



THE ALLEN SUPERIOR COURT CIVIL DIVISION PROCESS UPDATE

June 1, 2021

GENERALLY:

The Civil Division of the Allen Superior Court conducted most evidentiary proceedings, and nearly all other hearings remotely during the period when the COVID pandemic imposed mask requirements and other restrictions on social interactions. The Civil Division began resuming in-person trials in April, 2021. In light of the easing of some restrictions related to the COVID pandemic, the Judges of the Civil Division of the Allen Superior Court issue this report.

The Court will now conduct case management conferences, status conferences, and other pre-trial hearings both in-person and remotely, by telephonic or video conference technology. Orders are issued in each individual case concerning whether the proceedings are to be conducted in-person, telephonically, or by video conference. Each Judge and Magistrate has discretion to order the proceedings to be conducted as that Judge / Magistrate concludes is best for each case, including requiring masks to be worn.

Counsel are encouraged to bring to the attention of the Court 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 relating to the trial/hearing should be raised and addressed during the Final Pre-Trial Conference. Counsel may also file a Motion for Status Conference any time in advance of any 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.

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

The jury reporting area in the Allen County Courthouse 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 may 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 CHAMBERS:

The Court will generally resume conducting some proceedings in chambers, in person. The Judge may permit counsel to not wear masks while participating in these proceedings, if counsel is vaccinated. If an in-person proceeding involves counsel who is not vaccinated, the Judge will likely conduct the proceeding in a courtroom. Again, each Judge has discretion to order the proceedings to be conducted as that Judge concludes is best.

IN THE COURTROOMS:

Different accommodations may be made for each courtroom. Each courtroom is marked with 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 Courtroom 107 has very few seats available. Seating for prospective jurors may be added into the wells of the Courtrooms (in front of the bar.) High touch areas are cleaned and disinfected routinely.

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.

Counsel may remain seated at counsel table to address the Court, the jury, or witnesses. Counsel must generally adhere to social distancing requirements, unless permission otherwise is granted by the Judge.

Any paper exhibits may be displayed on the presentation system. If exhibits need to be passed to the jury, Court staff will generally handle those exhibits.

As the jury might now be seated in the audience, access to the Courtroom during voir dire for spectators might need to be limited to some degree. No such limitations will apply to the media, but spectators and media representatives will be asked to seat themselves away from jurors.

At all bench conferences conducted during the trial, counsel may be required to wear masks.

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 deliberations rooms might not be large enough to provide social distancing, the jury might be required to remain both in the courtroom for breaks and to deliberate. 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 the appropriate so the jury may have access to them as necessary.

HALLWAY HEARINGS AND CONTEMPT/SHOW CASE:

The hallway hearing calendar on civil cases continues to be conducted telephonically, at the attorneys' offices. Should counsel want to pursue a Contempt/Rule to Show Cause, the attorney may file a Motion requesting the hearing be held in person on the Court's calendar.

SMALL CLAIMS:

With the exception of eviction proceedings, the claims calendar continues to be conducted telephonically, at the attorneys' offices. All other trials and hearings are being conducted in-person, in the courtrooms of the Courthouse Annex. All eviction claims calendar hearings are being scheduled and held on Mondays and Wednesdays in the Courthouse Annex. All parties and counsel are observing social distancing.