

In the Indiana Supreme Court

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

Supreme Court Case No.
20S-CB-136



Order Approving Expansion of Operations Plan

By orders issued April 24 and May 13, 2020, this Court ordered trial courts statewide to submit plans for gradually resuming normal operations under limitations appropriate to the 2019 novel coronavirus (COVID-19) public health emergency. Pursuant to that order, the petitioning court(s) filed an amended expansion of operations plan (“Plan”) on June 12, 2020.

The Court finds that the Plan was made in coordination with appropriate local authorities and local justice system partners to account for local health conditions, facility readiness, and litigants’ needs; and that the Plan makes reasonable provisions for resuming normal staffing, providing public access to non-confidential proceedings, and resuming jury trials. A copy of the Plan is attached to this order and incorporated by reference.

Being duly advised, and pursuant to Indiana Administrative Rule 17 and this Court’s inherent authority to supervise the administration of all courts of this State, the Court ORDERS as follows:

1. All emergency relief previously granted to the petitioning court(s) under Administrative Rule 17 is deemed to expire as of the effective date of this order, except as provided by this Court’s “Order Extending Trial Courts’ Emergency Tolling Authority and Setting Expiration of Other Emergency Orders” issued May 29, 2020 in Case No. 20S-CB-123. However, this Court’s May 13, 2020 “Emergency Order Permitting Expanded Remote Hearings” and paragraph 3 of its May 13 “Order Extending Time for Expanding Trial Court Operations” in Case No. 20S-CB-123 (prohibiting jury trials before July 1 without prior approval of this Court) remain in full force and effect.
2. The Plan is approved, and the petitioning court(s) shall comply with its terms through its stated duration, subject to further order of this Court.

Done at Indianapolis, Indiana, on 6/15/2020 , **effective May 13, 2020.**

A handwritten signature in black ink that reads "Loretta H. Rush".

Loretta H. Rush
Chief Justice of Indiana

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| IN RE: |) | | |
| |) | | |
| VANDEBURGH COUNTY |) | CAUSE NO. | 20S-CB-136 |
| |) | | |
| COURTS' COVID-19 PLAN |) | | |
| |) | | |

VANDEBURGH COUNTY CIRCUIT AND SUPERIOR COURTS TRANSITION PLAN FOR
EXPANDED OPERATIONS

Come now the Courts of Vanderburgh County to provide an update to the Supreme Court of Indiana regarding the transition plan for expanded operations. The Courts of Vanderburgh County request that the Supreme Court of Indiana consider the following Transition Plan for Expanded Operations to supersede all prior filed Transition Plan documents. The Courts of Vanderburgh County have adopted the following plan for expanded operations:

- A.** The courts of Vanderburgh County have convened in banc and have determined:
 - a.** The courts of Vanderburgh County were granted an Emergency Relief Petition under Administrative Rule 17 on March 18, 2020.
 - b.** The courts of Vanderburgh County implemented precautionary measures to protect the health of all staff, attorneys, litigants and the general public through local order(s) in cause numbers 82C01-2003-CB-100 and 82C01-2003-CB-99, reflecting the language in the Indiana Supreme Court's Order granting emergency relief in cause number 20S-CB-136.
 - c.** The Indiana Supreme Court Order dated April 24, 2020 asked all courts granted emergency relief through an Administrative Rule 17 petition to provide a transition plan to safely expand operations.
 - d.** Governor Eric Holcomb, on May 1, 2020, provided guidance on the best courses of action to reopen the State through a 5-Stage Roadmap to Safely Reopen Indiana.

- e. The operations of the Vanderburgh Circuit and Superior Courts both have jurisdiction over criminal and civil cases. However, the Vanderburgh Superior courts also have jurisdiction over misdemeanor, juvenile, small claims, and family cases, which are all high-volume case types which have dockets that have greatly expanded during this period of limited operations, necessitating disposition as soon as practical.
- f. The difference in operational functions between the Courts of Vanderburgh County necessitate differences in their respective schedules for expanded operations
- g. The Courts of Vanderburgh County have developed measures that utilize the guidance provided by Governor Eric Holcomb and protect the health of the staff, attorneys, litigants and general public as follows and which are consistent with the latest plan of the Board of Commissioners of Vanderburgh County attached hereto.
- h. The Vanderburgh County judges have continued to work with the Mayor of Evansville, the Vanderburgh County Commissioners, the Vanderburgh County Health Department and local law enforcement to formulate best practices for the reopening of the court and administration buildings. The transition plan was discussed and formulated using their input. The Vanderburgh County judges will continue to work with all of those parties to adapt to any future changes in health concerns in Vanderburgh County.
- i. The court and administration buildings were opened to the public on a restricted basis on May 26, 2020. There have been few problems encountered since opening the two buildings with the restrictions outlined in the transition plan for expanded operations.
- j. The Vanderburgh County Courthouse will be opened to the general public on June 15, 2020, with social distancing requirements and required facemasks. Further, the Vanderburgh County Courthouse Information Technology Department is actively taking steps to set-up recording equipment to utilize the IOCT website created to allow public hearings to be viewed using a streaming service in all courts.

