

20S-CB-198

**Porter Circuit Court and Porter Superior Courts' Emergency Petition
Pursuant to Administrative Rule 17**

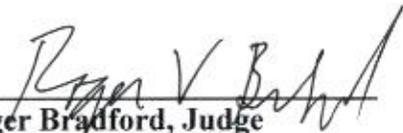
The Porter Circuit and Superior Courts petition the Indiana Supreme Court for relief under Administrative Rule 17. In support of this petition, the Porter Circuit and Superior Courts inform the Supreme Court as follows:

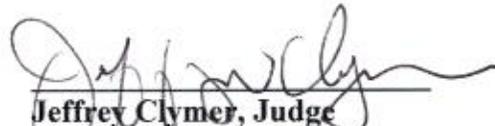
1. The Porter Circuit and Superior Courts have convened *en banc* with local officials, including the President of the Porter County Bar Association and the Porter County Clerk and have determined:
 - a. The World Health Organization (WHO) has declared the outbreak of COVID-19, or the corona virus, a global health emergency.
 - b. States of Emergency have been declared 48 states and the virus has been reported in all 50 states.
 - c. On March 6, 2020, Governor Eric Holcomb signed an executive order declaring an emergency due to the growing number of cases of COVID-19.
 - d. In an effort to prevent the spread of the virus, the Center for Disease Control (CDC) has determined that a strategy of "social distancing" is required.
 - e. On March 12, 2020, the Porter County Commissioners established social distancing practices within Porter County to reduce and flatten the curve as to the spread of the virus. Porter County's practices involve cancelling group events and meetings and strongly encouraging the public to only attend meetings for which they have specific business on the agendas.
 - f. As of the filing of this petition, Indiana has 39 confirmed cases of COVID-19 and that number is expected to continue to rise in the near future.
 - g. Most Indiana colleges and universities throughout the State of Indiana have suspended face-to-face classes and substituted online classes at least temporarily, if not for the remainder of the 2019-2020 academic year. Such universities include, but are not limited to Indiana University, Purdue University, University of Notre Dame, and Ball State University.
 - h. The CDC has indicated that people over the age of 60 are at higher risk of developing a severe case of COVID-19.

- i. In Porter County, 29% of the most recent prospective jury pool consists of individuals age 60 and older.
- j. Requiring these susceptible individuals to appear for jury service during the rise of this virus is counter to the efforts being made to slow down or stop the spread of COVID-19.
- k. The Courts also find that Porter County does not possess adequate hygiene stations or supplies to adequately protect the large number of potential jurors (or courthouse personnel) needed for criminal and civil jury trials.
- l. The Porter County Court Administrators have indicated that the number of calls from prospective jurors concerned about appearing for jury duty has increased significantly since the last juror summons' were sent out the week of March 16, 2020. These jurors expressed anxiety about whether they must appear for jury duty given the closures, cancellations and warnings related to COVID-19.
- m. In an effort to be consistent with the Governor's order, the Porter County Commissioners' recent policies for "social distancing" and the Indiana Supreme Court's example for dealing with the COVID pandemic, the Porter County Courts have already taken steps to minimize hearings and to limit the need for the public to travel, in person, to the courthouses for hearings or court-related matters.
- n. Beginning March 19, 2020, the Porter County Courts submit the following plan:
 - i. The immediate suspension of all jury trials, to be reviewed again on April 24, 2020. If it is determined by the courts that the COVID-19 crisis has subsided, jury trials may be set to begin no earlier than May 11, 2020 to allow adequate time to notify the jury pool. The Porter County Courts are following the recommendation of the Marion Superior Court Executive Committee by issuing continuances for all civil, in-custody and out-of-custody jury trials for the next 30 days, if feasible, to limit the spread of COVID-19.

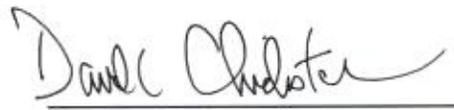
- ii. Juvenile Court will be clearing its dockets and will only be hearing delinquency and CHINS detention hearings and other essential hearings beginning Friday, March 20, 2020. Only essential staff will be required to work.
 - iii. Effective March 19, 2020 and extending through April 24, 2020, any attorney wishing to appear remotely for any status conference or non-evidentiary hearing is allowed to do so. If an attorney wants to appear remotely, the attorney shall file a “Notice of Remote Appearance” to inform the Court and the staff of the status of the hearing. Conference calls shall be coordinated with the court personnel in each court.
 - iv. Although cognizant of the need for courts to be public and transparent, the Porter County Courts may also take steps to limit spectators in the courtroom to effectuate the social distancing strategies recommended by the CDC, the State, the Supreme Court and Porter County Government.
 - v. For evidentiary hearings and trials, Porter County Courts finds that if (1) an attorney, self-represented litigant or witness expected to testify has the flu or exhibits flu-like symptoms, or (2) exposure of such individuals to anyone who has or may have COVID-19 shall be “good cause” to motion the courts to appear remotely or continue the court setting. The Porter County Courts will work diligently to accommodate the requests made pursuant to this Order while remaining cognizant of the parties’ statutory and constitutional rights.
2. The Porter Circuit and Superior Courts have designated Judge Mary A. DeBoer to act as presiding Judge for this emergency.
3. The Porter Circuit and Superior Courts request that the Indiana Supreme Court declare that an emergency exists in Porter County under the authority of Indiana Administrative Rule 17, and to make appropriate emergency orders for Porter County directing and allowing the courts and clerk of Porter County to alter, modify, and suspend necessary procedures as provided in the emergency plan submitted herewith, so as to appropriately address this emergency.

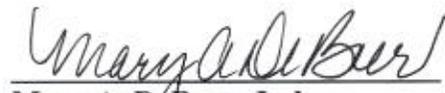
Respectfully submitted, March 19, 2020.


Roger Bradford, Judge
Porter Superior Court 1


Jeffrey Clymer, Judge
Porter Superior Court 2


Michael Drenth, Judge
Porter Superior Court 3


David Chidester, Judge
Porter Superior Court 4


Mary A. DeBoer, Judge
Porter Circuit Court
Porter Superior Court 5


Jeffrey Thode, Judge
Porter Superior Court 6