

SUPREME COURT

Chief Justice Loretta H. Rush
Indiana Supreme Court
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OF INDIANA

December 4, 2020

Greetings Colleagues:

As we usher out 2020 with good riddance, we have hope that 2021 will bring improved conditions. But hoping is not enough. There is more we must do, and we must act now.

Since March, you've balanced the requirement to keep courts open with the need for public health. But the worsening pandemic creates urgency for you to once again review court operations. We are reaching out to ask that **you make all possible efforts to move to remote court operations.**

Despite all the measures that have been taken, nearly 6,000 Hoosiers have died from the virus; the seven-day positivity rate for unique individuals is almost 25%; and Indiana is now number two in the country for COVID-19 hospitalization rates. The current rate of community spread means the likelihood of exposure to the virus is extremely high during gatherings of individuals from different households.

By limiting non-essential in-court proceedings, we can avoid exacerbating the pandemic's impact on our communities. Your fellow trial court judges on the Resuming Operations Task Force released [guidance on managing court proceedings](#) as conditions change, to go along with their [guidance on safely resuming court operations](#) and [protocols for mitigating in-court exposures](#). You have authority to conduct remote proceedings, and we implore you to do so using [the Supreme Court's November 10 order](#) as a guide:

- Don't use in-person proceedings in non-essential matters if remote proceedings will be effective—and communicate this expectation to your local attorneys.
- If you cannot conduct a proceeding remotely or continue it until conditions are safe, you must require all participants of in-person court proceedings to properly wear masks/face shields throughout the entire proceeding.
- Use senior judges for remote work to help mitigate any docket backlog.
- If you or your staff must quarantine, or your facilities must close, make sure you have a way to conduct essential proceedings remotely.

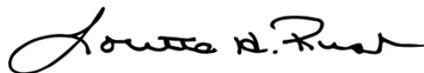
In-person jury trials should proceed only after the most assiduous assessment and under the most stringent protocols. In-person jury trials pose an exceptional risk; even if everything is done correctly, the threat of community spread from such proceedings cannot be eliminated:

- Unless the matter is uniquely essential, use the authority the Court laid out for you in [its November 10 order](#). Continue jury trials for a later date. Nearly every Supreme Court order issued during the pandemic has referred to the public health **emergency** or the provision of **emergency** relief, so there should be no question that the pandemic is an emergency condition for purposes of Criminal Rule 4's continuance provisions.
- If the matter is uniquely essential and cannot be continued or disposed by bench trial or a remote proceeding, make sure the parties are comfortable with in-person proceedings and proceed only if you can comply with all health and safety precautions directed by local authorities and statewide mandates.

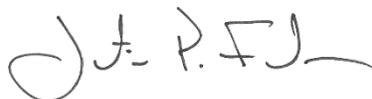
If you are already taking these steps, we send our sincerest thanks. If you are hesitant because you need laptops, legal advice, or assistance implementing COVID-19 protocols, please contact us. We are here to help, and we realize each community has unique challenges.

Mask up. Reach out with any questions. Take care of yourselves, your families, and your communities as we go into a dangerous holiday season and winter. We will eventually be able to take lessons from this pandemic to improve court operations overall, but we need each of you at the table for those future discussions. So, please take deliberate steps today to ensure your safety and the safety of your communities. We will get through this together, and we will meet again.

Sincerely,



Chief Justice Loretta H. Rush



Justin P. Forkner
Chief Administrative Officer