

Serving Justice in the Time of COVID-19

Providing Essential Services While Avoiding Community Spread

Martha Walters, Chief Justice

Judge Raymond Crutchley, Deschutes Circuit Court

Nancy Cozine, State Court Administrator

Senate Judiciary Committee

June 3, 2020



Protecting Staff and Litigants



3 New York judges died from coronavirus, almost 170 court workers infected

By Andrew Denney

April 28, 2020 | 5:03pm



Noach Dear, a Brooklyn Supreme Court judge, died from coronavirus.

- OJD Pandemic Plans Activated February 2020
- Chief Justice Order (CJO) 20-006 issued March 16, 2020
 - Addresses immediate need to reduce numbers of vulnerable people in Oregon courthouses

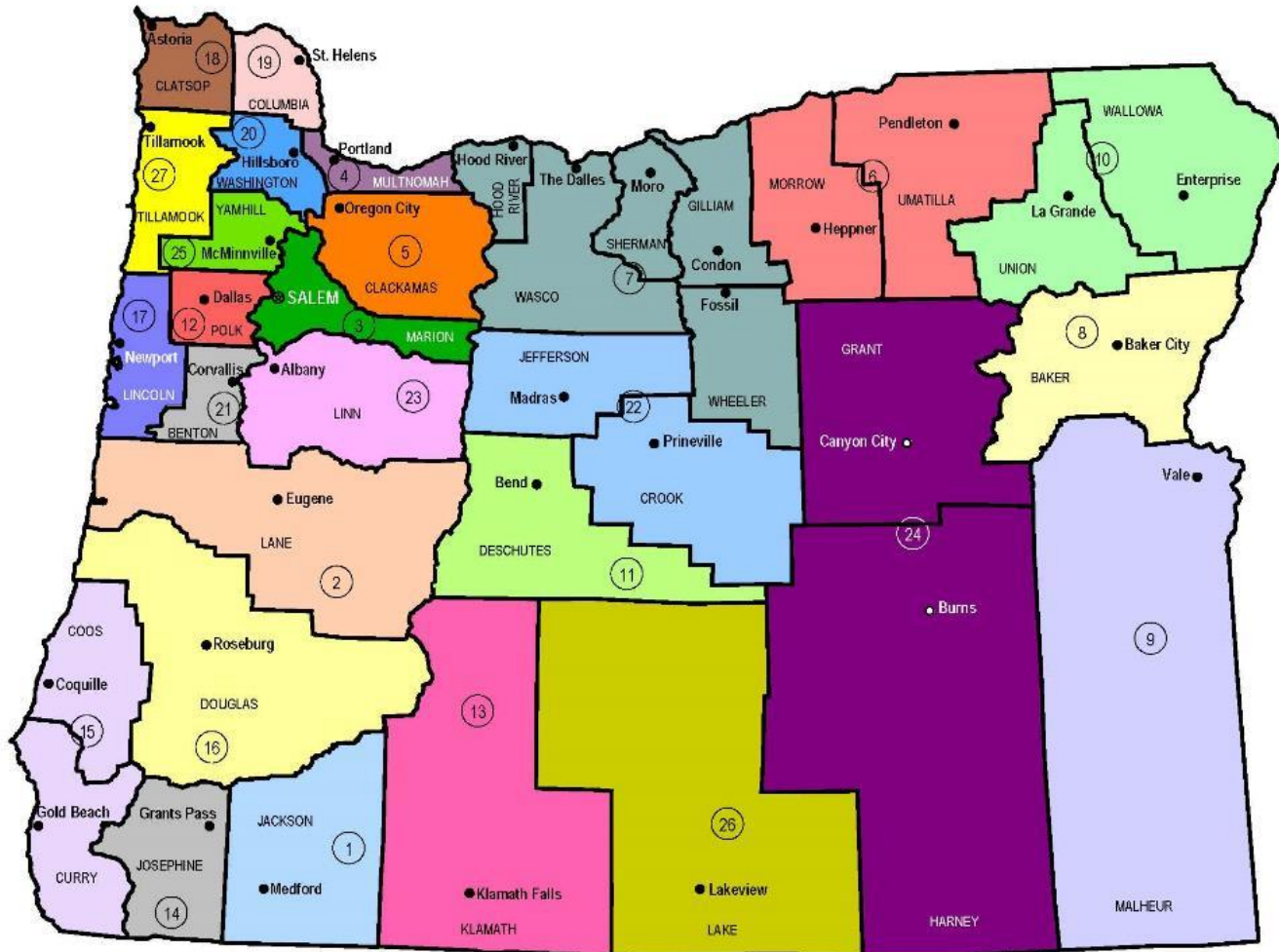


198 Judges

1,620 Staff

Serving 4.22 million
Oregonians

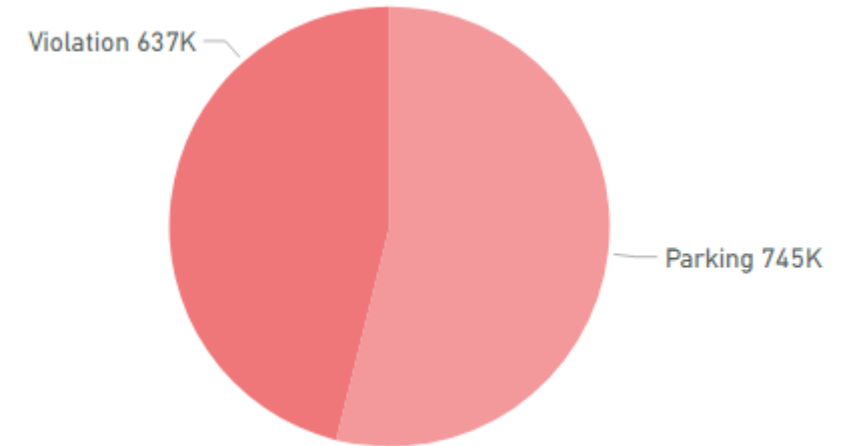
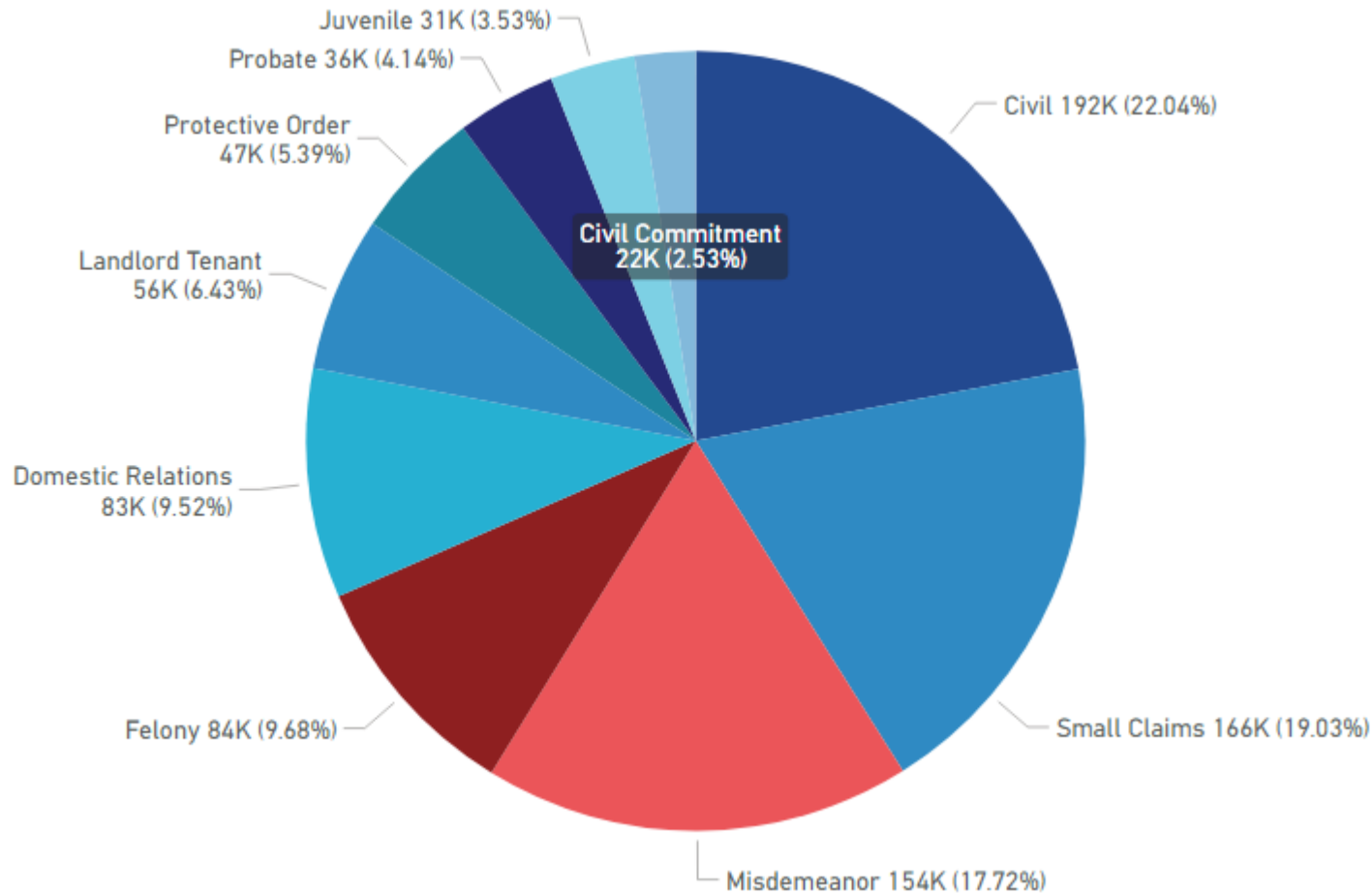




**Circuit
Courts
in every county**

**Oregon's 27
Judicial Districts**

Cases Filed 2017-2019 (Ave. 751,000/year)



Imperatives During COVID-19



- Keep people safe
- Continue mandated and essential services

Authority to Act



Statutory Authority and Role of the Chief Justice Under Oregon Law

1. ORS 1.002 provides that the Chief Justice of the Oregon Supreme Court is the administrative head of the judicial department of government in this state; shall exercise administrative authority and supervision over the courts of this state consistent with applicable provisions of law and the Oregon Rules of Civil Procedure; and, to facilitate exercise of that administrative authority and supervision, may make rules and issue orders as appropriate or take any other action appropriate to perform the functions of the office of Chief Justice.
2. ORS 1.002(9) provides that the Chief Justice may delegate the exercise of any powers specified in ORS 1.002 to the Presiding Judge of a court.
3. ORS 1.171(4) provides that a Presiding Judge may delegate the exercise of any of the administrative powers of the Presiding Judge to another judge of the court or to the Trial Court Administrator for the judicial district.