B. Vanderburgh County Circuit and Superior Court Employment Procedures

- a. All employees will be required to check their temperature daily. All employees will either be checked upon entering the building by court security or self-check in their respective office. All employees will record their temperature daily on a

sign-in document in each office. Any employee with a temperature above 100° and two or more symptoms of COVID-19 shall report that information and return home until they are symptom free and without fever for at least three (3) days.

- b. All employees are to report if they have had any known contact with a person that has been confirmed COVID-19 positive and are to remain home for a period of fourteen (14) days or as otherwise instructed by a health professional.
- c. All employees that are required to remain home for the above reasons and have the ability to work remotely shall be allowed to do so during that time. All employees with the ability to work remotely shall be allowed to do so, with prior approval from their superior, even when experiencing no symptoms of COVID-19.
- d. Employees have been instructed not to share equipment or workstations, when possible. All employees have been given or have access to sanitizer to clean any shared surfaces.
- e. All employees have been given contact information to Southwestern Behavioral Health Services, NOW Counseling Services and Counseling For Change, Inc. to address any mental health concerns.

C. Vanderburgh County Circuit Court Operations

- a. Any attorney wishing to appear remotely for any status conference, pre-trial conference or non-evidentiary hearing is hereby given permission to do so through July 6, 2020.
- b. No motion to appear telephonically is necessary. However, an attorney choosing to appear remotely shall notify opposing counsel prior to the appearance date through July 6, 2020.
- c. Period beginning May 18, 2020 through May 25, 2020
 - i. Circuit Court will continue to function with limited in person staff, with most staff working remotely.
 - ii. Circuit Court Probation staff will function with limited in person staff, with most staff working remotely.
 - 1. Probationers will continue to communicate with Probation staff by telephone with no in person contact.
 - iii. Circuit Court will continue to conduct all hearings through video or telephone conferencing.
 - iv. The general public will not be allowed to be present for hearings.

- v. All non-emergency hearings with *Pro Se* litigants will be held by video or telephone conferencing, when possible, or continued to a date after June 14, 2020.
- vi. No criminal or civil jury trials will take place during this period.

d. Period beginning May 26, 2020 through June 14, 2020

- i. Circuit Court will begin transition to all staff working in person.
- ii. Circuit Court Probation staff will continue to function with limited in person staff, with most staff working remotely.
 - 1. Probationers will continue to communicate with Probation staff by telephone with no in person contact.
 - 2. All Defendants that have been court ordered to complete drug screening through the Alcohol Abuse Probation Service, Drug Abuse Probation Service and all programs overseen by ABK Tracking will begin drug testing remotely at ABK Tracking as ordered by the court.
- iii. Circuit Court will continue to conduct all hearings through video or telephone conferencing.
- iv. The general public will not be allowed to be present for hearings.
- v. All non-emergency hearings with *Pro Se* litigants will be held by video or telephone conferencing, when possible, or continued to a date after June 14, 2020.
- vi. No criminal or civil jury trials will take place during this period.

e. Period beginning June 15, 2020 through July 5, 2020

- i. Circuit Court will operate with all staff working in person.
- ii. Circuit Court Probation will operate with all staff working in person.
 - 1. Probationers will comply with all court ordered testing requirements, programs and in person meetings with Probation staff.
- iii. Circuit Court will begin transition to traditional court sessions with out of custody criminal Defendants in person

with counsel and civil parties in person with counsel on a limited basis. All in custody criminal Defendants will continue to appear by video conferencing and will only appear in person on an emergency basis.

