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CLERK OF COURTS
CUYAHOGA COUNTY

IN THE COURT OF COMMON PLEAS
GENERAL DIVISION
CUYAHOGA COUNTY, OHIO

In Re:

ORDER REGARDING CONTINUITY OF OPERATIONS
TO MAXIMIZE SOCIAL DISTANCING
DUE TO COVID-19 PANDEMIC

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JOURNAL ENTRY

The Judges of the Cuyahoga County Court of Common Pleas, General Division, make the following findings of fact:

1. Whereas, on April 27, 2020, Gov. Mike DeWine and Lt. Gov. John Husted announced the Responsible RestartOhio Plan which protects the health of employees, customers, and their families; supports community efforts to control the spread of the virus; and, responsibly gets Ohio back to work; and,
2. Whereas, on April 30, 2020, Dr. Amy Acton, Director of the Ohio Department of Health, signed the Director's Order that Reopens Businesses, with Exceptions, and Continues a Stay Healthy and Safe at Home Order; and,
3. Whereas the Judges of this Court extended the Judicial Emergency Administrative Order through midnight on May 29, 2020; and,
4. Whereas to continue court operations in a safe manner for the Court's employees and the citizens of Cuyahoga County;

IT IS THEREFORE ORDERED:

1. The Order Extending the Judicial Emergency and Continuity of Operations of the Court Due to COVID-19 Pandemic, signed April 28, 2020, is incorporated herein by reference. Where there is any discrepancy, this order supersedes the April 28, 2020, order.
2. The local rules of court for the General Division may be temporarily adapted to allow court flexibility, within constitutional limits, in response to the public health emergency;
3. The Court's security policies may be temporarily amended or supplemented to protect public health while maintaining essential court functions;
4. The Court's Personnel Policies and Procedures Handbook and other usual and customary human resources provisions may be temporarily adjusted to maintain essential court operations and functions;

5. The Court authorizes the use of audio-visual devices and technologies for all actions and proceedings, except for a trial by jury in a criminal matter. Any official proceeding held by a judge on the record and using audio-visual technology, will be held from the courtroom with all other parties appearing remotely unless otherwise authorized by the Administrative Judge;
6. Continued remote work will be encouraged when possible and feasible within the continued operations of the Court;
7. The following measures will be taken to reduce the community spread of COVID-19:
 - a. Personal Care:
 - i. Pursuant to this Court's April 28, 2020, order referenced above, all persons entering the Justice Center must wear a mask covering both their nose and mouth at all times except when they are alone in their designated work areas. Staff in the Justice Center may remove their face covering while in an enclosed, private work area;
 - ii. Staff shall maintain the recommended 6 foot distance from others, to the extent possible, while in the building;
 - iii. It is recommended that all staff wash their hands once per hour during the work day;
 - iv. Sanitizing wipes or hand sanitizer will be provided in high-traffic areas for staff and public use;
 - v. Health screening will continue at each Justice Center entrance which is open for employee or public use;
 - vi. Staff are encouraged to perform a daily symptom assessment, which includes monitoring for fever, coughing or trouble breathing.
 - vii. Any Court employee who exhibits signs of illness must notify his/her direct supervisor by telephone or email and shall not come into the Justice Center or report for duty. Any individual within the Justice Center who exhibits signs of illness will be directed to report to his/her direct supervisor, or, for public, non-Court/County employees, will be directed to leave the building immediately and seek medical advice before being permitted to re-enter the building at a later date.
 - b. Building Care:
 - i. To comply with social distancing guidelines, the maximum occupancy for persons in an elevator is limited to two. Those people visiting the 1st through 4th floors must use the escalator, unless unable to do so;
 - ii. All individuals must follow signage to maintain proper 6 foot distancing and directional signage in hallways and/or high-traffic areas;
 - iii. All high-traffic areas will be thoroughly disinfected on a daily basis;
 - iv. All high-touch areas will be disinfected once per hour during the hours of 8:30 am to 4:30 pm;
 - v. Courtrooms will be sanitized between each hearing during the day and thoroughly cleaned in the evening;
 - vi. The Café on 4 will remain closed for business; (or open for take-out only, no self-serve stations);
 - vii. All break-rooms will be closed, except for access to the refrigerator and/or microwave;

