

A Guide for

Continuing Municipal and County Court Operations After Responsible Restart Ohio



A Joint Effort of the Association of Municipal/County Judges of Ohio and the Ohio
Judicial Conference

Updated June 12, 2020

Dear Colleagues,

On May 1, you received the [Continuing Jury Trials](#) document, created by the Jury Service Committee of the Ohio Judicial Conference. Along those lines, focusing specifically on the operations of municipal and county courts, we have put together this Guide for Continuing Municipal and County Court Operations After Responsible Restart Ohio. This guide was created by a committee of municipal and county court judges, familiar with the challenges faced by municipal courts resulting from the sheer number of people coming into our buildings. Recognizing that each court is unique, the document does not contain directives; rather, it contains suggestions and considerations as we continue operations after modifications to the stay at home order. The guide is a work in progress and will be updated in the weeks to come.

Thank you to the following who contributed to this document: Judge Tom Januzzi, Judge Janet Dyar Welch, Judge Molly Johnson, Judge John Rohrs, Judge Mike Daugherty, Judge Julie Monnin, Judge John Kolesar, Judge Teresa Ballinger, Judge Ted Barrows, Judge Jodi Thomas, Judge Ann Clare Oakar, Judge Michael Barr, Judge Amy Rosebrook, Judge Tim VanSickle, Judge Patrick Cuning, Lima Municipal Court Administrator Lisa Deters and Josh Williams, Deputy Legislative Counsel, Ohio Judicial Conference.

Please share your feedback, ideas or questions with Josh (Joshua.Williams@sc.ohio.gov) or me (dmoody@springfieldohio.gov).

Thank you and be well,

Judge Denise Moody
Clark County Municipal Court
President, Association of Municipal/County Judges of Ohio



NOTE:

ALL LOCAL PLANS SHOULD BE REVIEWED WITH LOCAL HEALTH EXPERTS. THIS DOCUMENT IS MEANT, IN PART, TO PREPARE A JUDGE OR COURT STAFF TO MEET WITH THE LOCAL HEALTH DEPARTMENT TO DEVISE OR APPROVE A PLAN.

Courthouse Entry

- Taking temperatures before entry into the court
- Providing hand sanitizer at court entrance and throughout facilities
 - [OPI \(Ohio Penal Industries\)](#) produces a wide variety of janitorial supplies, including hand sanitizer. Contact OPI directly for more information.
- Providing disposable masks/face coverings to people entering the court who do not have face covering of their own (need not be N95, just something to cover mouth and nose)
- Limit public entry. Provide live streaming for the public that is interested in court proceedings
 - Keep in mind, that something that is live streamed can be accessed by anyone in real time, including separated witnesses. You may need to institute a policy to prevent this.
 - There are various live-streaming services; a camera will be needed (a web cam can be mounted on the wall) as well as input with HDMI or a standard video/audio cable and output (CATV/CATVI computer cable)
- Polycarbonate shields?
- Screen all visitors entering courthouse. Sample questions to use when screening visitors:
 - What is your purpose for coming to the courthouse today?
 - Do you have personal business in court today? (Are you an attorney, a plaintiff, juror, witness, etc?) You will be asked to wear a mask at all times that you are in populated areas of the courthouse.
 - Are you a visitor to the courthouse? (Are you accompanying a family member? Are you a member of the public interested in court proceedings?, etc.) We ask that you not enter the building to minimize the number of people in the courthouse and the risk to those people. Please consider watching any proceedings through live stream.
 - We need to check your temperature. Is temperature 100.0F or higher?
 - Have you been on a cruise or international travel in the last 14 days?



- Have you had a fever, a cough, shortness of breath, or loss of taste or smell over the last few days?
- Have you been in close contact with anyone who has been confirmed to have coronavirus/COVID-19?
- Have you been tested for or diagnosed with coronavirus/COVID-19 in the last 14 days?
- Have you previously been tested for coronavirus/COVID-19 but have now been cleared?

Face Coverings

- Require face coverings for all employees who may come within close proximity to others, and those entering courthouse
- Important to emphasize “face coverings” vs. “masks” – “face coverings” can be anything that covers mouth and nose (scarf, handkerchief, bandana, old t-shirts, etc) and therefore more accessible to most than a proper “mask”
- Notify in advance of need for all entering building to have face coverings, and provide disposable face masks/coverings to those who show up without their own
- Use of face coverings may hinder some aspects of jury proceedings – evaluating facial expressions of witnesses and attorneys, ability to hear/understand those speaking; therefore allow for no face covering in limited circumstance, provided other measures are taken (polycarbonate shields, proper distance from other people)
- **NOTE:** Amazon is currently prioritizing the delivery of COVID-19 supplies to “organizations on the front lines.” Learn more [here](#).

