

# In the Indiana Supreme Court

In the Matter of the Petition of the  
Scherville Town Court for  
Administrative Rule 17 Emergency Relief.

Supreme Court Case No.  
20S-CB-211



## Order Approving Expansion of Operations Plan

By orders issued April 24 and May 13, 2020, this Court ordered trial courts statewide to submit plans for gradually resuming normal operations under limitations appropriate to the 2019 novel coronavirus (COVID-19) public health emergency. Pursuant to that order, the petitioning court(s) filed an amended expansion of operations plan (“Plan”) on July 8, 2020.

The Court finds that the Plan was made in coordination with appropriate local authorities and local justice system partners to account for local health conditions, facility readiness, and litigants’ needs; and that the Plan makes reasonable provisions for resuming normal staffing, providing public access to non-confidential proceedings, and resuming jury trials. A copy of the Plan is attached to this order and incorporated by reference.

Being duly advised, and pursuant to Indiana Administrative Rule 17 and this Court’s inherent authority to supervise the administration of all courts of this State, the Court ORDERS as follows:

1. All emergency relief previously granted to the petitioning court(s) under Administrative Rule 17 is deemed to expire as of the effective date of this order, except as provided by this Court’s “Order Extending Trial Courts’ Emergency Tolling Authority and Setting Expiration of Other Emergency Orders” issued May 29, 2020 in Case No. 20S-CB-123. However, this Court’s May 13, 2020 “Emergency Order Permitting Expanded Remote Hearings” and paragraph 3 of its May 13 “Order Extending Time for Expanding Trial Court Operations” in Case No. 20S-CB-123 (prohibiting jury trials before July 1 without prior approval of this Court) remain in full force and effect.
2. The Plan is approved, and the petitioning court(s) shall comply with its terms through its stated duration, subject to further order of this Court.

Done at Indianapolis, Indiana, on 7/8/2020 , effective **May 27, 2020**.

A handwritten signature in black ink that reads "Loretta H. Rush". The signature is written in a cursive style and is positioned above a horizontal line.

Loretta H. Rush  
Chief Justice of Indiana



2. Planning & Consultations:

- a. City and Town Court judges have been provided a draft of the Lake County Superior Court County Division transition plan, and have discussed via Zoom meeting a proposed remote check-in procedure of parties using Google Voice and texting to control and limit the number of parties appearing in court at one time.
- b. Two representatives selected by the city and town court judges in Lake County, as a group, serve as voting members of the Lake County Criminal Justice Co-ordinating Committee created by the County Council.
- c. The Lake County Jail staff has had conversations with and scheduled remote hearings for several of the city and town court judges in Lake County. Weekly jail reports are provided to each judge regarding the population of the jail.
- d. In addition, consultations have been ongoing with local Police Departments, the Prosecutor's Office, Lake County Government officials, judges, and Health Department, local attorneys, the Lake County Bar Association, EMS officials, and city administration officials.

3. Employment Procedures:

- a. The **Schererville Town Court** staff has remained in operation (with 2 full-time clerk employees) since the beginning of this pandemic, but the Court and Clerk's Office building have been closed to the public and attorneys during this time except for court business conducted by mail, email and Odyssey payments. The Court Clerks and staff while working without encountering the public have utilized masks, hand sanitizers, temperature screening and observed social distancing as required or recommended by federal, state, and local authorities. Anyone reporting exposure to COVID-19 or exhibiting COVID-19 symptoms or a high temperature of 100.4 F or higher will be allowed to stay home and if necessary be quarantined. Upon reopening court to the public on **June 2, 2020** (see Sec. 6 below), the Court staff will continue all of the above procedures as well as only dealing with the public at previously existing protective service windows and portable plexiglass barriers for clerk's office, prosecutor's office and hallway interactions.
- b. Any court employees that are having difficulty coping with stress or depression during the Covid-19 health emergency will be referred to the website Be Well Indiana <https://bewellindiana.com>

