The Supreme Court of Ohio

ADMINISTRATIVE ACTIONS

July 31, 2020

[Cite as *07/31/2020 Administrative Actions*, 2020-Ohio-3861.]

In re Use of Technology and Remote Administration of Oaths and Affirmations

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, 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 imperative that courts remain operational during the emergency period and are strongly encouraged to use technology to conduct trials and proceedings remotely;

WHEREAS, Civ.R. 30(B)(6) allows a deposition to be taken by telephone or other remote means upon stipulation of the parties or order of the court;

WHEREAS, the Court's May 15, 2020 Nunc Pro Tunc Order providing that any requirement in a rule of the Court that a party appear in person may be waived and that the party may appear remotely by use of technology expired on July 30, 2020;

WHEREAS, the Court's June 3, 2020 Order providing that an oath or an affirmation required by a rule of the Court may be administered remotely by use of audio or video communication technology expired on July 30, 2020;

WHEREAS, the Court has released over $6,000,000 in emergency-grant funding to help local courts purchase technology equipment to deal with the impact of the COVID-19 emergency and the necessary measures to mitigate the spread of virus;

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 remain in effect until further order of the Court.

(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.

(C)(1) 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.

(2) Proceedings for which the personal appearance of a party may be waived include, but are not limited to, the following:

(a) Arraignments pursuant to Crim.R. 10;

(b) Pleas pursuant to Crim.R. 11;

(c) The issuance of a warrant pursuant to Crim.R 41;

(d) Oral arguments pursuant to App.R. 21, provided nothing in this order shall deny a party oral argument when properly requested;

(e) Arraignments pursuant to Traf.R. 8.

(D) Any oath or an affirmation required by a rule of the Court may be administered remotely by use of audio or video communication technology, provided the technology shall allow the person administering the oath or affirmation to positively identify the person taking the oath or making the affirmation.