Chief Justice Order (CJO) 20-006

Issued March 16, 2020



- Required essential court services with social distancing and cleaning:
 - Criminal trials if postponing would violate a statutory or constitutional right
 - Certain proceedings in criminal and juvenile cases when person is in custody
 - Civil commitment hearings
 - Hearings to protect domestic violence victims and vulnerable adults
 - Juvenile shelter hearings and detention review hearings
 - Urgent matters in all case types
- Required all other in-person proceedings and trials be postponed
- Encouraged courts to work with public safety partners to reduce the number of individuals in local custody and ensure their health



Advisory Committees and Work Groups

- Criminal
- Civil
- Landlord-Tenant
- Family
- Juvenile
- Probate
- Behavioral Health
- Treatment Courts
- Appellate

- Quarantine
- Tax
- Long-Term Planning

Additional Feedback: CJO Feedback email, OSB Feedback, Regular Communication with Public Safety Leadership

Amended CJO 20-006

Issued March 27, 2020



- Defined and expanded essential proceedings that court must conduct
- Postponed most trials and eviction proceedings until after June 1
- Ensured that vulnerable people -- parties, witnesses, interpreters, jurors, attorneys, judges, and court staff -- were not compelled to come to court
- Encouraged courts to waive or suspend fines, fees, and costs for those with limited resources
- Directed that many proceedings be conducted by remote means if reasonably feasible and permitted by law

Reducing Impacts of Fines and Fees



CJO 20-010 Issued March 27, 2020

- Reduced the impact of previously imposed fines and fees on persons with limited financial resources by halting waive or suspend collection fees

OJD is also

- Halting collections on court debt
- Not suspending driver licenses for failure to pay
- Not imposing late fees

