORS 131.005(7).

7. Categories of Proceedings

For purposes of this order, justice court proceedings are categorized as follows:

- a. Category 1 proceedings

The following criminal proceedings: arraignments, plea hearings, sentencing hearings, aid and assist hearings, and any other hearing that will directly lead to the resolution of the case;

- b. Category 2 proceedings

- (1) In criminal proceedings:

Case management and docket hearings;

- (2) In civil proceedings:

When no applicable moratorium precluded them, first appearance hearings in Forcible Entry and Detainer (FED) proceedings;

(3) Specialty Court proceedings.

8. While this order is in effect, it supersedes any conflicting provision of Washington County Justice Court General Order 20.005 (Third Amended) but any provision of that order that does not conflict with this temporary order remains in effect.
9. This order becomes effective on November 19, 2020, and remains in effect through at least December 4, 2020, but will not terminate until further Justice of the Peace Order.

Dated this 19th day of November, 2020.



Hon. Daniel A. Cross
Washington County Justice of the Peace