

# In the Indiana Supreme Court

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

Supreme Court Case No.  
20S-CB-121



## 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 a second amended expansion of operations plan (“Plan”) on June 15, 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 6/16/2020, effective **May 29, 2020**.

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

Loretta H. Rush  
Chief Justice of Indiana

20S-CB-121

**Second Amended  
Harrison Circuit and Harrison Superior Courts’  
Transition Plan for Expanded Operations**

Come now the Courts of the Third Judicial Circuit for the State of Indiana, at Corydon, Indiana (“the courts”), and file this amended transition plan for expanded operations with the Supreme Court concerning relief under Ind. Administrative Rule 17. In support of this petition, the courts inform the Supreme Court as follows:

1. Harrison Circuit Court and Harrison Superior Court, being all of the courts of the Third Judicial Circuit for the State of Indiana, at Corydon, Indiana, have convened in banc and have determined:

A. That COVID-19, a/k/a corona virus is still present across the state of Indiana, the entire United States of America, and the world.

B. That the Center for Disease Control (CDC) has determined that “social distancing” is a necessary strategy for the prevention of the further spread of the virus.

C. That the design and layout of the courthouses in Harrison County complicates adequate social distancing for the public as well as the dozens of jurors required for the selection of a jury in civil and criminal cases.

D. That the widespread disease outbreak requires modified operations of courts and inhibits the ability of litigants and courts to comply with certain statutory deadlines and rules of procedure applicable in courts of this state.

2. In developing this plan, the courts have consulted with county emergency and public health authorities and local justice partners, including but not limited to: Harrison County Health Department; Harrison County Emergency Management; Harrison County Board of Commissioners; the County Clerk; the County Sheriff; private practitioners; the prosecutor; criminal defense counsel; and, the local office of the Indiana Department of Child Services.

The courts also have considered the guidance offered by:

- a) Resuming Court Operations Task Force Preliminary Guidance to Trial Courts;
- b) Harrison County Health Department return to business operations guidance letter;
- c) Centers for Disease Control and Prevention miscellaneous guidance documents; and,
- d) Other courts' plans, such as Wabash County Court Services draft COVID-19 Phase I and Phase II Response Protocol;

3. The courts have considered and addressed areas of concern identified by the

Resuming Court Operations Task Force report including but not limited to implementing:

- a) Protections for ensuring court employee health and safety as operations resume;
- b) Policies for protecting public health and safety in accordance with county health department guidelines as court facilities reopen;
- c) County and court plans for sanitizing and maintaining sanitation of court facilities;
- d) Procedures for maintaining a record and allowing public access to remote hearings;
- e) Policies for selecting jurors and procedures for protecting the health and safety of potential jurors; and,
- f) Procedures for court-supervised services such as community corrections, CASA, and probation.

(See Exhibits attached hereto).

4. The courts request the Supreme Court under the authority of Ind. Admin. R. 17 to make appropriate emergency orders for the Courts directing and authorizing the Courts to alter, modify, and suspend certain procedures as described herein to appropriately address this situation as further described herein.

5. The courts request that the Supreme Court authorize the following, effective as of the date of filing and continue through August 14, 2020 or as authorized or further extended by Supreme Court approval, as follows:

A. That the Courts anticipate returning to conducting jury trials on or about July 1, 2020. However, given the current number of criminal cases pending for trial and restrictions imposed to maintain public health, it is necessary to extend the tolling of all laws, rules, and procedures setting time limits for trials in criminal proceedings, including speedy trials through August 14, 2020. Wherefore, the courts request that the tolling of all laws, rules, and procedures setting time limits for speedy trials in criminal proceedings be extended through August 14, 2020.

B. That until further order, the courts be authorized, in their individual

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.

C. That until further order, the courts 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.

D. That until further order, the courts be authorized, in their individual discretion, to continue to implement expanded remote proceedings by audiovisual communication or telephonic communication, as authorized in Supreme Court Case No. 20S-CB-123 Emergency Order Permitting Expanded Remote Proceedings.

E. That absent an emergency basis to be determined by the individual court, no new writ of attachment, civil bench warrant, or body attachment be issued and any such order previously issued and not yet served be stayed until 12:01 AM August 15, 2020.

F. That the following previously issued relief be allowed to expire:

1) the tolling of all laws, rules, and procedures setting time limits for speedy trials in juvenile proceedings, public health, and mental health matters and in all other civil matters before the courts.

