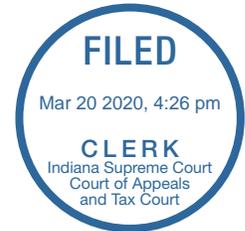


# In the Indiana Supreme Court

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

Supreme Court Case No.  
20S-CB-204



## Order

The Orange Circuit and Superior Courts (“the courts”) *en banc* have petitioned this Court for emergency relief pursuant to Indiana Administrative Rule 17. The petition states that on March 6, 2020, Indiana Governor Eric Holcomb signed an executive order declaring a public health emergency related to the 2019 novel coronavirus (COVID-19), that the Centers for Disease Control and Prevention (“CDC”) has determined that “social distancing” is necessary to prevent further spread of the virus, that area schools have closed, and that the courthouses in Orange 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.

It appears from the petition that this emergency will inhibit litigants’ and courts’ ability to comply with statutory deadlines and rules of procedure. The Court finds that good cause exists for granting emergency relief.

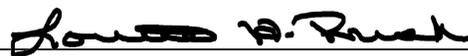
Being duly advised, the Court GRANTS IN PART the petition, DECLARES pursuant to Indiana Administrative Rule 17 that an emergency exists in Orange County, and APPROVES the plan as set out below. The Court further ORDERS as follows to ensure the orderly and fair administration of justice during this emergency, **effective March 19, 2020**.

1. The Court authorizes the tolling, from the effective date of this order **through May 1, 2020**, of all laws, rules, and procedures setting time limits for speedy trials in criminal and juvenile proceedings, public health, and mental health matters, and in all other civil and criminal matters before the courts. Further, no interest shall be due or charged during this tolled period.
2. The Court authorizes the immediate suspension of all civil and criminal jury trials **through May 4, 2020**. The courts shall 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**, the Court authorizes the courts in criminal cases, to the extent consistent with Constitutional rights, to: continue all pre-trial conferences and non-essential hearings (excluding emergency matters, domestic violence hearings, and

evidentiary hearings in criminal cases); hold pre-trial and discovery status hearing by counsel only; allow attorney-only conferences whenever possible without the requirement of a motion; and have defendants appear via teleconference or video conference from jail.

4. **Through May 4, 2020**, the Court authorizes the courts in all civil proceedings, to the extent consistent with Constitutional rights, to suspend all civil proceedings, except domestic violence protective orders, emergency juvenile (JC, JS, JD) proceedings, and those other civil matters as may be specifically authorized by the trial court judge; and that beginning March 20, 2020 through May 1, 2020, the Juvenile Court be authorized in its discretion to hear only detention hearings and other juvenile hearings it deems essential.
5. **Through May 4, 2020**, the Court authorizes that beginning March 20, 2020 and through May 1, 2020, the courts may, in their discretion and subject to applicable Constitutional limitations, 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.
6. **Through May 4, 2020**, the Court authorizes the courts to consider (a) the existence of 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 the virus, to constitute “good cause” to either continue a court setting or, to the extent possible without violating statutory or Constitutional rights, appear remotely.
7. The 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 3/20/2020.



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Loretta H. Rush  
Chief Justice of Indiana