

20S-CB-175

BEFORE THE INDIANA SUPREME COURT
INDIANAPOLIS, INDIANA
CASE NO.

**EMERGENCY PETITION FOR ADMINISTRATIVE ORDERS
CLINTON COUNTY, INDIANA**

The Clinton Circuit Court and the Clinton Superior Court (Courts), having conferred with the Clinton County Prosecuting Attorney, County Commissioners, members of the Clinton County Bar Association, and local officials the Courts have deemed appropriate, now petition the Indiana Supreme Court for relief under Indiana Administrative Rule 17. In support of this Petition, the Courts inform the Supreme Court as follows:

1. The World Health Organization (WHO) has determined the outbreak of COVID-19 is a worldwide pandemic.
2. States of Emergency have been declared in 20 states, including Indiana, and COVID-19 cases have been reported in all states.
3. The Center for Disease Control (CDC) has determined that “social distancing” is a necessary strategy for the prevention of further spread of COVID-19.
4. The CDC has further determined that drastic steps are immediately required to halt the spread of COVID-19 and to protect public health care systems from being inundated.
5. In Indiana, the largest public universities, Indiana University and Purdue University, are utilizing social distancing by cancelling all in-person classes for the remainder of the 2019-2020 school year.
6. The Courts find that on March 16, 2020 President Donald Trump advised that persons should not congregate in groups of 10 or more, making jury selection and/or jury service in civil and criminal cases impossible.
7. The most recent information available identifies those persons over the age of 60 as the population most susceptible to serious complications from the virus.
8. The Courts find that ordering this susceptible population to appear for jury selection and/or jury service in this pandemic climate represents a failure of the judiciary to halt the spread of COVID-19.
9. The Courts find that Clinton County does not possess adequate hygiene stations or supplies for the number of persons required for jury selection and/or jury service in civil and criminal cases.

10. The Courts find that ordering persons to convene in a group setting for jury selection and/or jury service, in addition to violating all recommendations from health officials, state authorities, and national authorities, would create an unnecessarily stressful situation for summoned jurors and would require them to weigh compliance with a juror summons against possible exposure and/or contamination with COVID-19.

11. The Courts submit the following plan for the period beginning March 17, 2020:

A. The Courts will immediately suspend all jury trials, to be reviewed again on April 30, 2020. If it is determined by the Courts that the COVID-19 crisis has subsided, jury trials may begin May 11, 2020, thus allowing for adequate notification of the jury pool.

B. The Courts may take steps to limit spectators in the courtrooms to provide adequate social distancing, if necessary. Courts may prohibit spectators from the courtrooms unless deemed necessary to preserve the Constitutional rights of the parties to the litigation being heard.

C. The Courts may take steps to limit access to the court offices to provide adequate social distancing, if necessary. Courts may prohibit access to the court offices to only those persons inquiring about his/her cases, attorneys, staff, law enforcement, and other necessary personnel.

D. The Courts may suspend JD and JC cases, except detention hearings and other essential hearings.

E. The Courts will allow attorneys to appear remotely for status conferences, pre-trial conferences, and/or non-evidentiary hearings. Attorneys will not need to file a motion for such accommodation but shall notify court staff of his/her decision to appear remotely.

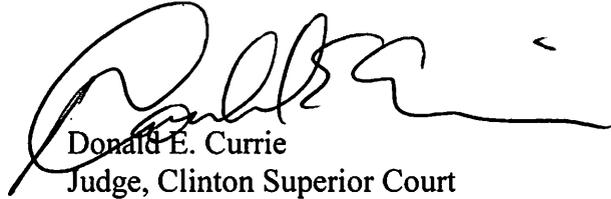
F. The Courts may take action upon (a) finding the flu and/or flu-like symptoms in any attorney, witness, or self-represented litigant, or, (b) exposure of such individuals to anyone who has or may have COVID-19, and such shall be considered "good cause" to continue the hearing, suspend the hearing, or allow a person to appear remotely for the hearing. To the extent possible and without violating statutory or constitutional rights, the Courts will endeavor to accommodate such requests.

