

IN THE CIRCUIT COURT OF THE STATE OF OREGON

FILED

FOR THE COUNTY OF MULTNOMAH

22 SEP 13 PM 1:54

4TH JUDICIAL DIST.

In the Matter of Implementing)	PRESIDING JUDGE ORDER
CJO 22-012 Permitting Remote)	2201-00006
Proceedings and continuing)	
Protective Measures)	ORDER IMPLEMENTING CJO 22-012
)	PERMITTING REMOTE PROCEEDINGS
)	AND CONTINUING PROTECTIVE MEASURES
)	

WHEREAS, the 2022 Oregon Legislative assembly enacted Oregon Laws 2022, Chapter 68, originally introduced as HB 4120 at the request of Chief Justice Martha Walters; and

WHEREAS Section 8 of Chapter 68, now codified as ORS 1.002(5), authorizes the Chief Justice to direct or permit any appearance before a court or magistrate to be by telephone, other two-way electronic communication device or simultaneous electronic transmission notwithstanding any statute or rule to the contrary, and ORS 1.002(11) permits the Chief Justice to delegate any of the powers specified by this section to the presiding judge of a court; and

WHEREAS Chief Justice Walters issued CJO 2022-012 on June 23, 2022, delegating to Presiding Judges of a Judicial District the authority to determine proceedings that are to be conducted remotely and proceedings that are to be conducted in person notwithstanding any other statute or rule requiring an in-person appearance,

IT IS HEREBY ORDERED, that beginning September 15, 2022, proceedings in Multnomah County Circuit Court will be held remotely or in person as set forth in Attachment B, the Multnomah County Circuit Court Mode of Proceedings, incorporated herein.

This order does not direct/apply to remote or in-person appearance in Family Law, Juvenile or Probate cases. The appended chart directs the mode of appearance in those cases. See Exhibit B.

PROVISIONS APPLICABLE TO THIS ORDER

In carrying out the directives of the Mode of Proceedings, the following provisions apply:

1. This order supersedes all prior PJO's regarding mode of proceedings issued in response to the Declaration of Emergency declared by Governor Brown due to the COVID-19 pandemic. Except for the provisions in the 10/29/2021 PJO related to domestic relations, juvenile and probate cases, which shall remain in effect.

2. If this order conflicts with any UTCR passed after the issuance of this order which governs mode of proceedings under authority of ORS 1.002, the terms of the UTCR apply.
3. The term "remote proceeding" is defined as a court proceeding that utilizes telephone, video, another two-way electronic communication device, or simultaneous electronic transmission for any participant to appear. The term video means simultaneous electronic transmission that allows the parties and the court to visually observe the participant and for the participant to visually observe the parties and the court.
4. Pursuant to ORS 1.002(5)(b) and (c), this order permits judges presiding in a particular proceeding to authorize in-person appearances in lieu of appearances that would otherwise be held remotely if there is a particular need for an in-person appearance or if it is determined that a party has a constitutional right to have the participant appear in person.
5. A participant who wishes to address whether they will be allowed to participate remotely or in person may e-mail or call the Judicial Assistant of the Judge assigned to the hearing. If a participant needs a ruling in advance, that participant's attorney or an attorney in the case may file a motion to be heard at Ex Parte requesting a determination of the mode of proceeding and appear on the Presiding Ex Parte docket, the Family Court Ex Parte Docket, or contact a specially assigned judge for a ruling.
6. A participant who appears by phone must verify their identity under oath if requested by any party or the court. An attorney shall verify on the record that they have had contact with their client and can verify that the client is the person appearing by telephone.
7. Exhibits must be submitted to the court 24 hours prior to the hearing to allow processing.
 - a. Paper exhibits offered in proceedings at which counsel are appearing remotely may be submitted and e- filed in a unified single PDF file and: (A) Be accompanied by an index that identifies each exhibit, located at the beginning of the submission, with each identified exhibit electronically linked to the index; and (B) Include an electronic bookmark for each exhibit.
 - b. Non-Paper exhibits, such as video or audio clips, must also be clearly marked and referenced on an index, and must be delivered to the court clerk no less than one hour prior to the hearing.
8. In criminal cases, parties submitting plea petitions, declarations, motions, memoranda, or other documents must submit the paperwork to the court prior to the hearing.
9. In criminal cases, appearance through counsel is permitted if a Consent to Appearance Through Counsel form is filed with the Court and personal or remote appearance of the defendant is not otherwise required by the Judge presiding over the matter to be heard. The form must be filed in prior to the first hearing at which it will apply. See Consent form attached as Attachment A.
10. When a party in a criminal case is submitting petitions, declarations or other signed documents, they must submit signed documents to the court who will confirm on the record that the signature represents the Defendant's stated intent.
11. Nothing in this order shall be construed in a way that violates a defendant's constitutional rights.

