# The Supreme Court of Ohio

## ADMINISTRATIVE ACTIONS

**December 16, 2020**

**[Cite as *12/16/2020 Administrative Actions #2*, 2020-Ohio-6726.]**

## In re Tolling of Case-Time Standards under Sup.R. 39

WHEREAS, on March 9, 2020, the Governor of Ohio issued Executive Order 2020-01D and declared a state of emergency in Ohio in response to COVID-19;

WHEREAS, on March 11, 2020, the World Health Organization publicly characterized COVID-19 as a global "pandemic" requiring "urgent and aggressive action" to control the spread of COVID-19;

WHEREAS, on March 13, 2020, the President of the United States declared a National Emergency;

WHEREAS, the COVID-19 pandemic is an extraordinary circumstance that interrupts the orderly operation of the courts of Ohio;

WHEREAS, there has been a recent and considerable increase in the transmission of COVID-19 cases in Ohio;

WHEREAS, social distancing and other health and safety measures must be observed and followed during the emergency period within and throughout each courthouse in Ohio to mitigate the spread of COVID-19, particularly during this period of increased transmission;

WHEREAS, the practicalities of jury service, including the number of citizens who are called to act as jurors and the close proximity of those citizens throughout all stages of the trial, hinder the implementation of and adherence to social-distancing requirements;

WHEREAS, COVID-19 poses unique threats to incarcerated defendants and other individuals with whom they might be incarcerated;

WHEREAS, as a result of the dangers posed by COVID-19 and the limitations created by the required social distancing and other health and safety measures, local courts have done the following:

(A) Properly utilized the authority granted by R.C. 2945.72(H) to extend the time for bringing an accused to trial or, in the case of felony, to preliminary hearing and trial;

(B) Granted requested continuances;

(C) Remotely conducted trials and proceedings and only conducted in-person proceedings when there is an immediate need to protect the safety or well-being of a party or person that requires physical presence in the courthouse;

(D) Scheduled in-person trials and proceedings to avoid attorneys, parties, and witnesses from congregating in courtrooms, hallways, or other common or confined spaces;

(E) Used time-certain appointment scheduling, rather than group or block scheduling;

(F) Limited courthouse capacity in compliance with the Ohio Department of Health and local health-department orders and guidance;

(G) Established alternative work schedules for employees, including dividing employees into groups and establish rotating in-office days or shifts, to ensure appropriate social distancing and to minimize contact;

WHEREAS, the measures implemented by local courts as a result of the dangers posed by COVID-19 and the limitations created by the required social distancing and other health and safety measures may impact a judge's ability to comply with the case time standards imposed by Sup.R. 39 and the Supreme Court report forms;

NOW THEREFORE, the Court hereby orders the following:

(A) The case-time standards imposed by Sup.R. 39 and the Supreme Court report forms, with the exception of those imposed by the Ohio Revised Code, shall be tolled for 90 days.

(B) Nothing in this order shall prevent local courts from safely proceeding in cases in accordance with Supreme Court safety guidance and the Ohio Department of Health and local health-department orders and guidance.