

COURT OF COMMON PLEAS, GENERAL DIVISION
MUNICIPAL COURT
HAMILTON COUNTY, OHIO

COPY OF ENTRY FILED
SEP 25 2020

IN RE: COURTHOUSE OPERATIONS AND : **M200001**
ACCESS UNDER EXIGENT :
CIRCUMSTANCES CREATED BY : **JOINT AMENDED**
COVID-19 : **ADMINISTRATIVE**
 : **ORDER**

In response to the public health crisis created by COVID-19 and the actions taken by federal, state, and local officials, the Hamilton County Courts have taken proactive steps in an effort to maintain critical Court functions while attempting to mitigate the unprecedented risks to participants, Court staff, and the public caused by the COVID-19 pandemic. Through a series of Administrative Orders, the Hamilton County Court of Common Pleas, General Division and the Hamilton County Municipal Court (the "Courts") have limited in-person operations and access to the Courthouse at 1000 Main Street and other court facilities to comply with public health orders and guidelines.¹

On April 27, 2020 the Governor introduced Responsible RestartOhio which is intended to protect the health of employees, customers, and their families, support community efforts to control the spread of COVID-19, and responsibly get Ohio back to work.²

On April 28, 2020 the Chief Justice of the Ohio Supreme Court issued updated guidance to Ohio Courts.³ In her message to Ohio judges, the Chief Justice advised that the courts need to "continue to operate within the directives of the Governor and the Director of Health" and urged courts to adopt mandatory practices and recommended best practices. In addition to these measures, the Chief Justice directed "[s]ocial distancing, masks, cleaning, etc. as outlined in the Responsible RestartOhio General Office Environments must be in place for everyone."

In her May 7, 2020 communication to Ohio Courts, the Chief Justice urged as follows:

I ask that you stay the course. Please remember, courts are not like ... stores, restaurants, or salons. When people come into our

¹ See March 13, 2020, Joint Administrative Order in re Courthouse Operations Under Exigent Circumstances Created by Covid-19, No. M200001; March 24, 2020, Joint Administrative Order in re Courthouse Access Under Exigent Circumstances Created by COVID-19, No M200001; April 6, 2020, Amended Administrative Order re Courthouse Access under Exigent Circumstances Created by COVID-19, M200002; and, April 6, 2020 Joint Administrative Order in re Courthouse Access Screening Under Exigent Circumstances Created by COVID-19.

² <https://coronavirus.ohio.gov/wps/portal/gov/covid-19/responsible-restart-ohio/welcome/>

³ The Supreme Court's Guidance to Local Courts COVID-19 Public Health Emergency issued on March 30, 2020 remains valid.

courthouses, they most often are not doing so by choice but instead, they are appearing because they have been summoned to appear either as a party to a case, as a witness, or as a juror. As such, we must be cautious in who we require to appear – even now, as restrictions begin to be relaxed – and we should require an in-person appearance only in cases with immediate need. In all other cases, we should look for ways to move forward using technology. People summoned into court should not have to choose between compliance with a court order and the risk to their health or that of their families.

Given the continued threat to public safety posed by the COVID-19 pandemic, and to comply with the foregoing directives and guidance, effective immediately and until further order, the Courts modify their previous COVID related Administrative Orders, and hereby Order as follows:

1. This Joint Amended Administrative Order applies to all Court Facilities. For purposes of this order, “Court Facilities” includes the Hamilton County Courthouse at 1000 Main Street (Courthouse), and to Common Pleas, General Division and Municipal Court employees who work in the Hamilton County Justice Center at 1000 Sycamore Street (Justice Center), and the Times Star Building at 800 Broadway, and to anyone entering those buildings to access Common Pleas, General Division and Municipal Court services offered therein.
2. In an effort to limit large gatherings and ensure social distancing is maintained within all areas of the Courthouse, each Common Pleas and Municipal Court judge shall limit in-person proceedings as provided herein and are encouraged to stagger dockets where possible.
3. The measures taken in this Joint Administrative Order to limit in-person proceedings, and which are intended to facilitate State of Ohio public health guidelines, do not affect the Courts’ consideration of motions or other court matters that can be resolved without in-person appearances. Telephonic and video conferences are encouraged and may proceed as appropriate at the discretion of the individual judge.
4. In-person access to Court Facilities is hereby limited to those whom are conducting or are necessary to in-person court proceedings. For purposes of this Order, “in-person court proceedings” are limited to:
 - a. Criminal matters involving individuals in custody;
 - b. Emergency civil matters including:
 - i. Motion for Temporary Restraining Order;
 - ii. Civil Stalking Protection Order; and,

- iii. Garnishment hearings.
 - c. Municipal Civil matters as described in Local Municipal Civil Rule IV (1) and (2) scheduled before Municipal Magistrates.
 - d. In addition to criminal matters involving individuals in custody, and emergency civil matters, no more than twenty (20) Municipal Court cases per docket, set at two-hour intervals up to five days per week and twenty (20) Common Pleas cases may be scheduled and proceed before the assigned judge and are hereby limited to:
 - i. Matters scheduled in advance which appear on the docket of the judge;
 - ii. Matters that cannot reasonably be accomplished remotely though teleconferencing;
 - iii. Matters that require immediate attention, and
 - iv. Matters that do not require large gatherings (matters that can conform to public health guidelines). If a party, victim, or witness that would be compelled to attend such a proceeding expresses a health concern due to COVID-19, continuances shall be liberally granted until after the expiration of this Order.
 - e. Any matters that do not meet the definition of “in-person court proceedings” may only proceed with the express prior consent of the Presiding and Administrative Judge of the respective Court.
 - f. Limited in-person services provided by Adult Probation and Pretrial Services as authorized by Court Administration.
 - g. Individuals who are required to report to the Hamilton County Sheriff’s Office within the Courthouse to fulfill sex offender registration and arson offender registration requirements under Ohio law shall be admitted for reporting purposes and shall be escorted by a Sheriff’s Deputy at all times while within the Courthouse.
 - h. Law enforcement officers with search warrants.
5. Aside from essential County and Court staff, access to Court Facilities shall be permitted only to individuals necessary to in-person court proceedings, as defined herein, and are limited to:
- a. Attorneys, witnesses, and victims;
 - b. Law enforcement officers with search warrants;
 - c. The press;

