

1 IN THE CIRCUIT COURT OF THE STATE OF OREGON  
2  
3 FOR WASHINGTON COUNTY  
4

5 Case Management Docket Changes ) **General Order 238**  
6 Applicable to all cases filed after ) Regarding  
7 March 1, 2015 ) Revision of Criminal  
8 ) Docket System  
9 )  
10 )  
11 )

12  
13 WHEREAS the Judges of Washington County Circuit Court have engaged in a  
14 review of existing Criminal Docketing Systems with the assistance of the National  
15 Center for State Courts (NCSC), including:  
16

17 A High Performance Court Survey to gain feedback from court employees; and  
18

19 A Court Reengineering effort supported by a State Justice Institute grant with  
20 technical assistance from NCSC, input from community partners including the District  
21 Attorney, Defense Providers, Law Enforcement, Community Corrections, Oregon  
22 Judicial Department staff, and the Trial Court Administrator; and  
23

24 Judicial retreats and meetings led by NCSC and the Judges of Washington  
25 County, including a focused retreat on Effective Felony Case Process, and  
26

27 Multiple meetings of the Judges focused on improvement of quality and  
28 consistency of practices in criminal cases among judges, court calendaring and  
29 administrative staff;  
30

31 Now therefore, IT IS HEREBY ORDERED:  
32

33 1.  
34

35 PURPOSES  
36

37 To improve procedures in criminal cases in Washington County Circuit Court.  
38

39 To promote uniformity in practice throughout all Washington County Circuit Court  
40 courtrooms.  
41

42 To promote meaningful hearings and early resolutions for criminal matters not  
43 requiring a trial.  
44

45 To recognize that a defendant's right to a speedy trial, and the public, including  
46 the victims and witnesses, interest in a timely, fair, and just resolution of criminal cases,  
47 is best achieved by application of uniform and consistent time standards for the conduct  
48 of criminal cases.

1  
2 To encourage cooperation between the court, the prosecuting attorneys, and the  
3 defense bar with a view towards a just and efficient disposition of criminal cases.  
4

5 To provide guidelines for application in the great majority of cases, recognizing  
6 that a judge, in the exercise of discretion, may adjust or extend time periods in individual  
7 cases to insure a defendant's right to a fair trial and the effective assistance of counsel,  
8 as well as, the protection of public safety.  
9

10 To identify non-trial cases at the earliest stage so as to encourage and reward  
11 timely accountability and disposition with consequent savings of public and private  
12 resources.  
13

14 If not specifically mentioned or changed in this order, the court will continue those  
15 procedures that are in place.  
16

17 2.  
18

19 ARRaignMENTS  
20

21 Arraignments will ordinarily be scheduled at the Law Enforcement Center (LEC)  
22 but may be held by other judges in due course.  
23

24 At arraignment, it is the court's intention to schedule all further proceedings (with  
25 the exception of Domestic Violence Deferred Sentencing Cases) as close as practicable  
26 to three weeks from the date of the arraignment. The court recognizes there may be  
27 good cause on specific cases to set further proceedings prior to or later than three  
28 weeks from the date of arraignment.  
29

30 Defendants eligible for Diversion/Early Case Resolution (DECR/ECR), will be  
31 arraigned and either resolve the case at arraignment, set the case over for an additional  
32 three weeks to allow a defendant more time to fully consider the offer, or, reject the  
33 offer. If rejected, the court will set a Case Management Conference (CMC)  
34 approximately three weeks after the arraignment. If an DECR/ECR set over hearing is  
35 requested, the court will set the case for both a DECR/ECR set over hearing  
36 approximately three weeks after arraignment and a CMC hearing approximately three  
37 weeks after the DECR/ECR set over hearing date. If the DECR/ECR set over hearing is  
38 not needed, the DECR/ECR set over hearing may be cancelled with leave of the court  
39 and the parties next date will be the CMC hearing set at arraignment.  
40

41 3.  
42

43 FURTHER PROCEEDINGS  
44

45 To encourage earlier recognition, resolution, and to reward defendants accepting  
46 responsibility early, all cases that have not been resolved or specially assigned to a  
47 judge shall have at least one Case Management Conference (CMC) and one Final  
48 Resolution Conference (FRC).

