

May 15, 2020

Dear Oregon lawyers:

As you know, with your help and understanding, courts have remained open during the COVID-19 pandemic to provide essential services in accordance with Amended Chief Justice Order 20-006. In issuing that order, my goal was to ensure that our courts would meet their legal obligations while also minimizing public health risks. The safety of everyone in the judicial process remains paramount to me, but, as the Governor begins to ease restrictions on Oregonians, our courts too are positioned to resume some additional operations.

Today, I issued Chief Justice Order 20-016, easing restrictions on court operations from Level 3 restrictions to Level 2 restrictions, beginning June 1, for counties that have received approval from Governor Brown to move to her Phase One reopening.

Attached to this message is a brief summary of what courts must and may do under the terms of this new order. As you can see, under Level 2 restrictions, courts must continue to provide the essential services that they have been providing, including jury trials that are necessary to comply with speedy trial requirements. Under Level 2 restrictions, courts are permitted to conduct bench trials and all other court operations, except other, nonmandated jury trials and FEDs. Courts will continue to conduct many proceedings by remote means, but even remote hearings require staff assistance. The degree to which courts can conduct proceedings – in addition to the essential proceedings already being conducted – will depend on whether sufficient staff are available and whether, for proceedings held in the courthouse, social distancing can be maintained.

Nonmandated jury trials and FEDs will not resume until July 1, 2020, at the earliest. We will not resume FED trials until any applicable moratoria have been lifted, and we will not resume nonmandated jury trials until the Governor has authorized gatherings of more than 50 people. In addition, whether such trials can resume after July 1 will depend, again, on sufficient court staff being available and the ability of the courts to maintain social distancing.

As you may be able to discern, this new order does not mean that all judges and staff will return to the courthouse, or that case processing will return to normal at this time. We still have a long way to go for that, and it may be that we never return to the ways of old. Our use of technology is improving, and we will undoubtedly benefit from all we have learned about remote proceedings.

Thank you for your patience as we adjust to new ways of operating. Courts have had to cancel more than 37,000 hearings and have rescheduled almost 26,000 of them. That has taken a tremendous amount of work by court staff, and we recognize the inconvenience

and delay this has imposed on you and your clients. We are doing everything we can to minimize the burden on you, while meeting our legal requirements and prudently managing our resources in the face of ongoing threats to public health and pending state budget reductions.

Speaking of those reductions, I will have a better idea of our potential budget reductions and their impact on our courts in the weeks following the May 20 state revenue forecast. It appears likely, though, that the Judicial Department budget will experience significant reductions in the fiscal year starting July 1, 2020. This likely will coincide with an increase in case filings, as you and your clients are able to identify issues and seek judicial resolution, as well as addressing the current and growing backlog due to restricted operations. With those caseload increases in mind, we are taking steps now to begin addressing budget shortfalls. Those steps will include statewide court closures on May 29, June 26, and July 17, with an exception for previously scheduled Court of Appeals arguments that will take place by remote means.

We will continue to do our best to provide safe and timely access to the courts, but, if we are required to take significant budget cuts, we may need to indefinitely postpone certain types of cases. We know that all cases are important and that, in many instances, dispute resolution will be critical to Oregon's economic recovery. We have confidence that our legislative leaders understand the importance of court services and support our goal of remaining accessible. But when resources diminish at the rate that our state is currently experiencing, it can be very difficult for the legislature to find the needed funds to keep us whole. It is likely that we will ask for your creativity and assistance as we work to help our state recover.

In the meantime, thank you for your thoughts, perspectives, and even for your criticism. Our courts and those we serve are better for our partnership! As always, if you have questions or concerns about the new order or court operations that can't be answered by your court, please use the [CJOfeedback@ojd.state.or.us](mailto:CJOfeedback@ojd.state.or.us) email address.

Again, and again, thank you.

Martha L. Walters  
Chief Justice