

IN THE CIRCUIT COURT
FOR THE FIFTH JUDICIAL CIRCUIT OF ILLINOIS

ADMINISTRATIVE ORDER NO. 2021-20

WHEREAS, on July 20, 2021, **Vermilion County Administrative Order 2021-5** was entered effective instanter regarding relaxing facial covering and social distancing mitigation measures in the Rita B. Garman Vermilion County Courthouse;

IT IS THEREFORE ORDERED that Vermilion County Administrative Order 2021-5 is hereby adopted and approved, retroactive to the effective date of said order.

DATED this 30th day of July, 2021.

Thomas M. O'Shaughnessy

Thomas M. O'Shaughnessy, Chief Judge

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

ADMINISTRATIVE ORDER NO. 2021-5

**RELAXING FACIAL COVERING AND SOCIAL DISTANCING
MITIGATION MEASURES IN
THE RITA B. GARMAN VERMILION COUNTY COURTHOUSE**

The Circuit Court for Vermilion County in the Fifth Judicial Circuit of Illinois adopts the following administrative order pertaining to court operations during the 2019 Novel Coronavirus [COVID-19] pandemic:

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 procedures to minimize potential exposure to and the impact of the COVID-19 pandemic on judicial operations, while continuing to provide access to justice; subsequent to that date the Court has issued additional orders for resuming court operations;

WHEREAS, since March 2020, the Circuit Judges of Vermilion County considered changing national, state, and local public health data and the recommendations of the Centers for Disease Control and Prevention [CDC], the Illinois Department of Public Health [IDPH], and local public health agencies based upon that data, and adopted measures designed to protect the health and welfare of all Courthouse employees and patrons while fulfilling the judiciary's mission to protect the rights and liberties of the People by providing equal access to justice;

WHEREAS, on June 30, 2021, the Illinois Supreme Court, in recognition of the elimination of capacity restrictions enacted by Executive Order of the Governor, and in consideration of the essential nature of the work of the courts and administrative efforts involved in resuming court operations and trials, entered an Order that provided in relevant part:

“... effective immediately ... the chief circuit judges of the State are no longer required to allow for appropriate social distancing as required by this Court's order of May 20, 2020 and are permitted to relax or eliminate social distancing requirements. The decision to do so should be based on an assessment of local conditions;”

WHEREAS, the Circuit Judges of Vermilion County have evaluated the local public health data and recommendations of local health agencies based upon that data within the county, and determine that public health conditions within the County permit a relaxation of social distancing measures within the Rita B. Garman Vermilion County Courthouse [the Courthouse], all with the goals of protecting the health and welfare of all Courthouse employees and patrons, while fulfilling

the judiciary's mission to provide essential services to the citizens of the County, and attending the court's administrative responsibilities; and

WHEREAS, the Circuit Judges of Vermilion County **FINDING** it is now necessary and appropriate to amend prior administrative orders entered in response to the COVID-19 pandemic while taking into account the mandate of the court to provide access to justice and protect the health and welfare of all Courthouse employees and patrons, acting through the Presiding Judge, adopt the following provisions as the order of the court:

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, 2020-17, 2021-1, and 2021-3 are hereby supplemented, and to the extent inconsistent herewith superseded.
3. **Intent of this Administrative Order.** The intent of this administrative order is to safely, in a manner consistent with CDC, IDPH, and local health agencies' guidance, expand court operations, including but not limited to those pertaining to jury trials, that were restricted and limited pursuant to the administrative orders referred to in paragraph 2 above.

For purposes of this administrative order, "fully vaccinated" means being two weeks past the final vaccine injection.

4. **Face Coverings Inside Courtrooms.** Subject to the discretion of the judge presiding over the hearing/trial, all fully vaccinated courthouse personnel, including deputy clerks, court reporters, probation officers, court security personnel, and law enforcement personnel, as well as attorneys may remove their face covering or mask while inside a courtroom. The court will not generally inquire of such persons to determine their vaccination status, but reserves the right to inquire as to any such person's vaccination status and/or require evidence thereof. An attorney's election to not wear a face-covering in a courtroom is a representation to the court under Supreme Court Rule 3.3 that the attorney has been fully vaccinated.

All other persons over two (2) years of age, including jurors, litigants, and witnesses, who are able to medically tolerate a face-covering, must wear a face covering or mask at all times while inside of a courtroom. Litigants, jurors, and all others may remove their face covering or mask only when directed or authorized to do so by the judge presiding over the hearing/trial, and only after showing evidence of being fully vaccinated. Jurors, unless otherwise authorized by the judge presiding over the trial, must wear a face covering or mask at all times while inside of a jury assembly or deliberation room.

Nothing in this administrative order prevents any person, even if fully vaccinated, from wearing face coverings should he/she choose to do so. Persons required to speak during a hearing may be directed by the judge presiding to remove their face covering when speaking.

All persons who enter a courtroom are expected to have their own face-covering. Court Administration will continue to provide Courthouse security personnel with a limited supply of face-coverings. Any person who does not have a face-covering and needs access to a courtroom will, when available, be provided with a face-covering. If a person enters a courtroom without a face covering or mask when one will be required for such person's purpose for entry and none are available from security personnel, entrance to the courtroom may be denied unless otherwise authorized by the judge presiding over the hearing/trial.

An unvaccinated person's failure or refusal to appropriately wear a mask or face covering when required to do so may lead to removal from the Courthouse.

5. Grand Jury Proceedings. Persons called for grand jury duty, and all other persons participating in any grand jury proceeding, including attorneys, courthouse personnel, court security, and witnesses, including law enforcement personnel, who are fully vaccinated, shall no longer be required to wear face coverings during the proceedings. All persons who are not fully vaccinated must wear face coverings throughout the entirety of the grand jury proceedings. An unvaccinated person's failure or refusal to appropriately wear a mask or face covering when required to do so may lead to removal from the proceedings.

6. Courtroom Capacity and Social Distancing Measures. The judge presiding over a hearing/trial may evaluate and determine capacity restrictions for the courtroom and where attorneys and litigants, deputy clerks, bailiffs, court reporters, interpreters, jurors, witnesses, and gallery visitors are situated within the courtroom and jury deliberation room, and rearrange the positions as necessary to maintain such room capacity and social distancing measures as the judge presiding deems safe and appropriate based upon local public health data and recommendations of local health agencies. Jurors may all be seated in the jury boxes in all courtrooms of the Courthouse and may deliberate in all jury deliberation rooms. All persons present in any courtroom shall follow all instructions/markings employed to facilitate or identify social distancing spacing, as well as all instructions of the court, court security personnel, and bailiffs.

The Clerk of the Circuit Court may evaluate and determine capacity restrictions and where jurors are situated within the jury assembly room and rearrange the positions as necessary to maintain such room capacity and social distancing measures as the Clerk deems safe and appropriate based upon local public health data and recommendations of local health agencies. All persons present in the jury assembly room shall follow all instructions/markings employed

to facilitate or identify social distancing spacing, as well as all instructions of the Clerk, court security personnel, and bailiffs.

Any person within a courtroom, jury assembly or deliberation room who requests a reasonable social distance accommodation shall be provided one.

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.
- b. It is further ordered that this administrative order be made available to the public.
- c. The Clerk of the Circuit Court shall post this administrative order on her website.

Dated: this 20th day of July, 2021



Thomas M. O'Shaughnessy, Presiding Circuit Judge

Approved this 20th day of July, 2021



Thomas M. O'Shaughnessy, Chief Circuit Judge