

**IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT
VERMILION COUNTY, ILLINOIS**

ADMINISTRATIVE ORDER NO. 2020-17

RE

**SUSPENSION OF JURY TRIALS
BECAUSE OF INCREASE IN COVID-19 PANDEMIC CASES**

The Circuit Court for Vermilion County in the Fifth Judicial Circuit of Illinois adopts the following Administrative Order pertaining to a temporary suspension of jury trials in Vermilion County because of an increase in the number of local 2019 Novel Coronavirus [COVID-19] pandemic cases:

WHEREAS, on March 17, 2020, the Illinois Supreme Court entered an Order - *In re: Illinois Courts Response to COVID-19 Emergency, MR. 30370*, directing all courts to establish and periodically update temporary procedures to minimize potential exposure to and the impact of the COVID-19 pandemic on judicial operations, while continuing to provide access to justice, and further directed that all non-essential matters and proceedings be continued or, if feasible, conducted remotely; and on March 20, 2020 entered an Order authorizing the continuance of all civil and criminal jury trials for sixty (60) days, and suspending speedy trial terms during said time period; and on April 7, 2020 entered an Order authorizing the continuance of all civil and criminal jury trials until further order of the Court, and suspending speedy trial terms in all criminal cases during said time period; and on May 20, 2020 entered an Order authorizing each Circuit to return to hearing court matters, whether in person or remotely, according to a schedule to be adopted for each County by the Chief Circuit Judge; and on that day also issued guidelines for resuming court operations; and said Order implicitly allows circuit courts to rescind, amend, or suspend terms and provisions of their reopening plans as dictated by local public health conditions, data, and recommendations;

WHEREAS, on March 9, 2020, the Governor of the State of Illinois declared a State of Emergency in response to COVID-19; and on March 20, 2020, the Governor issued Executive Order No. 8, ordering and directing all citizens of the State to remain at home or other place of residence unless performing an essential function; the terms and provisions of said Order were to be effective until April 7, 2020, unless otherwise extended by further order; since that date, the Governor has, each month, amended and extended the terms and provisions of said Executive Order and the State of Illinois has been in a state of emergency since the Governor's original declaration, necessitating temporary court-imposed restrictions to minimize the impact of COVID-19 on the court system, while continuing to provide access to justice;

WHEREAS, on March 20, 2020, the Chief Circuit Judge entered an Administrative Order continuing all civil and criminal jury trials within the 5th Judicial Circuit for sixty (60) days, and suspending speedy trial terms during said period; and on April 7, 2020, entered an Administrative

Order continuing all civil and criminal jury trials within the 5th Judicial Circuit until further order of the court, and suspending speedy trial terms during said period; and on May 28, 2020, the Chief Circuit Judge entered an Administrative Order authorizing the resumption of civil and criminal jury trials within Vermilion County as of July 6, 2020;

WHEREAS, the Presiding Circuit Judge for Vermilion County has been granted temporary emergency administrative authority to enter orders affecting the general operation of the Rita B. Garman Vermilion County Courthouse [the Courthouse] pursuant to authority granted by the Chief Circuit Judge under Supreme Court Rule 21(b);

WHEREAS, on March 17, 2020, pursuant to said authorities, the Presiding Judge of Vermilion County entered Administrative Order No. 2020-1, directing that measures be taken in response to the pandemic, intending to balance health and safety concerns with the need to continue to provide essential court services to the citizens of the County; and on March 25, 2020 the Presiding Judge entered Administrative Order No. 2020-5 amending Administrative Order No. 2020-1 by adopting superseding provisions; and on April 1, 2020 the Presiding Judge entered Administrative Order No. 2020-6 amending Administrative Order Nos. 2020-1 and 2020-5 by adopting superseding provisions; and on April 30, 2020 the Presiding Judge entered Administrative Order No. 2020-9 amending Administrative Order Nos. 2020-1, 2020-5, and 2020-6 by adopting superseding provisions. All of these measures restricted access to the Rita B. Garman Vermilion County Courthouse, incorporated the use of videoconferencing and teleconferencing to minimize personal contact, followed social distancing practices, and temporarily suspended non-essential court functions through May 29, 2020, all subject to discretionary exceptions authorized by the judge presiding over a specific case;

WHEREAS, on May 26, 2020, the Presiding Judge of Vermilion County entered Administrative Order 2020-12 pertaining to a measured and structured resumption of all court operations, which supplemented and superseded Administrative Order Nos. 2020-1 through 2020-11;

WHEREAS, the Circuit Judges of Vermilion County, having considered local public health data and the recommendations of local health agencies based upon that data, deem that public health conditions within the County necessitate a temporary suspension of all jury trials in the Courthouse in order to minimize in-person contact, protect the health and welfare of all Courthouse employees and patrons, and the community at large, and mitigate the resurgence of the COVID-19 virus;

WHEREAS, the Circuit Judges of Vermilion County consider the temporary suspension of all jury trials while continuing all other courthouse operations fulfil the judiciary's mission to protect the rights and liberties of the People by providing equal access to justice, resolving disputes, upholding the law, providing essential services to the citizens of the County, and attending the court's administrative responsibilities;

