

March 27, 2020

Dear Oregon Lawyers:

I am writing to thank you again for your suggestions for amendments to Chief Justice Order 20-006, which I issued on Monday, March 16, and to tell you that I issued an amended order today. Amended CJO 20-006 extends and modifies CJO 20-006 and will be in place until further order. I deeply appreciate the comments and recommendations that I received from Bar members and the active support of the Oregon State Bar. Amended CJO 20-006 will enable the courts to expand what we can do to safely provide access to justice during the ongoing COVID-19 pandemic.

When you review the Amended Order, I hope you will see that we have adopted many of your suggestions and the suggestions of the multiple Work Groups that we formed to advise me. Amended CJO 20-006 extends many of the original restrictions and adds measures to provide greater certainty about scheduling and ensure the consistent implementation of statewide safety measures for lawyers, litigants, other case participants, and the public.

The best way to understand what the Amended Order does is to read it in full. It is complex and I don't want to detract from the hard work that went into crafting it by restating it simplistically. But I do want to alert you to the provisions that will be most significant for most lawyers:

- **Most trials--jury and bench trials in all case types-- will be postponed** and will not be held until *after* June 1, 2020. That does not mean that you will be expected to go to trial in June; it means that, in most instances, you will not be going to trial *before* June 1. Different circuit courts will make different decisions about how far out to schedule and reschedule trials and hearings.
- **Presiding Judges have discretion** to set particular trials earlier than June 1 if there is a need, and there are provisions for trials to be held by remote means.
- **Proceedings other than trials fall into four categories.** Category 1 essential proceedings will take place as scheduled, including before June 1, and generally will be in person. Category 2 essential proceedings will take place as scheduled, including before June 1, and, generally, will be held remotely. Category 3 essential proceedings will take place as scheduled, generally remotely, or be postponed according to policies developed by local courts. Category 4, non-essential proceedings, will be postponed. These are general rules, and the amended order specifies the proceedings that fall into each category.

- **Presiding Judges have discretion** to set particular proceedings at the appropriate time and to determine whether proceedings can be held by remote means.
- **Motions to be by remote means.** Motions will be heard by remote means unless there is a constitutional or statutory right for an in-person hearing. The court may grant a motion for an in-person hearing upon a showing of a need to proceed, imminent harm, or other good cause.
- **Electronic filing of exhibits.** For all proceedings that are conducted by remote means, exhibits may be submitted by eFiling. Lawyers who eFile their exhibits will need to specially designate those exhibits and follow the specific eFiling rules in the amended order.
- **Modified court services.** We will continue to ask many judges and staff to work from home to limit the spread of COVID-19. We have expanded our capacity for at-home work and remote hearings, but will continue to accept filings, issue notices and orders, and provide other services that local courts can offer with reduced on-site staff. Each court will post and publish how it will provide justice services and public access.
- **Continued efforts to reduce jail populations.** We will continue to work with our partners in the justice system to reduce jail populations. The more people in jail, the more time-sensitive, in-court proceedings are required, and the greater the chance of spreading COVID-19.

Separately from Amended CJO 20-006, I have signed two additional Chief Justice Orders today that are now in effect and should be of interest to you:

- **Electronic signatures in eFiled declarations.** CJO 20-008 will allow eFiling declarations that have been electronically signed by parties and witnesses when using appropriate electronic signature software.
- **Reduced collection fees and collection activity for people of limited means.** CJO 20-010 allows suspension or waiver of collection fees. Together with Amended CJO 20-006 and other administrative actions, courts will limit imposition of fines and suspend many collection activities for those who are unable to pay.

All the these CJO's are posted on the OJD and Bar home pages, at www.courts.oregon.gov and www.osbar.org

If you want to propose additional changes or have comments on this amended CJO, please send them to cjofeedback@ojd.state.or.us. That will help ensure a comprehensive review of all comments.

Special Session Legislation. As I indicated in my previous message to you, there are some additional restrictions and changes that I would like to impose but currently do not have authority to accomplish. I have asked the legislature to give the Chief Justice authority to suspend statutory and rule timelines, that, under current law, cannot be extended for good cause, and to expand Chief Justice authority to require that proceedings be conducted by remote means. If that authority is granted, I will be working with Bar members and work groups to issue additional CJO's. The legislature is also considering legislative concepts that would suspend statutes of limitations and similar laws and rules. Although the timing of any special session remains uncertain, there appears to be broad support for legislation that we have proposed. My March 24 letter to legislative leaders outlining these proposals is posted on the Bar home page.

In closing, I recognize that these are very difficult times for everyone. I cannot tell you how hard judges throughout the state worked to help me craft these CJOs and how hard they continue to work to meet their statutory and constitutional responsibilities while also helping to protect public health and reduce the spread of COVID-19.

They and their staffs, like you, are under extreme stress. They, like me, and like you, can make mistakes. I encourage you to continue to make suggestions for changes and improvement. I also ask that you do so in a way that helps us to work collectively toward goals that I know we all share. The collaboration that I have seen to date reinforces my strong belief in you and in the strength of our justice system.

Stay physically distant, but stay by my side. I need you. Keep on keepin' on!