- viii. The 4th Floor outdoor patio will be closed until further notice;
 - ix. Restrooms will be limited to a maximum occupancy of one person at a time;
 - x. Other than essential Court staff, no people are permitted to congregate in the “back hallways” near the Judicial Bailiff desk area. Parties must call bailiffs to handle all scheduling matters.
- 8. All persons entering the Justice Center will be required to state their business in the building, and will be directed to the appropriate location using a COVID-19 Awareness Card.
 - a. Because the Court is attempting to follow social distancing and in an effort to maintain the health and safety of all individuals and to limit community spread of COVID-19, persons whose appearance is not required by the Court should attempt to limit their visits to the Justice Center;
 - b. For the health and safety of all individuals, children will not be permitted on the courtroom floors. It is strongly encouraged that children wait outside of the Justice Center with another caregiver adult;
 - c. Queues will be established using proper social distancing;
 - d. Persons accessing floors 1-4 will be directed to use the escalators, or for those persons needing an ADA accommodation, the lower level elevators may be used;
 - e. Elevators will be limited to two occupants per ride to accommodate social distancing;
 - f. Elevator access will be regulated by county/court employees to ensure 50% or less of maximum occupancy is maintained on each floor;
 - g. Due to social distancing requirements, courtroom occupancy will be limited to 15 people, not including court and county staff;
 - h. All persons accessing any floor after the first floor will be required to sign in so that a record is maintained for contact tracing purposes;
 - i. The Judicial Elevators will be limited to judges, magistrates, bailiffs, courtroom assistants, IT, court administration, and prosecutors and public defenders reporting for court, between the hours of 8:00 am to 10:30 am. Employees whose offices are located on floors 3-10 must use the “red” elevators during these hours;
 - j. One public elevator will be reserved for attorney access only.
- 9. The Judges will continue limited operations in the Justice Center using the following rotation for cases assigned to his/her criminal docket. Limited operations contemplate that, until further notice, case management and hearings of criminal dockets will be conducted remotely in a manner determined by the assigned judge. A disposition docket for criminal cases may be conducted remotely with the consent of the parties. In-person dispositions will be conducted in the courtroom on the assigned rotation schedule:
 - a. All “A” Courtrooms will operate a disposition docket on Mondays;
 - b. All “B” Courtrooms will operate a disposition docket on Tuesdays;
 - c. All “C” Courtrooms will operate a disposition docket on Wednesdays;
 - d. All “D” Courtrooms will operate a disposition docket on Thursdays;
 - e. On Fridays, the judges on each floor will work by agreement to choose one operational courtroom per floor, if necessary;
 - f. Floors 15-18 will schedule in-court events on the half-hour (8:30 am, 9:30 am, 10:30 am, 11:30 am, 12:30 pm, 1:30 pm, 2:30 pm, and 3:30 pm);
 - g. Floors 19-23 will schedule in-court events on the hour (9:00 am, 10:00 am, 11:00 am, 12:00 pm, 1:00 pm, 2:00 pm, 3:00 pm, and 4:00 pm);


- h. Only one event may be scheduled per time-slot to allow for proper social distancing on the courtroom floors;
 - i. All jail defendants must be scheduled with the jail 48 hours in advance of the hearing date so that accommodations can be made if the individual is “unavailable”;
 - j. Counsel in all cases will be provided 48 hours notice of any scheduled event;
 - k. Zoom hearings with incarcerated individuals who are “unavailable” for Court may only be scheduled from 11:30 am to 1:30 pm;
 - l. All criminal cases will be set for an attorney conference between counsel, who will then submit a “Status Update and Pretrial Request Form” to the Court via email;
 - m. The court will set a pretrial with counsel, defendant’s presence waived, by remote access as determined by the court to establish a case management schedule;
 - n. Appearance by criminal defendants will only be required when it is necessary to conduct an on-the-record hearing. The court will determine whether an on-the-record appearance be in-person in the courtroom or remote with the consent of all parties;
 - o. Counsel with clients who fall into a vulnerable population as defined in Dr. Amy Acton’s April 30 Stay Safe Ohio Order may request to be scheduled for the first available hearing time on the date in question;
 - p. Those judges who are on rotation (ex. “A” judges) will be available to handle matters for other judges by request or emergency motions. Priority for handling emergency matters will be determined beginning with the most senior judge;
 - q. All criminal matters set for the disposition docket must be journalized on the Court’s docket;
 - r. If an event is calendared with an attorney who is already scheduled for an event in another courtroom, priority will be given to the event scheduled first in time. The other event will be canceled and rescheduled;
 - s. No bench trials will be held until at least June 30, 2020, and no jury trials will be held until at least July 30, 2020;
 - t. If there is any speedy trial issue, those will be discussed on a case-by-case basis with the Administrative Judge.
10. The Judges will continue limited operations in the Justice Center using the above courtroom rotation for cases assigned to his/her civil docket. Limited operations contemplate that, until further notice, case management and hearings of civil dockets will be conducted remotely in a manner determined by the assigned judge:
- a. The rotation identified above will determine which judge is in the court on any given day. Any civil matter that must be conducted in-person, will be scheduled on the judge’s disposition day;
 - b. Upon filing and service, all cases will be given a status conference, or case management conference, and each pending case must have a future date assigned;
 - c. All events in civil cases will be held using remote technology, where possible;
 - d. Any case ripe for mediation may be referred for inclusion in the CMBA COVID-19 Bench Bar Taskforce Mediation Project;
 - e. No bench trials will be held until at least June 30, 2020, and no jury trials will be held until at least July 30, 2020.
11. Arraignment Docket:
- a. The judges will preside in the arraignment room by a daily rotation;