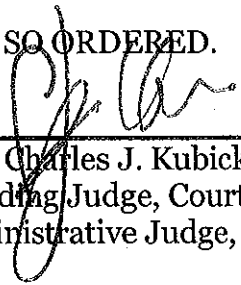
- d. Parties to in-person court proceedings; and,
 - e. No more than two (2) immediate family members of parties will be permitted to observe in-person court proceedings. For purposes of this Order, "immediate family members" include: a spouse or partner; parents; siblings; and children. Minor children may be prohibited at the discretion of the individual judge.
6. Emergency civil matters and Municipal Civil matters, as defined herein, shall be filed in-person at the Clerk of Court's Office at the Hamilton County Courthouse.
 7. Electronic filing through the Clerk of Courts e-filing portal is strongly encouraged for all civil filings, except for emergency civil matters as defined herein. All civil electronic filings will be deemed accepted and filed on the date submitted without regard to when the Clerk of Courts is able to process filings due to reduced staffing within the Clerk's Office.
 8. With regard to criminal matters, due to the effect of public health recommendations on the availability of counsel, parties, and court staff to be present in the courtroom, the continuances implemented by this Joint Amended Administrative Order, are subject to R.C. 2945.72(H), "Extension of Time for Hearing or Trial." The Court specifically finds the public health interests are paramount and the ends of justice are best served by this Amended Joint Administrative Order.
 9. Having consulted with Hamilton County justice stakeholders and the Hamilton County Board of Health Director, the Courts will conduct jury trials consistent with recommended public health emergency guidelines. With regard to criminal matters, due to the effect of public health recommendations on the availability of jurors or witnesses to be present in the courtroom, and to the extent COVID jury trial rooms designed to comply with recommended public health emergency guidelines are unavailable, continuances are subject to R.C. 2945.72(H), "Extension of Time for Hearing or Trial."
 10. Anyone authorized to enter Court Facilities under this Joint Amended Administrative Order shall be required to follow all applicable public health guidelines. Specifically, it is hereby ordered that any person entering Court Facilities, including all Hamilton County elected officials, county and Court employees, contractors, and anyone seeking to participate in or attend a Court proceeding, and anyone seeking to conduct business or access services within Court Facilities, shall:
 - a. Submit to screening questions and a noninvasive temperature check with touchless (forehead/temporal artery) thermometers administered at the

discretion of Court Security Staff/Hamilton County Deputy Sheriffs or authorized individuals prior to admission.

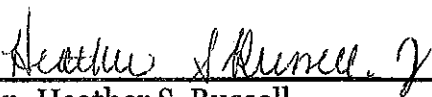
- b. Anyone who, within the last 14 days, has been exposed to someone suspected or confirmed to have COVID-19 shall not be permitted to enter the Courthouse. Any individuals exhibiting signs of respiratory infection (cough, fever, shortness of breath) may be denied access at the discretion of the Court Security Officer/Deputy Sheriff. If the individual screened has a temperature of 100.4 degrees Fahrenheit or higher, they shall not be admitted to the Courthouse.
 - c. Employees who are denied admission based on a temperature check shall report the incident as soon as practicable to their supervisor via telephone or email. Anyone seeking to attend a court hearing shall be instructed to call their attorney or the courtroom staff of the judge presiding over the proceedings. If any individual refuses to submit to screening they shall not be admitted to the Courthouse.
 - d. Employees must perform a daily symptom assessment before coming to work and must stay at home if they develop a fever or exhibit signs of a respiratory infection.
 - e. Observe social distancing, keeping a minimum of six (6) feet of distance between people, at all times in all areas.
 - f. Shall at all times wear a face covering or mask made of cloth or a similar material that covers the nose, mouth, and chin at all times, and is separate and apart from one's clothing, and does not obscure the identity of the person (ski masks and similar facial coverings are prohibited), unless:
 - i. A face covering is not advisable for a documented health reason;
 - ii. An employee is alone in an enclosed area;
 - iii. There is a practical reason a face covering cannot be worn (e.g., a judge may lower their facial covering to ensure litigants can hear the judge during a proceeding) and a judge expressly permits the temporary removal; and,
 - iv. The Sheriff or his or her designee, may regulate the use of face coverings in their designated office space located in Room 260 of the Courthouse at his or her discretion.
11. The Hamilton County Sheriff and his or her Deputies and other agents shall not be liable for anyone admitted or denied access to Court Facilities regardless of such person's medical health.

12. This Joint Amended Administrative Order is effective immediately and until further order of the Courts. To the extent this Order conflicts with any of the Courts' previous COVID-19 related Administrative Orders, this Amended Joint Administrative Order supersedes.

IT IS SO ORDERED.



Hon. Charles J. Kubicki, Jr.
Presiding Judge, Court of Common Pleas
Administrative Judge, General Division



Hon. Heather S. Russell
Presiding and Administrative Judge
Municipal Court