2) the authorization in criminal cases to continue all pre-trial conferences and non-essential hearings;

3) the authorization to suspend all civil proceedings; and,

4) the authorization of the Juvenile Court in its discretion to hear only detention hearings and other juvenile hearings it deems essential.

E. If the courts believe there is an ongoing need for emergency relief beyond August 14, 2020, the courts will file a status update no later than August 1, 2020, to inform the Court and request additional relief.

WHEREFORE, the judges of the Courts of the Third Judicial Circuit for the State of Indiana, at Corydon, Indiana request that the Supreme Court declare that an emergency continues

to exist in the Third Judicial Circuit under the authority of Ind. Admin. R. 17, and to make appropriate emergency orders for Harrison Circuit Court and Harrison Superior Court directing and allowing the courts and clerk of Harrison County to alter, modify, and suspend necessary procedures as provided herein, so as to appropriately address this emergency and ensure the orderly and fair administration of justice.

DONE at Corydon, Indiana, this June 15, 2020.

/s/ John Evans

JOHN EVANS, JUDGE  
HARRISON CIRCUIT COURT

/s/ Joseph L. Claypool

JOSEPH L. CLAYPOOL, JUDGE  
HARRISON SUPERIOR COURT

EXHIBIT AHARRISON CIRCUIT COURT TRANSITION PLAN FOR  
EXPANDED OPERATIONS

The Harrison Circuit Court, guided by the Resuming Court Operations Task Force Preliminary Guidance to Trial Courts, the Harrison County Health Department return to business operations guidance letter, the Centers for Disease Control and Prevention miscellaneous guidance documents, and other courts' plans, and after consultation with other local justice partners, now submits its Transition Plan for Expanded Operations for the approval of the Indiana Supreme Court.

1. Employee Health and Safety.

Harrison Circuit Court employs thirteen (13) individuals which includes court staff, juvenile probation staff, CASA staff, and a juvenile referee. The judge, chief probation officer, and CASA director coordinate to oversee health and safety concerns of staff.

Currently all staff are working regular hours in the Courthouse, excepting those on Family First Coronavirus Response Act leave. The Court, Probation, and CASA office structure affords sufficient space and individual office areas for employees to work while maintaining social distancing.

Protective processes:

## a. All staff shall:

Take temperature every morning and report by 8:15 a.m. whether his/her temperature is above 100.3F or below 100.3F. If an employee has fever of 100.3F or above or a new cough or a new onset of shortness of breath, an employee may not come to work. If an employee is at work and any of those symptoms appear, the employee must immediately leave work. If an employee has any of those symptoms and:

- a) is not tested for COVID; or
- b) tests positive for COVID; then,

the employee may not return to work until free of fever (without the use of medication) for at least 72 hours (three full days) and symptoms have improved for at least 72 hours and at least ten days have passed since symptoms first began.

If an employee has any of those symptoms and a negative test for COVID, then the employee may return to work after he/she is free of fever (without the use of medication) for at least 24 hours.

c) Employees in contact with a COVID diagnosee are quarantined for the period prescribed by the health department.

b. All staff shall frequently wash hands. Hand sanitizer is available throughout work spaces when hand washing is not possible.

c. Office spaces remain closed to the public. When office spaces reopen, they will continue to be limited access to essential individuals only. In-office public contact will be restricted to safe social distances. The probation waiting area and interview rooms are separate from interior office space. The county is installing shields in probation interview rooms. When

face-to-face probation meetings resume, they will be conducted in larger rooms where social distancing is possible or in interview rooms with shields and masking for staff and probationers.

- d. Contact surfaces will be cleaned regularly during the day by staff and county custodian.
- e. Staff will not share equipment. Equipment that is shared, such as printers and copiers, shall be frequently disinfected.
- f. Mental Health services are available to employees.

## 2. Courthouse Facilities.

a. The Courthouse is occupied by Court, Juvenile Probation, and CASA, as well as the County Clerk's office. The Courthouse is cleaned daily by county custodial staff. Supplemental cleaning has been implemented by Court, Juvenile Probation, and CASA staff. The judge has coordinated with the county commissioners, county maintenance supervisor, and courthouse custodian to address enhanced cleaning procedures during the day.

b. The security officer, court reporter, and judicial officer present at a hearing shall coordinate efforts to sanitize surfaces after each hearing. Courtroom seating has been rearranged to create social distancing and doors are kept open to reduce touch points.

c. Courtroom access currently is limited to essential parties only. As restrictions are lifted, additional seating is available consistent with social distancing. Additional observation of public proceedings will be provided by Zoom streamed video as necessary and/or requested.

d. All civil jury trials have been either reset by agreement or settled until October, 2020. (Criminal jury trials are scheduled by Superior Court in a different building). When civil jury trials resume, social distancing will be maintained and if not possible, masks will be provided and worn.

