SUPREME COURT
No. 2020-12

EXECUTIVE ORDER

COVID-19 Pandemic Response – Continuity of Operations

The public health crisis arising from the novel coronavirus (COVID-19) pandemic occurring across the world has forced society to adapt quickly to a new set of social standards in order to protect and preserve our communal health and welfare. For Rhode Island's unified judicial system, consisting of the Supreme, Superior, District, Family and Workers' Compensation Courts, as well as the Rhode Island Traffic Tribunal, the rapid onset of the public health crisis compelled the implementation of emergency measures geared towards significantly restricting crowds and limiting in-person hearings and other proceedings to the greatest extent possible while continuing to provide critical access to justice. Since the inception of this public health crisis, the courts of Rhode Island's unified judicial system have never ceased operations. Indeed, since my initial Executive Order pertaining to the COVID-19 Pandemic Response on March 17, 2020, the Presiding Justice, Chief Judges, Chief Magistrate, Associate Judges and Justices, Magistrates, Administrators and staff of the Rhode Island Judiciary have worked tirelessly to creatively and effectively enhance the way the Judiciary conducts its business during the public health crisis.

As the public health crisis continues, so too must the Judiciary continue to conduct the business of the courts in a manner which limits crowds and encourages social distancing. These measures are no longer emergent in nature but reflect the necessities of the times and rely on the guidance and best practices recommended by the Centers for Disease Control and Prevention (CDC), the Rhode Island Department of Health and the Governor's Office. Therefore, pursuant to the authority vested in me by G.L. 1956 § 8-15-2 of the Rhode Island General Laws, Executive Order 2020-09 is hereby superseded, and the following order is issued to protect the public health,

safety, and welfare by reducing the risk of exposure to COVID-19 and slowing the spread of the virus.

It is hereby ordered as follows:

1. **Continuity of Operations** – The following provisions shall be in effect until further notice, unless or until superseded by subsequent executive order. As further detailed below, the provisions of this order that require the courts within the unified judicial system to develop policies and procedures or issue administrative orders shall go into effect once the required policies, procedures or orders are promulgated by the courts. All required policies and procedures or administrative orders shall be published on the Judiciary's website.

2. **Trials and Grand Jury Matters** –

   A. The Superior Court shall develop a plan for the resumption of criminal jury trials for those cases which are most critical based on constitutional and/or statutory considerations. All criminal trials scheduled to commence between March 16, 2020 and August 1, 2020 are hereby continued to a date no earlier than August 1, 2020 and as further addressed per order of the Presiding Justice or Chief Judge of the applicable court.

   Civil jury trials shall be continued to a date no earlier than August 1, 2020 and as further addressed per order of the Presiding Justice or Chief Judge of the applicable court.

   B. A trial judge may schedule a bench trial in a matter provided the trial is conducted remotely with the consent of the parties and with the provision of public access in accordance with paragraph 10. In-person bench trials may be recommenced after June 1, 2020, and as further addressed per order of the Presiding Justice or Chief Judge of the applicable court, and provided that suitable social distancing and other safety precautions are implemented.

   C. Superior Court grand jury proceedings may be recommenced any time after May 17, 2020, provided that suitable social distancing and other precautions are implemented for the safety of the grand jurors, attorneys, staff and witnesses.

3. **In-person Hearings** – All courts within the unified judicial system shall continue to limit in-person hearings to the greatest extent possible. Only those matters that are critical in nature and/or which cannot be handled by remote means should be conducted in-person. When scheduling in-person hearings, courts must adhere to the capacity restrictions identified by the Administrative Office of State Courts (AOSC) in accordance with paragraph 9(B) herein. Non-emergency in-person hearings which cannot be conducted remotely may recommence after June 1, 2020 in accordance with the provisions of this order and any additional administrative orders or protocols issued by the courts within the unified judicial system.

4. **Remote Hearings** – All courts within the unified judicial system shall continue to conduct remote conferences and hearings and shall endeavor to expand remote hearing capacities. For

all remote matters, courts shall issue administrative orders and/or other directives that specify the following: 1) the case or hearing types to be conducted remotely; 2) the method of remote participation; and 3) the vehicle for providing remote public access. Such orders/directives shall be published on the Judiciary's website.

5. **Rules** – All courts within the unified judicial system are encouraged to consider whether changes to their respective court rules are necessary to provide for enhanced judicial disposition of matters without the need for appearance or argument. Such rules shall contemplate a procedure that will continue in force and effect after the public health crisis has subsided. Proposed rules shall be submitted for consideration to the Supreme Court by September 1, 2020.

6. **Filings** –

   A. Electronic and Mailed Filings: Filings shall continue to be submitted through the electronic filing system or by mail or other means, as allowed pursuant to the rules of each court within the unified judicial system and/or any administrative orders promulgated by each of the respective courts.