12. This order remains in effect until extended or terminated by further order of the court.

Dated: September 13, 2022

A handwritten signature in cursive script that reads "Judith H. Matarazzo". The signature is written in black ink and is positioned above the printed name and title.

JUDITH H. MATARAZZO

Presiding Court Judge

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH
1200 SW FIRST AVENUE PORTLAND OREGON 97204

State of Oregon

Case No: _____

vs

**CONSENT TO APPEARANCE
THROUGH COUNSEL**

Defendant

By signing this document and filing it with the Court I hereby consent to my attorney appearing on my behalf in the above-captioned case. Furthermore, I acknowledge the following:

- 1) I am the above-named Defendant.
- 2) It is my responsibility to know every date, time, and location set for a hearing in my case.
- 3) It is my responsibility to know if my personal appearance is required at a specific hearing.¹
- 4) I understand I must contact my attorney and/or the Court² to get information about the date, time, and location of any scheduled hearing and whether my personal appearance is required at a hearing.
- 5) I understand that if I fail to appear for any hearing at which my personal appearance is required, a warrant for my arrest will be issued, my release will be revoked and I could be charged with the crime of Failure to Appear.
- 6) I understand that my attorney will appear on my behalf and represent my interests to the best of their abilities and in accordance with the ethical standards of their profession for hearings at which my personal appearance is not required.
- 7) I understand that I have the right to personally appear at any hearing in this case even though I have signed and filed this document.
- 8) I understand that I can revoke this consent to appearance through counsel at any time while this case is pending.

I have read and understand this entire document and have discussed it with my attorney. I understand that I am not required to consent to appearance through counsel and I am signing this document voluntarily.

DATED: _____
Defendant Name Signature

DATED: _____
Attorney Name Signature

¹ A defendant's "personal" appearance may be in person OR by phone or video as permitted by PJO 2201-00006. Personal appearance is required if ordered by the Court or, if a felony is charged, at arraignment, change of plea, trial, and sentencing. You must appear in person for felony arraignment and trial.

² To find out the time and location of your hearing you may call 971-274-0545, option 3.

PRESIDING JUDGE ORDER 2201-00006
 MULTNOMAH COUNTY CIRCUIT COURT
 MODE OF PROCEEDINGS

The Multnomah County Presiding Judge Orders can be found at this link:
<https://www.courts.oregon.gov/courts/multnomah/Pages/coronavirus.aspx>. Please refer to the court website for the most updated information or send an e-mail inquiry to mul.criminal@ojd.state.or.us or mul.arraignments@ojd.state.or.us.

CIVIL DOCKETS	Remote Attorney?	Remote Litigant?	Instructions	Webex Appearance
Motions under 30 minutes	Yes – video recommended	Yes – video recommended	Judge has discretion to have any motion heard remotely or in person upon request by parties.	After assignment, contact Judge’s JA for instructions
Motions over 30 minutes	No	No	Judge has discretion to have any motion heard remotely or in-person upon request by parties.	After assignment, contact Judge’s JA for instructions
Ex parte	Yes – TROs must present in person	N/A	Paperwork must be emailed to Mul.Presiding@ojd.state.or.us 24 hours in advance for remote appearances.	(503) 988-3888 Code: 146-700-8974
Summary Judgments	Yes	Yes	Video required	(503) 388-9555 Code: 146-391-4134
Trials	No – unless stipulated	No – unless stipulated	Remote testimony at discretion of Judge.	After assignment, contact Judge’s JA for instructions
HIGH VOLUME DOCKETS	Remote Attorney or Officer?	Remote Litigant?	Instructions	Webex Appearance
Parking	Yes	Yes	If appearing remotely, video is required	(503) 388-9555 Code: 187-317-4296