Actions to Implement



- Safety, Security, and Health
- Remote Services and Technology
- Interpreter Services
- Juvenile and Family





Safety, Security, and Health

- COVID-19 Information
- Notices to Protect Prospective Vulnerable Jurors
- Cleaning Guidance
- Signage
- Masks
- Multiple weekly calls with Presiding Judges and Trial Court Administrators



Oregon eCourt & Remote Services












- Self-guided electronic forms
- eFiling, with 24/7 ability to file pleadings
- Online access to court calendars and registers of actions in most cases
- Online payments
- Online access to case documents for authorized users
- Electronic files, document processing, and electronic judicial signatures
- Statewide consistency in many court processes
- Integrations with justice partners to send and receive information
- Livestreamed appellate court oral arguments
- Enhanced security to protect information





Technology for Remote Services

- Expanded Virtual Private Network (VPN) to support 900 concurrent connections
- 1,500 pieces of equipment to support remote work
- 20 training events for over 700 judges and staff
- Developed 9 Remote Hearing Guides to ensure functionality, case record, and compliance with open courts laws
- New software for remote hearings and streaming
 - 2,300 virtual events
 - 17,000 participants

-  RH FAQ Feedback
-  RH Litigant Guide
-  RH Public Access Guide
-  RH Attorney Guide
-  RH Witness Guide
-  RH Cyber Safe
-  RH Clerk Guide
-  RH Judge Guide
-  OJD Standards and Guidelines for Remote Hearings

Interpretation & Translation



- 152 Interpreters of 43 languages were trained on video remote interpreting using WebEx
- In less than 2 weeks, developed and implemented an interpreting webinar training and online materials
- Translated COVID-19 forms and notices into multiple languages



Juvenile and Family Cases



- Citizen Review Board
 - Remote Reviews in 355 cases, 500 children in May
 - Training for staff and 275 volunteers
 - 33 “virtual open houses”
- Child custody and parenting time guidance for litigants in family law cases





Proposed Legislation: LC 29 –Section 45 (Court Provisions)

- Allows the Chief Justice to **suspend or extend certain statutory timelines**, including the time to file an appeal
- Clarifies authority to order **remote hearings and appearances**
- Allows the **date of appearance on a criminal citation** to exceed 30 days (ORS 133.060 (1))
- Allows courts to **extend the deadline for in-custody criminal jury trials past 180 days**, after review, analysis, and specific findings by the court (currently subject to ongoing discussion with public safety stakeholders)
- **Other impacts:** Section 46 also extends statutes of limitation for initial case filings in civil cases; Sections 47-59 would permit remote notarial acts



Legislation Proposed:

Why we do we need this legislation?

- Allows Chief Justice to quickly respond to the demands of our public health crisis, while preserving the rights and interests of parties
- Clarifies authority to order remote hearings and appearances across a range of matters without need to file motion
- Limits the need for jury trials in criminal cases to reduce the risk of community spread and keep potential jurors, staff, parties, and witnesses safe, as the Honorable Judge Crutchley will explain...

A View from the Bench: Jury Trials In Criminal Cases

**The Honorable Raymond Crutchley
Deschutes County Circuit Court**

Coronavirus upends justice system as states close courts and halt trials

"The ramifications could be catastrophic if not managed properly," a defense lawyer said.



— Robert Durst at a hearing on capital murder charges in the death of Susan Berman in Los Angeles in January. His trial has been delayed.
Mark Bostan / Reuters pool file



Oregon laws limiting trial continuances set our state apart

In-Custody Trials



- ORS 136.290 and 136.295 require
 - Trial of defendants in custody within 60 days of arrest unless defendant consents or good cause for continuance
 - Express consent of defendant to continue trial beyond 60 days
 - Release of defendant if trial not commenced within 60 days
 - No more than two 60-day extensions may be ordered
 - No continuance beyond 180 days

Jury Trials During COVID-19



Require

- Multiple courtrooms to implement social distancing
- Significantly more staff
- Social distancing measures throughout the courthouse
- Substantially more time to complete
- Continuous cleaning of rooms and equipment

Courtroom D Modified for Social Distancing



Courtroom D



Courtroom B Before Remodel



Courtroom B Construction



Courtroom B

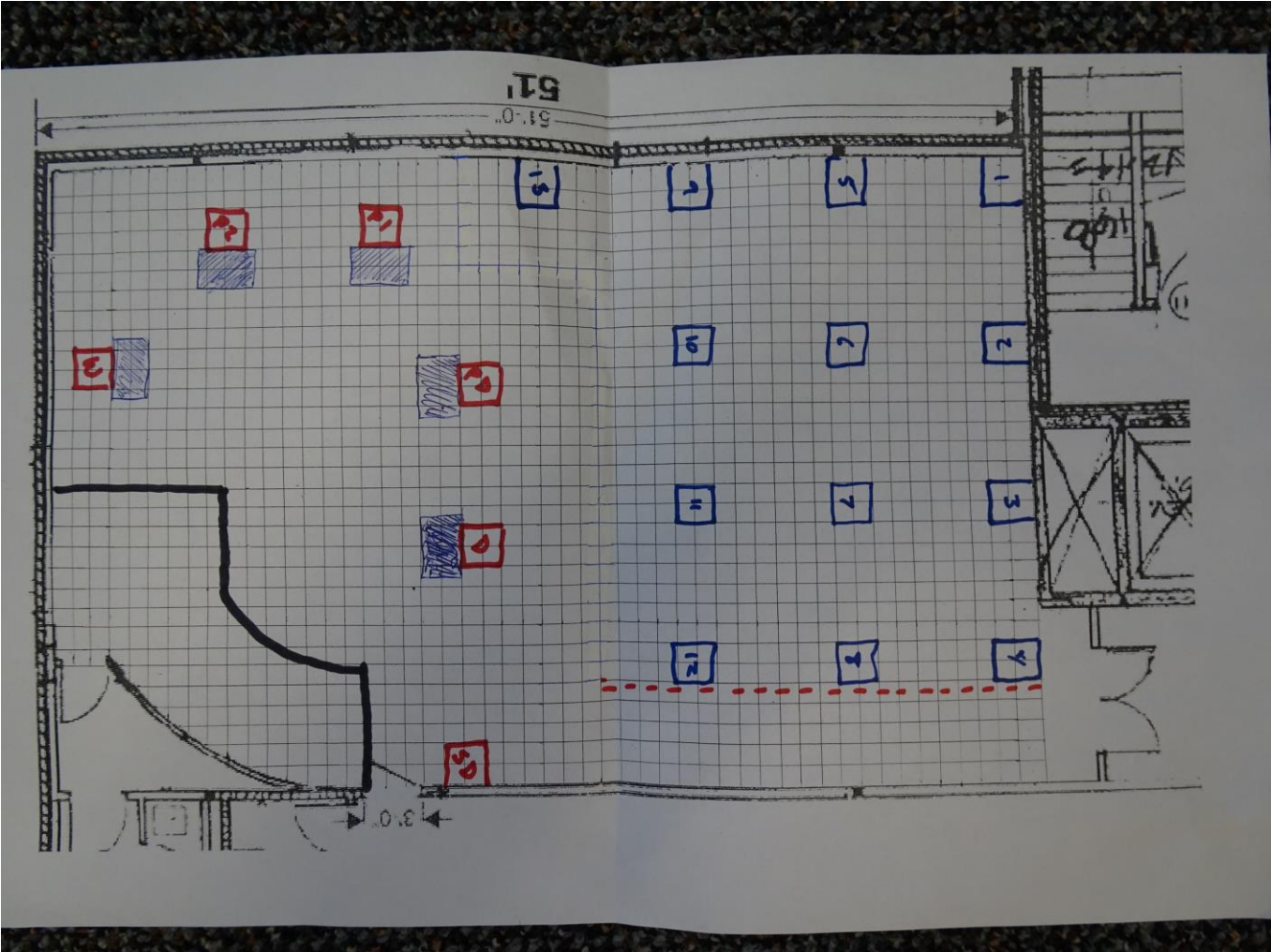
Beginning to Take Shape for Social Distancing



