

**In the
Indiana Supreme Court**

**In the Matter of the Petition of the
Clark Circuit Courts
for Administrative Rule 17 Emergency Relief.**

Cause No. 20S-CB-00111

First Status Update

Come now the Clark Circuit Courts and respectfully provide the Indiana Supreme Court, pursuant to this Court's Order of March 13, 2020, with its First Status Update. In support of this Update, the Clark Circuit Courts inform the Court as follows:

1. The Clark Circuit Courts have convened en banc and have determined:
 - A. That the COVID-19, or the novel corona virus, continues to spread across the nation, state, and world.
 - B. That on March 23, 2020, Governor Eric Holcomb issued Executive Order No. 20-08, which directed that, with certain exceptions, individuals living in the State of Indiana were to remain at home or their place of residence from March 25, 2020 until April 6, 2020.
 - C. That on March 23, 2020, Clark County Indiana Health Officer Dr. Eric Yazel ordered that all non-essential retail services in Clark County are to be closed from 9:00 p.m. on March 23, 2020, until further notice from the Clark County Health Department.
 - D. That, effective 4:30 p.m. on March 17, 2020, the Clark County Commissioners closed the Clark County Government Building to the general public until further notice.

- E. That as of 11:59 p.m. on March 29, 2020, the Indiana State Department of Health reported 1,786 positive COVID-19 cases in Indiana with 35 deaths on their COVID-19 data dashboard available at <https://coronavirus.in.gov/>.
- F. That on March 19, 2020, Governor Eric Holcomb closed all Indiana K-12 schools until May 1, 2020.
- G. That the Clark Circuit Courts seek to continue the appointment of presiding Judge Vicki L. Carmichael as the presiding Judge for this emergency.
- H. The judges of the Clark Circuit Courts request that the Supreme Court declare that an emergency continues to exist in Clark County under the authority of Ind. Admin. R. 17, and to make appropriate emergency orders for Clark County directing and allowing the courts and clerk of Clark County to alter, modify, and suspend necessary procedures as provided in the emergency plan submitted herewith, so as to appropriately address this emergency.
- I. The Clark Circuit Courts' emergency plan which would take effect upon approval and run through May 4, 2020, is as follows:
 - a. The Indiana Supreme Court's Order in this cause number of March 13, 2020, should remain in effect and is incorporated by reference.

- b. To the extent not provided by this Court's March 13, 2020, Order or to the extent that any ambiguity exists, all laws, rules, and procedures setting time limits for speedy trials in criminal and juvenile proceedings, public health, mental health, and appellate matters; all judgments, support, and other orders; statutes of limitations; and in all other civil and criminal matters are tolled in the Clark Circuit Courts between March 13, 2020, and May 4, 2020.
- c. The Clark Circuit Courts will suspend all civil and criminal jury trials through and including May 4, 2020, including those with a "fast and speedy" setting requested. The Clark Circuit Courts will review whether an emergency continues to exist no later than May 4, 2020, and will resume jury trials on May 26, 2020, to allow for adequate notification of the jury pool. If the Clark Circuit Courts believe that an emergency still exists on May 4, 2020, they will petition this Court to continue the suspension of civil and criminal jury trials.
- d. The Clark Circuit Courts may use telephonic or video technology in lieu of in-person appearances, unless a litigant's due process rights would be violated, and will at all times protect an individual's right to confer with counsel.

- e. Through May 4, 2020, the Clark Circuit Courts are authorized, in their discretion and subject to applicable Constitutional limitations, to limit spectators (other than parties to the litigation, their attorneys, witnesses, and others with a right to be present) in courtrooms to the extent necessary to provide adequate social distancing.
- f. The Clark Circuit Courts may adapt for their own usage any sample documents, forms, and signs available on the Indiana Supreme Court's COVID-19 Responses and Resources Website.
- g. The Clark Circuit Courts may allow individuals with legitimate court business to stay home and request a continuance by phone to the county clerk if they are ill, caring for someone who is ill, providing child care as a result of the K-12 school closure, or in a high-risk category.
- h. The Clark Circuit Courts shall file its "Second Status Update" in this cause no later than May 4, 2020.

DONE at Jeffersonville, Indiana, this 30th day of March, 2020.

/s/ Andrew Adams
Andrew Adams
Judge, Clark Circuit Court No. 1

/s/ Bradley B. Jacobs
Bradley B. Jacobs
Judge, Clark Circuit Court No. 2

/s/ Joseph P. Weber
Joseph P. Weber
Judge, Clark Circuit Court No. 3

/s/ Vicki L. Carmichael
Vicki L. Carmichael
Judge, Clark Circuit Court No. 4