

Lane County Circuit Court Covid-19 Operations Plan – revised 09/30/2020 (changes highlighted)

Pursuant to Chief Justice Order 20-016 and PJO 2020-04, 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 2020-04(4).

Proceeding	Case or Hearing Type	CJO 20-016 category and paragraph	Operations Plan
35 Day Call	In custody	Essential Proceeding Category 1 3.a.(3)(A)	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	Essential Proceeding Category 2 3.b.(4)(A)(i)	Remote proceedings 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)	Other Court Proceedings 6.a	Remote hearings via video conferencing or telephone.
Arraignments	In custody Aid and Assist uncontested	Essential Proceeding Category 1 3.a.(3)(A)	Remote hearings via video conferencing; telephonic if defendant in quarantine, isolation, segregation

Proceeding	Case or Hearing Type	CJO 20-016 category and paragraph	Operations Plan
Arraignments	Out of custody Citations on offenses	Essential Proceeding Category 2 3.b.(4)(A)(ii)	<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 9:00: Letter Appearances NOTE November 1 changes below. 9:30: Release Agreement Appearances NOTE November 1 changes below.</p> <p>As of November 1, 2020 8:30 Citation Appearances 9:00 Release Agreement Appearances 9:30 Letter Appearances.</p> <p>No in person “add on” docket permitted. Such requests shall be in writing.</p>
Arraignments	Out of custody All others not covered above	Other Court Proceedings 6.a	See out of custody arraignments above
Civil Commitments	All	Essential Proceeding Category 1 3.a.(3)(C)	Remote hearings when feasible – feasibility to be determined by the judge conducting the hearing.

Proceeding	Case or Hearing Type	CJO 20-016 category and paragraph	Operations Plan
Civil Oral Motions Monday Dkt	Oral Motion Hearings	Motions 5.a.b.c.	Remote hearings via video conferencing or telephone. UTCrs requiring request for telephonic hearing are waived.
Claim of Exemptions Garnishment Monday Dkt	Oral motions	Motions 5.a.b.c.	Remote hearings via video conferencing or telephone Commenced 6/15/20
Criminal Motions	Second Look Hearings Habeas Corpus	Essential Proceeding Category 1 3.a.(3)(A)	Remote hearings via video conferencing. See Exhibits CJO 20-016(7) and PJO 2020-04.
Criminal Motions	Oral Including Contested Expungements	Other Court Proceedings 6.a.	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	Other Court Proceedings 6.a.	Court will rule on the pleadings in the normal course.

Proceeding	Case or Hearing Type	CJO 20-016 category and paragraph	Operations Plan
Criminal Petitions	Driver Rights Restoration Gun Rights Restoration Relief from Sex Offender Registration DNA Petitions	Other Court Proceedings 6.a.	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	Other Court Proceedings 6.a.	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.
Ex parte	Immediate Danger Protective Order Dismissals Order of Assistance	Essential Proceedings Category 2 3.b.(4)(B)	Remote hearings The parties must provide the court with telephone numbers pre-hearing. Attorneys should eFile these proceedings. See Exhibits CJO 20-016(7) and PJO 2020-04.
Ex parte	All other family law ex parte matters (see above)	Other Court Services Document Filing 9.a.	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.

Proceeding	Case or Hearing Type	CJO 20-016 category and paragraph	Operations Plan
Ex parte	Civil case matters	Other Court Services Document Filing 9.a.	Attorneys should eFile.
Juvenile	All proceedings	See juvenile PJO	See PJO 20-06 and juvenile court operation plan.
Landlord Tenant (FED)	First appearance hearings Cases subject to Eviction Moratorium (non-payment and no-cause notices)	FED Proceedings 4	CJO 20-016 summons and notice process will be used. Pursuant to CJO 20-016. Postponed until after expiration of moratorium December 31, 2020
Landlord Tenant (FED) Backlog Cases filed between 3/16/2020 and 8/23/2020	First appearance hearings Cases NOT subject to Eviction Moratorium	FED Proceedings 4	In person proceeding. Commence proceedings 09/01/2020. Hearing notices to be sent. Tuesday through Friday. No more than <u>one 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 no more than one FED trial per day. See Exhibits CJO 20-016(7) and PJO 2020-04.