Courtroom B – New Wall to Protect Jurors



Courtroom B Design



Courtroom D

Old Jury Deliberation Room Cannot be Used



Jury Assembly Room



ORS 133.060



- Requires individuals served with a criminal citation to appear in court no later than 30 days after citation
- Flexibility to set beyond 30 days would reduce the number of people in the courthouse

COVID-19 Environment Outcomes and Challenges Ahead

**Nancy J. Cozine
State Court Administrator**



Reducing Risk of Spread

- Jails populations reduced by 45%
- Counties report that they have been able to avoid COVID-19 within their in-custody populations
- Courts take every precaution to ensure that juveniles and adults in custody who come into our courts are not exposed

Keeping Communities Safe

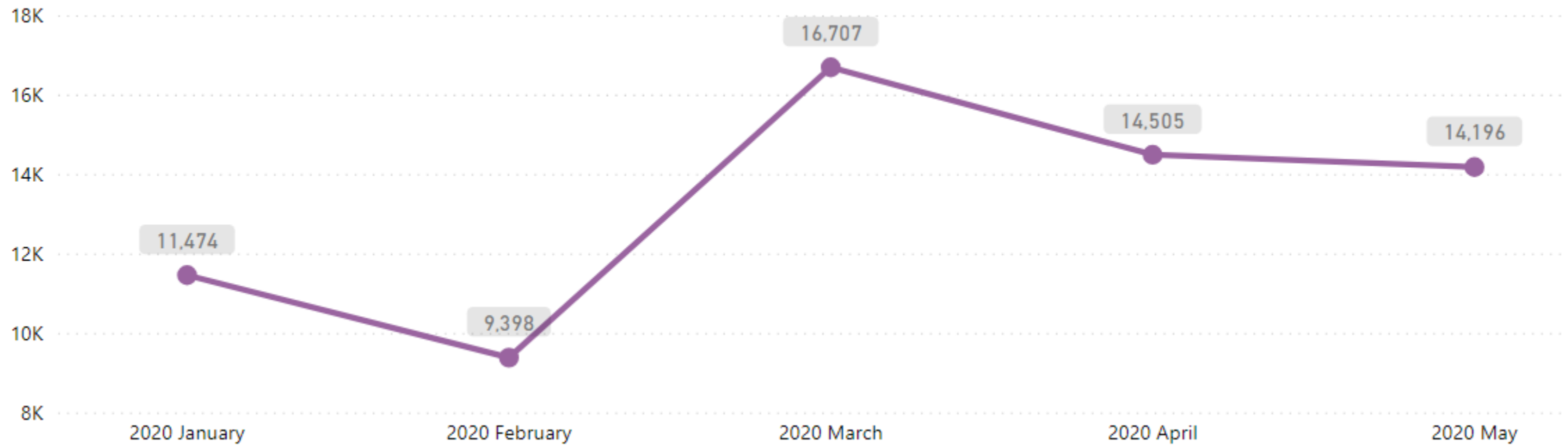


- Courts have significantly reduced visits to courthouses
 - Remote appearances (telephone and video)
 - More on-line services
 - Postponement of matters when possible
- Washington County Circuit Court
 - April 2019: 32,469 patrons
 - April 2020: 3,130 patrons

