

In the Indiana Supreme Court

In the Matter of the Petition of the
Scherverville Town Court
Administrative Rule 17 Emergency Relief.

Supreme Court Case No.
20S-CB-211



Order

The Scherverville Town Court (“town court”) has petitioned this Court for emergency relief pursuant to Indiana Administrative Rule 17. The petition states that the President of the United States of America, the Governor of the State of Indiana, and Lake County have declared an emergency due to the 2019 novel coronavirus (COVID-19), which the World Health Organization has declared a pandemic.

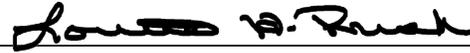
It appears from the petition that this emergency will inhibit litigants’ and courts’ ability to comply with statutory deadlines and rules of procedure. The Court finds that good cause exists for granting emergency relief.

Being duly advised, the Court GRANTS the petition, DECLARES pursuant to Indiana Administrative Rule 17 that an emergency exists in the Scherverville Town Court, and APPROVES the plan as submitted. The Court ORDERS as follows to ensure the orderly and fair administration of justice during this emergency, effective **March 20, 2020**:

1. The Court authorizes the tolling, from March 20, 2020 and **through May 4, 2020**, of all laws, rules, and procedures setting time limits for speedy trials in criminal proceedings; all judgments, support, and other orders; and in all other civil and criminal matters before the town court.
2. The Court authorizes suspending and/or rescheduling criminal jury trials from March 18, 2020 and through May 4, 2020 (subject in criminal cases to the Constitutional right to speedy trial and Constitutional protection against double jeopardy). The town court is 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 town court believes continued suspension is necessary, it may petition this Court to extend the suspension.
3. **Through May 4, 2020**, the town court may suspend new juror orientations, extend existing jury panels, and/or postpone 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 May 4, 2020**, the town court may continue and/or reschedule non-essential hearings (excluding emergency matters, domestic violence hearings, and evidentiary hearings in criminal cases).

5. **Through May 4, 2020**, the town court may use telephonic or video technology in lieu of in-person appearances, unless a litigant's due process rights would be violated.
6. **Through May 4, 2020**, the town court may issue summonses in lieu of bench warrants, writs of attachment, notices of failure to appear, or notices of failure to pay.
7. **Through May 4, 2020**, the town court may consider (a) the existence of flu or flu-like symptoms in any attorney, self-represented litigant, or witness expected to testify; (b) exposure of such individuals to anyone who has or may have the virus; or (c) status of such individuals in a high-risk category; to constitute "good cause" to either appear remotely or continue a court setting, to the extent possible without violating statutory or Constitutional rights.
8. **Through May 4, 2020**, any attorney wishing to appear remotely (e.g., through teleconference systems, etc.) for any status conference or non-evidentiary hearing 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.
9. **Through May 4, 2020**, the town court may, 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.
10. **Through May 4, 2020**, the town court clerk may make drop-boxes available for conventionally filed documents and receipt of payments, with the town court maintaining sufficient operations to process emergency matters, mail received, and receipt of payments for fines and judgments.
11. **Through May 4, 2020**, the town court shall allow individuals with legitimate court business to stay home and request a continuance by phone call to the court clerk if they are ill, caring for someone who is ill, or in a high-risk category.
12. **Through May 4, 2020**, the town court may post signage 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 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 have had contact with anyone who has been diagnosed with the virus; or
 - f. A fever, cough or shortness of breath;and direct bailiffs or court security officers to deny entrance to individuals attempting to enter in violation of these protocols.

13. The town court shall file a status update **no later than April 27, 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