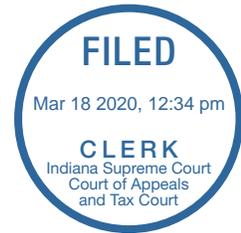


In the Indiana Supreme Court



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

Supreme Court Case No.
20S-CB-143

Order

The courts of Shelby County (hereinafter “courts”) *en banc* have petitioned this Court for emergency relief pursuant to Indiana Administrative Rule 17. The petition states that the World Health Organization has determined the outbreak of COVID-19 (“virus”) is a worldwide pandemic; national and Indiana states of emergency have been declared as a result; the Centers for Disease Control and Prevention (“CDC”) has determined that “social distancing” among other preventative measures is necessary for the prevention of further spreading the virus, including cancellation of in-person gatherings of fifty (50) people or more for the next eight (8) weeks and other drastic steps. The petition further states that due to a shortage of cleaning and sanitation products, the courts find that Shelby County does not possess adequate hygiene stations or sanitation supplies for the large volumes of people who regularly appear at the Shelby County courthouse.

The Honorable R. Kent Apsley has been appointed as the presiding Judge for this emergency.

It appears from the petition that this emergency inhibits 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 Shelby 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 17, 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 Shelby County. Further, no interest shall be due or charged during this tolled period.
2. **Through May 4, 2020**, this Court authorizes immediate suspension of all criminal and civil jury trials, including those with a “fast and speedy” setting requested, beginning March 13, 2020 through May 4, 2020. The courts 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 believe continued suspension is necessary, they may petition this Court to extend the suspension.

3. **Through May 4, 2020**, this Court authorizes the courts to continue all pre-trial conference and non-essential hearings, hold hearings by counsel only whenever possible, and allow counsel to appear remotely.
4. **Through May 4, 2020**, 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.
5. **Through May 4, 2020**, the courts, as directed by each court’s presiding judge, are authorized to reduce the number of court staff members working and/or to permit working remotely if feasible; provided, however, that the courts shall maintain sufficient operations to handle emergency matters.
6. **Through May 4, 2020**, the courts 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. The courts shall file a status update **no later than April 29, 2020** to inform this Court of whether there is an ongoing need for emergency relief.

Done at Indianapolis, Indiana, on 3/18/2020.



Loretta H. Rush
Chief Justice of Indiana