

20S-CB-132

VIGO CIRCUIT/SUPERIOR COURT
TERRE HAUTE CITY COURT
Terre Haute, Indiana

FILED
VIGO CIRCUIT COURT

MAR 16 2020

T. B. ...
CLERK

IN RE; THE MATTER OF PETITION
FOR RELIEF UNDER INDIANA
ADMINISTRATIVE RULE 17

CASE NO. 84001 -2003-CB-001743

EMERGENCY PETITION FOR RELIEF UNDER ADMINISTRATIVE RULE 17

The Vigo County Circuit/Superior Courts and Terre Haute City 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 49 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. On March 15th, the CDC urged people to postpone events with 50 or more attendees for the next 8 weeks to try to contain this fast-moving Coronavirus pandemic.
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 random samples of recently summoned jurors in Vigo County, the over 60 population constituted approximately 22% to 28% of the total juror 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 find that Vigo 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 Vigo County and Terre Haute City Court have been in communication with the Vigo County bar and they have indicated that they will comply with whatever the Supreme Court of Indiana directs.
12. The Courts of Vigo County and Terre Haute City Court 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 11, 2020, thus allowing for adequate notification of the jury pool.
 - B. Ever cognizant of the transparency of the Court, the Court will take steps to limit spectators in the courtroom to provide adequate social distancing, where necessary. All essential parties, witnesses and victims will be permitted to attend hearings if they do not pose a risk pursuant to the screening questions below. The Vigo County Sheriff's Department and Terre Haute Police Department personnel shall deny building access to individuals who may be infected with COVID-19, or pose a public health risk. All persons seeking to enter the Vigo County Courthouse and/or Terre Haute City Court will be required to answer the following questions:
 - (1) Are you experiencing symptoms of fever, cough or shortness of breath;
 - (2) Have you been in close contact with someone confirmed or who is being evaluated for COVID-19;
 - (3) Have you recently visited an area that is subject to quarantine as a result of COVID-19.

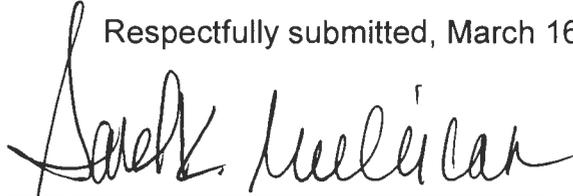
Persons who answer yes to the above questions will be denied access to the Vigo County Courthouse and/or Terre Haute City Court. Persons who exhibit symptoms of illness potentially indicating COVID-19 will be denied access as well. Those denied access will be provided information regarding the appropriate entity to contact.

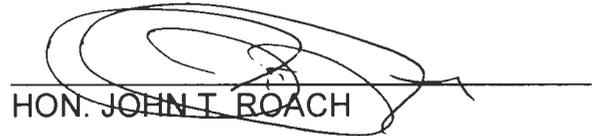
- C. Juvenile Court will be clearing dockets and only hearing JD and JC detention hearings and other essential hearing beginning Monday, March 16, 2020. Only essential staff will be required to work.
- D. Effective March 16, 2020 and extending through May 11, 2020, any attorney wishing to appear remotely 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, any 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 shall be coordinated through the individual court in which the hearing is to be held.
- 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.
- H. Unless otherwise ordered, all other essential civil court and domestic relations matters will proceed as scheduled while non-essential matters will be continued. Each Judge will determine what they deem to be essential and non-essential matters while balancing public health risks with the urgency of the matters in dispute. Conversion of in-person proceedings to telephonic or video-conference proceedings will be at the discretion of each Judge.
- I. The Vigo County Courts and Terre Haute City Court remain open. The Clerk's Office, as well as court staff, will be available by telephone, and mail will be processed.

The Vigo Circuit/Superior Courts and Terre Haute City Court have appointed Sarah K. Mullican as the Presiding Judge for this emergency.

Therefore, the judges of Vigo County and Terre Haute City Court request that the Supreme Court declare that an emergency exists in Vigo County, and the City of Terre Haute under the authority of Ind. Admin. R. 17, and to make appropriate emergency orders for Vigo County directing and allowing the Courts and Clerks of Vigo County and the City Terre Haute to alter, modify and suspend necessary procedures as provided in the emergency plan submitted herein, so as to appropriately address this emergency.

Respectfully submitted, March 16, 2020.


HON. SARAH K. MULLICAN


HON. JOHN T. ROACH


HON. LAKSHMI REDDY


HON. CHRISTOPHER A. NEWTON
(having authorized Senior Judge Michael H. Eldred to sign on his behalf)


HON. MICHAEL R. RADER


HON. MICHAEL J. LEWIS


HON. MATTHEW A. SHEEHAN