- b. Jail First Appearances and arraignments will continue to be held in the 12th Floor arraignment room each day beginning at 8:30 am;
 - c. Bail First Appearances are suspended until further notice. Counsel will be assigned prior to arraignment;
 - d. Bail arraignments will be held Monday through Friday at 1:00 pm, beginning on a date to be determined;
 - e. Arraignments will be held on Saturdays at 10:00 am as necessary;
 - f. For any person placed on Court Supervised Release, necessary contact information will be obtained, the assigned Probation Officer contact information will be provided, and the initial instruction of the rules of CSR will be completed before that person leaves the Justice Center;
 - g. All persons appearing for arraignment will be provided a form to opt-in to the Court's text messaging service for future court appearances;
 - h. A Uniform Waiver of Appearance will be created and provided to counsel with instructions for use;
 - i. Within 10 days of arraignment, or as otherwise directed by the court, state and defense counsel will confer with each other, commence discovery and submit a pretrial status to the court via email; status should include the status of discovery, any pending motions, any anticipated issues and the status of any plea negotiations.
12. Civil Stalking Protection Orders (CSPO):
- a. Ex parte CSPO hearings will be conducted by the assigned judge.
 - b. If the assigned judge is unavailable, the arraignment room judge will conduct any ex-parte CSPO hearing;
 - c. Full CSPO hearings will be conducted by either the assigned judge or a magistrate on the disposition date of the assigned judge.
13. Foreclosures will be handled in a manner consistent with the Order Regarding Foreclosure Cases Due to COVID-19 Pandemic, signed on May 21, 2020.
14. The Court Psychiatric Clinic will continue to conduct evaluations on a limited basis, and with a priority on incarcerated defendants.
15. Court Staff:
- a. Magistrate Department staff will continue to work as directed by the Chief Foreclosure Magistrate.
 - b. Bailiffs must report to the Justice Center for the disposition docket, but may then work remotely at the direction of the assigned Judge;
 - c. Staff attorneys are expected to report to the Justice center for the disposition docket or at the direction of the assigned Judge;
 - d. Court Reporters will only be available for in-courtroom proceedings for the arraignment room, the disposition dockets, and any other emergency matter that may arise. All other reporters will be available via Zoom;
 - e. Courtroom Assistants will be available each day on a rotation, and may be rotated amongst the court floors.
 - f. The Probation Department will work as directed by the Chief Probation Officer.
 - g. Each department may: continue remote working where possible, continue a rotation of staff where possible, stagger employee arrival to minimize congestion in the Justice Center.

16. This Order shall be provided to the Supreme Court of Ohio, Ohio Judicial Conference, Municipal Courts in Cuyahoga County, Cuyahoga County Clerk of Courts, Cuyahoga County Adult Probation Department, Cleveland Metropolitan Bar Association, Cuyahoga County Prosecutor's Office, Cuyahoga County Public Defender's Office, Cuyahoga County Sheriff, Cuyahoga County Board of Health, Cuyahoga County Executive, Cuyahoga County Council, the website of this Court, and distributed to the media.

IT IS SO ORDERED.

CUYAHOGA COUNTY COMMON PLEAS COURT, GENERAL DIVISION



HON. BRENDAN J. SHEEHAN
ADMINISTRATIVE & PRESIDING JUDGE

5/26/2020
DATED