

In the Indiana Supreme Court



In the Matter of Administrative Rule 17
Emergency Relief for Indiana Trial Courts
Relating to the 2019 Novel Coronavirus
(COVID-19).

Supreme Court Case No.
20S-CB-123

Emergency Order Permitting Expanded Remote Proceedings

Indiana's ongoing emergency relating to the 2019 novel coronavirus (COVID-19), first declared by Executive Order on March 6, 2020, continues to affect public health practices, and it has required restriction of judicial operations. Pursuant to Indiana Administrative Rule 17 and this Court's inherent authority to supervise the administration of all courts of this state, the Court finds that the trial courts' efficient and effective operation to hold timely hearings and dispose of cases requires broader authority to conduct court business remotely.

Being duly advised, the Court ORDERS that Indiana Administrative Rule 14 is modified as follows, **effective until further order of the Court:**

1. The court may use audiovisual communication to conduct proceedings whenever possible to ensure all matters proceed expeditiously and fairly under the circumstances. This includes all proceedings in felony cases, including (1) guilty pleas; (2) sentencings where the defendant waives the right to be present in court; and (3) any other proceeding with witness testimony where the defendant waives the right of confrontation.
2. Any party not in agreement to the manner of the remote proceeding must object at the outset of the proceeding, on the record, and the court must make findings of good cause to conduct the remote proceeding.
3. The court may use telephonic communication for the proceeding for a party or witness if the court finds audiovisual communication is not possible, practical, or safe for a victim, and no party will be prejudiced.
4. All proceedings must be consistent with a party's Constitutional rights.
5. When jury trials can resume by order of this Court, parties may agree to use audiovisual communications, consistent with this Order, to select a jury. In civil jury trials, the parties may also agree to conduct the entire trial using remote audiovisual communications.
6. Courts may allow a witness to testify remotely except in criminal proceedings involving the right of confrontation or the right to be present, absent personal waiver.
7. The court must create a procedure for creating a recording, at every stage of the proceeding, sufficient to enable a transcript to be produced for the Record on Appeal.

8. The court must create a procedure that allows confidential communication between a party and the party's counsel.
9. For any hearing or proceeding in which interpreter services are required, the court shall assure such services are provided.
10. The provision in this Court's April 22, 2020 order authorizing the courts to live stream court proceedings (except hearings that are confidential by law) on a public platform, including but not limited to YouTube or any other publicly accessible manner, to accommodate the public's access to court proceedings shall remain in place for the duration of this order. Such a live-stream shall be viewable only during the proceeding and shall not be made available for later playback; and no confidential proceedings shall be broadcast on any public platform.
11. Courtroom decorum is still required in remote proceedings. See the [Supreme Court's website](#) for suggestions on dress, background, and behavior which may be shared with attorneys, parties, and witnesses along with additional instructions from the court.
12. This order is subject to modification.

Done at Indianapolis, Indiana, on 5/13/2020.



Loretta H. Rush
Chief Justice of Indiana