

PROBATE COURT
FILED
SEP 10 2021
CUYAHOGA COUNTY, O.

IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO

PUBLIC HEALTH EMERGENCY
2020MSC251114
JUDGE ANTHONY J. RUSSO

In Re:)
)
ORDER REGARDING VACCINATION) JOURNAL ENTRY
REQUIREMENT FOR ANY APPOINTED OR)
ASSIGNED ATTORNEY)

The Judges of the Cuyahoga County Court of Common Pleas make the following findings of fact:

WHEREAS, on this 10 day of September 2021, the life, safety and welfare of the residents of Cuyahoga County are in jeopardy due to the outbreak of a deadly infectious respiratory disease identified as the Coronavirus disease (COVID-19); and,

WHEREAS, the Centers for Disease Control (CDC) and the Cuyahoga County Board of Health (CCBH) recommend that all eligible people become vaccinated against the spread of COVID-19; and,

WHEREAS, the Court is committed to ensuring safe workspaces for its staff and the public served by the Court's departments and agencies; and,

WHEREAS, the Court is committed to ensuring the safety of all individuals incarcerated in the Cuyahoga County Corrections Center and attorneys appearing in the Courts; and,

WHEREAS, throughout the COVID-19 pandemic, Court efficiency has been adversely impacted by the illness, isolation, and quarantine requirements of Court staff and those with whom they are in close contact; and,

WHEREAS, the Supreme Court of Ohio has regularly relayed the importance of subordinate Ohio courts taking affirmative measures to ensure the safety of parties, witnesses, counsel, staff, and members of the public by taking measures to reduce the spread of COVID-19 (*see, e.g.*, Guidance of May 7, 2020; Guidance of December 10, 2020; *St. Vincent Charity v.*

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Paluscsak, 2021-Ohio-1203 (April 16, 2021)(concurrency); *In re: Disqualification of Fleege*, 161 Ohio St.3d 1263, 2020-Ohio-5636, ¶ 8 (Dec. 10, 2020)); and,

WHEREAS, on Monday, August 23, 2021, the Food and Drug Administration (FDA) approved the COVID-19 Pfizer vaccine for the prevention of COVID-19 in anyone 16 years and older; and,

WHEREAS, the criminal justice stakeholders, including the Cuyahoga County Public Defender, the Cuyahoga County Defense Lawyers Association, and the Cuyahoga County Prosecutor all support required vaccination; and,

WHEREAS, while COVID-19 continues to spread, it is appropriate to update policies for the Court.

IT IS THEREFORE ORDERED:

1. In order to reduce the spread of COVID-19 in Court buildings; to maintain the efficiency and uninterrupted provision of Court services; and to protect the health of staff and visitors, all attorneys who wish to remain on any list used for appointment must be fully vaccinated no later than October 15, 2021. Fully vaccinated is considered as having received either the single dose Johnson and Johnson vaccination or both doses of either the Pfizer or Moderna vaccinations.
2. This Order applies to any attorney paid by any Division of the Common Pleas Court, including, but not limited to, assigned criminal defense attorneys, assigned appellate attorneys, mediators, business mediators, arbitrators, guardians ad litem, trustees for suit, fiduciaries, guardians, counsel for indigent wards, counsel for mental illness, investigators for special needs trusts, counsel for indigent biological parent in an adoption, psychiatric magistrates, and Resource Center attorneys. This Order does not apply to counsel retained in any case.
3. Within seven calendar days of this order, any attorney who wishes to remain on any list used for the purposes described in paragraph 2 must follow one of the three following processes:
 - a. Those who are already fully vaccinated must provide proof of full vaccination status by a completed vaccination card to the Court's HR Department, or other authorized administrator, as directed.
 - b. Initiate the vaccination process by receiving either the single dose Johnson and Johnson vaccination or the first dose of either the Pfizer or Moderna vaccination, and show proof thereof by vaccination card.

- c. Any unvaccinated attorney who intends to pursue an exemption request, as outlined in paragraph 6, should initiate this process with the Court's HR Department, or other authorized administrator, as directed.
4. Vaccination records received by the Court are not considered a public record and will be maintained confidentially.
5. Presentation of a forged or otherwise falsified vaccination card or record may subject the attorney to criminal action separate and apart from any potential sanctions under this policy. It should be noted that forgery of a vaccination card is a federal offense.
6. Any attorney who believes he/she has a qualifying medical condition or sincerely held religious belief may request an exemption form from the Court's HR Department to begin the exemption process within seven calendar days of the date of this order. Requests for exemption will require supporting documentation.
7. Requests for exemption will be reviewed by the appointing Court. Requests for exemption made by any attorney who wishes to remain on the assigned counsel list of the General Division will be reviewed by the Appointed Counsel Review Board, established in Local Rule 33 (B).
8. Any attorney who timely submits a request for exemption as stated in paragraph 6 and who still has a pending request for exemption on October 15, 2021, will be given 45 calendar days after the date a decision is given to become fully vaccinated if the exemption is denied. The deadline to become fully vaccinated will be communicated in writing to the attorney.
9. Any attorney who does not have a pending exemption, as described in paragraph 6, and who fails to provide proof of full vaccination by October 15, 2021, as described in paragraph 2, will be removed from any list used for appointment.
10. This Order shall remain in full force and effect until it is determined to no longer be necessary and is rescinded.
11. This Order shall be provided to the Supreme Court of Ohio, Ohio Judicial Conference, Municipal Courts in Cuyahoga County, Cuyahoga County Clerk of Courts, Cuyahoga County Adult Probation Department, Cleveland Metropolitan Bar Association, Cuyahoga County Prosecutor's Office, Cuyahoga County Public Defender's Office, Cuyahoga County Sheriff, Cuyahoga County Board of Health, Cuyahoga County Executive, Cuyahoga County Council, the website of this Court, and distributed to the media.

IT IS SO ORDERED.

CUYAHOGA COUNTY COMMON PLEAS COURT, GENERAL DIVISION



HON. BRENDAN J. SHEEHAN
ADMINISTRATIVE & PRESIDING JUDGE

9/10/21
DATED


CUYAHOGA COUNTY COMMON PLEAS COURT, DOMESTIC RELATIONS COURT



HON. LESLIE CELEBREZZE
ADMINISTRATIVE JUDGE

9.10.21
DATED


CUYAHOGA COUNTY COMMON PLEAS COURT, JUVENILE COURT



HON. THOMAS O'MALLEY
ADMINISTRATIVE JUDGE

9-10-21
DATED

CUYAHOGA COUNTY COMMON PLEAS COURT, PROBATE COURT



HON. ANTHONY J. RUSSO
ADMINISTRATIVE & PRESIDING JUDGE

9/10/21
DATED