

20S-CB-160

BEFORE THE INDIANA SUPREME COURT

INDIANAPOLIS, INDIANA

CASE. NO

EMERGENCY PETITION FOR ADMINISTRATIVE ORDERS

The Pulaski Circuit Court and the Pulaski 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 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 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. That on March 6, 2020, Indiana Governor Holcomb declared a public health emergency.
6. In the State of Indiana, the 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. Further, local elementary, junior high, and high schools have canceled in person classes until April 6, 2020 at this time.
7. 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.
8. In random sample of 100 recently summoned jurors in Pulaski County, the over 60 population constituted 25% of the total jury pool.
9. The court finds that ordering susceptible population to appear for jury service in this pandemic climate represents failure of the judiciary to halt the spread of COVID-19.
10. The courts further finds that Pulaski County does not possess adequate hygiene stations or supplies for the dozens of jurors required for the selection of jury in civil and criminal cases.

11. In addition, the ordering of individuals to convene in 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 juror summons against possible contraction of COVID-19.

12. The courts of Pulaski County have been in communication with the Pulaski County bar and they have indicated that they will comply with whatever the Supreme Court of Indiana directs.

13. The courts of Pulaski County submit the following plan for the period beginning March 16, 2020.

A. The immediate suspension of all jury trials should 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 courts also believe it necessary to 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 IC 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.

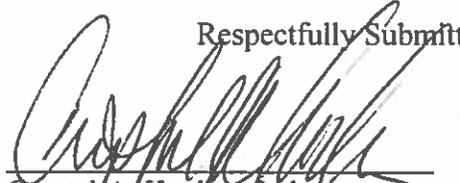
E. During this time period and for these types of court dates, no motion to appear telephonically is necessary. However, an attorney choosing to appear remotely as result of this order shall file simple "Notice of Remote Appearance" so that the court staff and court are informed.

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.

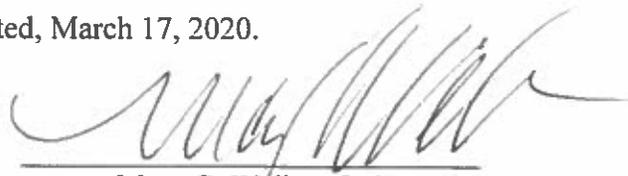
G. With respect to evidentiary hearings and trials, the court now hereby finds that (a) the existence of flu or flu-like symptoms in any attorney, self—represented litigant, or witness expected to testify; or (b) exposure of such individuals to anyone who has or may have COVID-19, shall be considered "good cause" for any motion made to either appear remotely or continue 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 Pulaski County request that the Supreme Court declare that an emergency exists in Pulaski County under the authority of Ind. Admin. R. 17, and to make appropriate emergency orders for Pulaski County directing and allowing the courts and Clerk of Pulaski 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 17, 2020.



Crystal A. Kocher, Judge
Pulaski Superior Court



Mary C. Welker, Judge
Pulaski Circuit Court

**In the
Indiana Supreme Court**

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

Supreme Court Case No.

Order

The courts of Pulaski County have petitioned this Court for emergency relief pursuant to Indiana Administrative Rule 17. The petition states in part that:

1. A state of emergency has been declared in Indiana and 19 other states concerning the 2019 novel coronavirus (COVID-19).
2. The Centers for Disease Control and Prevention (CDC) has determined that “social distancing” is necessary to prevent further spread of the virus; and to comply, Indiana University and Purdue University have cancelled all in-person classes for the remainder of the 2019–20 academic year.
3. Persons over age 60 are among those most susceptible to serious complications from the virus; and in a random sample of 100 recently summoned jurors in Pulaski County, 25% were over age 60.
4. Pulaski County lacks adequate hygiene stations or supplies for prospective jurors; and prospective jurors should not have to weigh compliance with a juror summons against an elevated risk of contracting the virus.

It appears from the petition that compliance with appropriate public-health practices will inhibit litigants’ and courts’ ability to comply with statutory deadlines and rules of procedure. The Court therefore 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 courts of Pulaski County, and APPROVES the plan as submitted. The Court accordingly ORDERS as follows to ensure the orderly and fair administration of justice during this emergency:

1. The Court authorizes the tolling, beginning March 16, 2020 and 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; all judgments, support, and other orders; and in all other civil and criminal matters before the courts of Pulaski County. Further, no interest shall be due or charged during this tolled period.

2. This Court authorizes immediate suspension of all jury trials beginning March 13, 2020 through May 4, 2020. The courts of Pulaski County 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 of Pulaski County believe continued suspension is necessary, they may petition this Court to extend the suspension.

3. Beginning March 16, 2020 and through April 17, 2020, the Juvenile Court of Pulaski County is authorized in its discretion to hear only JD and JC detention hearings and other hearings it deems essential and to require only essential staff to work. The Juvenile Court shall, however, maintain sufficient operations to process emergency matters.

4. Beginning March 16, 2020 and through April 17, 2020, the courts of Pulaski County 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.

5. Beginning March 16, 2020 and through April 17, 2020, any attorney wishing to appear remotely for any status conference or non-evidentiary hearing in any of the courts of Pulaski County may do so without further leave of court upon filing a "Notice of Remote Appearance" in the court in which the matter will be heard. (Remote appearances may be coordinated through teleconference systems or through the CourtCall remote appearance system that may be reached at 1-888-88-COURT or <https://courtcall.com>.)

6. Beginning March 16, 2020 and through April 17, 2020, the courts of Pulaski 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.

7. The courts of Pulaski County shall file a status update no later than April 16, 2020 to inform this Court of whether there is an ongoing need for emergency relief.

Done at Indianapolis, Indiana, on _____ .

Loretta H. Rush Chief Justice of Indiana