

In the Indiana Supreme Court

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

Supreme Court Case No.
20S-CB-00110



Order

The courts of Lake County have petitioned this Court for emergency relief pursuant to Indiana Administrative Rule 17. The petition states in part that:

1. A state of emergency has been declared in Indiana and 19 other states concerning the 2019 novel coronavirus (COVID-19).
2. The Centers for Disease Control and Prevention (CDC) has determined that “social distancing” is necessary to prevent further spread of the virus; and to comply, Indiana University and Purdue University have cancelled all in-person classes for the remainder of the 2019–20 academic year.
3. Persons over age 60 are among those most susceptible to serious complications from the virus; and in a random sample of 533 recently summoned jurors in Lake County, 25% were over age 60.
4. Lake County lacks adequate hygiene stations or supplies for prospective jurors; and prospective jurors should not have to weigh compliance with a juror summons against an elevated risk of contracting the virus.

It appears from the petition that compliance with appropriate public-health practices will inhibit litigants’ and courts’ ability to comply with statutory deadlines and rules of procedure. The Court therefore finds that good cause exists for granting emergency relief.

Being duly advised, the Court GRANTS the petition, DECLARES pursuant to Indiana Administrative Rule 17 that an emergency exists in courts of Lake County, and APPROVES the plan as submitted. The Court accordingly ORDERS as follows to ensure the orderly and fair administration of justice during this emergency:

1. The Court authorizes the tolling, beginning March 16, 2020 and through May 4, 2020, of all laws, rules, and procedures setting time limits for speedy trials in criminal and juvenile proceedings, public health, and mental health matters; all judgments, support, and other orders; and in all other civil and criminal matters before the courts of Lake County. Further, no interest shall be due or charged during this tolled period.
2. This Court authorizes immediate suspension of all jury trials beginning March 13, 2020 through May 4, 2020. The courts of Lake County are directed to review **no later than April 17, 2020** whether continued suspension is necessary; and if it is not, to

resume jury trials **no later than May 4, 2020** to allow adequate notification of the jury pool. If the courts of Lake County believe continued suspension is necessary, they may petition this Court to extend the suspension.

3. Beginning March 16, 2020 and through April 17, 2020, the Juvenile Court of Lake County is authorized in its discretion to hear only JD and JC detention hearings and other hearings it deems essential and to require only essential staff to work. The Juvenile Court shall, however, maintain sufficient operations to process emergency matters.
4. Beginning March 16, 2020 and through April 17, 2020, the courts of Lake County are authorized, in their 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.
5. Beginning March 16, 2020 and through April 17, 2020, any attorney wishing to appear remotely for any status conference or non-evidentiary hearing in any of the courts of Lake County may do so without further leave of court upon filing a “Notice of Remote Appearance” in the court in which the matter will be heard. (Remote appearances may be coordinated through teleconference systems or through the CourtCall remote appearance system that may be reached at 1-888-88-COURT or <https://courtcall.com>.)
6. Beginning March 16, 2020 and through April 17, 2020, the courts of Lake County 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.
7. The courts of Lake County shall file a status update **no later than April 16, 2020** to inform this Court of whether there is an ongoing need for emergency relief.

Done at Indianapolis, Indiana, on 3/13/2020_____.



Loretta H. Rush
Chief Justice of Indiana