- iv. The general public will be allowed to be present for hearings, while adhering to proper "social distancing" guidelines.
- v. Hearings with *Pro Se* litigants will be conducted in person.
- vi. No criminal or civil jury trials will take place during this period.

f. Period beginning July 6, 2020

- i. Circuit Court will continue to operate traditionally.
- ii. Circuit Court Probation will continue to operate traditionally.
- iii. Circuit Court will begin conducting criminal and civil jury trials.

D. Vanderburgh County Superior Courts Operations

- Any attorney or pro se litigant wishing to appear remotely for any status conference, pre-trial conference or non-evidentiary hearing is hereby given permission to do so through July 6, 2020.
- No motion to appear telephonically is necessary. However, an attorney or pro se litigant choosing to appear remotely shall notify opposing counsel or pro se litigant prior to the appearance date through July 6, 2020.

a. Period beginning May 18, 2020 through May 25, 2020

- i. Superior Courts will continue operations under the existing Administrative Rule 17 Petition and Indiana Supreme Court Order for Vanderburgh County.
- ii. Superior Courts will function with limited in person staff, with most staff working remotely.

b. Period beginning May 26, 2020 through July 6, 2020

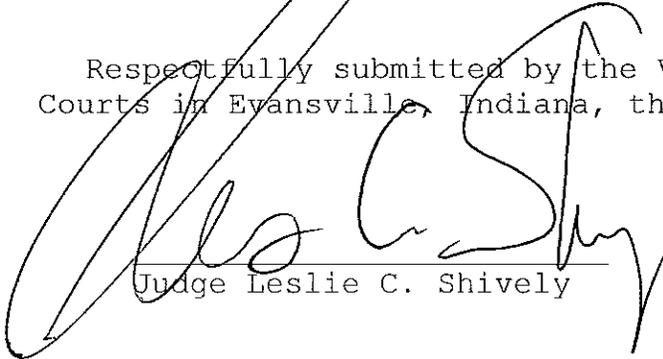
- i. Superior Courts will resume full operations with traditional court sessions with the exception that misdemeanor will not start operations until 6/1/2020 and traffic court will not start operations until 6/8/2020.

- ii. Superior Courts will operate with all staff working in person, when possible. Some staff may continue to work remotely.
- iii. Superior Courts will conduct some proceedings in the Old National Events Plaza in addition to the Vanderburgh County Court Building. Specifically, Juvenile, Small Claims, and pro se misdemeanor matters will be conducted in the ONB Events Plaza.
- iv. Only attorneys, parties, witnesses and those with official business in the County Clerk's Office will have access to the Vanderburgh County Courts Building and the Old National Events Plaza.
- v. All attorneys, parties, witnesses and Superior Court staff entering the building will be screened for possible exposure to COVID-19 through the taking of their temperature with infra-red thermometer and the administration of 4 basic questions at the entrances to the Old National Events Plaza and Vanderburgh County Court Building.
 - 1. What is your purpose for entering the building today?
 - 2. Are you experiencing symptoms of fever, cough or shortness of breath?
 - 3. Have you been in close contact with someone confirmed or who is being evaluated for COVID-19?
 - 4. Have you recently visited an area that is subject to quarantine because of COVID-19 infection?
- vi. All attorneys, parties, witnesses and Superior Court staff entering the building shall wear face masks.
- vii. Superior Courts will not conduct any criminal or civil jury trials.
- viii. Superior Courts will conduct non-evidentiary hearings remotely, via teleconferencing and/or videoconferencing.
- ix. Superior Courts will modify docket sessions to comply with social distancing requirements.
- x. Attorney's and pro se litigants may petition the court to appear remotely for pleas, sentencings, or any evidentiary matter due to legitimate health concerns.

c. Period beginning July 6, 2020

- i. The Old National Events Plaza may no longer be available for continued use by Superior Courts and would necessitate modification of the Superior Courts operational plan.
 - ii. Superior Courts will not begin conducting criminal and civil jury trials any earlier than July 6, 2020. The conducting of jury trials will be subject to the courts ability to conduct trials while observing appropriate practices such as social distancing.
 - iii. The general public will be allowed to be present for hearings, while adhering to proper "social distancing" guidelines.
- E. The preceding operational transition plans for Vanderburgh County Circuit and Superior Courts are subject to change due to renewed public health concerns or additional statewide restrictions implemented by Governor Eric Holcomb.

Respectfully submitted by the Vanderburgh Circuit and Superior Courts in Evansville, Indiana, this 11th day of June, 2020.



Judge Leslie C. Shively



Judge David D. Kiely