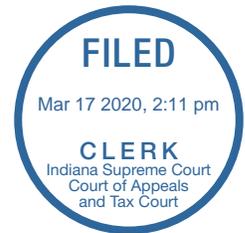


In the Indiana Supreme Court

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

The Courts of Harrison County *en banc* have petitioned this Court for emergency relief pursuant to Indiana Administrative Rule 17. The petition states that the Center for Disease Control has determined social distancing is a necessary strategy for preventing the spread of the 2019 novel coronavirus (“COVID-19”); the courthouses in Harrison County do not allow for adequate social distancing for the dozens of jurors required for the selection of a jury in civil and criminal cases; on March 6, 2020, Governor Holcomb signed an executive order declaring a state of emergency related to COVID 19; the Harrison County Health Department has recommended schools close for safety; all three public school corporations in Harrison County are closed through at least March 30. The petition states “[t]hat an emergency therefore exists as a result of a widespread disease outbreak requiring the closure of courts and inhibiting the ability of litigants and courts to comply with statutory deadlines and rules of procedure applicable in courts of this state.”

The Court 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 Harrison County, and APPROVES the plan as submitted. The Court further ORDERS as follows to ensure the orderly and fair administration of justice during this emergency, **effective March 16, 2020**.

1. The Court authorizes the tolling, from the effective date of this order **through May 4, 2020**, of 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; and in all other civil and criminal matters before the courts of Harrison County. Further, no interest shall be due or charged during this tolled period.
2. This Court authorizes immediate suspension of all criminal and civil jury trials, including those with a “fast and speedy” setting requested, through **May 4, 2020**. The courts of Harrison County are directed to review **no later than April 16, 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

Harrison County believe continued suspension is necessary, they may petition this Court to extend the suspension.

3. **Through April 17, 2020**, this Court authorizes the courts of Harrison County in all criminal cases to: (a) continue all pre-trial conferences and non-essential hearings; (b) hold pre-trial and discovery status hearings by counsel only; (c) allow attorney-only conferences whenever possible without the requirement of a motion; and (d) have defendants appear via teleconference or video conference from jail for any hearings, except contested sentencing hearings and jury trials.
4. **Through April 17, 2020**, this Court authorizes immediate suspension of all civil proceedings, except domestic violence protective orders, emergency juvenile (JC, JS, JD) proceedings, and other emergencies or matters deemed urgent in the courts' discretion.
5. **Through April 17, 2020**, the Juvenile Court is authorized in its discretion to hear only detention hearings and other juvenile hearings it deems essential.
6. **Through April 17, 2020**, the courts of Harrison 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.
7. **Through April 17, 2020**, any attorney wishing to appear remotely for any status conference or non-evidentiary hearing in any of the courts of Harrison 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.
8. **Through April 17, 2020**, the courts of Harrison 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.
9. The courts of Harrison 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 3/17/2020.



Loretta H. Rush
Chief Justice of Indiana