Proceeding	Case or Hearing Type	CJO 20-016 category and paragraph	Operations Plan
Landlord Tenant (FED) *New cases filed on or after 8/24/2020	First appearance hearings Cases NOT subject to Eviction Moratorium	FED Proceedings 4	In person proceeding. Commence sending summons 08/24/2020. Commence proceedings 9/1/2020. Tuesday through Friday. No more than two per day 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 20-016(7) and PJO 2020-04.
Landlord Tenant (FED)	Trials	FED Proceedings 4	Remote proceedings. As of October 1, Landlord Tenant trial session – PJ to assign out from Trial Call docket. See Exhibits CJO 20-016(7) and PJO 2020-04.
Landlord Tenant (FED)	Compliance Hearings	FED Proceedings 4	Remote proceedings. To be heard by FED judge. Not scheduled on the first appearance docket.
OSH/SB 24 Hearings	All	Essential Proceeding Category 1 3.a.(3)(A)	Remote hearings via video conferencing.
Presiding Judge Matters	All	Other Court Proceedings 6.a	To be eFiled. Presiding Judge to review on a case by case basis and schedule remote hearings as needed.

Proceeding	Case or Hearing Type	CJO 20-016 category and paragraph	Operations Plan
Probate Case Management	Temporary Guardianship or Conservatorship	Essential Proceedings Category 2 3.b.(4)(E)	Remote hearings
Probate Case Management	Other non-trial probate matters	Other Court Proceedings 6.a	Remote hearings Commenced June 1, 2020 Remote hearings to be scheduled and heard by the probate judge in consultation with the presiding judge due to staffing.
Probation Violations Monday Dkt	In custody	Essential Proceeding Category 1 3.a.(3)(A)	Remote hearings via video conferencing. See Exhibits CJO 20-016(7) and PJO 2020-04. 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.
Probation Violations Monday Dkt	Out of custody	Other Court Proceedings 6.a	Remote hearings via video conferencing. Commence September 14, 2020. See Exhibits CJO 20-016(7) and PJO 2020-04.

Proceeding	Case or Hearing Type	CJO 20-016 category and paragraph	Operations Plan
Protective Orders (assigned at Trial Call)	New Applications	Essential Proceedings Category 2 3.b.(4)(B)(iii)	Remote hearings via telephone.
Quarantine and Isolation Proceedings	All hearings	Essential Proceeding Category 2 3.b.(4)(G)	Remote hearings Scheduled on the Presiding Judge's calendar.
Release Hearings	In custody	Essential Proceeding Category 1 3.a.(3)(A)	Remote hearings Expedited hearings to be scheduled by the chief criminal judge.
Sentencing and COP	In custody	Essential Proceeding Category 1 3.a.(3)(A)	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	Essential Proceeding Category 3 3.c.(5)(A)	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.

Proceeding	Case or Hearing Type	CJO 20-016 category and paragraph	Operations Plan
Sentencing and COP (HARRIS HALL)	Out of custody	Essential Proceeding Category 3 3.c.(5)(A)	IN PERSON Friday at 8:30 a.m. (6 cases) and 10:00 a.m. (6 cases). Defense to contact calendar clerk for scheduling.
Settlement Conferences All case types	Settlement Conferences	Other Court Proceedings 6.a Criminal Cases: Essential Proceeding Category 3 3.c.(5)(A)	Remote hearings SLR 6.012 (2020) for scheduling
Show Cause Monday Dkt	All Proceedings	Essential Proceedings Category 2, 3 3.b.(4)(B)(i-iv) 3.c.(5)(C) Other Court Proceedings 6.a 3.c.(2)	Remote hearings See Exhibits CJO 20-016(7) and PJO 2020-04. 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. 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.

