

SUPREME COURT

Chief Justice Loretta H. Rush
Indiana Supreme Court
311 State House
200 W. Washington Street
Indianapolis, IN 46204-2732



OF INDIANA

July 17, 2020

Dear Judges,

We commend your efforts and creative thinking to mitigate and address the impact of COVID-19 in your courtrooms and communities, and the responsible steps you've laid out to transition your courtrooms back to fuller operations. But the pandemic is not over, as the wave of infections nationally and in Indiana continues to rise. As it does, please remain vigilant and agile in adjusting your operations to meet fluid conditions.

You must continue to ensure that the public has access to file cases and documents using e-filing, fax, mail, in-person, or drop box at the courthouse, and that the public has simultaneous access to observe non-confidential court proceedings in person or via livestream of video/audio during the court hearing. In many instances, no further approval or authority from the Court is necessary to adjust your operations because county, city, and town courts have filed and received approval orders of their transition plans. Importantly, the existing framework of rules and orders allows you substantial discretion to operate your courtrooms and protect visitors and personnel in your facilities:

- The [Supreme Court's May 29, 2020 order](#) addresses tolling and permits courts to extend criminal trials beyond the August 14, 2020, tolling deadline based on a finding of congestion of the court calendar or locally existing emergency conditions for good cause shown. Non-emergency proceedings can be continued, if possible, by agreement of the parties. In civil cases, the parties can request motions for continuances or to extend procedural deadlines as provided in the Trial Rules.
- Remote proceedings, subject to constitutional limitations and as directed by the [Supreme Court's order](#)—which has been extended through December 31, 2020—are still possible and encouraged. Remote hearing guidance, information, and

technology tips are available in the INcite Benchbook Application. These materials include instructions to allow you to stream to the [Supreme Court's website](#) for trial court hearings.

- Judges always have authority to review county-jail and direct-placement community correction sentences of non-violent inmates and juveniles to mitigate the spread within detention facilities.
- You may—and should—continue to review and revise your policies concerning protections for ensuring court employee health and safety; protecting public health and safety in accordance with county health department guidelines; sanitizing and maintaining sanitation of court facilities; procedures for maintaining a record; and selecting jurors and procedures for protecting the health and safety of potential jurors.

Further, for comprehensive guidance on resuming operations and related issues, please continue to refer to the [Resuming Operations Task Force Guidelines](#).

There may, however, be more extreme situations in which you should consider filing a new (amended) Administrative Rule 17 petition. Indiana Office of Court Services remains ready to assist you in this process. Please contact [Jeff Wiese](#) at IOCS for guidance on whether a new or amended petition is required. Some examples of when a new or amended petition might be warranted include the following:

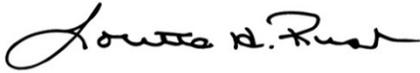
- To further extend the prohibition on issuing or serving writs of attachment, civil bench warrants, or body attachments pursuant to Trial Rule 64 beyond 12:01 a.m. on August 15, 2020; or
- If tolling is needed after August 14 due to lack of availability of a supermajority of court personnel because of COVID-related illness, making it impossible to proceed with court, even remotely.

There may also be instances when one of you is unavailable due to illness. Your options to address this will depend on your county's judicial resources and duration of need. Some counties may have other judicial officers able to cover in-person and remote hearings. We have seen this willingness to support each other throughout the pandemic and applaud your collaborative spirit.

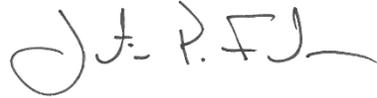
Other counties may need to secure a senior judge to help cover remote hearings. There are many senior judges who have volunteered to preside over remote hearings and assist you in dealing with the impact of COVID-19 on your case load. For more information regarding the availability of senior judges, please contact [Heather Falks](#) in the Office of Judicial Administration.

Thank you again for your incredible efforts and your ongoing service to Hoosiers and our system of justice. We remain ready to assist you in your endeavors.

Sincerely,



Chief Justice Loretta H. Rush



Justin P. Forkner
Chief Administrative Officer