1  
2 For those cases requiring a Criminal Pretrial Conference (PTC) per SLR 6.011,  
3 the PTC will occur at the initial Case Management Conference.  
4

5 To encourage those purposes enumerated in the first paragraph of this section,  
6 at the CMC the court will be going over with all parties how the case is currently  
7 proceeding. That will include procedural questions regarding discovery, plea offer,  
8 motions to be filed, and pretrial resolution. See attached Appendix B. The parties,  
9 including the defendant, must be ready to answer or give appropriate explanations to  
10 the court's procedural inquiries.  
11

12 The prosecuting attorney and defense counsel shall confer prior to the Case  
13 Management Conference. At the hearing the state must be represented by the attorney  
14 prosecuting the case or a designated attorney who has conferred with the attorney  
15 prosecuting the case and has authority to resolve the matter. The defendant must  
16 appear and be represented by counsel who conferred with the state and is going to try  
17 the case or who has authority to resolve the case.  
18

19 If the case does not resolve at the initial PTC/CMC, then the court will set the  
20 case for an additional CMC or FRC. The court will set an additional CMC if the court  
21 finds that work still needs to be done by one or both the parties and once done will lead  
22 to a meaningful CMC. Any additional CMC will be set approximately 21 days from the  
23 previous CMC. In Cases in which a defendant is in custody and the court sets the case  
24 for trial within 60 days of defendant coming into custody, absent a waiver of the speedy  
25 trial rights, the court will not set an additional CMC (absent extraordinary reasons). That  
26 is, the court will set the case for FRC, case assignment (if a felony), and a trial date.  
27 Other hearings the court might set at the CMC include, but are not limited to: Pre-trial  
28 motions, Aid and Assist hearings, Civil Compromises or a Change of Plea.  
29

30 If the case does not resolve at the initial PTC/CMC, and the court is satisfied that  
31 the case is ready to proceed to trial, the court will set dates accordingly:

32 Misdemeanors: Final Resolution Conference and Trial;  
33 Felonies: Final Resolution Conference, Case Assignment, and Trial.  
34

35 The dates will be based on the party's *and* court's availability, with the exception of in-  
36 custody defendants which will be set within 60 days of their custody date without a  
37 waiver. It is the court's intention all cases will go to trial on the designated trial date.  
38 For those in-custody defendants, understanding cases are rarely ready for trial within 60  
39 days, the court intends to use the CMC to inquire with defense counsel whether the  
40 defendant would like to waive 60 day speedy trial rights and set a meaningful trial date  
41 in which all parties will be ready to begin.  
42  
43  
44  
45  
46  
47  
48

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46

4.

### FINAL RESOLUTION CONFERENCE

The purpose of the Final Resolution Conference is to ensure all cases that need to proceed to trial are ready for trial. The court will inquire about the number of witnesses from each party, the number of days each party believes they will need for trial, whether there are any pre-trial matters that have not previously been dealt with, or any other inquiries the court believes is appropriate for the case. The FRC will be set approximately two Fridays before the week of trial.<sup>1</sup>

The Final Resolution Conference will also be the last opportunity to resolve the case using any Washington County Circuit Court sentencing guidelines or with an agreed or stipulated plea, absent extraordinary reasons. After the Final Resolution Conference and absent the court finding extraordinary circumstances, a defendant wishing to change his or her plea will be required to plead to all remaining charges on the charging instrument. Moreover, all sentencing decisions will be at the sole discretion of the judge who presides over the change of plea or trial.

At the Final Resolution Conference if the parties desire to have a judge help to resolve the matter the judge may help to resolve the case or the case may be sent to another Washington County Judge with the permission of the Chief Criminal Judge or Presiding Judge. Given the limited number of judges in Washington County, the parties may be asked to waive the statutory requirement that a trial judge may not be involved in plea discussions. See ORS 135.432 and Appendix C Form. Thus, the settlement judge would still be available as a trial judge.

6.

### CONTINUANCES OF TRIAL

It is the purpose of the Case Management System that once a case is set for trial, the trial will commence on the date set. The court understands and appreciates that Washington County Circuit Court may not have enough judges to send all cases to trial on dates set and that events may happen creating good cause to reset a trial. If a party believes good cause exists for a reset then the request must be made as provided below.