Proceeding	Case or Hearing Type	CJO 20-016 category and paragraph	Operations Plan
Small Claims Monday Dkt	Hearings and trials	Other Court Proceedings 6.a	<p>Remote mediation program commencing October 12, 2020.</p> <p>Mediated agreements may be submitted and will be processed by the court.</p> <p>Cases not settled in mediation to be scheduled for 9:00 a.m. the following 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>
Traffic	Traffic violation first appearances	Other Court Proceedings 6.a	<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 should be notified to encourage people to appear by telephone.</p>
Traffic	Violation trials	Other Court Proceedings 6.a	<p>Remote proceeding.</p> <p>Commence 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 20-016(7) and PJO 2020-04.</p>

Proceeding	Case or Hearing Type	CJO 20-016 category and paragraph	Operations Plan
Treatment Court Dockets	All hearings	Essential Proceedings Category 2 3.b.(4)(F)	Remote proceedings. Treatment Court Judge to schedule and conduct via remote hearing in consultation with the Presiding Judge.
Trial Call	Criminal Trial Subject to: ORS 135.746, ORS 136.290, ORS 136.295, Constitutional Speedy Trial Provisions	Trials 2.a.	In person, at courthouse. To be scheduled at the Presiding Judge’s discretion in compliance with the defendant’s statutory and constitutional rights. 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.
Trial Call	Criminal and Civil	Jury Trials 2.c.	Cases to be reset. The calendar clerk will work with the Presiding Judge on a reasonable schedule and send new trial notices. 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. Party may make motion to PJ for hearing due to exceptional circumstance CJO 20-016(8.a.).
Trial Call	Family Law	Bench Trials 2.d.	Remote proceedings via video conference. Commenced 8/1/2020. No more than three per day may remain on the trial docket after 8/1/2020. All others to be reset. See Exhibits CJO 20-016(7) and PJO 2020-04.

Proceeding	Case or Hearing Type	CJO 20-016 category and paragraph	Operations Plan
Trial Call	Criminal and Civil (other than Family Law) Excepting 2.a. speedy trial cases	Bench Trials 2.d.	Remote proceedings if permitted by law. Exception requests for in-person proceedings (CJO 20-016 8.a.) 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 2.d.(2)(A) can be met.
Trial Call	Immediate Danger Hearings More than 2 hours.	Essential Proceedings Category 2 3.b.(4)(B)(i)	Remote hearings via telephone. See Exhibits CJO 20-016(7) and PJO 2020-04.
Trial Call	Termination Trials	Trials 2.d.	Leave on Trial Docket Refer to Juvenile judge who will determine if case is settled or can otherwise be resolved remotely or will postpone until after 07/31/2020. If default, to be conducted remotely by judge assigned by presiding judge. After 07/31/2020 no more than one termination case may proceed to trial per week. Party may make motion to PJ for hearing due to exceptional circumstance CJO 20-016(8.a.). If allowed in person, use social distancing.
Trial Call	Protective Order Cases New applications and hearings more than 2 hours	Essential Proceedings Category 2 3.b.(4)(B)(iii)	Remote hearings via telephone or via video conferencing.
Trial Call	Criminal Contested Fitness to Proceed Hearings	Essential Proceedings Category 1 3.a.(3)(A)	Remote hearings via telephone or via video conferencing.

Proceeding	Case or Hearing Type	CJO 20-016 category and paragraph	Operations Plan
Trial Call	Diversion docket hearings	Other Court Proceedings 6.a	<p>Remote hearings via video conferencing.</p> <p>No more than 8 defendants per Friday at 10:00 a.m.</p> <p>Commenced August 7, 2020.</p> <p>Diversion paperwork to be filed a minimum of two days prior to the hearing.</p>
Waiver of No Contact	Criminal Non-Oral	Essential Proceedings Category 2	Court will rule on the pleadings on the date scheduled