Many Hearings Postponed



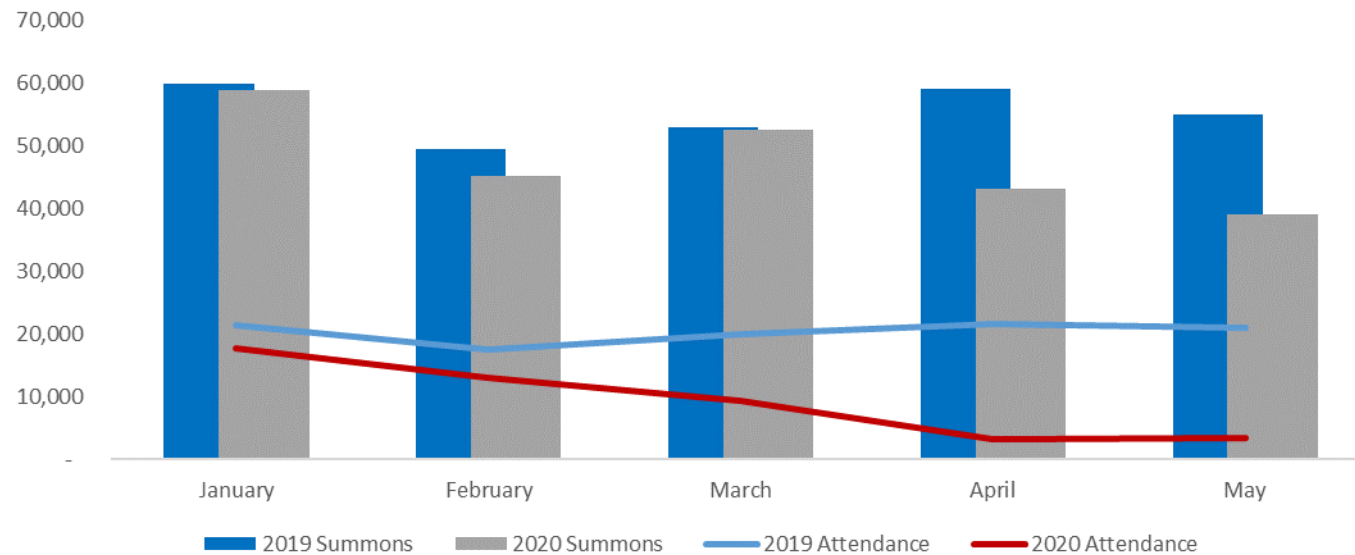
Rescheduled Hearings by Hearing Date



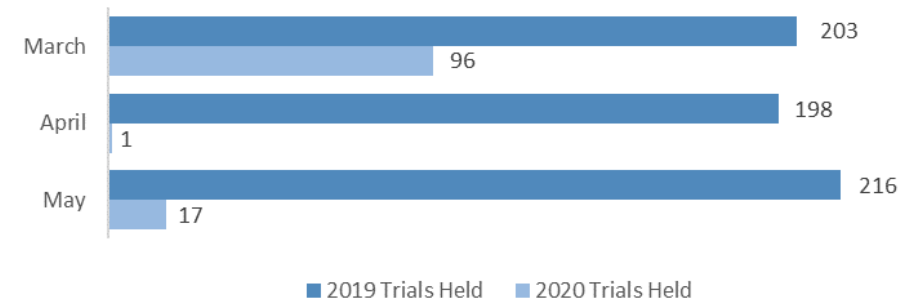
Fewer Jury Trials and Jurors



Jury Summons vs Attendance: 2019 vs 2020



Jury Trials Held in March - May: 2019 vs 2020



Many Jury Trials Rescheduled



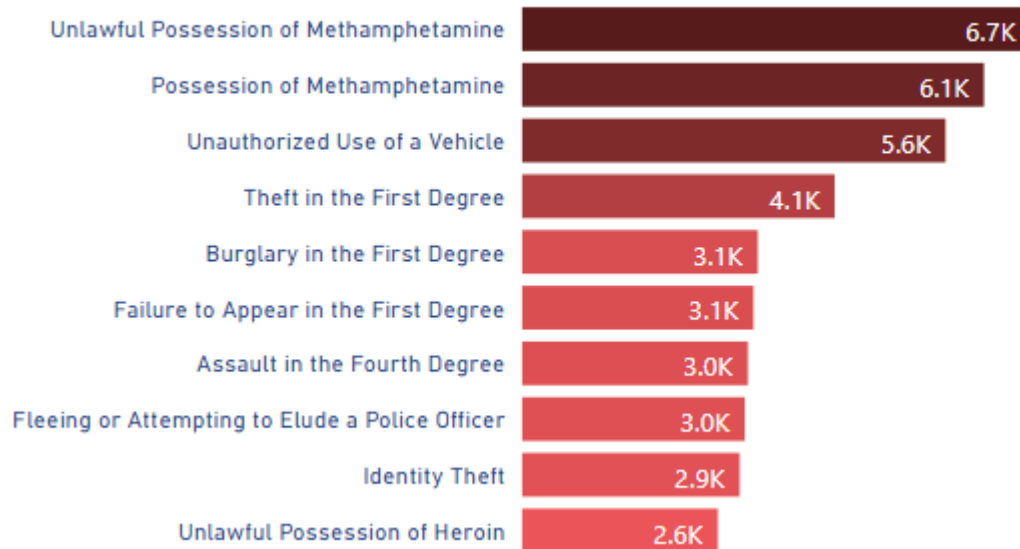
Scheduled Jury Trials for June and July: 2019 vs 2020



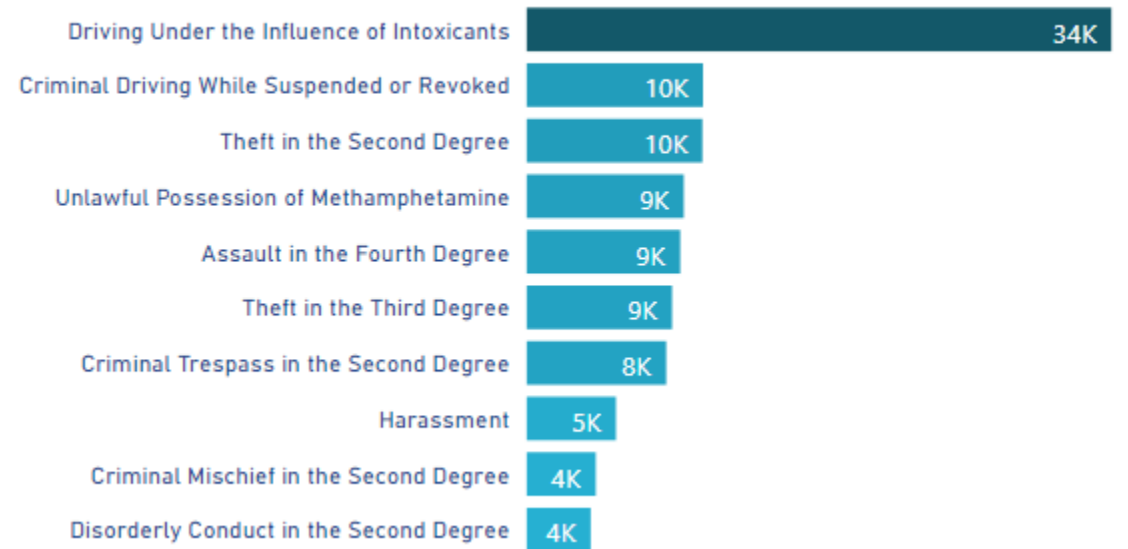
Statewide Impact: Most Frequent Criminal Charges