WHEREFORE, the Judges of the Clinton Circuit Court and the Clinton Superior Court request that the Indiana Supreme Court declare that an emergency exists in Clinton County under the authority of Indiana Administrative Rule 17, and to make appropriate emergency orders for Clinton County directing and allowing the Clerk of Clinton County to alter, modify, and/or suspend necessary procedures as provided in the emergency plan submitted herewith, so as to appropriately address this emergency.

Respectfully Submitted,



Bradley K. Mohler
Judge, Clinton Circuit Court



Donald E. Currie
Judge, Clinton Superior Court

BEFORE THE INDIANA SUPREME COURT
INDIANAPOLIS, INDIANA
CASE NO.

ORDER

The Courts of Clinton County have petitioned this Court for emergency relief pursuant to Indiana Administrative Rule 17. The Petition states, in part, that:

1. The World Health Organization (WHO) has determined the outbreak of COVID-19 is a worldwide pandemic.
2. The Center for Disease Control (CDC) has determined that “social distancing” is a necessary strategy for the prevention of further spread of COVID-19.
3. The CDC has further determined that drastic steps are immediately required to halt the spread of COVID-19 and to protect public health care systems from being inundated.
4. The Courts find that on March 16, 2020 President Donald Trump advised that persons should not congregate in groups of 10 or more, making jury selection and/or jury service in civil and criminal cases impossible.
5. The Courts find that Clinton County does not possess adequate hygiene stations or supplies for the number of persons required for jury selection and/or jury service in civil and criminal cases.

It appears from the Petition that compliance with appropriate public health practices will inhibit litigants’ and courts’ ability to comply with statutory deadlines and rules of procedure. The Court therefore finds that good cause exists for granting emergency relief.

Being duly advised, the Indiana Supreme Court GRANTS the Petition for Administrative Orders, DECLARES pursuant to Indiana Administrative Rule 17 that an emergency exists in the courts in Clinton County, and APPROVES the plan as submitted. The Court accordingly ORDERS as follows to ensure the orderly and fair administration of justice during this emergency:

1. The Court authorizes the tolling, beginning March 17, 2020 and through April 30, 2020, of all laws, rules, and procedures setting time limits for speedy trials in criminal and juvenile proceedings, public health, and mental health matters; all judgments, support, and other orders; and in all other civil and criminal matters before the courts in Clinton County. Further, no interest shall be due or charged during this tolled period.

2. The Court authorizes the immediate suspension of all jury trials beginning March 17, 2020 through April 30, 2020. The courts of Clinton County are directed to review no later than April 17, 2020 whether continued suspension is necessary; and if it is not, to resume jury trials no later than May 11, 2020 to allow adequate notification of the jury pool. If the courts of Clinton County believe continued suspension is necessary, they may petition this Court to extend the suspension.
3. The Court authorizes the courts of Clinton County, beginning March 17, 2020 through April 30, 2020, in their discretion and subject to applicable Constitutional limitations, to limit spectators (other than parties to the litigation and their attorneys) in courtrooms to the extent necessary to provide adequate social distancing.
4. The Court authorizes the courts of Clinton County, beginning March 17, 2020 through April 30, 2020, in their discretion and subject to applicable Constitutional limitations, to limit access to the court offices to provide adequate social distancing, if necessary. Courts may prohibit access to the court offices to only those persons inquiring about his/her cases, attorneys, staff, law enforcement, and other necessary personnel.
5. The Court authorizes the courts of Clinton County, beginning March 17, 2020 through April 30, 2020, in their discretion, to suspend JD cases and JC cases, except detention hearings and other essential hearings.
6. The Court authorizes the courts of Clinton County, beginning March 17, 2020 through April 30, 2020, to allow any attorney to appear remotely for status conferences, pre-trial conferences, and/or non-evidentiary hearings without further leave of the court.
7. The Court authorizes the courts of Clinton County, beginning March 17, 2020 through April 30, 2020, to take action upon (a) finding the flu and/or flu-like symptoms in any attorney, witness, or self-represented litigant, or, (b) exposure of such individuals to anyone who has or may have COVID-19, and such shall be considered "good cause" to continue the hearing, suspend the hearing, or allow a person to appear remotely for the hearing.
8. Bradley K. Mohler, Judge of the Clinton Circuit Court, is designated as the presiding judge for this emergency.

Done at Indianapolis, Indiana on _____.

Loretta H. Rush, Chief Justice
Indiana Supreme Court