

In the Indiana Supreme Court

In the Matter of the Petition of the
Hobart City Court for
Administrative Rule 17 Emergency Relief.

Supreme Court Case No.
20S-CB-205



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 22, 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 6/25/2020 , effective **May 25, 2020**.

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

Loretta H. Rush
Chief Justice of Indiana

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AMENDED TRANSITION PLAN

The Hobart City Court submitted its Petition for Emergency Relief pursuant to Administrative Rule 17 which was approved by the Indiana Supreme Court on March 20, 2020, and amended by subsequent orders of the Court. The following plan for return to normal operations, which has been amended to reflect recommendations of the Indiana Office of Court Services, is respectfully submitted for approval,

1. Administrative Rule 17 Components
 - a. Tolling of time limits - extend consistent with transition plan approved for Lake County Superior Courts, to avoid confusion.
 - b. Continuing Jury Trials - extend consistent with transition plan approved for the Lake County Superior Courts, as applicable to jury trials in the County Division. The County Court Administrator pulls jurors and issues summons for city court jury trials.
 - c. Extend review of county jail and direct placement sentences consistent with the transition plan for Lake County. The City and Town Court in Lake County have agreed to allow Lake Superior Court staff to perform risk assessments on defendants arrested and taken to the county jail, and to release defendants on their own recognizance when appropriate, as part of their effort to comply with the requirements of Criminal Rule 26. The City and Town Court judges also receive a weekly report from the jail identifying individuals held from each court, to permit review of the necessity of incarceration or to arrange transport to court or scheduling of a remote hearing.
 - d. Extend ban on issuance of writs of attachment, warrants or body attachments on civil cases consistent with the transition plan approved for Lake County Superior Courts, to avoid confusion among the public, the bar, law enforcement, or county jail staff.

Note: It is the consensus of most of the city and town court judges in Lake County that the advantages of consistency with the county transition plan with regard to the above, in minimizing confusion and promoting the confidence of the public outweigh any advantages to be gained by individual courts in not being consistent.

2. Planning
 - a. City and Town Court judges have been provided a copy of the Lake County Superior Court County Division draft language for the county transition plan, and

have discussed in a Zoom meeting a proposed use of Google Voice to provide a remote check in procedure that would allow parties appearing for court to check in via text and wait in their vehicle until their case is ready to be heard.

- b. Two representatives selected by the city and town court judges in Lake County, as a group, serve as voting members of the Lake County Criminal Justice Coordinating Committee created by the County Council.
 - c. The Lake County Jail staff has had conversations with and scheduled remote hearings for several of the city and town court judges in Lake County. Weekly jail reports are provided to each judge regarding the population of the jail.
 - d. In addition, discussions have been ongoing with the local police and fire departments, representatives of the Lake County Prosecutor's Office, the City Attorney, local attorneys, Lake County officials and judges, and the Mayor, who has included the City Judge in his department head meetings since the onset of the health crisis.
3. Employment Procedures
- a. The City of Hobart developed Administrative Guidelines, governing city employees and COVID-19. The City Judge was given an opportunity to review and suggest changes to the guidelines, which will apply to all city court employees. A copy of the guidelines is attached. The Lake County Prosecutors Office staff at Hobart City Court have agreed to voluntarily comply with the guidelines. Masks, gloves and cleaning supplies are being supplied by the Hobart Fire Department, including masks and hand sanitizer for city court attendees.
 - b. Court staff has been working split shifts, and working from home when possible. We have transitioned to working half days on site without split shifts, and will transition to full time on site on June 1. This will permit staff training and cross-training to occur as non-essential hearings resume. Existing workplace configuration permits social distancing between all court employees. Employees are screened upon arrival for work including a temperature check.
 - c. High risk employees will be allowed to work remotely, to the extent possible, and contact with the public and other employees will be kept to a minimum. Most have individual offices allowing work on site to be done in isolation from other employees. The Governor's BackOnTrack Guidelines will be followed for these employees as well as any employees returning to work after exposure to someone infected with COVID-19.
 - d. Full time court employees are eligible for city health insurance which would cover access to mental health services. Every employee will be informed in writing of the Be Well Indiana website (<https://bewellindiana.com/>).
4. Courthouse Facility Plan
- a. Use of Indiana's guidelines for courthouse security in the design of Hobart City Court facilities resulted in a number of features relevant to the health emergency, including: complete separation of the public and defendants in custody, room for social distancing of counsel and litigants, fixed courtroom seating with non-upholstered surfaces, seating capacity which permit social distancing, separate

parking, entrances and restrooms for staff, and location of all offices, including the prosecutor, city attorney, public defender, community service coordinator and probation department behind a security checkpoint. Court staff is located behind glass except for a payment slot, limiting direct contact with the public.

