

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



Order

On March 6, 2020, Governor Holcomb declared a public health emergency in Indiana relating to the 2019 novel coronavirus (COVID-19); on March 13, President Trump declared a national emergency relating to the virus; and on March 23, April 6, and April 20, Governor Holcomb issued Executive Orders directing Hoosiers to remain in their homes except when at work or for permitted activities, such as taking care of others, obtaining necessary supplies, and for health and safety.

On March 16, this Court ordered trial courts statewide to implement continuity-of-operations plans and to seek appropriate emergency relief pursuant to Administrative Rule 17. Trial courts statewide petitioned for, and were granted, emergency relief; and on April 6, this Court found the public health emergency to be ongoing and extended trial courts' emergency relief through at least May 4. **Because the public health emergency is ongoing, the Court, sua sponte, hereby further extends all Administrative Rule 17 relief previously granted under the case numbers listed in Exhibit A attached to this order and incorporated by reference.**

The Court also finds that although the public health emergency is continuing, it is prudent for courts to begin developing plans for gradually expanding operations as conditions permit. The date set by this extension order may not be the final extension date. The exact date on which courts will be authorized to begin this transition will be conditions-driven and follow recommendations of the Executive Branch, including the Indiana State Department of Health, as well as the Court's own review. **Should conditions not improve or worsen, this date may continue to be extended.** The critical question to begin addressing now is how to transition—not when.

To aid in this effort, the Court has convened a task force, chaired by the President of the Indiana Judges' Association, Judge Vicki Carmichael, Clark Circuit Court #4, and including judicial officers from across the state and staff from the Office of Judicial Administration. The task force will develop guiding principles on how to safely and responsibly expand operations in Indiana's courts. That task force will also invite input from state-level justice system partners like the Indiana State Bar Association, prosecutors, public defenders, sheriffs, and others. Further,

input from trial court judges is welcome. The Chief Justice of Indiana and the Chief Administrative Officer of the Indiana Supreme Court are also working regionally with their counterparts in surrounding states, receiving national best practices from the National Center for State Courts, and providing input to the task force. **Guidance from that group will be forthcoming.**

Being duly advised, the Court accordingly ORDERS as follows:

1. **The effective date of all orders granting emergency relief to trial courts under Administrative Rule 17 is extended through May 17, 2020, including but not limited to:**

- tolling of time limits,
- authority to continue jury trials,
- authority to review county-jail and direct placement community correction sentences of non-violent inmates and juveniles, and
- prohibition on issuing new writs of attachment, civil bench warrants, or body attachments, and staying any such writs or warrants not yet served.

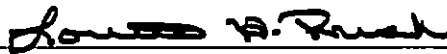
Absent further order from this Court, trial courts should plan to begin expanding operations beginning on May 18, 2020.

2. **All deadlines for trial courts to resume jury trials or submit status reports under previous Administrative Rule 17 orders for trial courts are vacated.** Instead, courts shall:
 - Coordinate with county emergency and public health authorities to ensure local health conditions and facility readiness are appropriate for gradually expanding judicial proceedings.
 - Convene a group of local justice system partners, including without limitation the county clerk, sheriff, private practitioners, prosecutor, child services, and criminal defense counsel, to collaborate on a safe and responsible approach to expanding operations.
 - **Not resume jury trials until at least June 1, 2020, without prior approval from this Court.** Courts seeking approval to hold a jury trial before that date must petition this Court showing that (a) the matter is uniquely essential and warrants an earlier jury trial setting; (b) local health authorities are aware of the proposed trial setting; (c) local health conditions are appropriate to hold a jury trial; (d) the parties have consented in writing to holding an earlier jury trial; and (e) the jury trial will be held in compliance with all health and safety precautions directed by those local health authorities.
 - Develop transition plans for expanded operations and submit those plans for this Court's approval **no later than May 15, 2020.** The Court will issue specific guidance by future order, but courts' plans should generally include proposed timelines for resuming normal staffing and loosening restrictions on spectators in courtrooms, plans for continuing or expanding remote hearings, and processes to determine whether conditions permit courts to start resuming jury trials.

Public health considerations will largely determine these timelines; and, therefore, trial courts will be afforded all reasonable flexibility in decisions to maintain limitations on operations, in-person access to proceedings, and the ability to resume jury trials.

3. In all other respects except as set forth above, existing orders granting emergency relief under Administrative Rule 17 remain in full force and effect.
4. In light of the extension granted by this order, any individual petitions to extend emergency relief beyond May 4 are, to the extent not addressed by this order, denied as moot.

Done at Indianapolis, Indiana, on 4/24/2020 on behalf of the Indiana Supreme Court.



Loretta H. Rush
Chief Justice of Indiana