## 3. Public Screening and Safety

a. The Harrison County Commissioners have reopened the courthouse to the public. The Court has issued an order placing certain restrictions on access to the courthouse.

b. Pursuant to the Court's order, no person may enter the courthouse if that person has:

- 1) Fever greater than 100.4 degrees.
- 2) Cough or worsening cough (excluding chronic cough due to known medical reason).
- 3) Shortness of breath OR any two of the following:  
Fever, Chills, Repeated shaking with chills, Muscle pain, Headache, Sore throat, New loss of taste or smell.
- 4) Been diagnosed with or have had contact with anyone who has been diagnosed with COVID-19 in the last 14 days.
- 5) Been asked to self-quarantine by any doctor, hospital, or health agency in the last 14 days.
- 6) Been in close contact with any such person listed above.

All such individuals attempting to enter shall be denied entrance by a security officer or uniformed law enforcement officer. A contact free thermometer has been provided to security and every member of the public entering the building has his/her temperature taken by security.

c. Harrison County Emergency Management has provided PPE to the courthouse offices. Additional masks and hand sanitizer have been purchased by court offices. Hand sanitizer is located in public areas. New, free-standing sanitizer dispensers have been ordered by the county for location in additional areas.

#### 4. Hearings and Trials

a. The Court has implemented Zoom conferences for the majority of hearings where such is appropriate and consistent with the constitutional rights of the parties and access by the public. This includes parents in custody in CHINS and TPR cases and juveniles in placement in JD and JS cases. Zoom hearings will continue as necessary, particularly in uncontested civil hearings and civil pretrial conferences. Zoom hearings take place with a judicial officer in the Courtroom and on the record.

b. The Court is returning to in-person, contested evidentiary hearings. Social distancing will be maintained during such hearings. Hand sanitizer is prominently displayed at the entrance of each courtroom with a sign that all must use prior to taking a seat in the courtroom. Polycarbonate table tops have been requested to make wooden counsel tables easier to clean between hearings.

c. Hearings which were previously set as large docket calls have been reset in a staggered format to reduce the number of persons in the building at any one time.

d. Once jury trials resume, the next not currently scheduled until October, the Court will reassess the COVID situation in cooperation with local justice partners. If appropriate, additional jury questionnaires concerning illness will be included in jury summons, along with a letter detailing the steps taken by the Court and county to limit exposure.

e. Court facilities can manage a civil six-person two-alternate jury with certain accommodations while maintaining social distancing. Where such is not possible, PPE will be provided to jurors and counsel. For extensive evidentiary hearings and trials, the judge, court staff and attorneys will plan and rehearse the handling of the case including witness scheduling and remote testimony, relocation of side bars, reduction of side bars, social distancing, location of jurors outside the jury box, food handling and delivery, exhibit handling, and location of deliberations.

#### 5. Court-Supervised Services

a. All in-person contact between probation officers and probationers has stopped. This will likely continue through June. Resumption of in-person contact will be determined by the chief probation officer after consultation with the judge. The chief probation officer's considerations shall include the risk to the probation officer and the probationer, the ability to social distance, the availability of larger interview areas, and installation of polycarbonate barriers where social distance is not possible.

b. All in-person contact between CASA volunteers, the children they are appointed to represent, and case-involved parents and family has stopped. This will likely continue through June. Resumption of in-person contact will be determined by the CASA director after consultation with the judge. The CASA director's considerations shall include the risk to CASA

volunteers and state, the children they represent, and the case-involved parents and family, the ability to social distance, the availability of larger interview rooms, and the use of PPE where social distancing is not possible.

EXHIBIT BHARRISON SUPERIOR COURT TRANSITION PLAN FOR  
EXPANDED OPERATIONS

The Harrison Superior Court, guided by the Resuming Court Operations Task Force Preliminary Guidance to Trial Courts, the Harrison County Health Department return to business operations guidance letter, the Centers for Disease Control and Prevention miscellaneous guidance documents, and other courts' plans, and after consultation with other local justice partners, now submits its Transition Plan for Expanded Operations for the approval of the Indiana Supreme Court.

