

20S-CB- 204

**Orange Circuit and Superior Courts’
Emergency Petition Pursuant to
Administrative Rule 17**

Comes now the Courts of the 87th Judicial Circuit of the State of Indiana, at Paoli, Indiana (“the courts”), and petition the Supreme Court for relief under Ind. Administrative Rule 17. In support of this petition, the courts inform the Supreme Court as follows:

1. Orange Circuit Court and Orange Superior Court, being all of the courts of the 87th Judicial Circuit for the State of Indiana, at Paoli, Indiana, have convened in banc and have determined:
 - A. That COVID-19, a/k/a corona virus is spreading across the state of Indiana, the entire United States of America, and the world.
 - B. That the Center for Disease Control (CDC) has determined that “social distancing” is a necessary strategy for the prevention of the further spread of the virus.
 - C. That the courthouses in Orange County do not allow for adequate social distancing for the dozens of jurors required for the selection of a jury in civil and criminal cases.
 - D. That on March 6, 2020 Governor Eric Holcomb signed an executive order declaring a public health emergency related to the corona virus.
 - E. That the Orange County Commissioners have decided to close to the public the Orange County Courthouse and Orange County Complex which house the courts and other county offices, but are open to provisions allowing the continuing functioning of the courts.
 - F. That the Orange County schools have been temporarily closed, and that Governor Holcomb has now declared that the schools shall remain closed at least through May 1, 2020.
 - G. That an emergency therefore exists inhibiting the ability of litigants and courts to comply with statutory deadlines and rules of procedure applicable in courts of this state.

2. The courts request the Supreme Court to declare that an emergency exist in the 87th Judicial Circuit under the authority of Ind. Admin. R. 17 and to make appropriate emergency orders for the Courts directing and authorizing the Court to alter, modify, and suspend procedures as provided in the emergency plan described herein to appropriately address this emergency.
3. The courts request that the Supreme Court authorize the following emergency plan to take effect upon approval and continue through May 1, 2020, or as further extended by Supreme Court approval, as follows:
 - A. That the Court authorize the tolling, beginning March 20, 2020 and through May 1, 2020, of all laws, rules, and procedures setting time limits for speedy trials in criminal and juvenile proceedings, public health, and mental health matters and in all other civil and criminal matters before the courts.
 - B. That the Court authorize the courts in criminal cases to:
 - a. continue all pre-trial conferences and non-essential hearings;
 - b. hold pre-trial and discovery status hearing by counsel only;
 - c. allow attorney-only conferences whenever possible without the requirement of a motion; and,
 - d. have defendants appear via teleconference or video conference from jail for any hearings, except contested sentencing hearings and jury trials.
 - C. That the Court authorize the courts in all civil proceedings to suspend all civil proceedings, except domestic violence protective orders, emergency juvenile (JC, JS, JD) proceedings, and, those other civil matters as may be specifically authorized by the trial court judge.
 - D. That the Court authorize the immediate suspension of all civil and criminal jury trials beginning March 20, 2020 through May 18, 2020. That the courts be directed to review no later than May 1, 2020 whether continued suspension is necessary; and if it is not, to resume jury trials no later than May 18, 2020 to allow adequate notification of the jury pool. If the courts believe continued suspension is necessary, they will petition the Court to extend the suspension.
 - E. That beginning March 20, 2020 through May 1, 2020, the Juvenile Court be authorized in its discretion to hear only detention hearings and other juvenile hearings it deems essential.
 - F. That beginning March 20, 2020 and through May 1, 2020, the courts be authorized, 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.

- G. That beginning March 20, 2020 and through May 1, 2020, the courts may consider (a) the existence of flu-like symptoms in any attorney, self-represented litigant, or witness expected to testify; or (b) exposure of such individuals to anyone who has or may have COVID-19; to constitute “good cause” to either appear remotely or continue a court setting, to the extent possible without violating statutory or Constitutional rights.
- H. The courts will file a status update no later than May 1, 2020 to inform the Court of whether there is an ongoing need for emergency relief.

WHEREFORE, the judges of the courts of the 87th Judicial Circuit for the State of Indiana, at Paoli, Indiana request that the Supreme Court declare that an emergency exists in the 87th Judicial Circuit under the authority of Ind. Admin. R. 17, and to make appropriate emergency orders for Orange Circuit Court and Orange Superior Court directing and allowing the courts and clerk of Orange County to alter, modify, and suspend necessary procedures as provided in the emergency plan submitted herewith, so as to appropriately address this emergency and ensure the orderly and fair administration of justice.

DONE at Paoli, Indiana, this March 19, 2020.

 /s/ Steven L. Owen
STEVEN L. OWEN, JUDGE
ORANGE CIRCUIT COURT

 /s/ R. Michael Cloud
R. MICHAEL CLOUD, JUDGE
ORANGE SUPERIOR COURT