

In the
Indiana Supreme Court



In the Matter of the Petition of the
Lake Station City Court for
Administrative Rule 17 Emergency Relief.

Supreme Court Case No.
20S-CB-247

Order

The Lake Station City Court has petitioned this Court for emergency relief pursuant to Indiana Administrative Rule 17. The petition states that that federal and state governing authorities have declared a public health emergency due to the 2019 novel coronavirus (COVID-19) and local officials have implemented a city-wide access plan, suspending all public non-emergency access to public facilities. It appears from the petition that this emergency inhibits 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 the city of Lake Station, 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 **April 3, 2020**:

1. The Court authorizes the tolling, from the effective date of this order **through May 4, 2020**, or the expiration of the public emergency as declared by the Governor, whichever is later, 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 Lake Station City Court. 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 Lake Station City Court is directed to review the need for ongoing suspension at an early enough date that, if continued suspension is not necessary, will allow adequate notification of the jury pool to resume jury trials no later than **May 4, 2020**, or no later than three weeks after the expiration of the public emergency as declared by the Governor, whichever is later. If the Lake Station City Court believes continued suspension is necessary, they may petition this Court to extend the suspension.
3. **Through May 4, 2020**, or the expiration of the public emergency as declared by the Governor, whichever is later, the Lake Station City Court is authorized to continue or reschedule all non-essential hearings, except emergency matters or matters deemed "urgent" in the courts' discretion.

4. **Through May 4, 2020**, or the expiration of the public emergency as declared by the Governor, whichever is later, the Lake Station City Court is authorized to 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 to the extent possible without violating a litigant's constitutional rights.
5. **Through May 4, 2020**, or the expiration of the public emergency as declared by the Governor, whichever is later, the Lake Station City Court is authorized to utilize video or telephonic conferencing in lieu of in-person appearances, unless a litigant's due process rights would be violated.
6. **Through May 4, 2020**, or the expiration of the public emergency as declared by the Governor, whichever is later, the Lake Station City Court is authorized to 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**, or the expiration of the public emergency as declared by the Governor, whichever is later, the Lake Station City Court is authorized, in its 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 limit the size of the gathering consistent with public-health recommendations.
8. **Through May 4, 2020**, or the expiration of the public emergency as declared by the Governor, whichever is later, any attorney wishing to appear remotely for any status conference or non-evidentiary hearing in the Lake Station City Court 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**, or the expiration of the public emergency as declared by the Governor, whichever is later, the Lake Station City Court 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.
10. **Through May 4, 2020**, or the expiration of the public emergency as declared by the Governor, whichever is later, the Lake Station City Court is authorized to 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 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. However, Lake Station City Court must permit individuals with legitimate court business to stay home and request a continuance by telephone to the respective court if they are ill, caring for someone who is ill, or in a high-risk category.

- 11. **Through May 4, 2020**, or the expiration of the public emergency as declared by the Governor, whichever is later, the Lake Station City Court Clerk is authorized to make a drop box available instead of in-person receipt of conventionally filed documents and payments, in addition to receiving documents and payments electronically or by mail. The court shall maintain sufficient operations to process emergency matters, mail received, and receipt of payments for fines and judgments.
- 12. The Lake Station City Court may petition this Court **no later than April 27, 2020** to extend the suspension. Such petition should include all relevant factors that make an extension necessary.

Done at Indianapolis, Indiana, on 4/7/2020.



Loretta H. Rush
Chief Justice of Indiana