

In the Indiana Supreme Court

In the Matter of the Petition of the
Clinton Circuit and Superior Courts for
Administrative Rule 17 Emergency Relief.

Supreme Court Case No.
20S-CB-175



Order

The Clinton Circuit and Superior Courts (“the courts”) *en banc* have petitioned this Court for emergency relief pursuant to Indiana Administrative Rule 17. The petition states that the World Health Organization (WHO) has determined the outbreak of the 2019 novel coronavirus (COVID-19) is a worldwide pandemic; the Center for Disease Control (CDC) has determined that “social distancing” and other drastic steps are necessary strategy to prevent further spread of the virus and protect public health care systems from being inundated; that the President has advised that persons should not congregate in groups of 10 or more, making jury selection and/or jury service in civil and criminal cases impossible; and that Clinton County lacks adequate hygiene stations and supplies for the number of persons required for jury selection and service. It appears from the petition that this emergency is likely to inhibit litigants’ and courts’ ability to comply with statutory deadlines and rules of procedure. The Hon. Bradley K. Mohler, Judge of the Clinton Circuit Court, has been appointed as the presiding Judge for this emergency.

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

Being duly advised, the Court GRANTS IN PART the petition, DECLARES pursuant to Indiana Administrative Rule 17 that an emergency exists in Clinton County, and APPROVES the plan as set out below. The Court ORDERS as follows to ensure the orderly and fair administration of justice during this emergency, **effective March 18, 2020**.

1. The Court authorizes the tolling, from the effective date of this order through April 30, 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. Further, no interest shall be due or charged during this tolled period.
2. The Court authorizes the immediate suspension of all jury trials **through May 4**. The courts are directed to review no later than **April 17, 2020** whether continued suspension is necessary; and if it is not, to resume jury trials **no later than May 4, 2020** to allow adequate notification of the jury pool. If the courts believe continued suspension is necessary, they may petition this Court to extend the suspension.

3. The Court authorizes the courts, **through April 30, 2020**, in their discretion, to suspend JD cases and JC cases, except detention hearings and other essential hearings.
4. The Court authorizes the courts **through April 30, 2020**, to allow attorneys to appear remotely for status conferences, pre-trial conferences, and/or non-evidentiary hearings without need for a motion so long as the attorney notifies court staff of his or her decision to appear remotely.
5. The Court authorizes the courts **through April 30, 2020** to take action upon (a) finding the flu and/or flu-like symptoms in any attorney, witness, or self-represented litigant, or, (b) exposure of such individuals to anyone who has or may have the virus, and such shall be considered “good cause” to continue the hearing, suspend the hearing, or allow a person to appear remotely for the hearing. To the extent possible and without violating statutory or Constitutional rights, the courts shall endeavor to accommodate such requests.
6. The Court authorizes the courts, **through April 30, 2020**, in their discretion and subject to applicable Constitutional limitations, to limit spectators (other than parties to the litigation and their attorneys) in courtrooms and court offices to the extent necessary to provide adequate social distancing, including by limiting access to the court offices to only those persons inquiring about his/her cases, attorneys, staff, law enforcement, and other necessary personnel.
7. The courts shall file a status update by **April 20, 2020** to inform this Court of whether there is an ongoing need for emergency relief.

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



Loretta H. Rush
Chief Justice of Indiana