



INFORMATION REGARDING THE ALLEN SUPERIOR COURT CIVIL DIVISION RESUMING IN-PERSON TRIALS IN THE COVID ERA

August 24, 2020

IN GENERAL

Generally, the Civil Division of the Allen Superior Court has been conducting all evidentiary proceedings remotely since the COVID pandemic imposed restrictions on social interactions. The Civil Division will begin resuming in-person trials in September, 2020. In light of the COVID pandemic, related social distancing requirements, and the Court's concern with the health and safety of all involved, the Judges of the Civil Division of the Allen Superior Court issue this report.

All persons must wear a face covering or mask in the public areas of the courthouse, including the lobby, elevators, restrooms, and public corridors. Masks will be required in chambers when insufficient distancing can be maintained. Masks must be worn in the Courtroom, unless, while in the Courtroom, an exception is requested and granted by the presiding judge. Masks are provided at the Courthouse entrance to persons who fail to bring one. The main hallways have signage reminding people of the social distancing requirements.

The Court will generally continue to conduct pre-trial hearings remotely, by telephonic or video conference technology. Orders are issued in each individual case concerning whether the proceedings are to be conducted telephonically, by video conference, or in-person. Each Judge has discretion to order the proceedings to be conducted as that Judge concludes is best for each case. The Court will consider specific requests regarding whether in-person or remote proceedings are preferred by counsel, upon the timely filing of such a motion.

In light of the COVID concerns, there is insufficient space within the Allen County Courthouse to conduct all of the civil and criminal trials that would usually take place in any given week. Therefore, the Court has arranged to conduct trials at locations other than the Allen County Courthouse, where social distancing of jurors, counsel, parties,

and witnesses may be observed. In the past, courtroom assignments have not been made until the day before trial. This may change if the Court utilizes rooms outside of the Courthouse to conduct a trial.

Counsel are encouraged to alert the Court to any concerns related to health issues regarding themselves, their clients, witnesses, etc. Counsel need not disclose the precise nature of any medical condition. These concerns, and other related logistic issues pertaining to the trial should be raised and addressed during the Final Pre-Trial Conference. The Court's expectations regarding matters such as submission of exhibits to the jury, and the wearing of masks by all involved in the trial should be discussed at the Final Pre-Trial Conference. Counsel may also file a Motion for Status Conference any time in advance of the Final Pre-Trial Conference to discuss such matters. Specific issues related to how the trial will proceed may depend upon which courtroom is to be utilized for the trial.

At <https://allensuperiorcourt.us/> the Court has posted a video to demonstrate the efforts being taken to address juror safety and health. Masks and hand sanitizer will be provided to prospective jurors.

For the health, safety, and well-being of jurors, generous deferrals of jury service are presently being granted. By Indiana law, prospective jurors who are 75 years of age are exempt from jury service, but may serve if they desire. Due to COVID related health concerns, prospective jurors age 70-75 will be excused upon request, and prospective jurors age 60-69 will be deferred upon request. Prospective jurors who have medical issues or caretaking responsibilities will also be deferred upon request.

The jury reporting area in the Allen County Courthouse normally provides for seating of over 100 prospective jurors. That capacity has now been significantly reduced. The now- reduced seating in the reporting areas has been marked accordingly. Reporting times for prospective jurors will be sequenced, and voir dire will be conducted in waves. Voir dire might be conducted on Fridays, with the selected jurors being directed to report the following Monday for the commencement of the remaining portions of the trial. This will be addressed at the Final Pre-Trial Conference.

IN THE COURTROOM

Court staff will be ensuring that high touch areas are cleaned and disinfected routinely. Additional maintenance personnel have been secured to assist with cleaning and disinfecting.

Different accommodations may be made for each courtroom. Each courtroom is marked with blue tape indicating where people may sit, and with yellow caution tape where seating is not allowed. Courtroom 1 has 100 seats in the public gallery area; however, after accounting for social distancing, only 20 seats are available (marked with blue tape.) Courtroom 2 has 80 seats; however, only 16 are now available. After accommodating for social distancing, Courtrooms 107 has only limited seating available. Seating for prospective jurors may be added into the wells of the Courtrooms (in front of the bar.)

Prospective and selected jurors will be seated at least six feet apart. Prospective jurors will be directed to a designated seat and voir dire will be conducted. Prospective jurors might be seated in the gallery of the courtroom, rather than in the jury box, to ensure social distancing. The jury box might not be used for juror seating. Counsel tables in the Courtroom might be moved to face differently than had been the norm. The jury box might now be utilized as the witness stand. Counsel will be responsible for explaining these procedures to their clients and witnesses in advance of trial.

Counsel may remain seated at counsel table to address the jury, the Court, or witnesses. Counsel are required to wear a mask whenever moving about the courtroom. Counsel must maintain social distancing with witnesses and jurors. Counsel may ask the Court's permission to remove masks when seated at counsel table or when at the podium addressing the jury, the Court, or witnesses. Witnesses are required to wear a mask or face covering when walking to and from the witness stand, but a witness is permitted to remove the mask when testifying. At all bench conferences conducted during the trial, counsel must wear masks.

If a podium is used, it will be cleaned by counsel and / or Court staff when a witness is passed from one counsel to another. The witness stand and microphone are also cleaned between witnesses.

Any paper exhibits may be displayed on the presentation system. If exhibits need to be passed to the jury, gloves must be provided to counsel, the jurors, and the witness. This and providing disinfected exhibit books to the jury should be addressed at the Final Pre-Trial Conference.

As the jury might now be seated in the public gallery area, access to the Courtroom for spectators might need to be limited to some degree. Spectators and members of the media will be required to wear masks, and they must be seated at least 6 feet apart. Spectators and media representatives will be required to seat themselves away from jurors.

JUROR BREAKS AND DELIBERATIONS

For the comfort and safety of the jurors, the jury will be kept together at all breaks. The Court will provide food to jurors for each lunch break and during deliberations.

As the jury deliberation rooms are not large enough to provide proper social distancing, the jury might be required to remain in the courtroom for breaks and deliberation. In such circumstances, all persons other than the jury will be directed to leave the courtroom and to take all personal property with them. Bailiffs will secure the doors to the courtrooms and will station themselves in an appropriate area so the jury may have access to them as necessary. Counsel may inquire if rooms outside of the courtroom could be made available for counsel, their client, and their witnesses.

Allen Superior Court, Civil Division

Hon. David J. Avery

Hon. Craig J. Bobay

Hon. Jennifer L. DeGroot

Hon. Andrew S. Williams