

Appendix L: Sample Court Scheduling Plan using in-person and remote hearing options

COURT CALENDAR

- A. The court should attempt to convert non-contested hearings into telephonic or video hearings, if not already conducting hearings in this manner.
- B. The first hearing identified in the Notice of Claim shall be treated as a pre-trial conference for the purpose of determining what is required to resolve the claim.
 - 1. The court will conduct a hearing on the day and time designated on the notice of claim to determine how to proceed which will be considered the equivalent of a pre-trial conference and authorized by AR 14(A) to be conducted in a telephonic or audiovisual format.
 - 2. One of the factors to consider when deciding how to proceed is whether an accurate record can be created for the purpose of appeal.
 - 3. Hearing on pre-trial and post-judgment motions shall be conducted as a remote hearing.
- C. The court will issue an order converting the first hearing from an in-person hearing to a remote hearing and send notice to each litigant who is scheduled to appear for a first hearing in the form of a scheduling order detailing how to participate remotely.
 - 1. An example of a generic scheduling order can be found in [Appendix J](#).
 - 2. An alternative method for providing notice would be to issue a generic scheduling order to be filed in each case and to provide notice that the scheduling order has been issued.
- D. First hearings that cannot be conducted remotely will be conducted in-person.
 - 1. The Scheduling Order provides instruction on how to notify the court that a litigant cannot participate remotely.
 - 2. Cases that cannot be conducted at the first hearings remotely will be set on a date and time reserved for that case and conducted in-person.
- E. Accommodations will need to be provided for hearings that require impairment and language interpretation. Hearings requiring interpretive services may be more suited for video hearing or in-person hearing.
- F. The court will determine at the time of the first hearing whether a case requires a contested hearing.
 - 1. Generally, a case will be set for trial only if both sides appear at the first hearing and a trial is requested.
 - 2. Contested hearings shall be conducted by video format unless an in-person hearing is required due to the circumstances of the case.
 - 3. Cases requiring a trial or contested hearing that can be conducted in an audiovisual format will be set at least 30 days into the future and therefore shall comply with AR14(B).
 - 4. Cases requiring an in-person hearing shall be set for hearing at the court facility.

5. Cases requiring a contested hearing will be set on a date and time reserved for that case and treated as a first-choice setting.
- G. Parties to a contested small claims hearing to be conducted in-person at the court facility will be required to submit exhibits ahead of time so that an electronic record can be made in advance of the hearing.
- H. The court will send out notice in the form of a scheduling order to each litigant detailing how to participate in a contested hearing whether it is remote or in-person.
1. The scheduling order for a contested hearing to be conducted by video or in-person at the court facility shall provide instruction on how to participate by video or how the trial will be conducted in-person at the court facility.
 2. The scheduling order for a contested small claims hearing will require the parties to submit exhibits ahead of time so that an electronic record can be made in advance of the hearing.
 3. An example of a generic scheduling order can be found in [Appendix J](#).
 4. An alternative method for providing notice would be to issue a generic scheduling order to be filed in each case and to provide notice that the scheduling order has been issued.
 5. Cases that require an in-person contested hearing will be conducted consistent with health and safety measures and parties will be informed of those requirements in advance.
- I. Contested Hearing for Possession: A contested hearing on a request for possession requires an expedited hearing.
1. The court will determine at the first hearing whether the hearing can be conducted in a video format.
 2. The court shall attempt to set a hearing on a request for possession that is contested within seven (7) days.
 3. The hearing shall be conducted in a video format unless an in-person hearing is required.
 4. The court shall provide instruction on how to participate in a video format at the first hearing if the hearing can be conducted by video format.
 - (a) The instructions will include an order that all exhibits must be submitted ahead of the trial in accordance with the scheduling order which will be issued and accessible online at mycase.in.gov.
 5. The court shall provide instruction on how to participate in an in-person hearing at the first hearing if the hearing can only be conducted in-person.
 - (a) The instruction will include an order that all exhibits must be submitted ahead of the trial in accordance with the scheduling order which will be issued and accessible online at mycase.in.gov.
 6. A scheduling order will be issued.
 7. This procedure is consistent with AR14(B)(3)(e) which authorizes a trial court to alter the time required for notice that a hearing shall be conducted in a telephonic or video format.

- (a) It is important to note that in the event a case is set for a contested hearing on possession that both parties participated in the hearing when the decision was made and they were provided personal notice by the Judge.

- J. Ind. Code §32-31-6 establishes an emergency procedure for a tenant to access the court when the landlord has violated Ind. Code §32-31-5-6 and for a landlord to remove a tenant where there is probable cause to believe that the landlord will suffer immediate and serious injury, loss or damage if the tenant is not required to return possession to the landlord. This procedure requires the court to immediately review a petition submitted under Ind. Code §32-31-6 and schedule an emergency hearing not later than three (3) business days after the petition is filed. In the event that an emergency hearing is authorized then the court shall issue a Scheduling Order for an emergency hearing to the plaintiff and require an emergency scheduling order be served on the defendant at the time the Emergency Notice of Claim is served on defendant.
 - 1. The court shall set a first hearing on an emergency petition within three (3) business days of the petition being filed.
 - 2. The court will determine at the first hearing on the emergency petition whether the hearing can be conducted in a video format or whether it will require an in-person hearing.
 - 3. The hearing shall be conducted in a video format unless an in-person hearing is required.
 - 4. The court shall provide instruction on how to participate in a video format if the hearing can be conducted by video format.
 - 5. The instructions on how to participate in the hearing will include an order that all exhibits must be submitted ahead of the trial in accordance with the scheduling order which will be issued and accessible online at mycase.in.gov.
 - 6. The court shall provide instruction on how to participate in an in-person hearing at the first hearing if the hearing can only be conducted in-person.
 - 7. This procedure is consistent with AR14(B)(3)(e) which authorizes a trial court to alter the time required for notice that a hearing shall be conducted in a remote format.
 - 8. It is important to note that in the event that a case is set for a contested hearing on a request for emergency possession that both parties participated in the hearing when the decision was made and they were provided personal notice by the Judge.
- K. It is the court's goal not to set more than one case at a time for in-person contested hearings so that multiple groups of people are not in the court facility at the same time.
- L. Calendar Congestion: The remote format allows the court to conduct multiple court calendars simultaneously. All staff is cross trained to operate remote hearing technology and recording equipment in the role as a court reporter. In the event the court is unable to complete its business on a single calendar then the court can conduct additional business simultaneously on a second calendar with the assistance of a pro-tem.