

# In the Indiana Supreme Court

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

Supreme Court Case No.  
20S-CB-219



## Order

The Montgomery County Circuit and Superior courts (“courts of Montgomery County”) have petitioned this Court for emergency relief pursuant to Indiana Administrative Rule 17. The petition states that the Governor of the State of Indiana has declared a public health emergency due to outbreak of the 2019 novel coronavirus (COVID-19); the U.S. Center for Disease Control (CDC) and the Montgomery County Health Department have advised that “social distancing” is necessary to prevent of the further spread of the virus; and the CDC has recommended postponing or canceling events involving 50 or more persons for the next eight weeks. 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 Court finds that good cause exists for granting emergency relief.

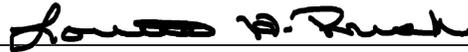
Being duly advised, the Court GRANTS IN PART the petition, DECLARES pursuant to Indiana Administrative Rule 17 that an emergency exists in Montgomery County, and APPROVES IN PART the plan. The Court further ORDERS as follows to ensure the orderly and fair administration of justice during this emergency, effective **March 20, 2020**:

1. This Court authorizes the tolling, from the effective date of this order **through May 4, 2020**, of all laws, rules, and procedures setting time limits for speedy trials in criminal and juvenile proceedings, public health, and mental health matters and in all other civil and criminal matters before the Montgomery County courts. 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 through **May 4, 2020**. The Montgomery County 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 Montgomery County courts believe continued suspension is necessary, they may petition this Court to extend the suspension.
3. **Through May 4, 2020**, the Montgomery County courts are authorized, in their discretion and subject to applicable Constitutional limitations, to limit spectators (other than parties to the litigation and their attorneys) in courtrooms to the extent necessary

to provide adequate social distancing and to limit the size of the gathering consistent with public-health recommendations.

4. **Through May 4, 2020**, attorneys wishing to appear remotely for any status conference or non-evidentiary hearing in the Montgomery Circuit or Superior Courts may do so without further leave of court upon filing a “Notice of Remote Appearance” in the court in which the matter is to be heard.
5. **Through May 4, 2020**, the courts of Montgomery County may consider (a) the existence of flu or flu-like symptoms in any attorney, self-represented litigant, or witness expected to testify; or (b) exposure of such individuals to anyone who has or may have COVID-19; 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 May 4, 2020**, the courts of Montgomery 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. This authority includes conducting non-evidentiary and pretrial conferences by telephone; using conference calls or CourtCall for remote appearances; and using video or teleconferencing for appearance of incarcerated individuals.
7. The Montgomery County courts shall file a status update **no later than April 24, 2020** to inform this Court of whether there is an ongoing need for emergency relief.

Done at Indianapolis, Indiana, on 3/24/2020.



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Loretta H. Rush  
Chief Justice of Indiana