

Chief Justice Maureen O'Connor
Governor DeWine Press Conference Remarks
March 19, 2020

Thank you, Governor DeWine. And thank you for your courageous leadership over the past week.

This is an unprecedented time, a time during which the judiciary of Ohio as well as the bar, and state and local leaders must come together to guarantee the vital, continued operation of the state's judicial system and the public's access to its courts.

I both commend and thank Ohio's judiciary for taking action, issuing orders and considering the health and safety of the public as well as their staff, all the while mindful of the structure and dictates of our constitution and our laws.

My intent today is to let everyone know what the courts are doing and my expectation of what they should be doing to continue operating in a manner consistent with the state's public health strategy.

Last Friday, I met with the state's judicial leadership to discuss the judiciary's response to the pandemic. After that meeting, I sent a lengthy email to all judges in Ohio. In the meeting and email, I emphasized several key points that want to highlight today:

- Courts must remain open to address emergency and time-sensitive matters; indiscriminate closure of courts with no plan for these issues is not an option.

- Judges across each county must cooperate among themselves to issue orders and establish procedures necessary to continue essential court functions in this rapidly-developing situation and in light of further directives from Governor DeWine and health officials. The need for uniform buy-in and consistency among judges is paramount.
- Further, judges need to consult and collaborate with local leaders to develop a plan to ensure essential access to the courts will continue.
- This collaboration needs to include all stakeholders: clerks of court, health and law enforcement officials, attorneys, treatment providers, children services, and others.
- Total closure of courts and the Clerks of Courts office presents an access to justice issue. Measures can be taken to ensure access to justice while safeguarding the health of employees by limiting but not eliminating access.
- The Courts can be closed to the public for non-essential purposes.
- I asked judges to prioritize their workload to reduce the need for jury pools and the level of public traffic in courthouses.
- I encouraged them to maximize technology and to modify their orders to reduce the need for face-to-face interactions.

- I urged them to consider lowering bonds and using summons instead of arrests, to help minimize jail populations.
- I noted some creative local solutions to these problems and urge courts to use their authority and initiative to employ similar solutions.

Courts all over the state have responded by issuing orders that do just that: I might add that the website of the Ohio Judicial Conference which can be accessed via our website: **sc.ohio.gov** contains the orders issued by local courts. If you access it you will note the response by our judiciary.

FOR EXAMPLE:

- Courts in Cuyahoga County have suspended all non-time-sensitive civil and criminal jury trials, and
 - They have implemented a jury call-in system so that jurors would not have to appear unnecessarily.
 - Also, when possible, hearings are being conducted by video to reduce person-to-person contact
 - Foreclosure actions and sheriff's sales are stayed for 60 days – this will ensure that individuals are not forced out of their homes during the public health crisis

- Jackson County has leveraged the existing statutory authority under the Ohio Revised Code to extend speedy trial time in criminal cases on the grounds of the Governor's emergency declaration.
- As I've advised ORC 2945.72 states: The time within which an accused must be brought to trial, or, in the case of felony, to preliminary hearing and trial, may be extended only by the following: (H) The period of any continuance granted on the accused's own motion, and the period of any reasonable continuance granted other than upon the accused's own motion
- This allows for continuances upon reasonable grounds. Judges can and should employ that provision where appropriate and issue orders detailing the reasonable grounds.
- And Franklin County Municipal Court has authorized the use of recognizance bonds for non-violent misdemeanor and traffic cases.

But there is still work to be done. Today, I want to encourage local courts to continue using their own authority and initiative to address common issues we're seeing across the state. For example, I urge all judges to:

- Grant continuances or use alternative methods for non-essential court appearances.
- Ensure that clerk's offices remain open and are accessible to the public.

- Temporarily stay appropriate eviction and foreclosure proceedings.
- Temporarily refrain from issuing warrants for failure to appear for traffic violations, minor misdemeanor and non-violent misdemeanor offenses.
- Find ways to provide remote yet meaningful treatment options for those with substance use disorders.
- Change probation/community control and pretrial supervision meetings to phone or video reporting.
- Finally, I urge judges to use their discretion to release people held in jail and release incarcerated individuals who are in a high-risk category for being infected with the virus.

Looking ahead, we will be working with the Governor and General Assembly on a legislative proposal that will provide more uniformity and continuity in our judicial system's response to emergencies like this.

I must also mention the work of the Supreme Court itself. We continue to consider and decide cases. Although we have taken common-sense measures consistent with the Governor's guidance to reduce risk, the Court remains open.

We have essential staff performing their duties on and off site. We will continue to accept case filings and provide support to judges, local court staff, and attorneys.

Finally, I understand that many local courts lack the technology and resources needed to implement some of these options.

To meet that need, the Supreme Court will release funds in the form of grants to local courts to obtain video conferencing equipment. It is my hope that by pushing out this funding on an emergency basis, we can assist the local courts in quick implementation of video conferencing for arraignments and other conferencing purposes. I expect to announce the process for those grants tomorrow.

Before I take your questions I'd like to say that I have personally been in touch with many judges, the bar associations' leadership and in constant conversation with Director of the Ohio Judicial Conference, Paul Pfeifer. We are working together in this ever-changing environment and pleased to continue to do so.