

**ST. JOSEPH COUNTY COURTS ACTION PLAN
CONCERNING COVID-19 (CORONA VIRUS)
MARCH 13, 2020**

The Judges of the St. Joseph Circuit Court, St. Joseph Superior Court, and St. Joseph Probate Court (collectively the “SJC Courts”) are acutely aware of the challenges presented by the outbreak of COVID-19 (the “Corona Virus”). The outbreak requires that the SJC Courts take extraordinary measures in order to continue to provide access to justice in St. Joseph County consistent with the health and wellness needs of our community.

The SJC Courts expect the outbreak of the Corona Virus will require such extraordinary measures for at least several weeks. The duration of such measures is referred to herein as the “Response Period.” During the Response Period, the SJC Courts will take the following actions:

1. The judicial officers of the SJC Courts will work with the St. Joseph County Sheriff in addressing the wellness needs of the St. Joseph County Jail population. If it becomes necessary to do so, the judicial officers will assess sentences being served at the Jail, as well as pre-trial release decisions, in order to try to strike a proper balance between community safety and community wellness. Similarly, the judicial officers of the St. Joseph Probate Court will assess the population of the Juvenile Justice Center to make sure that safety and wellness needs of the community are properly met.

2. Court proceedings will continue to be conducted to the extent doing so is prudent. Every effort will be made to ensure that access to justice will remain available in St. Joseph County. Requests for continuances of trials and hearings will be considered in light of the outbreak, and personal and community wellness needs will be carefully considered. Attendance at hearings by telephone and video conferencing, including but not limited to all hearings involving defendants

in criminal cases, will be encouraged whenever possible and when consistent with the rights of the parties and the interests of justice. Attorneys will be allowed to participate in pre-trial conferences by telephone without filing a motion. The SJC Courts will take reasonable steps to limit the number of people attending hearings and trials to those who are essential to the proceedings being conducted, subject to the requirements of all applicable rules.

3. All civil jury trials will be postponed during the Response Period. Criminal jury trials will be postponed during the Response Period, provided that such postponements are consistent with the rights of the parties and the interests of justice. The SJC Courts hereby declare an emergency for purposes of Criminal Rule 4 through April 20, 2020, subject to extension by the SJC Courts.

4. Efforts will be made to address the wellness needs of jurors and prospective jurors, as well as other persons involved in legal proceedings in St. Joseph County. Special consideration will be given to excusing prospective jurors from service if the health and well-being of such jurors likely would be adversely affected by jury service.

5. The SJC Courts and their staffs will work with St. Joseph County maintenance personnel so that all appropriate steps are taken to see that St. Joseph County Court facilities are in an appropriately safe and sanitary condition.

6. The SJC Courts will support and encourage compliance with mandatory preventative measures like quarantines and isolations, protect potentially vulnerable staff, and be prepared for situations such as school closings that could impact court staff.

A. Employees under official quarantine/isolation orders are authorized to work from home without further approval needed.

B. For employees tangentially affected by COVID-19 by actions such as school closures—or who might be vulnerable demographics or have underlying health

conditions, etc.—who cannot or do not wish to be in the office, the presumption is that they will use benefit time to cover their absence from the office. But judicial officers will have the discretion to authorize and require those employees to work from home, considering the following non-exclusive set of guidelines:

- Age and capacity of children affected by school or childcare closures;
- Availability of additional spouse/family support;
- Underlying medical conditions or vulnerabilities;
- Evidence of symptoms;
- Nature of the employee’s job and ability to be performed remotely; and
- Availability of resources to support remote work by the employee.

C. Employees are not required to work from home—they may still use benefit time if available and desired. Where necessary to the essential function of the SJC Courts, however, judicial officers are authorized to require employees to work remotely.

7. The Judges of SJC Courts will remain in regular communication throughout the outbreak with the St. Joseph County Clerk, the St. Joseph County Board of Commissioners, the St. Joseph County Board of Health, the St. Joseph County Bar Association, the St. Joseph County Prosecutor, the St. Joseph County Chief Public Defender, and the St. Joseph County Sheriff. The cooperation and coordination with all such officials and agencies will remain a high priority during the Response Period.

DONE at South Bend, Indiana this 13th day of March, 2020.

 /s/ Elizabeth C. Hurley
Hon. Elizabeth C. Hurley, Chief Judge
St. Joseph Superior Court

 /s/ John E. Broden
Hon. John E. Broden, Judge
St. Joseph Circuit Court

 /s/ Jason A. Cichowicz
Hon. Jason A. Cichowicz, Judge
St. Joseph Probate Court