The Supreme Court of Ohio

ADMINISTRATIVE ACTIONS

May 15, 2020

[Cite as *05/15/2020 Administrative Actions*, 2020-Ohio-2975.]

ORDER NUNC PRO TUNC—Effective March 27, 2020

In re Tolling of Time Requirements Imposed by Rules Promulgated by the Supreme Court and Use of Technology

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, on March 27, 2020, the Governor of Ohio signed into law Am.Sub.H.B. No. 197, which immediately tolled, retroactive to March 9, 2020, all statutes of limitation, time limitations, and deadlines in the Ohio Revised Code and the Ohio Administrative Code until the expiration of Executive Order 2020-01D or July 30, 2020, whichever is sooner;

WHEREAS, social distancing must be observed during the emergency period in all court proceedings and in each court in order to mitigate the spread of COVID-19;

WHEREAS, it is necessary for the Court to establish a temporary measure promoting uniformity and continuity amongst the courts of Ohio and ensuring the

continued and effective operation of the judicial system during the emergency period;

NOW THEREFORE, the Court hereby orders the following:

(A) This order shall apply retroactively to the date of the emergency declared by Executive Order 2020-01D and shall expire on the date the period of emergency ends or July 30, 2020, whichever is sooner.

(B) As used in this order:

(1) "Rules of the Court" means the following rules promulgated by the Court:

(a) The Ohio Code of Judicial Conduct;

(b) The Ohio Rules of Appellate Procedure;

(c) The Ohio Rules of Civil Procedure;

(d) The Ohio Rules of Criminal Procedure;

(e) The Ohio Rules of Evidence;

(f) The Ohio Rules of Juvenile Procedure;

(g) The Ohio Rules of Professional Conduct;

(h) The Ohio Traffic Rules;

(i) The Rules for Appointment of Counsel in Capital Cases;

(j) The Rules for the Government of the Bar of Ohio;

(k) The Rules for the Government of the Judiciary of Ohio;

(l) The Rules of Practice of the Supreme Court of Ohio;

(m) The Rules of Superintendence for the Courts of Ohio;

(n) The Supreme Court Rules for the Reporting of Opinions;

(o) Mayor's Courts Forms, Instructions, and Education & Procedure Rules.

(2) "Time requirements" means the time for filing all pleadings, appeals, and all other filings; time limitations; deadlines; and other directives related to time, including non-constitutional jurisdictional deadlines.

(C) Any requirement in a rule of the Court that a party appear in person or requiring in-person service may be waived by the Court, local court, hearing panel, board, or commission, as applicable. Appearance, service, or oral argument by use of technology shall be allowed if it sufficiently guarantees the integrity of the proceedings and protects the parties' interests and rights. Nothing in this order shall deny a party an oral argument when properly requested pursuant to the Ohio Rules of Appellate Procedure.

(D) The time requirements imposed by the rules of the Court and set to expire during the term of this order shall be tolled.

(E) Upon the expiration of this order, all time requirements tolled by this order shall resume.

(F) Nothing in this order precludes filings during the duration of the order if the Court, local court, hearing panel, board, commission, or clerk is able to receive filings due to local accommodations and the matter is related to a situation that requires immediate attention.

(G) Notwithstanding the tolling of time requirements imposed by this order, the Court, local court, hearing panel, board, or commission, as applicable, may still require filing in accordance with existing rules and issue orders setting a specific schedule in a case or requiring parties to file documents by a specific due date if pertaining to a situation that requires immediate attention. A specific order in a case issued on or after March 9, 2020, shall supersede the tolling provisions of this order, unless otherwise noted in that specific order. All courts shall in every case strive to be in uniform conformance with the language and intention of this order, as well as complying with all directives from the Director of the Ohio Department of Health, until the specified expiration date.