

## **JASPER COUNTY COURTS COVID-19 PROCEDURES UPDATE**

**To:** Practicing Counsel in the Jasper County Courts  
**From:** Judges Russell D. Bailey and John D. Potter  
**Date:** May 7, 2020

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The Jasper County Commissioners decided on May 4, 2020 after consultation with health officials, to keep all County Government offices and buildings closed through June 1, 2020. We intend to respect and honor that decision. Additionally, the Indiana Supreme Court has ordered that all Courts remain closed until May 17, 2020. Per the Supreme Court Order, we have to submit a plan to reopen the Courts with COVID-19 protections including social distancing in place. Judge Bailey and I will work on that plan and submit it next week.

For the month of May, this means that we are still proceeding under COVID-19 restrictions as before and the Court is hearing limited emergency matters involving domestic violence, criminal initial hearings, juvenile initial and other required hearings and any other emergency. As was set out in the prior letter to you, if you have a case that has a *bona fide* emergency and needs to be heard, plead the emergency in a verified petition detailing to the Court what the nature of the emergency is and why it needs to be heard. As set out in the letter before, if you reach agreements in criminal cases and need to submit a plea and have a hearing contact the Court.

When we return to open business, hopefully, in June, the in-court practice of law will be very different. In order to maintain social distancing and follow CDC and Ind. Dept. of Health guidelines, large cattle-call dockets will be eliminated. We will only be able to have a limited amount of people (less than 20 including attorneys) in the Courtroom at one time. The lobby capacity will be limited as well. This means that in criminal and juvenile cases, the hearings will be spread out over more time with fewer people present per hour. These dockets will likely take twice as much in-court time. We have no idea how small claims will even be possible with restriction without reserving at least one whole day for cases per week if not more.

Court time will be at an extreme premium in the coming months. Many more cases may be ordered to mediation, settlement conferences, etc. Right now, we envision a jury trial taking up both Courtrooms—one for the trial and one for the Jury because the jury rooms are too small to safely place all jurors and panel members into the little jury room in either court. Resolving cases will be the best way you can serve your clients in the immediate future whether that case in criminal, civil, family law or any other type of case.

Both of us have concerns about the slowing down of criminal and other cases. When the Court return to open business under the new normal, Court time will have to be used for Court—not to negotiate family law cases, criminal cases, etc. Additionally, criminal cases will have to

be processed in shorter time frames. Repeated appearances in Court with requests for resets of thirty more days to negotiate will not be favored by either Court.


Right now would be a great time to resolve many of your criminal cases. Because of COVID-19 pandemic, we are operating under different, looser restrictions regarding how we handle criminal cases. Both Courts, by necessity, will have to accept plea agreements and resolutions that would not have been accepted or even considered just four months ago. Because of the COVID-19 pandemic, all parties have additional freedom to figure out creative ways to resolve cases.

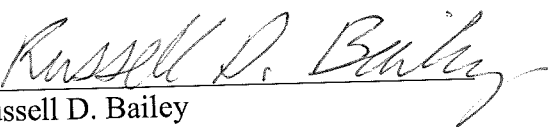
The DOC facility at Westville is purported to have a large COVID-19 outbreak and problem. Prison sentences for cases such as Operating HTV no longer seem so reasonable or normal given that there is a risk of death involved from the disease. Community Corrections will re-open with limited bed space and we will have to use electronic monitoring more frequently. Reopening will not change these circumstances. Until there is a universal vaccine, it is likely that will be operating in this manner for many months to come.

Please use this time productively. Waiting for the Courts to reopen to start addressing cases and clients will be a logistical disaster that will frustrate the Court, you and your clients. We appreciate some of you who have been most helpful and cooperative in managing your cases and filing continuances so the docket can be cleared.

Finally, cases set in May are all likely to be continued and vacated. Any motions you file would be appreciated. Please put in language that because of the closure of the Courthouse to the public because of COVID-19 the continuance is necessary or requested by the Court. Repeated calls to the Court asking about this hearing or that hearing are not helpful and have been a hindrance to Court staff getting any necessary work done these past few weeks. Both Courts have provided a method by verified pleading for you to get matters heard that need to be heard.

Thank you for your understanding during this unprecedented time. We look forward to appreciating your cooperation in the future and to your actions to help reduce caseloads and pending cases when the Courts reopen. Please contact Judge Bailey or Judge Potter with an specific questions regarding these procedures. Thank you all.

  
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John D. Potter  
Judge, Jasper Circuit Court

  
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Russell D. Bailey  
Judge, Jasper Superior Court