



DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL

DATE: June 25th, 2020

TO: Senate President Peter Courtney, Co-Chair
House Speaker Tina Kotek, Co-Chair
Senate Minority Leader Fred Girod, Co-Vice Chair
House Minority Leader Christine Drazan, Co-Vice Chair
Members of the Committee

FROM: Aaron Knott, Legislative Director

SUBJECT: Testimony in support of HB 4212 (Sec. 6-7 Judicial Timelines and Powers).

The COVID-19 pandemic has caused untold disruption to many of the core institutions of our civil society, and the courts have not been spared. With the inherently dense and closely packed environment of the modern courthouse, balancing the timely administration of justice with the compelling need to avoid widespread contagion among our judges, attorneys, litigants, criminal defendants and jurors poses a truly Herculean challenge.

Recognizing these dynamics early in the pandemic, Chief Justice Martha Walters and her staff convened a series of open discussions with relevant stakeholders to attempt to manage the increasingly complex logistics of providing judicial services to the public across all of Oregon's diverse county systems. Through the issuance of a series of Chief Justice Orders, the courts quickly pivoted their operational structure to account for this new reality. The process was inclusive, deliberate and thoughtful despite the incredible time pressures involved, and the Attorney General wishes to thank the Chief Justice and her staff for working with all of us in the legal community to make this lift under such difficult circumstances.

Because of the nature of judicial work and its inherently close connection to key constitutional rights of criminal defendants, some of whom have been incarcerated throughout this pandemic, several of the changes necessary to continue the fair and safe administration of justice are not appropriate for a Chief Justice Order and must instead be made by the legislative branch. HB 4212 (Sec. 6-7, amendment forthcoming) represents the consensus product of a workgroup convened to by the Chief Justice to balance the need to keep our courthouses safe for all who draw upon its services in any form while still honoring the crucial constitutional and procedural rights of those who have found themselves facing serious felony level criminal charges during the pandemic.

The Attorney General thanks Chief Justice Walters and her staff for their steady and thoughtful leadership during these trying times and urges the passage of HB 4212, as amended.

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