

In the Matter of Updating Directives)
Relating to Court Operations)
)

PRESIDING JUDGE ORDER 21-010

1. Whereas Governor Brown issued an emergency declaration related to the spread of the COVID-19 virus in Oregon most recently extended until December 31, 2021, pursuant to Executive Order 21-15. That order extended the COVID-19 state of emergency but otherwise rescinded earlier Executive Orders that had imposed statewide restrictions relating to protective face coverings, social distancing, capacity limits, and the county risk level framework. Executive Order 21-15 became effective June 30, 2021.
2. Whereas Chief Justice Walters has recently issued Chief Justice Order (CJO) 21-030 that updates directives relating to court operations.
3. Whereas this court has previously issued Presiding Judge Orders (PJO) 20-008, 20-009, 20-010, 20-011, 20-012, 21-003, 21-005, 21-006, 21-007, and 21-009 to regulate Josephine County Circuit Court operations during the COVID-19 pandemic in conformance with Governor Brown's Executive Orders and Chief Justice Walter's CJOs.
4. Whereas this PJO is designed to supersede all previous PJO's regarding Josephine County Circuit Court operations during the COVID-19 pandemic.

IT IS HEREBY ORDERED as follows:

I. Social Distancing and Protective Face Coverings

A. Social distancing, generally

As a general matter, social distancing is no longer required and need not be maintained in any court facility.

B. Protective face coverings, generally

Personal Protective Equipment: All persons entering a court facility are required to wear a protective face covering which covers both the mouth and nose, except for children two (2) years of age and under, or others while speaking in court and as provided below, unless an exception or an exemption applies.

1. A judge presiding over a trial or other proceeding in a courtroom may authorize any person participating in the trial or other proceeding to remove their protective face covering temporarily to facilitate communication as the judge deems appropriate.

II. Mode of Proceedings

A. All Court proceedings and appearances will be conducted in-person with the following exceptions:

1. Department of Justice Show Cause Hearings for Failure to Pay Child Support;
2. All dependency matters, including trials;
3. Juvenile Delinquency and Dependency Shelter – Daily 11:15 & 11:30am;
4. Juvenile Arraignments and Disposition blocks – Mondays 9:30 & 10:30 am;
5. Juvenile Citations –Tuesdays 8:30am;
6. Out of Custody - Daily 9:00am block session;
7. Courthouse Ex Parte including initial stalking petitions - Daily 8:00am;
8. Family Court Ex Parte - Daily 8:15am and 8:30am;
9. Docket Call weekly - Wednesdays at 8:15am;
10. Landlord Tenant Initial Appearance - Mondays and Wednesdays at 8:30 am;
11. Motion Docket block weekly - Mondays at 9:00am;
12. Sentencing block weekly - Mondays at 10:00am;

a) **Sentencing Hearings for Presumptive Jail or Prison Sentences:**

In cases where the District Attorney's office will be requesting at sentencing that a defendant be taken into custody for a jail-only or prison sentence, that sentencing hearing shall be conducted in-person. The State and/or defense attorney shall notify the court at time of plea of such a situation in order that the court schedule the proceeding in-person. At such hearings, the attorney for the defense and State may appear either by WebEx or in-person.

13. Mental Health Court weekly - Fridays at 10:00 am;
14. Recovery Court – Fridays at 10:30 am;
15. Drug Court weekly - Fridays at 10:00 am;
16. In Custody - Daily 1:30 pm block session (excluding defendants addressing warrants, which will remain in-person);
17. In Custody Jail Sentencing – Thursdays 8:30am & 10:15am;
18. Pro Tem Block Sessions/Traffic Trials – Varies.

B. An attorney or self-represented party seeking to change a scheduled mode of proceeding must file a written motion with supporting affidavit or declaration along with a proposed order. The Presiding Judge will rule on all such motions.

a) The supporting affidavit/declaration must include:

- (i) The reasoning and basis for the change in the mode of proceeding, including any constitutional rights or statutes that may be implicated by the requested change; and
- (ii) The position of the opposing party.

- (iii) These requests should be made as soon as practicable before the proceeding and must be served on opposing counsel or parties, as appropriate, to afford an opportunity to object.

C. All Other Court Proceedings

1. A self-represented party or attorney for a party seeking to appear remotely for a proceeding other than those specified in paragraphs (II) (A) (1) -(14) may request to appear remotely via video as follows:

Uncontested Hearings: If a client contacts their attorney or a self-represented party contacts the court with less than a 24-hour notice and informs the attorney or court that the individual has COVID-19, has COVID-19-like symptoms, or is under quarantine, the attorney for the client or the self-represented individual should contact the court at JOS.RemoteRequest@ojd.state.or.us and request to appear remotely via video. A WebEx link will be sent to the attorney in order to provide the information to their client or, if requested by a self-represented individual a link will be provided to them directly.

