

20S-CB-110

BEFORE THE INDIANA SUPREME COURT

INDIANAPOLIS, INDIANA

CASE. NO.

EMERGENCY PETITION FOR ADMINISTRATIVE ORDERS

The Lake Circuit Court and the Lake Superior Court, having conferred with the local officials the Courts have deemed appropriate, now petition the Supreme Court for relief under Ind. Administrative Rule 17. In support of this petition, the courts inform the Supreme Court as follows:

1. The World Health Organization (WHO) has determined the outbreak of COVID-19 a worldwide pandemic.
2. States of Emergency have been declared in 20 states, including the State of Indiana and COVID-19 cases have been reported in 39 states.
3. The Center for Disease Control (CDC) has determined that "social distancing" is a necessary strategy for the prevention of the further spread of the virus.
4. The CDC has further determined that drastic steps are immediately required to halt the spread of the virus and to protect public health care systems from being inundated.
5. In the State of Indiana, the 2 largest public universities, Indiana University and Purdue University, are utilizing social distancing by cancelling all in person classes for the remainder of the 2019-20 school year.

6. The most recent information available identifies those over the age of 60 as the population most susceptible to serious complications from the COVID-19 virus.
7. In a random sample of 533 recently summoned jurors in Lake County, the over 60 population constituted 25% of the total jury pool.
8. The court finds that ordering a susceptible population to appear for jury service in this pandemic climate represents a failure of the judiciary to halt the spread of COVID-19.
9. The courts further finds that Lake County does not possess adequate hygiene stations or supplies for the dozens of jurors required for the selection of a jury in civil and criminal cases.
10. In addition, the ordering of individuals to convene in a group setting at this time, given the WHO, CDC and Federal government recommendations would create an unnecessarily stressful situation for summoned jurors. Jurors should not have to weigh compliance with a juror summons against possible contraction of COVID-19.
11. The courts of Lake County have been in communication with the Lake County bar and they have indicated that they will comply with whatever the Supreme Court of Indiana directs.
12. The courts of Lake County submit the following plan for the period beginning March 16, 2020.
  - A. The immediate suspension of all jury trials, to be reviewed again on April 17, 2020. If it is determined by the court that the COVID-19 crisis has subsided, jury trials may begin no earlier than May 4, 2020, thus allowing for adequate notification of the jury pool. The court is following the

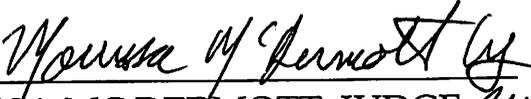
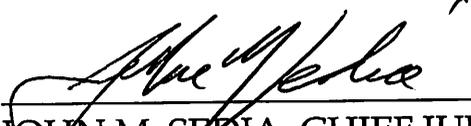
recommendation of the Marion Superior Court Executive Committee. They are “strongly requesting” that judges issue continuances for all civil as well as in-custody and out-of-custody criminal jury trials for the next 30 days if feasible to try to limit the spread of the COVID-19 virus.

- B. Ever cognizant of the transparency of the Court, the Court may take steps to limit spectators in the courtroom to provide adequate social distancing, if necessary.
- C. Juvenile Court will be clearing dockets and only hearing JD and JC detention hearings and other essential hearing beginning Monday March 16, 2020. Only essential staff will be required to work.
- D. Effective March 16, 2020 and extending through April 17, 2020, any attorney wishing to appear remotely for any status conference or non-evidentiary hearing is hereby given permission to do so.
- E. During this time period and for these types of court dates, no motion to appear telephonically is necessary. However, an attorney choosing to appear remotely as a result of this order shall file a simple “Notice of Remote Appearance” so that the court staff and court are informed.
- F. Remote appearances may be coordinated through teleconference systems as well as the CourtCall remote appearance system. They may be reached at 1-888-88-COURT or courtcall.com.
- G. With respect to evidentiary hearings and trials, the court now hereby finds that (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, shall be considered “good cause”

for any motion made to either appear remotely or continue a court setting. To the extent possible without violating statutory or constitutional rights, the court will endeavor to accommodate requests made pursuant to this order.

Therefore, The judges of Lake County request that the Supreme Court declare that an emergency exists in Lake County under the authority of Ind. Admin. R. 17, and to make appropriate emergency orders for Lake County directing and allowing the courts and clerk of Lake County to alter, modify, and suspend necessary procedures as provided in the emergency plan submitted herewith, so as to appropriately address this emergency.

Respectfully Submitted, March 13, 2020

	
_____ MARISSA MC DERMOTT, JUDGE LAKE CIRCUIT COURT	_____ JOHN M. SEDIA, CHIEF JUDGE LAKE SUPERIOR COURT