

In the
Indiana Supreme Court



In the Matter of the Petition of the
Courts of Wells County for
Administrative Rule 17 Emergency Relief.

Supreme Court Case No.
20S-CB-163

Order

The Courts of Wells County *en banc* have petitioned this Court for emergency relief pursuant to Indiana Administrative Rule 17. The petition states that because of 2019 novel coronavirus (COVID-19), a State emergency has been declared and the Governor has recommended that all non-essential gatherings must be limited to no more than fifty (50) people as well as closing all bars, nightclubs, and restaurants to in-person patrons, the Center for Disease Control is encouraging social distancing, and at least some of the Wells County schools have closed through at least April 10, 2020. Additionally, a Wells County resident has been infected with the virus. The petition states that this emergency will inhibit litigants' and courts' ability to comply with statutory deadlines and rules of procedure.

The Court finds that good cause exists for granting emergency relief.

Being duly advised, the Court GRANTS the petition, DECLARES pursuant to Indiana Administrative Rule 17 that an emergency exists in Wells County, and APPROVES the plan as submitted. The Court further ORDERS as follows to ensure the orderly and fair administration of justice during this emergency, effective **March 17, 2020**:

1. The Court authorizes the tolling, from the effective date of this order **through April 13, 2020** of all laws, rules, and procedures setting time limits for speedy trials in criminal and juvenile proceedings, public health, and mental health matters; all judgments, support, and other orders; and in all other civil and criminal matters before the Courts of Wells County. Further, no interest shall be due or charged during this tolled period.
2. This Court authorizes immediate suspension of all criminal and civil jury trials, including those with a "fast and speedy" setting requested, through **April 13, 2020**. The Courts of Wells County are directed to review **no later than March 30, 2020** whether continued suspension is necessary; and if it is not, to resume jury trials **no later than April 13, 2020** to allow adequate notification of the jury pool. If the Courts of Wells County believe continued suspension is necessary, they may petition this Court to extend the suspension.

3. **Through April 13, 2020**, the courts of Wells County are authorized to continue all non-essential hearings.
4. **Through April 13, 2020**, the courts of Wells County are authorized to use telephonic or video technology in lieu of in-person appearances, unless a litigant's due process rights would be violated.
5. **Through April 13, 2020**, the courts of Wells County are authorized to consider (a) the existence of flu or flu-like symptoms in any attorney, self-represented litigant, or witness expected to testify; (b) exposure of such individuals to anyone who has or may have COVID-19; or (c) status of such individuals in a high-risk category; to constitute "good cause" to either appear remotely or continue a court setting, to the extent possible without violating statutory or constitutional rights.
6. **Through April 13, 2020**, the courts of Wells County are authorized to allow any attorney wishing to appear remotely (e.g., through teleconference systems, etc.) for any status conference or non-evidentiary hearing without further leave of court upon filing a "Notice of Remote Appearance" in the court in which the matter will be heard.
7. **Through April 13, 2020**, subject to applicable constitutional limitations, the courts of Wells County are authorized to limit spectators (other than parties to the litigation and their attorneys) in courtrooms to the extent necessary to provide adequate social distancing.
8. **Through April 13, 2020**, the courts of Wells County are authorized to post signage at all public entry points to judicial facilities advising individuals not to enter the building if they have:
 - a. Visited China, Iran, South Korea, any European countries, or any other high-risk countries identified by the CDC in the previous 14 days;
 - b. Resided with or been in close contact with someone who has been in any of those countries within the previous 14 days;
 - c. Traveled domestically within the United States where the virus has sustained widespread community transmission;
 - d. Been asked to self-quarantine by any doctor, hospital, or health agency;
 - e. Been diagnosed with or had contact with anyone who has been diagnosed with the virus; or
 - f. A fever, cough or shortness of breath;and direct bailiffs or court security officers to deny entrance to individuals attempting to enter in violation of these protocols.
9. **Through April 13, 2020**, the courts of Wells County are authorized to allow individuals with legitimate court business to stay home and request a continuance by phone if they are ill, caring for someone who is ill, or in a high-risk category.

10. The Courts of Wells County shall file a status update **no later than April 9, 2020** to inform this Court of whether there is an ongoing need for emergency relief.

Done at Indianapolis, Indiana, on 3/19/2020.

A handwritten signature in black ink, appearing to read "Loretta H. Rush", is written over a horizontal line.

Loretta H. Rush
Chief Justice of Indiana