

STATE OF ILLINOIS
IN THE CIRCUIT COURT OF THE 17TH JUDICIAL CIRCUIT
COUNTY OF BOONE
COUNTY OF WINNEBAGO

ADMINISTRATIVE ORDER 2021-10
TEMPORARY ORDER - COVID-19 PROCEDURE

This order supersedes Administrative Order 2021-03 entered on January 5, 2021.

Whereas the Circuit Court, pursuant to the Supreme Court's order of March 17, 2020, in M.R. 30370, previously reduced its operations to essential activities;

Whereas, the Supreme Court's order of May 20, 2020, in M.R. 30370, allows circuits to adopt their own plans for a resumption of court activity, and this Circuit did so effective June 1, 2020, as provided in Administrative Order 2020-21 entered on May 21, 2020;

Whereas, the Supreme Court's order of May 20, 2020, in M.R. 30370, implicitly allows circuits to step back from their reopening plans as dictated by local conditions;

Whereas, the Supreme Court's order of May 27, 2021, in M.R. 30370, allows circuits to operate following masking policies consistent with recent guidance from the Center for Disease Control (CDC).

It is therefore ORDERED that, effective immediately, the following procedures are in effect in the 17th Judicial Circuit:

1. **Masks / Face Coverings.** Pursuant to General Order 1.03, all persons, including attorneys, must wear a mask or face covering in public areas of the courthouse. This provision does not apply to any person who is: under age 2; incapacitated; having trouble breathing; unable to remove the mask or face covering without assistance; or fully vaccinated. Persons required to speak in the course of a court proceeding may be directed to remove a mask or face covering when speaking if necessary to make a record.

In this context, "fully vaccinated" means being two weeks past the final vaccine injection. The Court will not routinely screen persons in the courthouse to determine their vaccination status, but it reserves the right to inquire as to any person's vaccination status and/or to require proof thereof. An attorney's election not to wear a mask will be interpreted as a representation to the Court under Supreme Court Rule 3.3 that the attorney has been fully vaccinated.

2. **Reduced Call Size.** In order to reduce the number of people in the building(s), the Court will, to the extent possible, reduce the number of cases slotted for each court call. This will in many instances require staggered court times. Attorneys are reminded that it is essential that they appear at the designated time in order to make this process work.

3. **Represented Parties Excused.** Unless ordered by the judge or directed by their attorney, parties in civil and family cases are strongly encouraged not to attend routine court hearings. Attorneys should advise their clients not to attend court unless their attendance is strictly necessary given the nature of the hearing at issue. In criminal cases, judges should discuss with the attorneys whether the defendant's presence might be excused.
4. **Additional Persons Discouraged.** Litigants are strongly discouraged from bringing any other person with them to the courthouse.
5. **Virtual Proceedings.** The Court will operate with increased reliance on virtual proceedings and hearings pursuant to Supreme Court Rules 45 and 241. Attorneys and parties who are offered the opportunity to appear virtually are strongly encouraged to do so. Those participating in a virtual hearing should plan to timely appear as scheduled and should become familiar with the evolving protocols at <https://tinyurl.com/virtualcourt17>.
6. **Bench Warrants and Defaults.** Judges may refrain, in appropriate circumstances, from the issuance of bench warrants or the entry of default judgments. Individual judges may, based on the nature of the hearing, the case, and their call, be more flexible in excusing the appearance of a party or defendant.
7. **Criminal Jury Trials.** Pursuant to the Supreme Court's order, in criminal trials the period of delay attributable due to facilities limitations to safely try cases shall not be attributable to either the State or the defendant for purpose of 725 ILCS 5/103-5.

Criminal jury trials shall be subject to the following terms:

- a. All criminal jury trials in Winnebago County will be conducted in courtrooms A and/or D of the Criminal Justice Center. All criminal jury trials in Boone County will be conducted in courtrooms 1 and/or 2.
 - b. Courtroom seating will be laid out differently to allow for personal distancing. This may require seating of some jurors in one side of the gallery.
 - c. Unless they voluntarily disclose that they are fully vaccinated, jurors will wear masks or face coverings, except when answering questions during voir dire.
 - d. Unless they voluntarily disclose that they are fully vaccinated, attorneys will wear masks or face coverings, except when addressing the court/jury.
8. **Civil Jury Trials.** Civil jury trials shall be subject to the following terms:
 - a. Courtroom seating will be laid out differently to allow for personal distancing. This may require seating of some jurors in one side of the gallery.
 - b. Unless they voluntarily disclose that they are fully vaccinated, jurors will wear masks or face coverings, except when answering questions during voir dire.
 - c. Unless they voluntarily disclose that they are fully vaccinated, attorneys will wear masks or face coverings, except when addressing the court/jury.

- d. Courtrooms 412 and 426 will have one jury week per month. Jury weeks in those courtrooms (see amended Civil Jury Calendar) will begin on Wednesday (instead of Monday) to avoid congestion in the jury assembly room on days when there are jurors summoned for criminal trials. Juries will be comprised of up to 12 jurors, with a maximum of one alternate in addition. Stipulations to six-person juries are encouraged.
 - e. Courtroom 209's jury weeks will remain the same, but jury trials in that courtroom will be limited to six person juries to permit appropriate social distancing given the size of that courtroom. Cases with a 12-person jury demand may be reassigned for trial. Civil jury trials in 209 will be on a backup basis to criminal trials scheduled to commence the same day. If an insufficient number of jurors are available after the criminal juries are seated, the trial in 209 will be continued.
9. **Individual Judge/Division Order.** Attorneys and parties should be aware that individual judges and/or divisions may issue their own guidance on practices in certain courtrooms.

ENTER:  18
Eugene G. Doherty, Chief Judge

DATED: 5/27/21