1. Employee Health and Safety

Harrison Superior Court employs fifteen (15) individuals which includes court staff, adult probation staff, court services staff, and veteran's court. The judge and chief probation officer coordinate to oversee health and safety concerns of staff.

Currently all staff are working regular hours in the Courthouse, except those on Family First Coronavirus Response Act leave. The Court, Probation Office and Court Services office structure affords sufficient space area and/or individual office areas for employees to work while maintaining social distancing.

Protective processes:

- a. All staff have received and acknowledged by signature the RETURN TO WORK Memorandum which is attached hereto as Exhibit B-1.
- b. Employees in contact with a COVID diagnosee are quarantined for the period prescribed by the health dept.
- c. All staff shall frequently wash hands. Hand sanitizer is available throughout work spaces when hand washing is not possible.
- d. Office spaces remain closed to the public. When office spaces reopen, there will continue to be limited access to essential individuals only. In-office public contact will be restricted to safe social distances. The waiting area for the Court, Probation and Court Services are separate from the interior office space. The county is installing shields in probation interview rooms and Court Services offices. When face-to-face probation meetings resume, they will be conducted outside in the summer months using social distancing and PPE's when appropriate and in office upon installation of safety barriers. The courtroom is being outfitted with plexiglass barriers in front of the witness stand, the court reporter's station and in front of the jury box and extended jury seating in the gallery. Social distancing is possible in interview rooms with shields and masks for staff and probationers. Floor markings and seat markings have been placed on the floor and on useable seating in the courtroom to aid in maintaining social distancing.

- e. Contact surfaces will be cleaned regularly during the day by staff and the county custodian.
- f. Staff will not share equipment. Equipment shared, such as printers and copiers, shall be frequently disinfected.
- g. Mental health services are available to employees.

## 2. Justice Center

- a. The Harrison Superior Court, Adult Probation Office and Court Services Offices are housed in the Harrison County Justice Center. This county facility also houses the Prosecutor's Office, County Clerk's Auxiliary Office, Sheriff's Office and County Jail. The Justice Center is cleaned daily by county custodial staff. Supplemental cleaning has been implemented by Court staff. The judge has coordinated with the county commissioners, county maintenance supervisor and courthouse custodian to address enhanced cleaning procedures during the day.
- b. The bailiff, county custodian, court reporter and judicial officer present at a hearing session shall coordinate efforts to sanitize surfaces after each hearing or session. Courtroom seating has been rearranged and reviewed by the County Health Department to create social distancing and doors are kept locked to allow access only by way of the bailiff.
- c. Courtroom access currently is limited to essential parties only. As restrictions are lifted, additional seating is available consistent with social distancing. Additional observation of public proceedings will be provided by Zoom streamed video as necessary and/or requested.
- d.

All criminal jury trials have been suspended until July or later date upon installation of physical barriers and receipt and placement of hand sanitizer stations which are now on order.

## 3. Public Screening and Safety

- a. The Harrison County Commissioners have reopened the Justice Center to the public. The Court has issued an order placing certain restrictions on access to the courtroom. Pursuant to the Court's Order, no person may enter the courtroom if that person has:
  - 1) Fever greater than 100.4 degrees.
  - 2) Cough or worsening cough (excluding chronic cough due to known medical reason).
  - 3) Shortness of breath OR any two of the following: Fever, chills, repeated shaking with chills, muscle pain, headache, sore throat, new loss of taste or smell
  - 4) Been diagnosed with or have had contact with anyone who has been diagnosed with COVID-19 in the last fourteen (14) days.
  - 5) Been asked to self-quarantine by any doctor, hospital or health agency in the last fourteen (14) days.
  - 6) Been in close contact with any such person listed above.
- b. All such individuals attempting to enter shall be denied entrance by the bailiff or other Court designated individual. A contact free thermometer has been provided to the bailiff and

every member of the public entering the courtroom has and shall have his/her temperature taken by the bailiff.

c. Harrison County Emergency Management has provided PPE to the Court and its offices. Additional masks and hand sanitizer have been purchased by court offices. Hand sanitizer is located in public areas. New, free-standing sanitizer dispensers have been ordered by the county for location in and around the courtroom.

