

STATE OF INDIANA)
)
COUNTY OF ADAMS)

SS:

IN THE ADAMS SUPERIOR COURT

26TH JUDICIAL CIRCUIT

REMOTE PROCEEDINGS ORDER

WHEREAS, remote audiovisual equipment is fully functional in the Adams Superior Court,

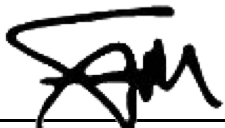
WHEREAS, the Indiana Supreme Court's May 13, 2020 Emergency Order Permits Remote Court Proceedings (See Enclosure A or <https://www.in.gov/courts/files/order-other-2020-20S-CB-123i.pdf>), (which has been extended until further notice of the Supreme Court, (See Enclosure B or <https://www.in.gov/courts/files/order-other-2021-20S-CB-123b.pdf>)),

WHEREAS, Judge Samuel K. Conrad, Adams Superior Court, FINDS and ORDERS as follows:

1. Upon a timely request, the Court will permit remote appearance via Webex to the extent consistent with:
 - a. Indiana Administrative Rule 14,
 - b. the Indiana Supreme Court's May 13, 2020 Emergency Order Permitting Remote Court Proceedings, and
 - c. this Order;
2. Attorneys shall review the Supreme Court's Tips for Attending Remote Court Hearings (See Enclosure C or <https://www.in.gov/courts/files/remote-hearings-tips.pdf>) with their clients prior to attending a proceeding remotely;
3. Attorneys, or parties, requesting to appear remotely shall ensure Court staff have his or her current email address before noon the day before the hearing;
4. Attorneys and parties who have not yet appeared remotely are required to test their equipment by scheduling an equipment check with Court staff by noon the day before the hearing;
5. Attorneys are encouraged, but not required, to appear remotely from the same location as their clients;
6. Individuals appearing remotely will receive an email from Court staff the day before the proceeding inviting them to join the proceeding at the scheduled time; and
7. Any party not in agreement to the manner of the remote proceeding must object at the outset of the proceeding, on the record.

IT IS FURTHER ORDERED that this Order shall be effective until further order of this Court.

So Ordered: July 2, 2021

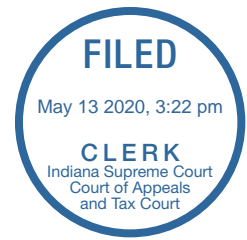


Samuel K. Conrad
Judge, Adams Superior Court

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ENCLOSURE A

In the Indiana Supreme Court



In the Matter of Administrative Rule 17
Emergency Relief for Indiana Trial Courts
Relating to the 2019 Novel Coronavirus
(COVID-19).

Supreme Court Case No.
20S-CB-123

Emergency Order Permitting Expanded Remote Proceedings

Indiana's ongoing emergency relating to the 2019 novel coronavirus (COVID-19), first declared by Executive Order on March 6, 2020, continues to affect public health practices, and it has required restriction of judicial operations. Pursuant to Indiana Administrative Rule 17 and this Court's inherent authority to supervise the administration of all courts of this state, the Court finds that the trial courts' efficient and effective operation to hold timely hearings and dispose of cases requires broader authority to conduct court business remotely.

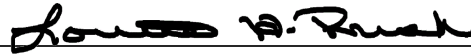
Being duly advised, the Court ORDERS that Indiana Administrative Rule 14 is modified as follows, **effective until further order of the Court:**

1. The court may use audiovisual communication to conduct proceedings whenever possible to ensure all matters proceed expeditiously and fairly under the circumstances. This includes all proceedings in felony cases, including (1) guilty pleas; (2) sentencings where the defendant waives the right to be present in court; and (3) any other proceeding with witness testimony where the defendant waives the right of confrontation.
2. Any party not in agreement to the manner of the remote proceeding must object at the outset of the proceeding, on the record, and the court must make findings of good cause to conduct the remote proceeding.
3. The court may use telephonic communication for the proceeding for a party or witness if the court finds audiovisual communication is not possible, practical, or safe for a victim, and no party will be prejudiced.
4. All proceedings must be consistent with a party's Constitutional rights.
5. When jury trials can resume by order of this Court, parties may agree to use audiovisual communications, consistent with this Order, to select a jury. In civil jury trials, the parties may also agree to conduct the entire trial using remote audiovisual communications.
6. Courts may allow a witness to testify remotely except in criminal proceedings involving the right of confrontation or the right to be present, absent personal waiver.
7. The court must create a procedure for creating a recording, at every stage of the proceeding, sufficient to enable a transcript to be produced for the Record on Appeal.

ENCLOSURE A

8. The court must create a procedure that allows confidential communication between a party and the party's counsel.
9. For any hearing or proceeding in which interpreter services are required, the court shall assure such services are provided.
10. The provision in this Court's April 22, 2020 order authorizing the courts to live stream court proceedings (except hearings that are confidential by law) on a public platform, including but not limited to YouTube or any other publicly accessible manner, to accommodate the public's access to court proceedings shall remain in place for the duration of this order. Such a live-stream shall be viewable only during the proceeding and shall not be made available for later playback; and no confidential proceedings shall be broadcast on any public platform.
11. Courtroom decorum is still required in remote proceedings. See the [Supreme Court's website](#) for suggestions on dress, background, and behavior which may be shared with attorneys, parties, and witnesses along with additional instructions from the court.
12. This order is subject to modification.

Done at Indianapolis, Indiana, on 5/13/2020.



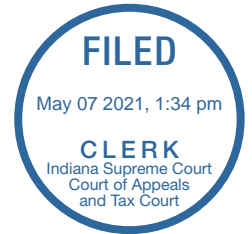
Loretta H. Rush
Chief Justice of Indiana

ENCLOSURE B

In the Indiana Supreme Court

In the Matter of Administrative Rule 17
Emergency Relief for Indiana Trial Courts
Relating to the 2019 Novel Coronavirus
(COVID-19).

Supreme Court Case No.
20S-CB-123



Order Extending Authority for Expanded Remote Hearings

On May 13, 2020, in response to the ongoing public health emergency, this Court issued an “[Emergency Order Permitting Expanded Remote Proceedings](#)” that, among other things, modified Indiana Administrative Rule 14 to allow broader use of telephone and audiovisual telecommunication to conduct remote court proceedings. And this Court’s November 10 “[Order on Continued Emergency Actions](#)” extended that authority until July 1, 2021.

Although courts should make it a priority to resume holding hearings live and in-person when conditions safely permit, the Court finds that public health conditions will likely require trial courts to retain expanded authority for remote hearings beyond July 1, and until the formal process to amend Administrative Rule 14 is complete.

Being duly advised, the Court ORDERS that the May 13, 2020 “[Emergency Order Permitting Expanded Remote Proceedings](#)” shall remain in effect **until further order of the Court.**

Done at Indianapolis, Indiana, on 5/7/2021.

A handwritten signature in black ink that reads "Loretta H. Rush".

Loretta H. Rush
Chief Justice of Indiana

ENCLOSURE C



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.

ENCLOSURE C

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.