Common areas in court facilities

- Reconfigure any common/waiting areas to discourage congregation and to facilitate distancing
- Remove any magazines, books, non-essential forms and brochures
- Discourage or discontinue use of any vending machines, if applicable
- Erect signage reminding visitors to maintain safe distancing, and informing them of disinfecting practices being utilized in facilities

In-person hearings

- Limit as much as possible, eliminate “unnecessary” pretrial hearings/conferences
- Utilize phone/video conferencing when able
- Determine maximum number of people in each courtroom, depending on room size and taking social-distancing/6-ft guidelines into account
- Use painters tape on floor to mark safe-distance spots/zones
- Encourage use of real time text/email notification when lawyer/parties are to report to a designated area, to discourage congregation/waiting in



hallways/confined spaces – gives those waiting ability to spread out into other parts of facilities and maintain safe distancing

Video Hearings

- Consider that many individuals may not have access at home to video conference technology
- Courts could set up a private space, access limited only to those whose cases are being heard at that time, with video conferencing technology available. Visitors would only come into contact with court employee operating the technology. Those waiting to use the service can be given a check-in time or sign up for text notification and told to wait in car or designated waiting area.
- Off-site locations with video conference technology can also be utilized (libraries, for example, when they re-open)

Arraignments

- Limit number of people in courtroom at a time (see above)
- Consider prioritizing those cases that have been continued since stay-at-home order declared
- Prioritize higher-level offenses, consider continuing lower-level misdemeanors and traffic offenses
- Use larger room in court facilities if possible, ensuring that safe distancing is possible and followed
- Larger/higher volume courts may consider feasibility of using space in nearby buildings/locations that is not currently being utilized (school gymnasiums, neighboring buildings that may be unoccupied), if possible. Security would be an added consideration in this instance, but use of hand wands and limiting access to facility space could alleviate. Use text/email notification to let those waiting off-site know when to come to court facility.

Pleas

- Consider whether taking pleas in absentia is appropriate – possibly based on level of offense. Some judges feel strongly that certain pleas should be done in person
- Consider use of video conferencing
- Maintain social distancing, including attorney-client distance at table or podium
- Schedule in increments rather than hold larger plea “sessions”



Pre-trial

- Go through all pending case files and calculate days to trial based on time stayed per General Assembly and Chief Justice – flag files where time will be tighter once stayed period ends
- During any pre-trial conferences, get specific answers from defense counsel as to whether they have had contact with clients, and prosecutors with victims
- When defendants are represented by counsel, direct parties to negotiate on their own without court involvement, and set a date by which defense must file a request for motion hearing, plea, or trial.

Sentencing

- Only suspend licenses when mandatory or defendant is serious threat to public safety – recognize additional difficulty this could pose to those hit hardest by pandemic and economic ramifications
- Where leniency is appropriate given current situation, embrace it

Evictions

- The federal CARES Act, enacted on March 27, 2020, places a moratorium through July 25, 2020, on eviction proceedings for certain types of properties covered under the Act. During that time, a landlord cannot evict for nonpayment of rent or fees, issue a notice to vacate, or charge late fees for rent that accrues from March 27 through July 25.
- The following types of properties are covered under the CARES Act's moratorium (note that the tenant need not reside in one of the units described; if the property has *any* tenant that is covered, the entire property is covered):
 - Properties that participate in a covered housing program of the Violence Against Women Act, which include:
 - Section 8 Housing Choice Voucher (“HCV”) or VASH (HUD-Veterans Affairs) voucher
 - Section 8 Project-Based Voucher (“PBV”) units
 - Any public housing units
 - HOME (HOME Investment Partnership) units
 - HOPWA (Housing Opportunities for Persons with AIDS) units
 - Permanent Supportive Housing (“PSH”) units, or any tenant that use PSH vouchers or a Shelter Plus Care voucher
 - Any federal Low Income Housing Tax Credit (LIHTC) units
 - Properties that receive a project-based subsidy through HUD
 - Properties that receive a project-based subsidy through the USDA



- Properties that participate in the rural housing voucher program under section 542 of the Housing Act of 1949
- Properties that have a federally-backed single family (1-4 units) or multifamily mortgage:
 - A mortgage insured by the Federal Housing Administration
 - A mortgage guaranteed, provided by, or insured by HUD, the VA, or the USDA
 - A mortgage owned by Fannie Mae or Freddie Mac
- The landlord should be required to prove that the property is NOT covered under the CARES Act. Tenant would not necessarily have access to/knowledge of this information.

Payments/Filings

- Continue mail/fax/online filing, discourage in-person filing unless absolutely necessary
- Establish drop-box (drive-up if possible) for payments and other appropriate documents or papers
- Explore feasibility of accepting payments online or over the phone

Staffing

- Try to reconfigure staffing areas to ensure proper distancing (including installation of polycarbonate shields when feasible). If not possible, consider staggered work shifts to lower number of people in smaller areas at one time, and allow working from home when possible.
- Require staff to wear masks when interacting with others
- Prohibit non-employees from entering spaces where employees are working
- Screen staff daily for possible illness, including taking temperature and asking if any new symptoms within past 24 hours, including fever, shortness of breath, cough, etc.

Areas where you think this document is lacking?
Ideas/suggestions you would like to add for inclusion?

Please email Josh Williams, OJC Deputy Legislative Counsel at
Joshua.Williams@sc.ohio.gov