#### 4. Hearings and Trials

a. The Court has implemented Zoom conferences for the majority of hearings where such is appropriate and consistent with the constitutional rights of the parties and access by the public. Zoom hearings will continue as necessary. Zoom hearings take place with a judicial officer in the courtroom or at another location with the audio placed on the record by the court reporter who is located in the courtroom.

b. The Court is returning to in-person, contested evidentiary hearings. Social distancing will be maintained during such hearings. Hand sanitizer is available in the lobby outside the courtroom as well as at each counsel table. The bailiff or Court designee assigns premarked seats to each individual entering the courtroom and requires all to wear a mask (either their own or court provided).

c. Hearings size has been reduced to a manageable size. If the Court cannot provide adequate seating, the parties are staged in the lobby and requested to social distance until allowed to enter the courtroom. Further, hearings are being staggered to reduce the number of persons in the Court at any one time.

d. Jury trials are scheduled to resume in July 2020, pending the installation of appropriate precautionary materials as stated above. A letter to prospective jurors stating what to expect when they arrive, as well as an additional COVID questionnaire, will be included with their usual questionnaire. The questionnaires will be mailed out between two (2) and three (3) weeks before trial (proposed draft of letter and questionnaire are attached as Exhibits B-2 & B-3 hereto).

e. Court facilities can manage up to twenty one (21) individuals at a time in the courtroom, exclusive of counsel, court staff and defendant. We anticipate calling three (3) waves of thirty (30) prospective jurors for a total of ninety (90) prospects. It is hoped this will be sufficient for voir dire to seat a jury plus alternates (6 or 12 person). This will be reviewed after our first attempts and altered to fit the circumstances as they require. PPE's will be provided to all who require them. For extensive evidentiary hearings and trials, the judge, court staff and attorneys will plan and rehearse the handling of the case. This shall include witness scheduling and remote testimony, relocation of side bars, reduction of side bars, social distancing, location of jurors outside the jury box, food handling and delivery, exhibit handling and location of deliberations. (See Exhibit 2)

## 5. Court-Supervised Services

All in-person contact between probation officers and probationers has stopped. This will likely continue through June. Resumption of in-person contact will be determined by the chief probation officer after consultation with the judge. The chief probation officer's considerations shall include the risk to the probation officer and the probationer, the ability to social distance, the availability of larger interview areas and the installation of plexiglass barriers where social distancing is not possible.

**HARRISON SUPERIOR  
COURT and PROBATION**

# Memo

**To:** HARRISON SUPERIOR COURT AND PROBATION STAFF  
**From:** JUDGE JOSEPH L. CLAYPOOL AND CHIEF P.O. SHEILA TEMPEL  
**cc:** SUPERIOR COURT EMPLOYEES/  
**Date:** MAY 29<sup>TH</sup>, 2020  
**Re:** RETURN TO WORK PROCEDURES

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As the offices return to full staff and in attempt to reduce risk to COVID-19, please see the following procedures:

1. **Prior** to coming into the office, all employees shall conduct a health self-assessment, which includes taking their temperature. If your temperature is greater than 100.4 degrees or if you are exhibiting other signs of COVID-19 infection per updated CDC guidance, the individual should self-report to their superior, **stay home**, and call their physician to discuss further treatment or testing . The CDC Self-Checker is on the CDC website to assist.
2. When in the office, all individuals should maximize physical distance from others. Six-foot distancing should be observed in all areas. Please ask if you need any PPE (masks, gloves, or cleaning supplies) to safely complete your job. Wearing a mask outside of your work area is recommended. Hand washing and using hand sanitizer is also strongly recommended. If a phone call can handle a situation as opposed to walking to another office in the building please do so.
3. Each employee shall sign and date this form and return to your department head or Supervisor.

\_\_\_\_\_  
Employee's signature

Date: \_\_\_\_\_

June 22, 2020

**EXHIBIT B-2**

To All Prospective Jurors  
Summoned to Appear for  
Jury Selection at the  
Harrison Superior Court  
In Corydon, Indiana  
On July\_\_\_\_\_, 2020

Re: Your Upcoming Jury Service in the Era of Coronavirus

Dear Prospective Jurors:

This letter is attached to the Summons directing you to appear for Jury Service on July \_\_\_\_\_, 2020 for Harrison Superior Court. As you will note on the Summons, you are directed to appear at the Judicial Center located at 1445 Gardner Lane N.W., Corydon Indiana. Jury Selection will take place in the Courtroom in three different waves of 30 prospective Jurors in each wave (this shall allow for social distancing in the courtroom). Those Summoned Prospective Jurors shall refer to the time documented on their summons for a specific arrival time, as there will be three (3) different time frames. If you are selected to serve on the jury, the trial will be held at the Courthouse and further information will be provided.

