

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

IN RE: COURT OPERATIONS
IN REPOSE TO COVID-19

Standing Order 2020-12 Third Amended

1. Re-authorization of Remote Proceedings under the CARES Act

On March 30, 2020, this Court entered Standing Order 2020-07 authorizing the use of video and telephone conferencing, under certain circumstances and with the consent of the defendant, for various criminal case events during the course of the COVID-19 emergency pursuant to the CARES Act, H.R. 748 (the "Act"). On June 29, 2020 and September 25, 2020, pursuant to Section 15002(b)(3)(A) of the Act, I reviewed the authorization and extended it for an additional 90 days each time. Standing Order 2020-12 Amended; Standing Order 2020-12 Second Amended. As Chief Judge, and pursuant to Section 15002(b)(3)(A) of the Act, I have again reviewed the authorization and have determined to extend it for an additional 90 days.

Accordingly, pursuant to Section 15002(b)(1) of the Act, I hereby authorize the use of video conferencing, or telephone conferencing if video conferencing is not reasonably available, for all events listed in Section 15002(b) of the Act, with the consent of the defendant after consultation with counsel.

Pursuant to Section 15002(b)(2) of the Act, I further find that most felony pleas under Rule 11 of the Federal Rules of Criminal Procedure and most felony sentencings under Rule 32 of the Federal Rules of Criminal Procedure cannot be conducted in person in this district without seriously jeopardizing public health and safety. As a result, if a judge in a particular case finds, for specific reasons, that a felony plea or sentencing in that case cannot be further delayed without serious harm to the interests of justice, the judge may, with the consent of the defendant after consultation with counsel, use video conferencing, or teleconferencing if video conferencing is not reasonably available, for the felony plea or sentencing in that case. Judges may also use this authority for equivalent events in juvenile cases as described in Section 15002(b)(2)(B).

Pursuant to Section 15002(b)(3) of the legislation, this authorization will remain in effect for 90 days unless terminated earlier. If emergency conditions continue to exist 90 days from the entry of this Order, I will review this authorization and determine whether to extend it.

2. Modified Court Operations

A. Court Business and Proceedings

Consistent with the reauthorization of remote proceedings set forth above, the following Court business and proceedings are permitted as long as they can be conducted in compliance

with health advisories, without jeopardizing public health and safety:

- i. Civil and criminal jury selections and jury trials may proceed as long as they can be conducted in compliance with health advisories.
- ii. All other civil and criminal matters scheduled for an in-Court appearance may proceed as long as they can be conducted in compliance with health advisories. Where all parties and the Presiding Judge agree to resolve the matters without oral argument, or via telephone or video teleconferencing, hearings may be conducted remotely. This provision applies to the District of Oregon Reentry Court proceedings.
- iii. In the event the Court experiences a reduced ability to obtain an adequate spectrum of jurors due to public health considerations associated with criminal jury trials and grand jury proceedings, the time period of the continuances implemented by this Standing Order will be excluded under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A). The Court finds that the ends of justice served by ordering these continuances outweighs the best interest of the public and each defendant's right to speedy indictment or trial. The Court may extend the period of exclusion as circumstances may warrant.
- iv. The District Clerk's Office in the Portland, Eugene, and Medford courthouses will not accept cash payments until further notice. Filings will continue to be accepted electronically, or by email, mail, or deposit in drop boxes located in the lobbies of the Portland, Eugene, and Medford courthouses. Information about whether intake counters are open to the public is available at ord.uscourts.gov.

B. Waiver of Signature and Paper Copy Requirements

Some Federal Rules of Criminal Procedure, such as Rules 10(b)(2), 15(c)(1)(A), 20(a)(1), 23(a)(1), 32(e), 43(b)(2), allow for consent or waiver of certain rights by a defendant, but require that such consent or waiver be in writing. More broadly, various documents, including but not limited to financial affidavits, plea petitions, and waivers of indictment, call for the signatures of defendants, counsel, and/or judges. The current circumstances are likely to make it impracticable, if not impossible, to obtain actual signatures in a timely and safe manner. For these reasons, during the period when this Standing Order is in effect, any document may be signed electronically. Further, where a defendant's signature is called for, either defense counsel or the presiding judge may sign on the defendant's behalf if the defendant, after an opportunity to consult with counsel, consents.

The Court suspends the Judge's Paper Copy Requirement under Local Civil Rule 5-8 and Local Criminal Rule 49-7 for any document filed in a civil or criminal case, except for the paper copy of the Administrative Record in Social Security cases as required by Local Civil Rule 5-2(f)(1)(B). Judges may request paper copies under Local Civil Rule 5-8 or Local Criminal Rule 49-7 on a case-by-case basis.

C. Entry and Mask Requirements

The following persons shall not enter any United States Courthouse in the District of Oregon:

- i. Persons currently diagnosed with or experiencing any symptoms of COVID-19;
- ii. Persons who have had close physical contact within the last 14 days with a person who has been diagnosed with COVID-19; or
- iii. Persons who have been asked to self-observe, self-isolate, or self-quarantine by a doctor, hospital, or public health authority within the last 14 days.

All persons seeking entry to, or occupying, a public space in any United States Courthouse in the District of Oregon must wear a face covering or mask unless a medical condition prevents them from doing so and they can show proof of the medical condition in the form of a physician's order or other documentation. The face covering or mask must completely conceal the wearer's nose and mouth at all times. If the wearer is an employee of the U.S. District Court, Clerk's Office, U.S. Probation Office, or U.S. Pretrial Services Office who is in an office or workspace that permits at least six feet of physical distance from other persons, the wearer may temporarily remove the mask or face covering. Any visitor seeking entry to the Courthouses without a mask or face covering will be provided one by the Court. If the Court is unable to provide a mask for any reason, the visitor will be asked to contact by telephone the office to be visited to explore alternatives to entering the Courthouse.

The United States Marshal, his deputies, and the Court Security Officers shall enforce this Order and deny entry to anyone attempting to enter in violation of this Order.

The Court will vacate or amend this Standing Order as necessary and appropriate.

IT IS SO ORDERED.

DATED this 23 day of December, 2020.


MARCO HERNANDEZ
CHIEF U.S. DISTRICT JUDGE