

In the Indiana Supreme Court



In the Matter of the Petition of the
Clay Circuit and Clay Superior Courts for
Administrative Rule 17 Emergency Relief.

Supreme Court Case No.
20S-CB-176

Trial Court Case No.
11C01-2003-CB-000173

Order

The Clay Circuit and Clay Superior Courts (“trial 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”) a worldwide pandemic and states of emergency have been declared in twenty states including the State of Indiana; that the Centers for Disease Control and Prevention (“CDC”) has determined that social distancing is a necessary strategy for the prevention of the further spread of the virus and urged the postponement of all events with ten or more attendees for the next 8 weeks; that the Clay County Jury Pool Administrator estimates thirty-five percent of jurors called in Clay County are 60 years of age or older putting them in the high risk category for the virus; that the trial courts have approximately 70 jury trials scheduled between March 23, 2020 and May 11, 2020; and that the trial courts have discussed this situation with members of the Clay County Bar Association.

It appears from the petition that this emergency will inhibit litigants’ and courts’ ability to comply with statutory deadlines and rules of procedure. The Honorable Joseph D. Trout 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 Clay 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 18, 2020**:

1. The Court authorizes the tolling, from the effective date of this order **through April 24, 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 trial 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 **May 4, 2020**. The trial courts may delay summoning of the second quarter jury pool until March 23,

2020. The trial 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 trial courts believe continued suspension is necessary, they may petition this Court to extend the suspension.

3. **Through April 24, 2020**, this Court authorizes immediate suspension of all civil proceedings to the extent consistent with the parties' constitutional rights, including bench trials and hearings that will not result in resolution of the case, except protective orders, emergency CHINS proceedings, JD and JC detention hearings, emergency custody and parenting-time motions, and other emergencies or matters deemed essential in the courts' discretion; and authorizes suspension of issuance of civil body attachments and Title IV-D attachments.
4. **Through April 24, 2020**, the trial 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; and to exclude from the courthouse or courtroom, with assistance of courthouse security, anyone experiencing symptoms of fever, cough, or shortness of breath, who has been in close contact with anyone positive or being evaluated for COVID-19, or who has recently visited areas subject to quarantine as a result of COVID-19.
5. **Through April 24, 2020**, any attorney and/or party wishing to appear remotely for any status conference or non-evidentiary hearing in the trial courts 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 at least 24 hours in advance of the scheduled hearing.
6. **Through April 24, 2020**, the trial 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.
7. **Through April 24, 2020**, the trial 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.
8. The trial courts shall file a status update **no later than April 17, 2020** to inform this Court of whether there is an ongoing need for emergency relief.

Done at Indianapolis, Indiana, on 3/19/2020.



Loretta H. Rush
Chief Justice of Indiana