

IN

04:00 pm, May 15, 2020

DEBORAH A. MYERS

CLERK OF COURTS

ASHLAND COUNTY, OHIO

**IN THE COURT OF COMMON PLEAS, ASHLAND COUNTY, OHIO
GENERAL DIVISION**

IN RE:

**COVID-19 EMERGENCY
DECLARATION TEMPORARY
HEARING PROCEDURES**

**JUDGMENT ENTRY
ADDITIONAL SPECIAL
PROCEEDINGS
FOR ALL IN-COURT HEARINGS**

This matter is before the Court *sua sponte* on May 15, 2020 to establish special procedures for ALL in-court hearings, regardless of venue as necessitated by current social distancing and other personal protective policies established by both the State and Federal governments. The procedures established by this judgment entry shall be effective upon journalization:

ALL HEARING/ MEDIATION ROOMS

1. All rooms utilized for Court-related proceedings shall be arranged so that all attorneys, litigants, witnesses and other participants can effectively maintain minimum social distancing of six feet (6') while at a stationary location in the hearing room, unless separated by an appropriate physical barrier when less than six feet apart.
2. Litigants and their legal counsel shall be responsible for managing and regulating their witnesses prior to entry into a hearing or mediation room, so that such persons maintain appropriate social distancing, have had their temperature taken, and have been provided with an appropriate face mask while awaiting their opportunity to enter any hearing/mediation room.

3. No person shall enter any hearing or mediation room without first having their **temperature taken** with a touchless thermometer. Anyone recording a temperature of **38 degrees Celsius (100.4 degrees Fahrenheit)** or higher shall **not** be permitted in any hearing or mediation room.
4. Counsel shall remain at counsel table when questioning witnesses during a hearing but may move through the well of a courtroom to access evidence and presentation tools.
5. Counsel shall not approach any witness or participant (other than their own counsel or client) without court permission.
6. Should there be any issue requiring discussion outside the presence of a jury or the parties, the judge or magistrate, counsel and the court reporter (if applicable) shall retire to a separate room to engage in that discussion, if social distancing permits, or parties and other participants, when circumstances warrant, shall be asked to leave the room.
7. **Face masks** for personal health protection are recommended and **shall** be worn by any judge, magistrate, juror, witness, or party, and by all counsel; provided however, that a party can be required to remove any face mask they may be wearing when requested to do so for the purpose of witness identification. Witnesses (including parties testifying) shall wear face masks when not testifying, but shall lower or remove them during testimony, provided they remain in a stationary location. It is recommended that counsel also lower or remove their masks when asking questions of any witness or when addressing the Court, while still maintaining six feet or more of

distancing, so that their speech may be accurately recorded by the Court Stenographer or other recording device. Facemasks may be removed entirely when individuals are in a stationary location and properly distanced from all others but are expected to be worn when an individual is moving about the courtroom among others for any reason.

8. **Individuals who do not have their own personal face mask in their possession shall be provided a disposable face mask for use during any hearing.**
9. Hand sanitizer shall be made available to participants at all counsel and participant tables (such as a guardian *ad litem*), as well as any witness stand/location.
10. A Court Stenographer (where applicable) shall be permitted, if they so choose, to set up at a location where the faces of both the witness and counsel are capable of being observed, so long as appropriate distancing is maintained.
11. Counsel, litigants, and witnesses shall be required to wear latex/nitrile (or similar) gloves if they are to be handling any exhibits. The Court will ensure that a box of gloves is available in the courtroom.
12. Jury deliberation, if the matter involves a jury, shall be conducted in the gallery of Courtroom One, and the jurors shall be instructed to knock on the glass entrance door of the courtroom when needing the assistance of court personnel. Court security officers shall respond from their office which is located near the courtroom entrance door.

13. All hearing rooms will be sanitized between hearings. The space designated for witnesses shall be sanitized between witnesses.
 14. Additional procedures such as restroom protocol, and other logistical matters shall be addressed during any hearing or mediation as circumstances dictate, but with the goal of maintaining all social distancing and other COVID-19 protocols as set forth above.
 15. The Court reserves the right to issue case-specific procedural orders in addition to or in lieu of the above, should circumstances warrant.
 16. This judgment entry is intended to supplement, and not modify, the Court's Judgment Entry Special Proceedings issued March 30, 2020, which remains in effect unless otherwise modified by a case-specific judgment entry or order.
- It is so ordered.



Ronald P. Forsthoefel, Judge