WHEREAS, the Supreme Court Order entered May 20, 2020, authorized the Chief Judges of each circuit to continue trials until further order of the Supreme Court, and any continuances occasioned by said Order are deemed to serve the ends of justice and outweigh the best interests of the public and defendants in a speedy trial; and, therefore, such continuances are excluded from speedy trial computations contained in 725 ILCS 5/103-5, and statutory time restrictions in said section are tolled until further order; and such authority also applies when a trial is delayed where the court determines proper distancing and facilities limitations prevent a trial from proceeding safely and the judge in the case finds that such limitations necessitated the delay;

WHEREAS, the Courthouse has had, and continues to have, limited capacity to accommodate groups of prospective *petit* jurors who are summoned for jury duty on the same date while simultaneously maintaining compliance with all mandated social distancing measures that are a necessary part of the current functionality of the Courthouse;

WHEREAS, the Circuit Judges of Vermilion County, having balanced public health and safety considerations, particularly, the substantial increases in the number of COVID-19 cases, positive test averages, hospitalizations, and deaths, and low hospital bed availabilities within Vermilion County with the need for judicial access and openness, and considered those factors specifically set forth in the Supreme Court Order entered May 20, 2020, FIND and determine that proper distancing and facilities limitations within the Courthouse at this time prevent any jury trials from proceeding safely; and

WHEREAS, the Circuit Judges of Vermilion County, acting through the Presiding Judge, adopt the following provisions:

NOW, THEREFORE, IT IS ORDERED:

- 1. Effective Date.** This Administrative Order is effective *instanter* and its precautionary measures shall remain in effect until amended or modified by further order of the court.
- 2.** The provisions of Administrative Order Nos. 2020-1 through 2020-12 are hereby supplemented, and to the extent inconsistent herewith superseded. In all other respects, the terms and provisions of said Administrative Orders remain in full force and effect.
- 3. Jury Trials.** Effective immediately, and until February 1, 2021, jury trials in all divisions may not proceed as scheduled in the Courthouse. Cases set for jury trial on any judge's calendar prior to February 1, 2021, shall remain on the judge's calendar, but may not proceed to jury trial on said date. Pursuant to Supreme Court Order *MR. 30370*, in any criminal trial affected by this Administrative Order, the period of delay shall not be attributable to either the State or the defendant for purposes of 725 ILCS 5/103-5.

The findings and determination of the Circuit Judges of Vermilion County that proper distancing and facilities limitations within the Courthouse at this time prevent any jury trials from proceeding safely are applicable to all cases pending in Vermilion County and by virtue of this Administrative Order are incorporated into the record of each pending case.

- 4. Jury Service:** The Jury Commission Coordinator shall notify all *petit* jurors who have been summoned for trials scheduled through January 31, 2021 that their service is not required during said period and is deferred. No jury panel shall be summoned by the Circuit Clerk until that scheduled for February 1, 2021, except upon order of the Presiding Judge.

Unless otherwise ordered, civil and criminal jury trials may resume February 1, 2021, and the Circuit Clerk is directed to summon a *petit* jury panel for said term. A Notice to Prospective Jurors regarding the COVID-19 pandemic, in a form substantially as that attached to Administrative Order 2020-12 as Exhibit D, shall accompany each summons.

- 5.** The court, jury commission, and Circuit Clerk shall monitor local public health conditions, data, and recommendations and continue to implement social distancing and other precautionary measures based upon the recommendations of local health agencies to best protect the health and safety of prospective jurors, attorneys, litigants, Courthouse personnel, and patrons.
- 6. Masks and Social Distancing Required During Grand Jury Proceedings.** Administrative Order 2020-12 provided in part: “Anyone over two (2) years of age entering the public spaces of the Courthouse, and who is able to medically tolerate a face-covering, shall wear a face-covering or mask at all times when located within the indoor public spaces of the Courthouse and shall, when possible, maintain a six foot (6’) social distance.” This provision shall extend to and apply to all persons entering the Vermilion County Administration Building or any other facility for grand jury proceedings, including state and local office holders, attorneys, court personnel, grand jurors summoned for duty, and witnesses, including law enforcement personnel. All persons inside a grand jury courtroom, who are able to medically tolerate a face-covering, including courtroom personnel, must also wear one at all times while inside of the courtroom.

All persons entering public spaces for purposes of grand jury proceedings are expected to have their own face-covering. Court Administration will provide security personnel with a limited supply of face-coverings. Any person who does not have a face-covering and needs access to the proceedings will, when available, be provided with a face-covering. If a person enters the grand jury courtroom without a mask and none are available from security personnel, entrance will be denied.

7. Miscellaneous.

- a. The court may issue further orders as necessary to address circumstances and conditions arising from the COVID-19 pandemic, including re-assessing the provisions of this Administrative Order to determine if additional measures are required to protect court personnel and the public, and/or whether public health conditions warrant the easing of precautionary measures.
- b. It is further ordered that this Administrative Order be filed in the Office of the Circuit Clerk of Vermilion County and be made available to the public.
- c. The Clerk of the Circuit Court shall post this Administrative Order on her website.
- d. This Administrative Order shall be posted upon the County's website.
- e. This Administrative Order is effective *instanter*.

Dated: this 23rd day of November, 2020



Thomas M. O'Shaughnessy, Presiding Judge