



IN THE CLEVELAND MUNICIPAL COURT
GENERAL DIVISION

STATE OF OHIO
CUYAHOGA COUNTY

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ADMINISTRATIVE ORDER
NO. 2020-006

IN RE: ORDER EXTENDING JUDICIAL EMERGENCY AND CONTINUITY OF
OPERATIONS DUE TO COVID-19 PANDEMIC

The Judges of the Cleveland Municipal Court – General Division make the following findings of fact:

1. On April 27, 2020, Governor Mike DeWine and Lt Governor John Husted announced the Responsible Restart Ohio 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. The Director of the Ohio Department of Health, Dr. Amy Acton, signed the Director's Order that Reopens Businesses, with Exceptions, and Continues a Stay Health and Safe at Home Order; and
3. The need exists to extend the Amended Order Declaring Judicial Emergency and Outlining Court Operations during the COVID-19 Pandemic dated April 9, 2020.

Based upon these findings of fact, the Cleveland Municipal Court - General Division issues the orders, which are intended to protect public health, to maintain essential court functions and to continue to protect the rights of all individuals subject to the authority of this Court. These orders will remain in effect until such time as the response to the COVID-19 health crisis has resulted in the control of the spread of the disease or until further order of the Court.

This Order incorporates the prior Order, Amended Order Declaring Judicial Emergency and Outlining Court Operations during the COVID-19 Pandemic dated April 9, 2020, herein by reference. Where there is any discrepancy, this order supersedes that order and is effective until further order of this Court.

THEREFORE, IT IS HEREBY ORDERED:

1. 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.
2. The Court's security policies may be temporarily amended or supplemented to protect public health while maintaining essential court functions.
3. The Court's Personnel Policies and Procedures Handbook and other usual and customary human resource provisions may be temporarily adjusted to maintain essential court operations and functions.
4. The Court authorizes the use of audio-visual devices and technologies for all actions and proceedings including interpreter services.

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5. The Court will have the lawful authority, within constitutional limits, to do and direct to be done all things necessary to ensure the orderly and efficient administration of justice for the duration of the declared public health emergency.
6. The following measures will be taken to reduce the community spread of COVID-19:
 - a. Personal Care:
 - i. 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.
 - 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 at least 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. 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 are directed to leave the building immediately and seek medical advice before being permitted to re-enter the building. Employees are required to notify his/her direct supervisor by telephone or email before leaving the building.
 - b. Building Care:
 - i. All high-traffic areas will be thoroughly disinfected on a daily basis;
 - ii. All high-touch areas will be thoroughly disinfected several times per day;
 - iii. Courtrooms will be sanitized during the day and thoroughly cleaned in the evening;
7. 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. Individuals accessing floors 1 through 4 will be directed to use the escalators. For those individuals who need ADA accommodation, the lower level elevators may be used;
 - b. Elevators will be limited to two occupants
 - c. Elevator access will be regulated by county/court employees to ensure 50% or less of maximum occupancy is maintained on each floor;
 - d. Due to social distancing requirements, courtroom occupancy will be limited to 15 people, not including the judge and court staff for Courtrooms on floors 13-15 and limited to 6 people, not including the judge and court staff for the courtrooms on the 12th floor.
 - e. All persons accessing any floor after the 1st floor will be required to sign in at the security desk on the floor of their courtroom so that a record is maintained for contact tracing purposes.
 - f. One public elevator will be reserved for attorney access only.

8. 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. When represented by counsel, the defendant's presence is waived at all pretrial hearings. A disposition docket for criminal cases may be conducted remotely. In-person dispositions and other required in-person hearings will be conducted in the courtroom on the assigned rotation schedule:

- a. All "A" Courtrooms will operate on Mondays;
- b. All "B" Courtrooms will operate on Tuesdays;
- c. All "C" Courtrooms will operate on Wednesdays;
- d. All "D" Courtrooms will operate on Thursdays;
- e. On Fridays, the judges on each floor will work by agreement to choose one operational courtroom per floor, if necessary;
- f. The court will set all pretrial hearings with counsel (when the defendant is represented) or with the defendant utilizing remote technology;
- g. 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;
- h. No criminal jury trials will be held until at least July 31, 2020;

9. 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, all events in civil cases will be held using remote technology.

- a. The rotation identified above will determine which judge is utilizing their courtroom on any given day. Any civil matter that must be conducted in-person, will be scheduled on the judge's designated day only;
- b. No civil jury trials will be held until at least July 31, 2020.

10. Garnishment filings and processing will resume.

11. Arraignment Docket:

- a. Jail arraignments: The Court will continue to hold arraignments via videoconference in Courtrooms 3D and 3B. As the Cuyahoga county jail has several confirmed cases of COVID-19, it is necessary for the Court staff to eliminate, when possible, all in-person contact with defendants in custody to protect the staff and the defendants. All documentation that warrants the signature of anyone in custody will be signed by the Public Defender/Private Attorney representing the Defendant with the Defendant's consent. The Defendant's consent to an attorney signing on his/her behalf must be obtained on the record in open court (via video conferencing).
- b. Bail arraignments: Individuals with non-violence offenses are encouraged to utilize the Not Guilty Waiver Form found on the Court's website. Bail arraignments will be set on a staggered time schedule according to the agency issuing the citation/complaint.

12. Weddings will resume the week of June 15, 2020. Weddings may be conducted via Zoom to limit the community spread of COVID-19. Weddings via Zoom will be set up with the Judge assigned to do weddings that week. Parties may request a courthouse wedding. In-person, courthouse weddings will take place on Fridays only, to be mindful of building capacity limitations. Individuals wishing to get married at the courthouse will be given a date and time slot for their ceremony. Courthouse wedding parties will be limited to the two individuals getting married and two witnesses. Additionally, the wedding party must arrive within their

assigned time slot.

13. Each department, in accordance with the directives of their department head and/or supervisor, may continue to do the following: work remotely when possible in accordance with the Court's telework policy, continue a rotation of staff when possible, or stagger employee arrival time to minimize congestion in the Justice Center.

14. This "Temporary Order" is ordered to be served on the Supreme Court of Ohio, Ohio Judicial Conference, Cleveland Municipal Clerk of Courts, Cleveland Metropolitan Bar Association, Cleveland Mayor Frank Jackson, Cleveland City Council, Cuyahoga County Prosecutor's Office, Cuyahoga County Public Defender's Office, Cuyahoga County Criminal Defense Lawyers Association, Cuyahoga County Sheriff, Cuyahoga County Board of Health, Cuyahoga County Executive, the website of this Court, and distributed to the media.

IT IS SO ORDERED.

CLEVELAND MUNICIPAL COURT - GENERAL DIVISION

June 8, 2020
DATE

Michelle D. Earley
JUDGE MICHELLE D. EARLEY
ADMINISTRATIVE & PRESIDING JUDGE