Most Frequent Felony Charges (Most Serious) Filed in Circuit Courts 2017-2019



Most Frequent Misdemeanor Charges (Most Serious) Filed in Circuit Courts 2017-2019

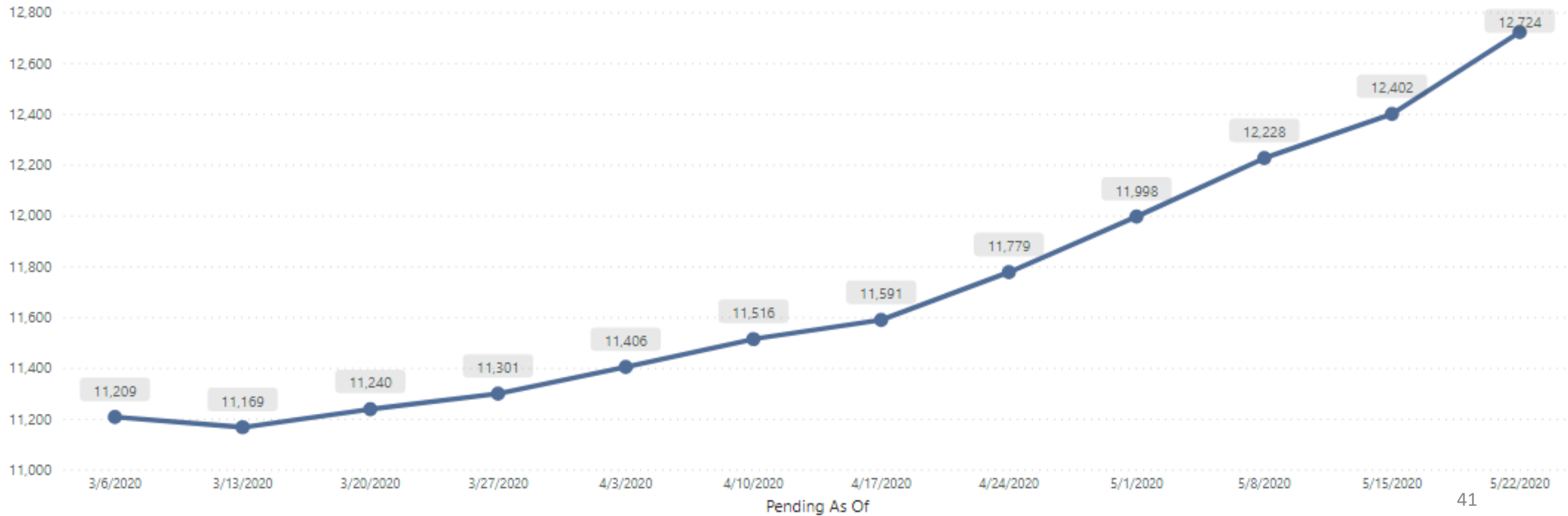


Felony Backlog



March 2020 - May 2020

● Felony

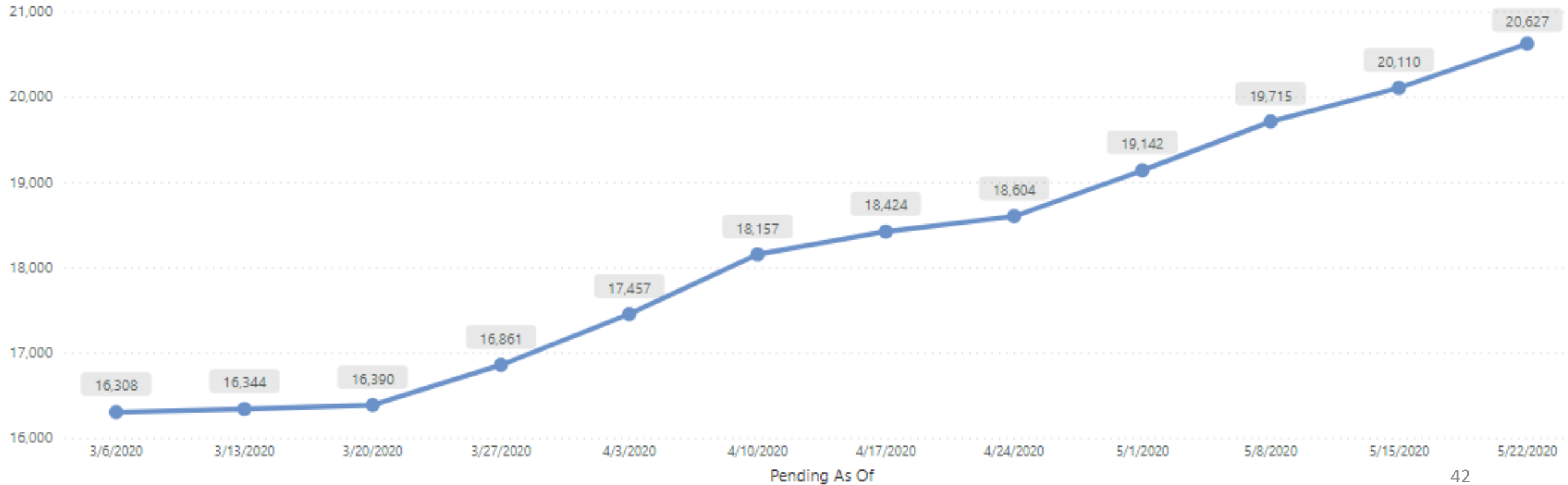




Misdemeanor Backlog

March 2020 - May 2020

● Misdemeanor

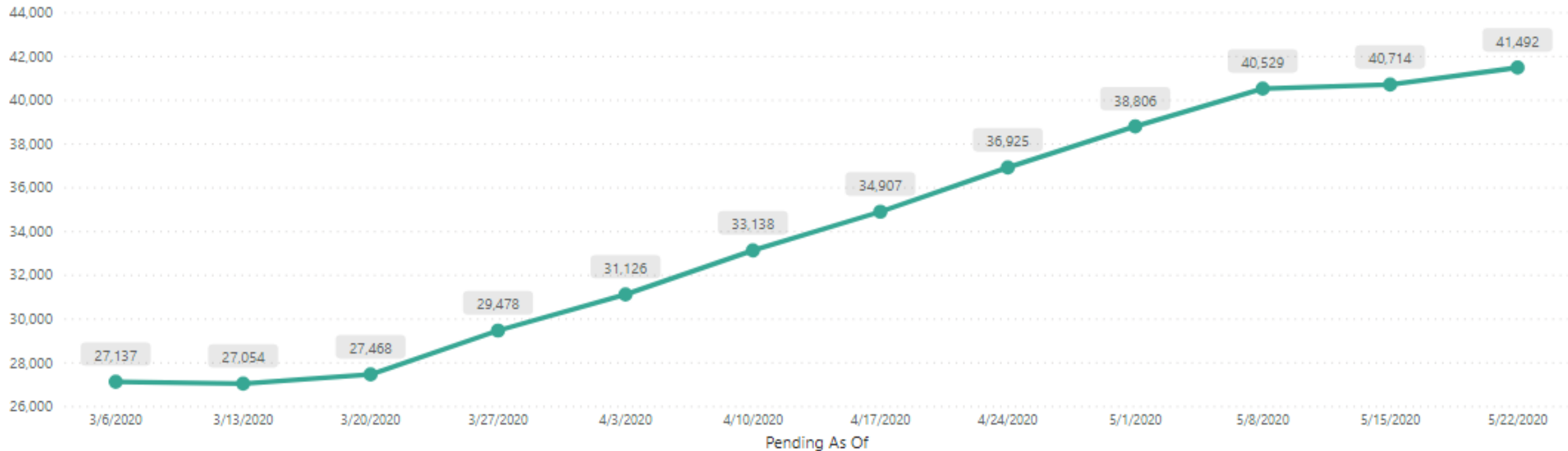


