

20S-CB-128  


**LAPORTE CIRCUIT AND SUPERIOR COURTS  
LAPORTE COUNTY, INDIANA  
RULE AR 17 PETITION**

Come now the LaPorte Circuit and Superior Courts of LaPorte County and petition the Indiana Supreme Court for relief under Indiana Administrative Rule 17 and in support thereof state as follows:

1. The Circuit and Superior Courts of LaPorte County have convened en banc and have determined as follows:
  - a. The Governor of the State of Indiana has declared an emergency due to the Pandemic COVID-19 virus;
  - b. The WHO has declared the Coronavirus a Pandemic;
  - c. That the CDC has determined that gatherings of over 50 people should not take place;
  - d. The LaPorte County Commissioners have issued public directives seeking to limit the public from accessing county buildings unnecessarily;
  - e. The LaPorte County Courts currently have jury trials scheduled each of the several upcoming weeks;
  - f. The LaPorte County Courthouses do not have adequate sanitizing or hygiene stations or supplies for the dozens of jurors required for selection of juries, additionally the LaPorte County Courthouses are not set up to adequately provide the social distancing necessary to comply with the CDC recommendations for group gatherings;
  - g. The local courts have appointed Michael Bergerson as the presiding judge for this emergency.
2. The judges of the LaPorte Circuit and Superior Courts request that the Indiana Supreme Court declare that an emergency exists in LaPorte County under Indiana Administrative Rule 17 and make appropriate emergency orders for LaPorte County, Indiana, directing and allowing the courts and clerks of LaPorte County to alter, modify, and suspend necessary procedures as provided in the emergency plan submitted herewith, so as to appropriately and safely address this emergency.
3. LaPorte County Courts' Emergency Plan:
  - a. Criminal Trials
    - i. Suspend CR 4 due to public health risks.
    - ii. The Court will hold pre-trial and discover status hearings by telephone and counsel only. Counsel may appear via courtcall or conference call.
    - iii. Defendants will appear via telephone or remote video from the jail for any necessary hearings including plea entries and/or trial settings.
    - iv. The court will continue all non-essential hearings until such time as the health risk no longer exists.
    - v. The court will immediately continue all criminal jury trials until such time as the health risk no longer exists and until a pool of jurors can be safely assembled without further health risk. The courts will review this on May 4, 2020. If it is determined that the COVID-19 Crisis has subsided then Jury trials may begin no later than May 18, 2020
  - b. Civil Trials
    - i. Immediately suspend all civil jury trials, to be reviewed again on May 4, 2020.
    - ii. Parties shall appear remotely via courtcall or conference call in all civil matters. All civil trials shall be continued until such time as the health

risk no longer exists and until a pool of jurors can be safely assembled without further health risk.

- iii. All non-essential civil hearings will be continued unless they can be conducted by telephone or teleconference or video conference, until such time as the health risk no longer exists.
- c. The local police departments have been issuing summons for non-violent misdemeanors and low level non-violent felony cases. All arrests with summons will be set for initial hearings when they can be done so at times that no longer present a health risk to the public. Any initial hearings for arrests that are transported to jail will be done via video conference.
- d. Mental Health hearings shall be conducted by telephone.
- e. Protection Orders may be extended without notice or hearing during the duration of this Order.
- f. Utilize video and/or telephone conferencing for all juvenile court for fact-finding and termination hearings in CHINS cases where parents are incarcerated.
- g. Setting/Re-setting all non-adjudicatory, non-detention juvenile CHINS, Termination and Delinquency Proceedings outside the statutory timeframes as deemed necessary by the Juvenile Court.
- h. Suspending further issuance of all civil body attachments and Title IV D attachments until the public health risk has subsided.
- i. With respect to any essential evidentiary hearings and/or trials, the courts now find that (a) the existence of flu like symptoms in any attorney, self-represented litigant or witness expected to testify; or (b) exposure to such individuals by anyone who has or may have had COVID-19, shall be considered "good cause" for any motion made to continue said hearing or setting.

The LaPorte County Courts propose this plan remain in place until June 12, 2020. The courts will file a review/status report with the court on or before May 4, 2020.

Therefore, the judges of LaPorte County request that the Indiana Supreme Court declare an emergency exists in LaPorte County under the authority of Indiana Administrative Rule 17, and to make appropriate emergency orders for LaPorte County Directing and allowing the courts and clerk of LaPorte County to alter, modify, and suspend necessary procedures as provided herein to appropriately protect the Citizens of LaPorte County.

  
MICHAEL BERGERSON, JUDGE  
LAPORTE SUPERIOR COURT NO. 1