

From: [Chief Justice Maureen O'Connor](#)
Subject: Tolling Legislation and Court Order
Date: Monday, July 13, 2020 4:11:08 PM

Dear Judge,

Since the outbreak of the COVID-19 pandemic, you and your staff have worked tirelessly to continue the operations of the Ohio judicial system while protecting the health of court employees and the public. I commend you for your efforts, and I am incredibly proud of the creativity, dedication, and flexibility you have shown during this time of uncertainty and hardship.

I write regarding two of the measures taken in response to the COVID-19 pandemic. As you are aware, on March 27, 2020, Governor Mike DeWine signed the General Assembly's Am. Sub. H.B. 197, which included provisions tolling certain statutorily set time requirements. That same day, the Supreme Court issued a companion order tolling the time requirements established by Supreme Court-promulgated rules. Working in conjunction the legislation and the order have given courts needed flexibility to respond to the impact of the coronavirus emergency. However, Am. Sub. H.B. 197 and the Supreme Court's order were intended as temporary measures, and both will expire on July 30, 2020. Currently there has been no indication the General Assembly intends to extend the tolling legislation. The Court intends to allow its order to expire on July 30th subject to any action by the General Assembly to extend the tolling provisions of Am. Sub. H.B. 197. To be clear, all currently tolled time requirements will resume on July 30th.

Given the impact upon the operation of the judicial system, I recommend that judges, court staff, and justice partners begin preparing for this date now. In doing so, you may wish to review the Supreme Court's various coronavirus-related resources at www.supremecourt.ohio.gov/coronavirus/default.aspx, including the [Frequently Asked Questions](#) concerning the tolling order.

Please note that although Am. Sub. H.B. 197 and the Supreme Court's order will expire on July 30th, federal law or regulations, especially those enacted in response to the coronavirus, may still prohibit a case from proceeding. Furthermore, other coronavirus-related Court orders, such as the order regarding notary requirements for domestic-relations, juvenile, general, and probate forms will continue to remain in effect until further action by the Court.

Additionally, on June 17, 2020, the U.S. Department of Housing & Urban Development extended the CARES Act moratorium on foreclosure filings in connection with the COVID-19 national emergency until August 31, 2020. The moratorium prohibits a mortgage servicer from initiating a foreclosure action for not less than the 60-day period beginning March 18, 2020, for all Federal Housing Administration (FHA)-insured single-family mortgages, except for vacant or abandoned properties, as well as loans back by Fannie Mae and Freddie Mac. This order applies to the initiation of foreclosures, move for judgment, and an order for a sale.

We must appreciate that courts are not businesses like stores, restaurants, or salons. When people come into our courthouses, they most often are not doing so by choice but instead, they are appearing because they have been summoned to appear either as a party to a case, as a witness, or as a juror. As such, we must be cautious about who we require to appear, and we should require an in-person appearance only in cases with immediate need. We must

remember those vulnerable populations and their risk to appear.

In all other cases, we should look for ways to move forward using technology. During this emergency, over 6 million dollars have been awarded in grants to local courts to enhance their ability to provide tele-justice. I encourage everyone to look at how we do business and leverage technology to the highest extent possible. In a national poll released on June 24, 2020 by the National Center for State Courts (NCSC), the public is warming to the idea of remote court appearances. Nearly two out of three people would be receptive to appearing in courtrooms remotely – a significant increase from just six years ago, when two out of five said they were receptive. This finding reflects the public’s growing comfort level with technology and its discomfort with being in close proximity to others during the coronavirus pandemic.

Furthermore, I have heard that virtual appearances are decreasing failure-to-appear rates because there is less of a disruption to litigants, no parking costs or inconveniences, and it takes less time to appear virtually and therefore less time off work. For these reasons, the Court will soon issue a new order allowing for the continued remote administration of oaths and affirmations and use of technology to avoid in-person court appearances and service.

In the event you do have members of the public in your courthouse, please consider how you can conduct business consistent with Governor DeWine’s and the Director of Public Health’s latest orders. Safety means requiring staff and the public alike to have their temperature taken at the door, wear face coverings, make hand sanitizer readily available in multiple locations, following social distancing for both common areas and courtrooms, thorough cleaning after each in-person court event and granting continuances for jury trials.

Courts should have marks on the floors indicating 6 feet distance apart and use clear, hard plastic or acrylic sheets in all public areas, including courtrooms, to provide a barrier to protect staff, the public, witnesses, jurors, parties and their counsel. Courts should also consider staggering in-person appearances to limit the number of people congregating in common areas or the courtroom. Some judges have made use of large spaces outside of the Courthouse as alternate sites in which to conduct business. Other courts have video conferencing in several rooms so each side may be separated and then the technology connects the rooms to ensure social distancing. All of these methods are creative and sound practices.

The restrictions we face now won’t last forever, but as we have been warned time and again, we, cannot resume business as it was prior to COVID-19. The recent increases in cases in Ohio and across the nation tell us that precautions are still necessary. We are all eager to move about freely and conduct our lives without the restrictions that are so necessary now. As I’ve said before, now is the time to show intelligence, compassion, and respect and to truly live up to the title “public servant.”

God Bless.

Sincerely,

Maureen O’Connor
Chief Justice