Contested Hearings: The attorney for the client or a self-represented individual must file a written motion with a supporting affidavit or declaration and proposed order consistent with paragraph (II)(A)(3) above.

- a) Definition: "to appear remotely" means to appear by video through Cisco WebEx.

III. Exhibits and Witness Lists

All parties appearing remotely that intend to call witnesses or present witnesses shall complete an exhibit list coversheet and witness list using the form as developed by the court, attached hereto as Attachment 1. These templates are also available on the Josephine County website at courts.oregon.gov/Josephine and select the *Local Remote Hearings* tab - Oregon Judicial Department : Josephine Home : Josephine County Circuit Court : State of Oregon or can be obtained by visiting the court directly.

All exhibits for a hearing or trial conducted by remote means that can be converted to PDF shall be submitted to the court through the court's electronic filing (e-filing) system. Multiple exhibits may be submitted within the same e-filing envelope. Exhibits must be marked and numbered in accordance with UTCR 6.080 and must be submitted with a coversheet that includes the number and general description of the submitted exhibits as well as a certificate of service on opposing parties.

- Exhibit list coversheets and witness list coversheets should be filed and served on opposing parties or their attorneys as soon as practicable but not less than 24 hours prior to the hearing.
- Individuals that are not able to submit exhibits electronically may contact the court for an instruction sheet on the process for submitting exhibits. A copy of that sheet is attached

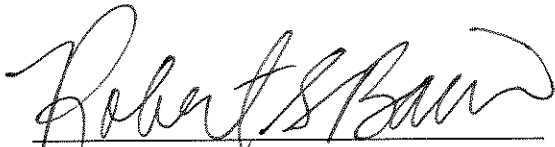
hereto as Attachment 2. Individuals that are not able to submit their witness list coversheet electronically may file it directly with the court.

- Exhibits that cannot be made into a PDF (videos, photos, etc.) can be submitted by parties and attorneys utilizing the courts Secure File Transfer process. To receive instructions and an invitation please email *JOS.Jas@ojd.state.or.us*.
- Any Exhibit that is not able to be submitted electronically is required to be submitted to the court and to opposing parties as soon as practicable before the scheduled proceeding to afford the other parties the right to review such exhibit. For tangible exhibits where serving a copy is not feasible, the offering party should afford the opposing party the opportunity to view the exhibit beforehand.
- For all exhibits presented in court, it is the responsibility of the submitter (not the court) to share their screen to view the exhibits.

IV. All restrictions imposed in this order continue until further order.

V. This order supersedes PJO 21-009 (Updating Restrictions on Josephine County Court Operations during COVID-19 Pandemic) and becomes effective on August 30, 2021.

DATED this 25th day of August 2021.



ROBERT S. BAIN
PRESIDING JUDGE

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

)	
)	
Petitioner/Plaintiff,)	Case No. _____
)	<input type="checkbox"/> Petitioner/Plaintiff
and)	<input type="checkbox"/> Respondent/Defendant
)	EXHIBIT LIST COVER SHEET AND
)	WITNESS LIST
Respondent/Defendant.)	

Date of Hearing / Trial : _____

Exhibit #	Description of Exhibit

Additional Page – "Exhibit List Continued" Attached

POTENTIAL WITNESSES

Name (first, last)	Contact Telephone Number

Additional Page – "Potential Witness List" Attached

CERTIFICATE OF SERVICE (REQUIRED)

I certify that on (date) _____ I served a copy of this document and all attachments to (name of party/attorney) _____ at the following address and/or fax number: _____

_____ by the following methods:

- by **mailing** a full, true, and correct copy in a sealed, first-class postage-prepaid envelope, addressed to the party(ies) listed above, and deposited with the United States Postal Service, on the date set forth above.
- by **hand-delivering** a full, true, and correct copy thereof to the party(ies) listed above, on the date set forth above.
- by **faxing** a full, true, and correct copy thereof to the party(ies) listed above at the fax number(s) shown above, on the date set forth above.

Date: _____

Signature: _____

Printed Name: _____

Contact Address

City State, Zip Code

Phone Number



Josephine County Circuit Court Remote Hearings: Exhibits and Witnesses

During COVID-19 restrictions, the court will hold most court hearings remotely. This means, parties will appear remotely, by video conferencing software or at times by phone. Parties may also submit exhibits and have witnesses testify, which **must** also be done remotely.

Josephine County Circuit Court Presiding Judge Orders (PJO) along with Chief Justice Orders (CJOs) allow for exhibits to be filed using the e-filing system. Additionally, if parties are not able to access or use the e-filing system, a process for alternate submission has also been developed.

