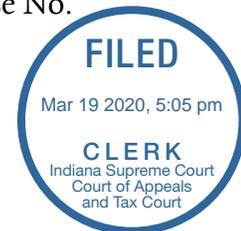


In the Indiana Supreme Court

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

Supreme Court Case No.
20S-CB-185



Order

The Courts of Whitley County *en banc* have petitioned this Court for emergency relief pursuant to Indiana Administrative Rule 17. The petition states that because of 2019 novel coronavirus (COVID-19), the World Health Organization has declared the virus a pandemic, a State and Whitley County emergency has been declared, and a confirmed case of the virus has been found in the neighboring county of Noble. It appears this emergency will inhibit litigants' and courts' ability to comply with statutory deadlines and rules of procedure. The Honorable Douglas Fahl has been appointed as the presiding Judge for this emergency.

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

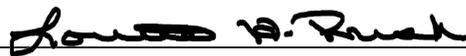
Being duly advised, the Court GRANTS IN PART the petition, DECLARES pursuant to Indiana Administrative Rule 17 that an emergency exists in Whitley County, and APPROVES IN PART the plan as submitted. The Court ORDERS as follows to ensure the orderly and fair administration of justice during this emergency, effective **March 18, 2020**:

1. The Court authorizes the tolling, from the effective date of this order **through 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 Whitley 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 and bench trials, including those with a "fast and speedy" setting requested, through **May 4, 2020**. The Courts of Whitley County are directed to review **no later than April 13, 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 Whitley County believe continued suspension is necessary, they may petition this Court to extend the suspension.
3. **Through May 4, 2020**, this Court authorizes the courts of Whitley 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, to the extent the parties' constitutional rights will not be violated.

4. **Through May 4, 2020**, the Court authorizes the courts of Whitley County to continue all non-essential civil hearings at the discretion of the judge and to hold attorney-only conferences whenever possible without the requirement of a motion. The courts of Whitley County are authorized to set or re-set non-adjudicatory, non-detention CHINS and juvenile delinquency proceedings outside the statutory timeframe, pursuant to Paragraph 1 above.
5. **Through May 4, 2020**, the courts of Whitley County are authorized to use telephonic or video technology in lieu of in-person appearances, unless a litigant's constitutional rights would be violated.
6. **Through May 4, 2020**, allow any attorney wishing to appear remotely (e.g., through teleconference systems, etc.) for any status conference, pretrial conference, or non-evidentiary hearing without further leave of court upon filing a "Notice of Remote Appearance" in the court in which the matter will be heard.
7. **Through May 4, 2020**, subject to applicable constitutional limitations, the courts of Whitley County are authorized 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 limit the size of the gathering consistent with public-health recommendations.
8. The Courts of Whitley County shall file a status update **no later than May 1, 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