SUPREME COURT
No. 2020-09

EXECUTIVE ORDER

COVID-19 Pandemic Response – Continuation of Emergency Measures

On March 17, 2020, Executive Order 2020-04 was issued in response to the public health crisis arising from the novel coronavirus (COVID-19) pandemic occurring across the world, and the March 9, 2020 State of Emergency declared by the Governor of the State of Rhode Island. The public health crisis continues and is intensifying in scope in the State of Rhode Island. In accordance with the Governor's directives to continue substantial social distancing initiatives to protect the public health and guard against community spread of the virus, it is imperative that the emergency measures contemplated in Executive Order 2020-04 be continued at this time. Notwithstanding, the Judiciary must continue to operate and provide the public with access to essential judicial services and relief. Therefore, pursuant to the authority vested in me by G.L. 1956 § 8-15-2 of the Rhode Island General Laws, Executive Order 2020-04 is hereby superseded, and the following order is issued to protect the public health, safety, and welfare by reducing the risk of exposure to COVID-19 and slowing the spread of the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. **Continuation of Emergency Measures** – The following provisions shall be in effect through May 17, 2020.

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

   A. All jury trials shall be continued until after May 17, 2020.

   B. A trial judge may schedule a bench trial in a matter before May 17, 2020, provided the trial is conducted remotely with the consent of the parties and with the provision of public access in accordance with paragraphs 4 and 9 herein.

   C. All Superior Court grand jury proceedings shall be suspended until after May 17, 2020.

3. **Emergency/Essential Matters** - The following matters shall continue to be heard before the appropriate court, either remotely (by telephone, videoconference or other similar means, where available and publicly accessible) or in the appropriate judicial building as of the date of this Executive Order.

Supreme	
Emergency petitions	
Superior	
Criminal	Rule 5A Bail Petitions
	Presentments as violators
	Violation hearings with witnesses (10 days)
	Warrant cancellations
Civil	Extreme risk protection orders
	Temporary restraining order petitions
Family	
Restraining order hearings	
Emergency motions	
Ex parte motions	
Probable cause hearings	
Court-ordered drug screenings	
District	
Criminal	Arraignments for: capital offenses, domestic violence offenses, alcohol-related driving offenses, fugitive from justice and other crimes of violence involving public safety, as well as charges stemming from violations of quarantine or executive orders relating to state of emergency declared by the Governor and/or Department of Health
	Bail hearings
	Rule 32F/46G violation presentments and hearings if defendant is in custody
	Competency hearings
Civil	Domestic restraining orders
	Civil court certification calendar (mental health)
	Violations of quarantine or executive orders relating to state of emergency declared by the Governor and/or Department of Health
Workers' Compensation Court	
Pre-trial hearings	
Traffic Tribunal	
Stipulations in uncontested matters	
Consent dispositions	
Motions for hardship license requests, accompanied by interlock	
Rule 26A dismissals for matters deemed urgent	

4. **Non-emergency/Non-essential Matters** – With the exception of the emergency and essential matters specifically identified above, and such other matters as the Presiding Justice, Chief Judge or Chief Magistrate of the particular court may specifically assign, no in-person hearing shall take place in any judicial building until further notice. If a judicial officer is able to

conduct hearings involving non-emergency/non-essential matters remotely, he or she is hereby authorized to do so provided that the he or she issues an administrative order identifying the following: 1) the case or hearing types authorized to be conducted remotely; 2) the method of remote participation; and 3) the vehicle for providing remote public access.

5. **Filings** – Routine filings in non-emergency/non-essential matters may continue to be filed 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. Filings are subject to the extended deadlines provided for below.

6. **Evictions** - Eviction filings shall not be filed or heard by the District Court until after May 17, 2020.

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

   Payment deadlines: All payment deadlines shall be continued until further notice.

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

   Statutes of limitations: Due to the availability of the electronic filing system, statutes of limitations are not tolled and shall continue to run.

8. **Judicial Buildings –**

   A. On Monday, April 13, 2020, Executive Order 2020-08 shall expire and the Noel Judicial Complex (Kent County) and the Rhode Island Traffic Tribunal shall re-open for the handling of emergency/essential matters. Until Monday, April 13, 2020, the terms of Executive Order 2020-08 shall remain in effect.

   B. In accordance with Executive Order No. 2020-07, the Murray and McGrath Judicial Complexes shall remain closed until further notice.

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

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

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

      c. 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 press who wish to access a judicial building shall be permitted to do so with the approval of the presiding judicial officer and 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 press shall be subject to the screening protocols in place at each judicial building prior to entry and access may be limited when necessary to prevent crowding. If physical entry to a judicial building is denied to a member of the press, alternative means of access shall be made available.

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

9. **Public Access** – The public health crisis necessitates that all judicial buildings be closed to the public to the greatest extent possible, except as provided for above. Public access to all court proceedings normally open to the public shall be available by telephonic or other means. Information regarding public access is available on the Judiciary's website or by contacting the appropriate clerk's office for further information.

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

11. **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.

12. **Duration** - The foregoing measures shall remain in place through May 17, 2020 or until such time that a new Executive Order is issued revoking or amending this Order.

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 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.

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 8th day of April, 2020.

BY ORDER

/s/ Paul A. Suttell
Paul A. Suttell
Chief Justice