Labeling Exhibits – Exhibits must be labeled with “Exhibit #” on the bottom right hand corner of each page of each exhibit. Pursuant to UTCR 6.080, ***exhibits must be labeled using the following system:***

- If you are the **Plaintiff/Petitioner** label exhibits - # **1 - 100**
- If you are the **Defendant/Respondent** label exhibits - # **101 - 199**

Exhibits that are submitted prior to a court hearing, **must be submitted at least 24-hours prior to the hearing and served on all other parties to the case.**

Submit exhibits in one of the following ways:

E-Filing

- Users can visit <https://oregon.tylerhost.net/ofswweb> and register for an account
- There is no filing fee to file exhibits
- Filers must use a cover sheet in substantially the same format as the attached local “Exhibit List Cover Page and Witness List”
- All exhibits may be filed under one “EB” (Exhibit) code as long as they are listed on the cover sheet.
- All exhibits and list of potential witnesses must be served on all parties in the case. A certificate of service (included in attached cover sheet) must be completed and accompany any submitted exhibits or witness lists.

Faxing to Court – 541-471-2079

- Faxed exhibits must have a cover sheet included. The cover sheet must be substantially in the same format as the attached “Exhibit List Cover Page and Witness List”
- The fee for sending faxes is WAIVED at this time
- All exhibits and list of potential witnesses must be served on all parties in the case. A certificate of service (included in attached cover sheet) must be completed and accompany any submitted exhibits or witness lists.

Filing In Person

- File exhibits with the proper unit/department at the courthouse
- There is no filing fee to file exhibits
- Filers must use a cover sheet in substantially the same format as the attached local “Exhibit List Cover Page and Witness List”
- All exhibits and list of potential witnesses must be served on all parties in the case. A certificate of service (included in attached cover sheet) must be completed and accompany any submitted exhibits or witness lists.

How Do I? [arrow_drop_down](#) Online Services [arrow_drop_down](#)

Forms/Rules/Fees [arrow_drop_down](#) Self-Help [arrow_drop_down](#)



Opinions & Law Library [arrow_drop_down](#)

Programs & Committees [arrow_drop_down](#)

search

[home](#) [Oregon State Courts](#) [Josephine County Circuit Court](#) [Going to Court](#)
[Local Remote Hearings](#)

menu Site Navigation

Local Remote Hearings



General Information

Some hearings are held with one or more parties not

physically present in the courtroom. If the remote hearing is eligible for public viewing, it will be live-streamed through Webex Events (the software Oregon's state courts use for this purpose). When available, live streaming allows the public to join and view and/or listen to these hearings from a computer, mobile device (such as a smartphone or tablet), or phone (subject to some limitations). Many remote hearings may also be available to view at a court facility. Contact the court with any questions on how to access a remote hearing.

If you are a defendant or party to a case, the [Litigant Guide](#) provides more information. There are also guides for the [general public](#), [witnesses](#), and [attorneys](#)

Remote Hearing Documentation

- [Attorney Guide](#)
- [Litigant Guide](#)
- [Litigant Guide - Spanish](#)
- [Public Access Guide](#)
- [Public Access Guide - Spanish](#)
- [Witness Guide](#)
- [Witness Guide - Spanish](#)
- [Remote Hearings Quick Reference Guide](#)
- [Remote Hearings Quick Reference Guide - Spanish](#)
- [Joining WebEx Instructions](#)
- [Remote Exhibit Witness Packet](#)

Receiving Notice of a Remote Hearing

When you are scheduled for a remote hearing, you will

receive the link to join that hearing through a hearing notice and/or an email from the court or Webex.

Please see the OJD [Responses to Coronavirus](#) page for a listing of applicable Chief Justice Orders.

□ Information for Case Participants

Case participants are persons (litigants or defendants) who are parties in a case with pending matters to be resolved. When a case is scheduled for a remote hearing, some or all the participants, including attorneys and witnesses, may be required to appear via remote means. The court uses Webex to host these remote hearings and will provide case participants with the link to join the hearing. See our Litigant Guide for more information on preparing for and accessing your scheduled remote hearing.

□ Remote Hearing Contacts and Information

For any questions regarding your remote hearing, please contact the court:

Phone: [541.476.2309](tel:541.476.2309)

View current judicial orders related to remote hearings on our [Local Court Rules](#) page.

Site Information

[Job Opportunities](#)
[Judge & Employee Sign In](#)
[FAQs](#)
[Policies](#)
[Privacy](#)
[Site Map](#)

Accessibility and Language Access

Language Access
[Request an Interpreter](#)
[한국어 \(Korean\)](#)
[Русский \(Russian\)](#)
[Español \(Spanish\)](#)
[繁體中文 \(Traditional Chinese\)](#)
[Việt \(Vietnamese\)](#)
[Contact Language Access Services](#)

Accessibility
[Website Accessibility](#)
[ADA](#)

Administration & Contact Us

Administration
[About Us](#)
[Court Hours & Holidays](#)
[Office of the State Court Administrator](#)
[News & Media Releases](#)
[Public Records](#)
[Requests](#)
[Reports, Stats & Performance Measures](#)

Contact
[Local Court Contacts](#)
[State Court Administrator](#)
[Website Feedback](#)

[arrow_upward](#) [Back to Top](#)



Original text

Contribute a better translation