Traffic – Downtown	Yes	Yes	If appearing remotely, video is required	(503) 388-9555 Code: 187-470-6429
Traffic – East County Courthouse	Yes	Yes	If appearing remotely, video is required	www.courts.oregon.gov/courts/multnomah/gov/Pages/calendars.aspx
Small Claims	No	No		
Landlord/Tenant/FED	First appearance must be in person. Subsequent appearances may be remote.	First appearance maybe in person or remote. Subsequent appearances may be in person or remote. If there is a settlement agreement the tenant can appear remotely.	Can be in person	(503) 388-9555 Code: 2490-836-2270
Civil Commitments	Yes	Yes	Can be in person; judge has discretion to allow remote testimony of witnesses.	(503) 388-9555 Code: 146-826-4209
Temporary Stalking Order Docket	Yes	Yes	Can be in person	(503) 388-9555 Code: 146-909-1183
Permanent Stalking Order Docket	No	No		
FAMILY LAW DOCKETS	Remote Attorney?	Remote Litigant?	Instructions	Webex Appearance
Domestic Relations				
All proceedings except for ones listed below are in person			File request for remote appearance 10 days in advance	
Trial Assignment	Yes	Yes		
Applications for Protective Orders	Yes	Yes	May appear in person at their option.	
Contested motions for custody or parenting time evals.	Yes	Yes		

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Attachment B

Non-evidentiary discovery motions	Yes	Yes		
Petitions for Attorney Fees	Yes	Yes		
Form of Judgment hearings	Yes	Yes		
Contested motions for special settings	Yes	Yes		
Status Conferences	Yes	Yes		
Pre-trial Conferences	Yes	Yes		
Motions involving legal arguments only	Yes	Yes		
UCCJEA conferences	Yes	Yes		
Juvenile Cases	Remote Attorney?	Remote Litigant?	Instructions	Webex Appearance
TPR & Dependency Trials	No	No	File request for remote appearance 10 days in advance	
“Big” call	No	No	“	
Delinquency & Dependency Prelims	No	No	“	
Contested Permanency Hearings	No	No	“	
Contested Motions to Dismiss	No	No	“	
Delinquency Adjudications (including pv’s)	No	No	Unless Youth waives appearance	
Delinquency Dispositions	No	No	Unless Youth waives appearance	
Waiver Hearings	No	No		
Delinquency Call	Yes	Yes	Presumed remote unless otherwise ordered	
Delinquency/ Dependency Ex Parte	Yes	Yes		
UCCJEA Conferences	Yes	Yes		
Case Management Conferences	Yes	Yes		
Probate Docket	Remote Attorney?	Remote Litigant?	Instructions	Webex Appearance

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Short Matters Docket	Yes	Yes		
All other Probate Matters	No	No		File request for remote appearance 10 days in advance
CRIMINAL DOCKETS	Remote Attorney?	Remote Defendant?	Appearance Through Counsel Permitted?	Webex Appearance & Instructions
Arraignments				
Felony arraignments – JC3	No	No	No	
Misd. Arraignments – JC4 (including PV arraignments)	No	Yes	Yes, with signed Consent. See Section 10, PJO.	(503) 388-9555 Code: 146-696-4571
PV Arraignments – JC2	No	Yes	Yes, but only for misdemeanors with signed Consent. See Section 10, PJO.	(503) 388-9555 Code: 146-308-6154
Felony Hearings & Trials	Remote Attorney?	Remote Defendant?	Appearance Through Counsel Permitted?	Webex Appearance & Instructions
Presiding Call/Case Assignment – 7A	No	Yes	Yes, with signed Consent. See Section 10, PJO.	(503) 388-9555 Code: 146-700-8974
Presiding Ex parte – 7A	Yes	In-person appearance required for warrant lifts.	Yes.	(503) 988-3888 Code: 146-700-8974 Paperwork must be emailed to Mul.Presiding@ojd.state.or.us 24 hours in advance for remote appearances.

