

EXECUTIVE ORDER

COVID-19 Pandemic Response – Continuity of Operations

The judicial officers, employees, and staff of Rhode Island’s unified judicial system have worked tirelessly throughout the COVID-19 pandemic to implement creative and effective measures to protect the public health while continuing to provide crucial access to justice for this state’s citizens. Emergency measures enacted pursuant to public health guidance promulgated by the Centers for Disease Control and Prevention, the Rhode Island Department of Public Health, and the Governor’s Office have evolved into established practices. Now, as the grip of COVID-19 begins to wane, and case numbers and fatalities abate, the public health restrictions that have become a fact of life for Rhode Islanders have concomitantly begun to recede as well. Nonetheless, because the threat of COVID-19 persists, albeit at an ever-diminishing level, continued caution remains warranted as conditions improve and restrictions are gradually eased. Recognizing that the efficiencies realized by the pandemic should not be lost as we return to pre-pandemic case levels, this order is meant to provide for a gradual resumption of business operations while also incorporating the enhancements to court operations born from the COVID-19 pandemic. Therefore, pursuant to the authority vested in me by G.L. 1956 § 8-15-2 of the Rhode Island General Laws, Executive Order 2020-12 is hereby superseded, and the following order is issued to protect the public health, safety, and welfare by reducing the risk of exposure to COVID-19 while slowly returning to normal operations over the coming months.

It is hereby ordered as follows:

1. **Continuity of Operations** – The following provisions shall be in effect until further notice unless or until superseded by subsequent executive order or unless otherwise specifically stated herein. The provisions of this order may require the courts within the unified judicial system to further develop or amend current policies and procedures or issue additional administrative

orders. All required policies and procedures or administrative orders shall be published on the Judiciary's website.

2. **Judicial Buildings** –

A. The following procedures shall be instituted in each judicial building, effective as of the date of this order:

1. Signage posted at all courthouse entrances shall require everyone entering a judicial building to self-screen for COVID-19 exposure or symptomology. Those who answer any of the screening questions in the affirmative will not be allowed to enter the building.
2. Fully vaccinated people* entering a judicial building shall not be required to wear a mask. Unvaccinated people* shall continue to be required to wear a mask while present in any judicial building. Judges may require all persons present in a courtroom in which the judge is presiding to wear a mask, regardless of vaccination status. Judges may allow a witness or attorney to remove his/her mask while testifying or addressing the court, provided physical distancing of at least three (3) feet between the speaker and any other person can be maintained at all times. See also, paragraph 3(C) herein.

*People are considered fully vaccinated two (2) weeks after they have received the second dose in a two (2)-dose vaccine or two (2) weeks after they have received a single-dose vaccine. "Unvaccinated people" refers to individuals of all ages, including children, who have not completed the two (2) week period following a single or two (2)-dose vaccination series.

3. Unvaccinated people shall physically distance themselves from other people by at least three (3) feet when present in any judicial building.

B. Judicial buildings shall continue to utilize plexiglass and COVID-19 cleaning protocols. Unless otherwise extended or modified, this subsection shall expire on December 31, 2021.

C. Effective September 7, 2021, all judicial buildings shall be open without restriction. Standard capacity limits imposed by the State Fire Marshall for all judicial buildings shall be observed.

3. **Trials and Grand Jury Matters** –

A. Jury and bench trials may resume without restriction. With the consent of all parties and the Court, bench trials may be conducted remotely.

- B. Statewide Grand Jury proceedings shall resume on-site as of September 7, 2021 without restriction.
- C. Due to the nature and requirements of grand and petit juror service, the Presiding Justice may require that all jurors and other employees, attorneys, justice partners, witnesses and/or spectators are required to wear masks during jury service and/or grand jury proceedings. See also, paragraph 2(A)(2) herein.
4. **Remote Hearings** – All courts within the unified judicial system shall identify through administrative order any and all case or hearing types that shall continue on a remote basis, provided that the courts ensure self-represented litigants are afforded the same level of access to these hearings as attorneys (i.e., through the provision of on-site laptops and private locations within judicial buildings for remote participation). For all remote hearings, courts shall issue administrative orders and/or other directives that specify the following: 1) the case or hearing types to be conducted remotely; 2) the method of remote participation; 3) the mechanism for providing pro se access to the remote hearing and 4) the vehicle for providing remote public access. Such orders/directives shall be published on the Judiciary’s website.
5. **In-person Hearings** – With the exception of remote hearings scheduled in accordance with paragraph 4 above which are highly encouraged, or as otherwise prohibited by federal law or regulation, all courts within the unified judicial system shall resume in-person hearings on all case and hearing types effective September 7, 2021. **Courts shall schedule hearings for specific times and utilize afternoon sessions in order to promote efficiency and limit crowding. Calendars that require large numbers of attorneys and/or litigants to appear and wait to be heard for significant periods of time are discouraged.**
6. **Filings** –
- A. Electronic Filing System and Mailed Filings: Filings shall continue to be submitted through the electronic filing system or by mail or other means, as allowed pursuant to the rules of each court within the unified judicial system and/or any administrative orders promulgated by each of the respective courts.
- B. In-person Filings: In-person, walk-in filings shall resume at all clerks’ offices as of Tuesday, September 7, 2021, consistent with the policies and procedures and/or administrative orders of each court.
- C. Self-Represented Litigant Filings: In addition to the filing methods addressed above, courts shall continue to allow self-represented litigants who are not registered to e-file, to submit filings via electronic mail to the clerks’ offices and shall publish instructions regarding these procedures on the Judiciary’s website.
7. **Payments** – Effective September 7, 2021, the courts may continue to employ an appointment system for in-person payments and encourage the usage on online payment options.

Notwithstanding, no court may refuse to accept an in-person payment solely based on the payor not having an appointment.

8. **Administration of Oaths** - Any rule that may be interpreted to require administering any oath or affirmation in-person may be relaxed to allow such oaths or affirmations to be administered remotely by available technologies, including videoconferencing or teleconferencing, provided such remote administration is not otherwise prohibited by any statutory or constitutional provision. Notarial acts shall be governed by the Remote Online Notarization guidelines promulgated by the Secretary of State and available at www.sos.ri.gov.
9. **Rules** – All courts within the unified judicial system are encouraged to consider whether changes to their respective court rules are necessary to provide for enhanced judicial disposition of matters without the need for appearance or argument.
10. **Court-specific Guidance** - The Presiding Justice of the Superior Court, the Chief Judge of the Family Court, the Chief Judge of the District Court, the Chief Judge of the Workers’ Compensation Court, and Chief Magistrate of the Traffic Tribunal, or their respective designees, may promulgate appropriate administrative orders in accordance with the foregoing directives and are authorized to make appropriate and limited exceptions where necessary and/or constitutionally required. Any requested exceptions to the foregoing order shall be heard and decided by the highest-ranking judicial officer in each of the respective courts, or his/her designee.
11. **Access to Information** – The public is encouraged to seek further information available on the Judiciary’s web-site at www.courts.ri.gov.

Entered as an Executive Order this 20th day of July 2021.

BY ORDER

/s/
Paul A. Suttell
Chief Justice