4. Courthouse Facility Plan:

- a. The **Schererville Town Court** is located at the Court/Police Department building at 25 East Joliet Street, Schererville, IN 46375. It has been and will continue to be thoroughly cleaned and sanitized by both building maintenance and the Court staff. All hearings take place on Tuesday afternoons and evenings. Upon resuming non-emergency hearings, Court traffic at the 1:00pm, 3:00pm and/or 5:00pm general Court calls having the most public participants will be limited as follows: 1) General and initial hearings for the public on infractions, ordinance violations and misdemeanors normally all heard together but will now be staggered into smaller groups. Further limitations will include: 1) One-way foot traffic, social distancing floor markings and portable plexiglass barriers for all hallway, court check-in and prosecutor's office interactions and pre-existing Clerk's Office glass barriers are utilized to conform to ISDH recommendations, any Executive Orders in effect, and strict adherence to social

distancing requirements; 2) More than eighty percent (80%) of the 170 chairs in the Courtroom have been removed and legal counsel tables have been further separated from the speaker's podium and each other to conform to ISDH recommendations, any Executive Orders in effect, and strict adherence to social distancing requirements and will result in less than 35 court participants in the courtroom at any given time; 3) Check-in lines at the social distance of 6 feet will be placed on the entry hallway floor and sidewalk outside the courtroom for those waiting to enter the Courtroom and all foot traffic has been cordoned off to require one-way movements.

- b. Hearings with attorneys and their clients conducted remotely will be encouraged and utilized whenever feasible instead of in-person hearings.

5. Screening Procedures for the Public:

- a. Hearings conducted remotely will be encouraged whenever feasible.
- b. Telephonic continuances of litigants who are high risk or exhibiting symptoms of illness will continue to be permitted, and the court may provide scheduling of cases for high risk litigants at times which minimize exposure to others, if their matter cannot be heard remotely.
- c. Masks, hand sanitizers, and screening for symptoms and temperature screening may be required of all litigants or spectators entering the court consistent with any Executive Orders in effect and recommendations of the ISDH.
- d. Social Distancing shall be strictly enforced so long as recommended by the ISDH or required by Executive Orders as specified in the above Courthouse Facility Plan.

6. Resuming Non-Emergency Hearings:

- a. The **Schererville Town Court** plans to resume non-emergency hearings on **June 2, 2020**. Hearings conducted remotely will be encouraged whenever feasible as scheduled with the Court, Prosecutor, defense counsel and parties. Spectators and witnesses will be allowed in the Courtroom subject to ISDH recommendations, any Executive Orders in effect, and strict adherence to social distancing requirements being met.
- b. Based upon the Lake County Jail's ongoing Rule 26 release procedures the number of in-custody defendants will be extremely low (usually less than 3-4). However, when necessary, in-custody defendants will be transported from the Lake County Jail via Schererville Police Officer in a minibus used for that purpose for attendance at said hearings.

7. Jury Trials:

- a. The Schererville Town Court has not held a jury trial in more than twenty (20) years. If and when a jury trial is requested, which is an extremely rare occasion, the case is transferred pursuant to Criminal Rule of Procedure 2.3 to one of three (3) Lake Superior Court-County Division courtrooms, which each have jury trial capabilities and facilities. Accordingly, scheduling would be consistent with the scheduling of jury trials in the Lake Superior Court County Division, to provide consistency for the County Court Administrator in prioritizing his responsibilities with regard to selecting and summoning jurors, and in public perception.
- b. Remote hearing technology may be used, with agreement of the parties, for any and all stages of the trial.

8. Court Supervised Services:

a. Services not already provided telephonically or by video conferencing will resume when non-essential hearings resume, using remote technology whenever possible.

b. All Court staff including probation officers will utilize masks, hand sanitizers, temperature screening and observe social distancing as required or recommended by federal, state, and local authorities. Anyone reporting exposure to COVID-19 or exhibiting symptoms or a high temperature will be allowed to stay home and if necessary be quarantined.

Respectfully submitted,



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RANDY H. WYLLIE, JUDGE  
SCHERERVILLE TOWN COURT