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Felony pleas (see below for felony sentencing)	Yes	Yes	No	E-file signed plea petitions 2 days prior to hearing. After assignment, contact judge's JA for instructions.
Felony Sentencing	If permitted by sentencing judge	If permitted by sentencing judge.	No	After assignment, contact judge's JA for instructions.
Felony release hearings or release modification hearings.	No	No	No	After assignment, contact judge's JA for instructions.
JSC's in felony cases	No	By video; In person highly recommended.	No	After assignment, contact judge's JA for instructions.
Felony restitution hearings	Yes	Yes	Yes, with signed Consent. See Section 10, PJO.	E-mail sentencing judge's JA for instructions.
Felony Substitution of Counsel (other than those permitted as ex parte under SLR 4.109)	No for defense counsel; Yes for State	If permitted by court, defendant may appear by video.	No	E-mail Vanessa DeJesus, Vanessa.j.dejesus@ojd.state.or.us
Case Management Conferences with Chief Criminal Judge	Yes	Yes	Appearance presumed waived, but may participate by request	Microsoft Teams invitation sent to parties. No in person conferences scheduled.
Other felony motions assigned off presiding docket	As permitted by Presiding Judge	As permitted by Presiding Judge	As permitted by Presiding Judge	After assignment, contact judge's JA for instructions.
Felony trials – bench or jury	No	No	No	After assignment, contact judge's JA for instructions.
Fitness to Proceed docket	Yes	Yes	As permitted by judge	See Webex invitation for number.
Specialty Courts – START, MH Court, DISP, STEP	As permitted by judge	As permitted by judge	As permitted by judge	Contact judge's JA for instructions.
Felony Probation Violations – JC2	Yes, except for contested hearings.	Yes, per ORS 137.545(10) for purposes of	No for contested hearing. ¹ As	Call (503) 388-9555 Code: 146-308-6154

¹ For contested violation hearings, PO may appear in person or remotely by video.

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		admitting or denying a violation. As permitted by judge for sanction or contested hearing.	permitted by judge for sanction.	
Motion for Warrant Lift in Felony case – 7A	No	Yes, if FTA was at a remote hearing; No if FTA was at a hearing requiring an in-person appearance	No	Appear at Presiding Ex Parte after consulting with opposing counsel: (503) 988-3888 Code: 146-700 8974
Misdemeanor Hearings (DV & Non-DV)	Remote attorney?	Remote Defendant?	Appearance Through Counsel Permitted?²	Webex Link & Instructions
Misdemeanor Trial Readiness	Yes	Yes	Yes, with signed Consent. See Section 10, PJO.	Call (503) 388-9555 Dom Misd docket (A): Code: 146-172-5532 Private Bar docket (B): Code: 146-871-2041 MPD docket (C): Code: 146-384-1122 MDI docket (D): Code: 146-722-9212
CPC docket	Yes.	Yes	Yes, with signed Consent. See Section 10, PJO.	Call (503) 388-9555 Code: 146-596-9700
CPC Call/Trial Assignment	Yes	Yes	Yes, with signed Consent. See Section 10, PJO.	“
Reckless setover sentencing	Yes	Yes	Yes, if defendant submits declaration and case expected to be dismissed. Otherwise, with signed Consent.	“ E-file signed declarations or other documents at least 2 days prior to hearing.

² Pursuant to 135.030(2), 136.040, and 137.030, people charged in misdemeanor cases may appear in person or through counsel. The court will require a signed Consent to Appear Through Counsel for arraignment, plea, trial, sentencing and probation violation proceeding, and for any court date at which a future court date is set. The court will require remote or in-person appearance for hearings as specified in the chart.

