

In the Indiana Supreme Court

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

Supreme Court Case No.
20S-CB-154



Order

The courts of Cass County *en banc* have petitioned this Court for emergency relief pursuant to Indiana Administrative Rule 17. The petition states that:

1. On March 6, 2020, Governor Holcomb declared a public health emergency in Indiana in regard to the spread of the 2019 novel coronavirus (COVID-19).
2. On March 16, 2020, the Indiana Supreme Court directed Indiana Courts to implement emergency local plans to protect the health of court personnel, court users, and the public. These plans will rely heavily on technology and case continuances to accomplish enhanced social distancing.
3. That Cass County has closed all local schools, public gatherings have been cancelled, and the Governor has ordered all restaurants to close their dining room facilities.

It appears from the petition that this emergency inhibits litigants' and courts' ability to comply with statutory deadlines and rules of procedure. The Honorable Jim Muehlhausen has been appointed as the presiding Judge for this emergency.

The Court finds that good cause exists for granting emergency relief.

Being duly advised, the Court GRANTS IN PART the petition, DECLARES pursuant to Indiana Administrative Rule 17 that an emergency exists in Cass County, and APPROVES IN PART 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 April 30, 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 Cass County Courts. 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 **April 30, 2020**. The Cass County Courts 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 April 30, 2020** to allow adequate notification of the jury pool. If the Cass County

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

3. **Through April 30, 2020**, this Court authorizes suspension of new juror orientations, extension of existing jury panels, and or postponement of jury service to a later date for jurors who are ill, caring for someone who is ill, or in a high-risk category.
4. **Through April 30, 2020**, this Court authorizes continuing and or rescheduling non-essential hearings, excluding emergency matters, domestic violence hearings, and evidentiary hearings in criminal cases. The Cass County Courts will remain open to process emergency issues, protective orders, mental health, and other necessary criminal and juvenile hearings and other emergency matters.
5. **Through April 30, 2020**, this Court authorizes the use of telephonic or video technology in lieu of in-person appearance, unless a litigant's due process rights would be violated.
6. **Through April 30, 2020**, this Court authorizes the issuance of summonses in lieu of bench warrants or notices of failure to appear.
7. **Through April 30, 2020**, the Cass County 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.
8. **Through April 30, 2020**, the Cass County 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.
9. **Through April 30, 2020**, this Court authorizes signage to be posted at all public entry points to judicial facilities advising individuals not to enter the building if they have:
 - a. Visited China, Iran, South Korea, any European countries, or any other high-risk countries identified by the Centers for Disease Control and Prevention ("CDC") in the previous 14 days;
 - b. Resided with or been in close contact with someone who has been in any of those countries within the previous 14 days;
 - c. Traveled domestically within the United States where the virus has sustained widespread community transmission;
 - d. Been asked to self-quarantine by any doctor, hospital, or health agency;
 - e. Been diagnosed with or had contact with anyone who has been diagnosed with the virus, or
 - f. Has a fever, cough, or shortness of breath;and to direct bailiffs or court security officers to deny entrance to individuals attempting to enter in violation of these protocols.

10. The Cass County Courts 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 process emergency matters.

11. The Cass County Courts shall file a status update **no later than April 24, 2020** to inform this Court of whether there is an ongoing need for emergency relief.

Done at Indianapolis, Indiana, on 3/23/2020.



Loretta H. Rush
Chief Justice of Indiana