- b. Technology in place will permit remote video conferencing, including storage of recorded proceedings. Mandatory e-filing and availability of on-line payment of all amounts due reduces direct contact with the public.
 - c. Plexiglass barriers have been installed in conference rooms and at the security checkpoint.
 - d. Public access to court proceedings will be permitted, but seating for non-litigants may be limited to 20% of available seating. Any hearings via Zoom will be available to the public, who will be allowed to join upon request but will be muted.
 - e. Cleaning procedures as set forth in the City of Hobart Administrative Guidelines require nightly cleaning of court facilities, and court staff will be required to clean work surfaces every two hours. A deep clean of the court facilities has occurred. Holding area for prisoners will be cleaned after each use.
5. Screening Procedures for the Public
- a. Hearings conducted remotely will be encouraged whenever feasible.
 - b. Telephonic continuances of litigants who are high risk or exhibiting symptoms of illness will continue to be permitted, and the court may provide scheduling of cases for high risk litigants at times which minimize exposure to others, if their matter cannot be heard remotely.
 - c. Masks, hand sanitizer, and screening for symptoms and temperature may be required of all litigants or spectators entering the court consistent with Executive Orders and recommendations of the ISDH.
 - d. Social Distancing shall be strictly enforced so long as recommended by the ISDH or required by Executive Order.
 - e. Remote check-in may be implemented to permit persons scheduled to appear in court to wait in their vehicle until their case is ready to proceed.
6. Resuming Non-Emergency Hearings
- a. Hobart City Court proposes to return to scheduled court dates, including non-essential hearings on June 1, 2020. This coincides with the transition of Lake County to Stage 3 of the Governor's phased return. Number of people present in the courtroom will be limited using modified seating, remote check-in, and court security sufficient to enforce mask use, social distancing and to screen individuals wishing to enter the courtroom, including temperature checks, in accordance with ISDH recommendations.
 - b. All court calls beginning June 1, 2020 will be capped at 50 cases. Existing facilities will permit social distancing at this level, and this is anticipated to be a permanent change.
 - c. Remote hearings will be encouraged, and time outside currently scheduled court calls will be set aside to permit expedited scheduling of remote hearings, and to

permit scheduling of high risk litigants at a time when their exposure to others is limited.

- d. High risk status, symptoms of illness, or exposure to someone who has tested positive for COVID-19 shall continue to be grounds for continuance by telephone.
- e. The duration of the above restrictions would be governed by the recommendations of the ISDH.

7. Jury Trials

- a. Jury trials are not frequent, but scheduling will be continued consistent with the scheduling of jury trials in the Lake Superior Court County Division, to provide consistency for the County Court Administrator in prioritizing his responsibilities with regard to selecting and summoning jurors, and in public perception.
- b. Remote hearing technology may be used, with agreement of the parties, for any and all stages of the trial.
- c. Social distancing will be strictly enforced, as long as it is recommended by ISDH.
- d. Potential jurors will be informed of the steps taken to protect their health and safety, including social distancing, availability of hand sanitizer and face masks, and seating arrangements.
- e. Voire Dire may be conducted remotely to limit the time jurors are physically present in open court.
- f. Most jury trials are of short duration, and the jury pool is comprised of local residents. The court will permit jurors to return to their homes for meals, when feasible, and will bring in food if necessary. The jury room is large enough to accommodate social distancing during deliberations.
- g. Temperature checks are administered to all persons entering court. Any prospective juror who fails the temperature check, displays indications of illness, is high risk, has traveled recently to a high risk area, or who has difficulty wearing a face mask for an extended period, will have their juror service deferred.

8. Court Supervised Services

- a. Services that have not continued remotely will resume when non-essential hearings resume, using remote technology when possible.
- b. All staff entering court premises will be screened, and adhere to the Administrative Guidelines.
- c. All staff will be trained in social distancing and when to use or require social distancing, masks and hand sanitizer.

Respectfully Submitted this ____ day of June, 2020.

William J. Longer
Judge, Hobart City Court