This will be the first jury trial which I have undertaken since the advent of the Coronavirus pandemic. I want to assure you that reasonable precautions will be taken to enhance the health and safety of the jury, the parties, the lawyers and the Court staff during jury selection and the jury trial to follow.

So that you won't be surprised when you arrive, please be aware of the following:

1. Each prospective juror will pass through a security screening as they enter the building;
2. Each prospective juror will have their temperature taken through a non-invasive, no-contact device, as they enter Court, to ensure that no one with a fever or an elevated temperature is admitted;
3. Once you have entered the building and pass through the initial temperature and security screening you will be seated by Court staff to achieve the maximum distancing possible;
4. Face coverings will be required of everyone entering the courtroom. You may wear your own face covering; however, if you do not have your own, one will be provided for you;
5. Gloves will be available for those who wish to wear them; however, they are not required;
6. Smartphones, iPads or similar electronic devices should be left outside the building;
7. Hand sanitizer (alcohol based) will be available to you at multiple locations;
8. Those selected for this jury should know that the fourteen (14) jurors will be spaced throughout the courtroom to achieve maximum distancing between jurors during the trial;
9. The courtroom will be cleaned each evening when the Court recesses, and this will continue throughout the trial;

10. Individual lunches will be provided to the fourteen (14) selected jurors during each day of the trial to minimize any travel in and out of the Courthouse and to minimize juror's interaction at local restaurants.

If you:

- a. have been diagnosed by a licensed physician as having Coronavirus anytime within the past 30 days;
- b. are actively caring for a family member or loved one who has tested positive for the Coronavirus; or
- c. are now in self-quarantine status and that status will continue on July \_\_\_\_;

then you should immediately advise the Court's appointed Jury Administrator, at 812-738-8141 (option 2). You may be asked to furnish documentation regarding information which may excuse you from jury duty at this time. Information from your physician may be requested for the Court's records.

Please be aware that the right to trial by jury is one of the cornerstones of our democracy, and jury trials necessarily involve sacrifice from those citizens called upon to serve. This has always been true, but it is especially true during these unique and trying times. Jury service is one of the highest forms of public service that any American can perform (some say only second to service in the Armed Forces). The right to trial by jury has been enshrined within the U.S. Constitution since 1791, and it was one of the stated principles in the Declaration of Independence which fueled our struggle to become an independent nation. Only those with extreme hardships should seek to be excused from jury duty.

It is important that you appear and present yourself for jury service on July \_\_\_\_<sup>th</sup>, and I want you to know that I am mindful of these challenging times and will take every reasonable precaution to maintain your health as well as that of the parties, lawyers and Court staff during this upcoming trial. I hope this personal letter is helpful and informative. I look forward to seeing you on July \_\_\_\_\_, 2020.

Respectfully,

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Joseph L. Claypool, Judge

EXHIBIT B-3

Juror Name \_\_\_\_\_

Juror # \_\_\_\_\_

HARRISON SUPERIOR COURT  
ADDITIONAL JUROR QUESTIONNAIRE REGARDING COVID-19

1. Are you an essential healthcare worker? Yes \_\_\_\_\_ No \_\_\_\_\_

2. If yes, where are you employed and in what capacity?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. Have you been exposed to COVID-19? Yes \_\_\_\_\_ No \_\_\_\_\_

4. If yes, approximate date of exposure: \_\_\_\_\_

5. Have you tested positive for COVID-19? Yes \_\_\_\_\_ No \_\_\_\_\_

6. If yes, approximate date of positive test: \_\_\_\_\_

7. Are you currently experiencing any symptoms of COVID-19 and been told to quarantine?  
Yes \_\_\_\_\_ No \_\_\_\_\_

8. If yes, on what date were you told to quarantine? \_\_\_\_\_

9. Are you an employee who has been laid off due to COVID-19 and have recently been returned to work?  
Yes \_\_\_\_\_ No \_\_\_\_\_

10. If yes, where are you employed, how long were you laid off and when did you return to work?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

11. Are you considered an individual in a vulnerable population due to age or health conditions?  
Yes \_\_\_\_\_ No \_\_\_\_\_

12. Any other concerns related to COVID-19 you have regarding your jury service?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I SWEAR OR AFFIRM UNDER THE PENALTIES OF PERJURY THAT THE ABOVE STATEMENTS, REPRESENTATIONS AND ANSWERS ARE TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

\_\_\_\_\_  
Signature of Juror

\_\_\_\_\_  
Date