   B. In-person Filings: Each court within the unified judicial system shall develop procedures for in-person filings that limit foot traffic to and within judicial buildings to the greatest extent possible. Such procedures may utilize an appointment system for in-person filings, or a drop box procedure, with exceptions for emergency filings. Except for emergency in-person filings, no in-person filings shall be accepted unless and until such procedures are drafted and published on the Judiciary's website by each of the courts within the unified judicial system, no later than June 1, 2020.

7. **Evictions** – The District Court may recommence the adjudication of eviction matters after June 1, 2020 and shall establish a protocol for the orderly and equitable handling of these matters, giving priority to cases pending for the greatest amount of time. Such protocol shall be enunciated through an administrative order issued by the Chief Judge and published on the Judiciary's website.

8. **Deadlines and Statutes of Limitations** –

   A. Payment deadlines: The courts may reinstitute payment deadlines with notice to parties. Courts shall endeavor to enhance on-line payment options and parties shall be encouraged to make payments remotely. If parties are unable to pay remotely, in-person payments shall be made during regular court hours.

   B. Filing deadlines: All filing deadlines which would have expired between March 17, 2020 and May 17, 2020 shall be extended to May 29, 2020. All deadlines occurring after May

17, 2020 shall not be extended unless upon motion duly made and granted by the appropriate court and in accordance with the rules of each court.

C. Statutes of limitations: Statutes of limitations are not tolled and shall continue to run.

9. **Judicial Buildings –**

A. The Murray Judicial Complex in Newport and the McGrath Judicial Complex in Wakefield shall re-open on Tuesday, September 8, 2020.

B. Revised judicial building, courtroom and public space capacity limits shall be set by the AOSC consistent with social distancing policies and best practices. Courts shall adhere to these capacity limits when scheduling in-person hearings and other matters.

C. The following procedures shall be instituted in each judicial building:

1. Everyone entering a judicial building shall be subject to verbal screening for COVID-19 exposure or symptomology.

2. Every person entering a judicial building shall be expected to wear a face covering or mask. At the discretion of the judicial officer presiding on each case, masks need not be worn while participants in a court hearing are testifying, provided social distancing can be maintained.

3. Only those judicial officers, attorneys, essential personnel, litigants, witnesses, and other necessary parties who pass verbal screening shall be allowed to enter the judicial buildings.

4. All proceedings taking place within a judicial building shall be conducted in a manner which adheres to the directives issued by the Governor and the Department of Health with respect to social distancing and crowd restrictions to the greatest extent possible.

D. Members of the media who wish to access a judicial building shall be permitted to do so with the approval of the presiding judicial officer and/or by coordinating with the Director of the Judiciary's Office of Community Outreach and Public Relations by contacting cberke@courts.ri.gov. Members of the media shall be subject to the screening protocols in place at each judicial building prior to entry and access may be limited depending on the capacity limits set by the AOSC. If physical entry to a judicial building is denied to a member of the media, or if maximum capacity is reached which precludes access, alternative means of access shall be made available to members of the media.

E. The Judicial Records Center and Fogarty Judicial Annex shall be closed to the public, but open to employees as assigned.

10. **Public Access** – The public health crisis necessitates that all judicial buildings be limited to the public to the greatest extent possible, except as provided for above. Entry into a courthouse for the purpose of an in-person proceeding shall continue to be limited to attorneys, parties, witnesses, and other necessary persons as determined by the judge presiding over the proceeding. Public access to all court proceedings normally open to the public shall be available by telephonic or other remote means. Information regarding public access is available on the Judiciary's website or by contacting the appropriate clerk's office for further information.

11. **Video** – Courts are encouraged to utilize videoconferencing tools whenever possible.

12. **Administration of Oaths** - Any rule that may be interpreted to require administering any oath or affirmation in-person may be relaxed to allow such oaths or affirmations to be administered remotely by available technologies, including videoconferencing or teleconferencing, provided such remote administration is not otherwise prohibited by any statutory or constitutional provision. Notarial acts shall be governed by the Remote Online Notarization guidelines promulgated by the Secretary of State and available at www.sos.ri.gov.

13. **Court-specific Guidance** - The Presiding Justice of the Superior Court, the Chief Judge of the Family Court, the Chief Judge of the District Court, the Chief Judge of the Workers' Compensation Court, and Chief Magistrate of the Traffic Tribunal, or their respective designees, may promulgate appropriate administrative orders in accordance with the foregoing directives and are authorized to make appropriate and limited exceptions where necessary and/or constitutionally required. Any requested exceptions to the foregoing order shall be heard and decided by the highest-ranking judicial officer in each of the respective courts, or his/her designee.

14. **Access to Information** – The public is encouraged to seek further information available on the Judiciary's web-site at www.courts.ri.gov.

Entered as an Executive Order this 15th day of May, 2020.

BY ORDER

/s/
Paul A. Suttell
Chief Justice