A motion to continue a trial date shall be in writing accompanied with an affidavit or declaration and supported by good cause. The motion and the affidavit or declaration must inform the court of the following:

- (1) The current trial date and a proposed new trial date;
- (2) How many times the case has been previously reset;
- (3) Whether the party asking for the reset has previously asked for a reset;
- (4) Whether the defendant is in or out of custody;

---

<sup>1</sup> Example: If trial is currently set for December 30, 2014, the FRC will be set for Friday December 19, 2014.

1  
2 (5) If on behalf of an in-custody defendant, that counsel has conferred with the  
3 client and the client is willing to waive all of client's speedy trial rights for the term of the  
4 reset; and,

5 (6) Whether the party has conferred with the court and opposing counsel(s) that  
6 the date requested is an appropriate trial date for court and opposing counsel(s).

7 (7) Whether the date requested is within the Oregon Standards of Timely  
8 Disposition in Oregon Circuit Courts. See Appendix D. If beyond timelines, what  
9 exceptional circumstances exist to support the selected date.

10  
11 7.

12  
13 JUDICIAL DISCRETION


14  
15 It is understood that specific situations may arise from time to time which require  
16 some variation from the procedures set forth above. In the interest of justice and to  
17 address specific concerns in unusual circumstances, and in the promotion of judicial  
18 efficiency in the judge's sound discretion, may extend the time periods and alter  
19 procedural requirements mandated above.

20  
21 8.

22  
23 EFFECT OF THIS GENERAL ORDER

24  
25 The procedures set forth above are intended to facilitate the timely, fair, and  
26 accurate resolution of criminal cases and to ensure the efficient use of court resources.  
27 They do not supplant any existing Constitutional rule, Oregon statute, Uniform Trial  
28 Court Rule, or Supplemental Local Rule. A defendant's statutory right to a speedy trial  
29 is not determined in any way by this General Order.

30  
31  
32 DATED THIS 24<sup>th</sup> day of February, 2015.

33  
34  
35   
36 Kirsten Thompson  
37 Presiding Judge

38  
39 Appendix A Case Management Schematic  
40 Appendix B Case Management Conference Sheet  
41 Appendix C Written Waiver by Defendant and Consent of Parties Sheet  
42 Appendix D Oregon Standards of Timely Disposition in Oregon Circuit Courts  
43  
44  
45

# LEC ARRAIGNMENT

## SPECIALTY COURTS

- DUI Diversion
- DV Deferred Sentencing (excluded)

## NON ECR ELIGIBLE

- Multiple Files
- Person Crimes
- Measure 11 (ORS 137.700)
- Others Per Program

## ECR ELIGIBLE

- Change of Plea
- Reject ECR offer
- Set over ECR hearing

## PRELIMINARY HEARINGS

## ECR SETOVERS

- Change of plea
- Reject Plea offer

## PTC/CASE MANAGEMENT

- PTC does not apply to M 11 cases
- Change of plea
- CMC on all cases that do not

## ADDITIONAL CASE MANAGEMENT

- As needed Per CM Judge
- Preference same CM Judge (not required)

## MOTION HEARINGS

- Suppressions
- Speedy Trial
- Others requiring time/witnesses

## FINAL RESOLUTION CONFERENCE

- (Set 2 Fridays before week of trial)
- If Trial:
  - Days & Witnesses
- Final Plea Offer
- Some pre-trial motions

## CASE ASSIGNMENT

- Felony cases only

## MURDER/ COMPLEX LITIGATION

- Assigned to a Judge by PJ
- Calendared by assigned judge

## TRIAL

- No Plea negotiations without specific/special reasons.
- Plea will be to entire charging instrument
- Local Court Sentencing Guidelines no longer in effect

CASE MANAGEMENT / FINAL RESOLUTION WORKSHEET

Date: \_\_\_\_\_ Judge: \_\_\_\_\_ Case #: \_\_\_\_\_

Defendant's Name: \_\_\_\_\_ In Custody?  Measure 11?