Violation Backlog



March 2020 - May 2020

● Violation



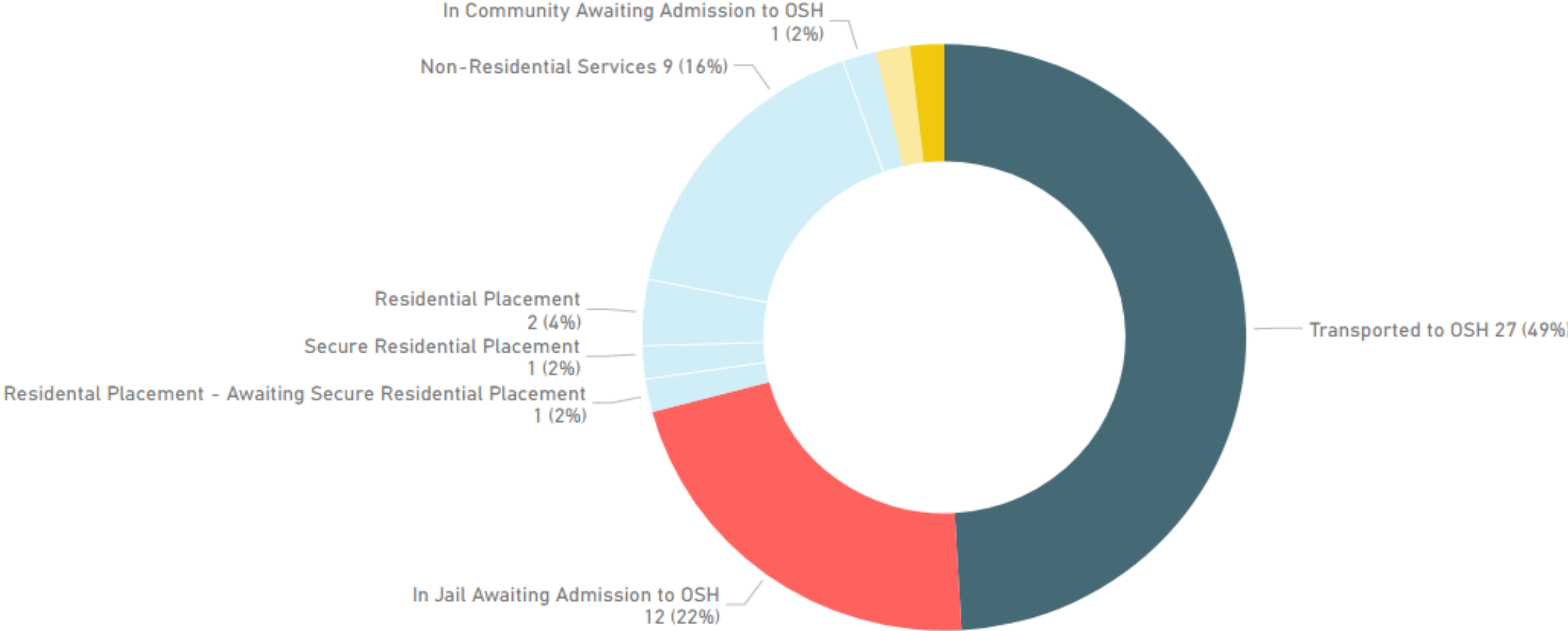


Additional Priorities

- Responding to *Ramos v. Louisiana*: Considering disposition of appeals and potentially retrying more than 250 nonunanimous jury verdict cases
- Addressing Litigant's Unmet Needs: Landlord-Tenant; Domestic Relations; Business Contracts; Child Welfare; Probate and Conservatorship matters

