

## BEST PRACTICES IN PRESIDING COURT BEGINNING SEPTEMBER 1, 2022

*The staffing shortages have created a need for everyone to examine how their work is completed. The Courthouse is experiencing the same difficulties as most office environments. To streamline our work and avoid a great deal of duplicative work the court has developed the following best practices.*

### **Daily Trial Call Docket 9:00 am in Presiding**

1. All attorneys must report in person, in the Presiding Courtroom. If you are unable to appear, you will need to have another attorney report for you.
2. If you are reporting ready for your hearing or trial, you may report in advance to Presiding per SLR 7.055(8)(b).
3. All defendants may appear via Webx, in person or through their attorney. The attorney must be able to state they are in "good contact" with the defendant and will provide all information to the defendant.
4. If the Defendant fails to appear at Call for Trial and the attorney cannot state they are in good contact, a bench warrant will issue.
5. If the Defendant is not present for Call, either by phone or in person, the trial will only be sent out if the Attorney can state that they have confirmed with the defendant that they are ready for trial.
6. If the case is on the trial docket, assume the case will go out for trial unless this is the first trial setting as assigned at arraignment in the justice center or if extenuating circumstances can be provided.
7. If you believe you are not ready for trial, do not wait until the call docket to announce you need a postponement, unless the case is on for the first time, use exparte to select new dates.
8. It is best not to move the case exparte to a further proceeding to pick dates, just pick the dates and avoid multiple appearances.
9. If you are sent out for trial and the lawyers request a set-over, they must return to Presiding court.

### **Daily Short Matters Docket at 9:15 in Presiding**

1. Similar to the 9:00 AM Trial Call docket, all attorneys must report in person. If you are unable to appear, have another attorney report for you. If you are reporting ready for your hearing or trial, you may report in advance to Presiding per SLR 7.055(8)(b).
2. Do not sign up for a plea unless an offer has been made and accepted.
3. If the Defendant does not appear and the attorney cannot state they are in good contact, an appearance or bench warrant will be scheduled for one week.
4. Matters will only be carried a day for good reason.
5. Attorneys should confer regarding availability prior to placing a case on the docket.
6. If the short matter is assigned out and does not occur the matter needs to be placed back on the Short Matters docket and not rescheduled on the individual judge's docket.

### **Daily Preventative Detention Docket at 9:20 in Presiding**

1. These hearings are scheduled 1-2 days prior by the Justice Center.
2. An Oral Waiver of the defendant's right to a hearing within 5-days of arraignment will be accepted to set the hearing over for up to 34 days following arraignment.
3. A written waiver must be filed by the defense to postpone the Preventative Detention hearing beyond 35 days, independent of the 60-day status.
4. Unless Defense has filed a 60-Day waiver, the Preventative Detention hearing must be sent out. An exception to this exists if Defense stipulates the 60-Days does not apply and either confirms the time-period for which it does not apply or notifies the court it is tolled for A&A concerns.

### **Ex Parte at 10:30 and 1:30 (Criminal and Civil)**

1. Attorneys should make sure they appear with the paperwork or, if they plan to appear remote, have emailed their documents to [Mul.Presiding@oid.state.or.us](mailto:Mul.Presiding@oid.state.or.us) at least **24 hours** before they intend to appear.
2. Civil attorneys may prefer to attend 1:30 Ex Parte as the morning Ex Parte may be delayed due to lengthy morning dockets.
3. If you have a disputed matter, please wait until the end of Ex Parte.
4. If your matter involved a great deal of material (ie. TROs), please make sure it is sent in advance to Presiding. If materials are not sent in advance, the matter may have to be postponed allowing the judge time to read the material.
5. Motions for a Sitting Judge to hear a motion for Summary Judgment will be heard at Ex Parte, and if granted, the parties will be asked to contact Judge Marshall for assignment.
6. Once all parties have filed an appearance and a motion is filed, the civil department will assign a motion judge within 10 days. If the case is not at issue and a motion judge is needed the parties may seek appointment of a motions judge at Ex Parte.
7. Criminal set over requests must be presented at least 2-days prior to the Call setting. Set overs of cases set within 2-days will need to be addressed at Call.

## **Civil Scheduling Conferences**

1. Scheduling Conferences are set with the Presiding Judge on Wednesday afternoons between 2:00-4:00 pm and are set in 10-minute increments.
2. Scheduling Conferences will address requests for Complex designation or contested trial set over requests. Requests for contested abatements may also be set for a Scheduling Conference so long as the parties can make their arguments in 10 minutes or less. If a longer period is needed, parties need to file a Motion for Abatement and schedule a hearing with their motions judge.
3. To set a conference, parties must contact Presiding to get available dates and times. Parties must then confer with all sides on an agreeable date and time and return to Presiding to schedule.
4. Complex Case Assignments need to be requested as soon as the case becomes at issue.
5. If a postponement of a trial is requested, parties must keep in mind, cases filed before 2020 will need to be given trial dates as soon as possible. Cases filed in 2021 need to be given trial dates before the end of 2023. These are guidelines.

## **Civil Trial Dates**

1. Beginning in September, all civil cases, where all parties have filed an appearance making the case at issue will receive a form and instructions from the court advising them to talk with opposing counsel and find a trial date within certain parameters.
2. The form must be filed out and submitted to the court within 35 days. If a date cannot be agreed upon, counsel is to contact Presiding Court ([MUL.Presiding@ojd.state.or.us](mailto:MUL.Presiding@ojd.state.or.us) or 971-274-0660) to request a scheduling conference.
3. If the trial date submitted is denied the case will be placed on a Trial Scheduling Docket. These dockets are held on Tuesday and Thursday at 2:00 PM.
4. If no action is taken, a 30 notice of dismissal will be sent.

## **Medical Malpractice Docket**

1. The medical malpractice docket has been moved to Judge Angela Lucero, as a result of Judge Hodson's retirement. She will continue the same practices. Most matters may continue to be forwarded to Judge Lucero. However, if a case has been given a trial date and because of the length of the trial, a request has been made to Cheri Coe for a specially assigned trial judge at least 45 days before trial and she is in the process of assigning a judge, all requests for postponement must come to a Scheduling Conference.