DDA: \_\_\_\_\_ Defense Attorney: \_\_\_\_\_

Arraignment Date: \_\_\_\_\_

To DDA

Discovery completed? yes  no  If not, why? \_\_\_\_\_  
When will it be completed? \_\_\_\_\_

Plea offer given? yes  no  If not, why? \_\_\_\_\_  
When will it be extended? \_\_\_\_\_

Issues from DDA's perspective: \_\_\_\_\_  
\_\_\_\_\_

To Defense Attorney

Mitigation complete? yes  no  If not, why? \_\_\_\_\_  
When will info be completed? \_\_\_\_\_

Counter offer? yes  no  If not, why? \_\_\_\_\_  
When will it be extended? \_\_\_\_\_

Issues from defense's perspective: \_\_\_\_\_  
\_\_\_\_\_

To Defendant

Have you reviewed discovery? yes  no  If not, why? \_\_\_\_\_  
When will you review? \_\_\_\_\_

Have you reviewed plea offer? yes  no  If not, why? \_\_\_\_\_  
When will you review? \_\_\_\_\_

Issues to be resolved by the next hearing:  Case Mgmt  Final Resolution  Hearing: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Motions to be filed:  Miranda  Hearsay (child abuse statements)  Release  Suppression  
 Drug Court/Mental Health Court  Pre-trial in camera subpoena  
 Other \_\_\_\_\_  Civil Compromise

When will parties be ready resolve/try the case? \_\_\_\_\_

Notes: \_\_\_\_\_  
\_\_\_\_\_

TRIAL: Witnesses: State \_\_\_\_\_ Defense \_\_\_\_\_ Days: \_\_\_\_\_ Interpreter  language? \_\_\_\_\_  
Other/Equipment need: \_\_\_\_\_  
Experts? \_\_\_\_\_ Motions/Type: \_\_\_\_\_

**IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF WASHINGTON**

STATE OF OREGON,

Plaintiff,

vs.

Defendant.

Case No. \_\_\_\_\_

ORS 135.432(5) WRITTEN  
WAIVER BY DEFENDANT  
AND CONSENT OF PARTIES

I \_\_\_\_\_, the defendant appearing in person and with my attorney, understand, and my attorney has explained to me that the trial judge is prohibited from participating in plea discussions absent my consent. After being advised, I wish to voluntarily waive any potential conflict created by Judge \_\_\_\_\_ participating in plea discussions and consent to that participation and waive any objection to Judge \_\_\_\_\_ serving as the trial Judge in this case.

The defendant, defense attorney, and the deputy district attorney knowingly and voluntarily waive the right to file an affidavit of prejudice against the above Judge and consent to the above Judge participating in plea discussions and being the trial Judge.

\_\_\_\_\_  
Defendant

\_\_\_\_\_  
Defense Attorney

\_\_\_\_\_  
Deputy District Attorney

Dated: \_\_\_\_\_

\_\_\_\_\_  
CIRCUIT COURT JUDGE



(With changes incorporated)

**OREGON STANDARDS OF TIMELY DISPOSITION  
IN OREGON CIRCUIT COURTS**

Adopted and Approved by the Oregon Judicial  
Conference May 1, 1990, including Amendments  
Adopted to the Domestic Relations Standards by the  
Oregon Judicial Conference April 30, 1991.  
Amended to reflect merger of circuit and district courts January 15, 1998.

- A. General Civil—90 percent of all civil cases should be settled, tried or otherwise concluded within 12 months of the date of case filing, 98 percent within 18 months of such filing, and the remainder within 24 months of such filing, except for individual cases in which the court determines exceptional circumstances exist and for which a continuing review should occur.
- B. Domestic Relations—90 percent of all domestic relations matters should be settled, tried or otherwise concluded within 9 months of the date of case filing, and 100 percent within one year, except for exceptional cases in which continuing review should occur.
- C. Summary Civil—Proceedings using summary hearing procedures, as in small claims, landlord-tenant and replevin actions, should be concluded within 75 days after filing.
- D. Criminal—
- Felony—90 percent of all felony cases should be adjudicated or otherwise concluded within 120 days from the date of arraignment, 98 percent within 180 days, and 100 percent within one year, except for exceptional cases in which continuing review should occur.
- Misdemeanor—90 percent of all misdemeanors, infractions and other nonfelony cases should be adjudicated or otherwise concluded within 90 days from the date of arraignment, 98 percent within 180 days, and 100 percent within one year, except for exceptional cases in which continuing review should occur.
- Persons in Pretrial Custody—Persons detained should have a determination of custodial status or bail set within 36 hours of arrest. Persons incarcerated before trial should be afforded priority for trial.

(Reapproved by the Executive Committee of the Judicial Conference, April 7, 1999.)

KWC:jes/E7J99025  
3/23/99