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In the
Indiana Supreme Court

Cause No. 22S-MS-1



Interim Administrative Rule 14 for Remote Proceedings

On May 13, 2020, this Court issued an [Emergency Order Permitting Expanded Remote Proceedings](#). That order modified the existing Indiana Administrative Rule 14 and created a framework for trial courts to hold hearings and dispose of cases remotely as a response to public health practices necessitated by the COVID-19 pandemic.

Over two years later, the same COVID-19 emergency conditions that necessitated the Emergency Order no longer remain. But remote proceedings—in appropriate cases and under appropriate circumstances—provide an efficient and effective means of accessing the court system for litigants and lawyers.

Being duly advised by the Committee on Rules of Practice and Procedure, the Court therefore **RESCINDS** its May 13, 2020, Emergency Order, effective January 1, 2023. All proceedings occurring on or after January 1, 2023, shall be subject to the following Interim Administrative Rule 14. The Court will review use of this interim rule and feedback from the public, bench, and Bar prior to issuing a new rule.

Interim Administrative Rule 14. Remote Proceedings

A. Definitions

1. A “remote proceeding” is any proceeding, including without limitation entire proceedings or parts of it, using telephone or videoconferencing capabilities to allow case participants to appear virtually.
2. A “case participant” includes the judge presiding over the case, court staff, parties, lawyers, guardians ad litem, witnesses, experts, interpreters, and any other persons the judge determines are directly related to the case.
3. A “testimonial proceeding” is a proceeding in which the judge receives sworn oral testimony.

B. Authority in Non-Testimonial Proceedings. In all non-testimonial hearings or conferences, a court may, upon request or on its own order, conduct the hearing or conference as a remote proceeding.

C. Authority in Testimonial Proceedings. A court must conduct all testimonial proceedings in person except that a court may conduct the proceedings remotely for all or some of the case participants for good cause shown or by agreement of the

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parties. Remote proceedings must comply with constitutional and statutory guarantees.

- D. Opportunity for Confidential Communication.** During a remote proceeding, a court must provide the opportunity for confidential communication between a party and the party's counsel.
- E. Record.** A court must create a record of the proceeding sufficient to enable a transcript to be produced for the Record on Appeal.
- F. Oaths.** Court reporters and other persons qualified to administer an oath in the State of Indiana may swear a person remotely provided the person is positively identified.

Commentary

Telephone versus Video Technology. Courts should determine on a case-by-case basis whether telephone or video technology is appropriate. Some case participants may appear by telephone, some by video, and some in person all on the same case.

Testimonial Court Proceedings. Presenting live testimony in court remains of utmost importance. For this reason, Rule 14(C) requires showings of good cause or agreement of the parties prior to allowing a remote appearance. A court must also have safeguards in place to ensure adequate identification of the witness and to protect against influences by persons present with the witness. To participate in a remote proceeding, case participants must have adequate internet service allowing for uninterrupted audio and visual transmission.

Objections. Case participants may object to a request for a remote proceeding or to a court's order setting a remote proceeding. The Rule does not place any specific deadlines or set out any procedures for objections. Courts are expected to handle objections in accordance with usual practice and procedure; however, case participants should object or indicate their ability to participate remotely as soon as reasonably possible.

Guidance. The Indiana Office of Judicial Administration shall develop guidance and best practices on remote proceedings and make those available on a public website.

The Office of Judicial Administration is directed to post this interim rule for public comment without delay.

Done at Indianapolis, Indiana, on 9/30/2022.



Loretta H. Rush
Chief Justice of Indiana

All Justices concur.

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Tips for attending remote court hearings

The COVID-19 / Coronavirus public health emergency has led courts in Indiana to begin holding video hearings, and in some cases, courts may livestream the hearings online to allow public access.

If you have an upcoming hearing in an Indiana court, you may be invited to attend remotely, using a video-conferencing app on your phone, tablet, or computer. Follow the instructions provided to you by the court, including the specific information on accessing the video conference. And if you have questions about your hearing, [look up your case on mycase.in.gov](https://mycase.in.gov) or [contact the court directly](#).

Appearing in a video conference is different than appearing in person. The courts want attorneys and litigants—including those representing themselves—to have as positive an interaction as possible. So here are some tips to help you present yourself respectfully to the court over a video connection. These guidelines are meant to give you every advantage to feel comfortable in the virtual environment so you can best represent your position.

Dress the part

Get dressed as you would if you were appearing in court in person. Certain fabrics with stripes or other patterns can appear wavy or distorted on video. If you are worried about this, stick to solid colors only.

Choose the right location

If you're using a phone, tablet, or a notebook computer for the video conference, you may have some flexibility to choose a good room in a private setting for the hearing.

- Do not join the hearing from a car or moving vehicle, while walking, or doing any other activity.
- Don't choose an empty room with mostly hard surfaces like a kitchen. Instead, choose a **small room with soft furnishings**, like a sofa or carpet, which will help prevent echo.
- **Do not hold the device during the hearing.** Choose a spot where you can set up the camera on a table or shelf to stabilize the camera for better video. Set up the camera at your eye level and about an arm's length away.
- To avoid moving around on the video, which can dizzy the other participants, sit in a **chair that doesn't swivel**, and do not stand or pace during the hearing.
- Try to pick a room with a window, and if possible, **sit facing the window**. Try not to sit with a window or other light source behind you, and **avoid using a light over your head**, because it will cast harsh shadows on your face.
- Make sure that what's behind you in the video isn't cluttered and distracting. Sitting **in front of a mostly blank wall** is best.

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Avoid distractions

Set **guidelines and expectations in advance** for other people in your home, or whatever space you're using for the hearing.

If possible, **you should be alone in the room**. If others must be present in the same room, tell them they must be quiet during the hearing. Tell them this is an official court proceeding and you need to concentrate.

This is especially important for children. **As the adult, it is up to you** to pre-plan a safe place for your children to be while you are focused on your court hearing. If possible, you should arrange for children to be supervised in another room during your hearing.

If you have pets, put them outside or isolate them in another room.

Behave like you're in court

Remember that the other people in the video conference will be able to see and hear you during the entire hearing.

- When it's your turn to speak, pause for a moment before you begin to make sure everyone is able to hear you. Mute your audio when you are not actively speaking to the court to reduce background noise.
- Speak slowly and clearly.
- Do not smoke or vape.
- Do not eat.
- Do not answer calls or texts during the hearing, even if you are muted.
- Do not speak to others in the room or walk away from the camera during the hearing. If you need a break, ask the judge for a recess.

Other useful tips

- Most courts are using [Zoom](#) to conduct hearings. Test your setup by connecting with a friend or family member over Zoom ahead of your hearing to make sure your choice of location is good, and that you can be seen and heard clearly.
- Join the hearing early in case the application needs to update before it can connect you.
- Have pen and paper handy to take notes.
- Have the phone number for the court handy in case your connection fails. Technology doesn't always work, so if your connection is dropped and you cannot get back into the hearing, be prepared to call and alert court staff as soon as possible.
- If you have a special need, such as the need for an interpreter, contact the court right away after learning of your remote hearing to give them time to assist you.