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Misdemeanor plea hearings	Yes	Yes	Yes, with signed Consent and plea paperwork signed by both defendant and counsel.	" E-file signed plea petitions at least 2 days prior to hearing.
Misdemeanor trials – jury or bench	No	No	Yes, with signed Consent. See Section 10, PJO.	Contact CPC or, after assignment, judge's JA for instructions.
Misdemeanor Release Hearings or Modification of Release Hearings.	No	No	No	
Civil Compromise	Yes.	Yes. Defendant must submit <u>signed</u> documents. Judge may notarize def's signature.	No, unless permitted by court.	" E-file paperwork at least 2 days prior to hearing. Judge may require in person appearance.
Misdemeanor sentencing	Yes	Yes	Yes, with signed Consent. See Section 10, PJO	Contact Judge's JA for instructions.
Misdemeanor restitution hearing	Yes	Yes	Yes, with signed Consent. See Section 10, PJO.	"
DUII Diversion Entry	No	No	No	Call (503) 388-9555 Code: 146-489-3962
Contested Diversion Docket	Yes	Yes	No	"
Expedited DUII program	Yes	Yes, unless ordered otherwise.	No	Call (503) 388-9555 Code: 146-949-7534 E-filed signed paperwork 2 days prior to hearing.
Misdemeanor probation violations – JC2	Yes, except for contested hearings.	Yes, per ORS 137.545(10) for purposes of admitting or denying a violation As permitted by judge for sanction or contested hearing.	No for contested hearing. ³ As permitted by judge for imposition of sanction.	Call (503) 388-9555 Code: 146-308-6154

³ For contested violation hearings, PO must appear in person if requested by defense attorney. Otherwise, PO may appear remotely by video.

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VRO Trials	No	No	No	
Motion for Warrant Lift in Misdemeanor Case	Yes, if FTA was at a remote hearing; No if FTA was at a hearing requiring an in-person appearance	Yes, if FTA was at a remote hearing; No if FTA was at a hearing requiring an in-person appearance	No	Call (503) 388-9555 Code: 146-596-9700
EAST COUNTY COURTHOUSE	Remote Attorney?	Remote Defendant?	Appearance Through Counsel Permitted?	Webex Link & Instructions
Diversions & ExDUII Entries	Yes	Yes, unless ordered otherwise	No	Call (503) 388-9555 Code: 146-664-6335 E-file signed plea petitions at least 2 days prior to hearing.
Misdemeanor Arraignments	Yes	Yes	Yes, with signed Consent. See Section 10, PJO.	Call (503) 388-9555 Code 146-664-6335
Misdemeanor Pleas	Yes	Yes, unless ordered otherwise	Yes, with signed consent and plea paperwork <u>signed</u> by defendant and counsel.	Call (503) 388-9555 Code: 146-664-6335 E-file signed plea petitions at least 2 days prior to hearing.
Misdemeanor Sentencings	Yes	Yes, unless ordered otherwise	Yes, with signed Consent. See Section 10, PJO.	Call (503) 388-9555 Code: 146-664-6335
Misdemeanor Restitution Hearings	Yes	Yes, unless ordered otherwise.	Yes, with signed Consent. See Section 10, PJO.	"
Misdemeanor Trials – Jury or Bench	No	No	Yes, with signed Consent. See Section 10, PJO.	
Misdemeanor Reckless Setover Sentencing	Yes	Yes	Yes if if defendant submits declaration and case expected to be dismissed. Otherwise with signed Consent.	Call (503) 388-9555 Code: 146-664-6335 E-file signed declarations or other documents at least 2 days prior to hearing.
Misdemeanor Trial Readiness	Yes	Yes, unless ordered otherwise.	Yes, with Signed Consent. See Section 10, PJO.	Call (503) 388-9555 Code: 146-664-6335

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Misdemeanor Call/Trial Assignment	Yes	Yes, unless ordered otherwise	Yes, with signed Consent. See Section 10, PJO.	“
Traffic	Yes – video required	Yes – video required	If appearing remotely, video is required	www.courts.oregon.gov/courts/multnomah/gov/Pages/calendars.aspx