Defendants Found Unfit in April 2020, By Current Placement

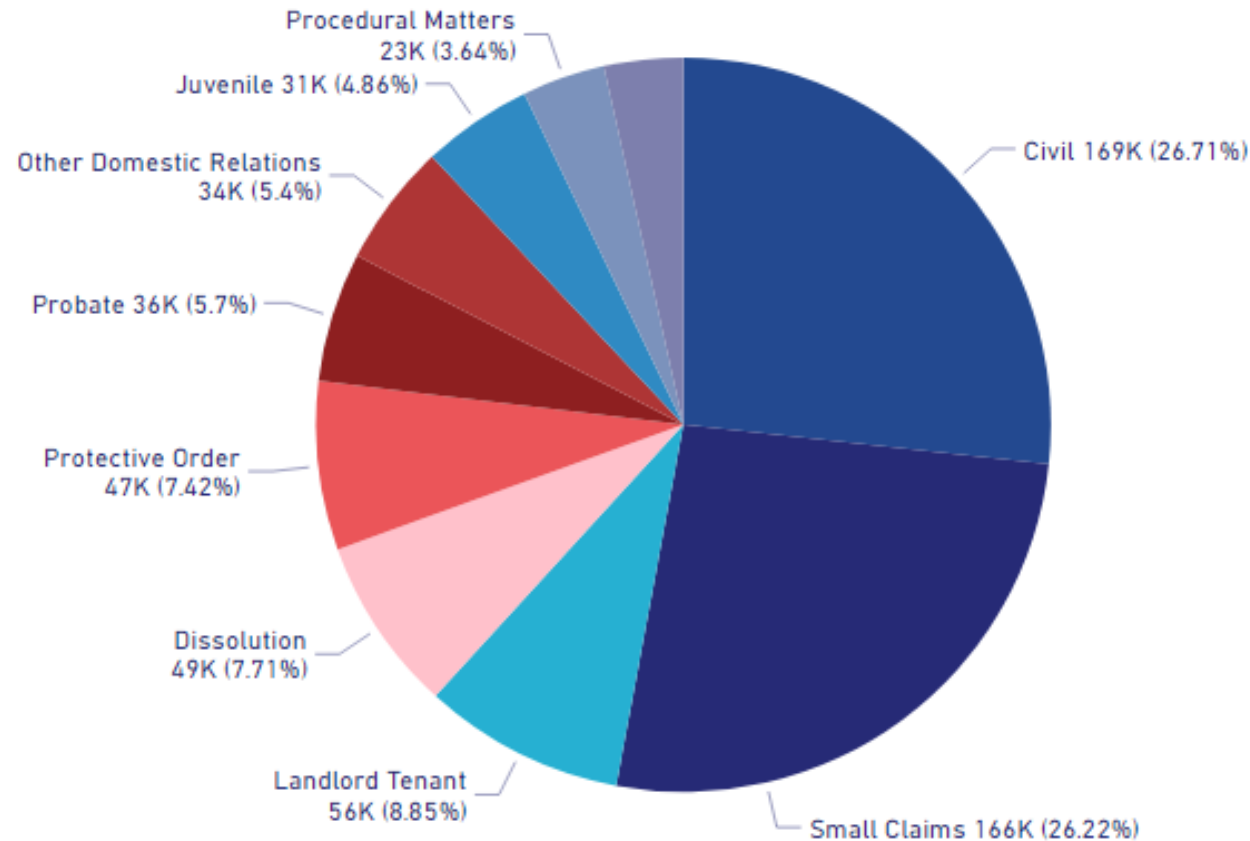
● OSH ● Jail ● Community Restoration ● Supervised Probation ● Case Dismissed



Statewide Impact: Civil Case Filings



Non-Criminal Cases Filed in Circuit Courts 2017-2019

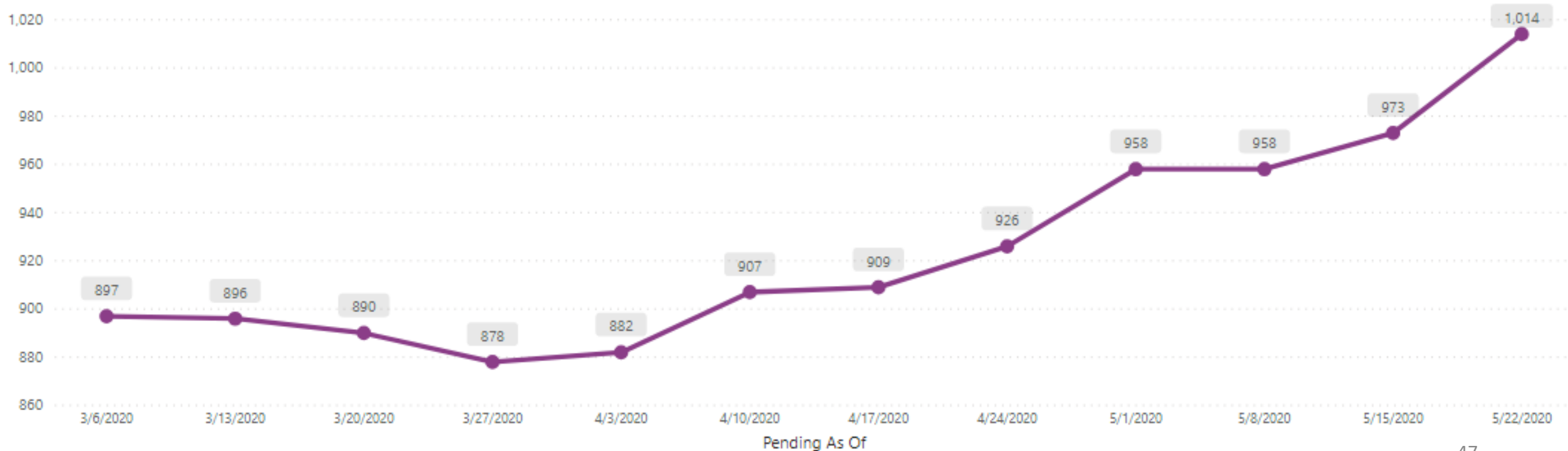




More Protective Orders Pending

March 2020 - May 2020

● Protective Order





COVID-19 disproportionately impacts people from low-income and historically marginalized communities, many of whom need court services

- Domestic Violence Victims
- People suffering from mental illness
- Juveniles and Adults in Custody
- Treatment Court Participants
- Crime Victims
- Foster Kids
- Children Affected by Domestic Proceedings
- Oregon's elderly

CJO 20-016

Issued May 15, 2020



Eased restrictions on court operations

- Allows more judges and staff to return to courthouses if social distancing requirements can be met
- Permits courts to provide certain additional services, including bench trials, if staff is available and social distancing requirements can be met
- Requires postponement of jury trials and evictions until after July 1

Going forward

- We will need to continue to rely on remote services
- We must be prepared to further restrict in-person appearances again if needed

OJD is a Critical Part of Oregon's Recovery



- Business contracts and transactions
- Housing
- Debtor/Creditor and Small claims
- Treatment Courts
- Mental Health Dockets
- Domestic Relations
- Child Welfare
- Protective Orders



Questions?



More information online at
www.courts.oregon.gov

- Courts
- Hours
- Contact information
- Services
- Court records
- Court calendars
- Self-help information and forms



Thank You
Be Safe