

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA

IN THE MATTER OF:

General Order No. 2020-09

AUTHORIZING MEDIA AND PUBLIC ACCESS TO
VIDEO CONFERENCE AND TELEPHONE CONFERENCE PROCEEDINGS
UNDER THE EXIGENT CIRCUMSTANCES CREATED BY
COVID-19 AND RELATED CORONAVIRUS

GENERAL ORDER

To the extent this Order differs from previous orders of the Court on this subject, this Order supersedes and replaces those orders.

Video conference and telephone conference proceedings will be open to victims, as provided in 18 U.S.C. § 3771, and the media. They will also be open to members of the public if determined to be reasonably possible. A member of the media or the public will be able to access public court proceedings taking place by video conference or by telephone conference by calling a call-in number that is posted for each of the judges of the district on the court's website. A victim, member of the media, or member of the public using the call-in number to access a proceeding under this General Order shall mute the caller's phone immediately after connecting to the call.

Apart from an authorized court reporter, all persons participating in a court proceeding remotely by video conference or telephone conference are prohibited, under penalty of contempt, from recording or broadcasting any of the proceeding in any manner. *See* N.D. Ind. L.R. 83-3(a).

In the event a defendant in a criminal case does not consent to the use of video conferencing or telephone conferencing under Sections 15002(b)(1), (2) of the CARES Act, credentialed members of the press and the public may attend such hearings in person at the discretion of the presiding judge. Principal participants and the public and press may be

physically segregated from each other, including utilizing multiple rooms and video conferencing and/or telephone conferencing. Social distancing protocols will be required in all proceedings, and the number of in-person participants may be limited based on the capacity of the room and in consideration of CDC guidelines. Courtroom spectators are reminded that the Governor of Indiana has issued a Stay-At-Home Order, *see* <https://coronavirus.in.gov>, and that there are health and safety risks associated with attending an in-person court hearing.

The Court recognizes that the public and the press have a qualified First Amendment right of access to certain court proceedings and that the use of video conferencing and/or telephone conferencing may implicate that right. Nonetheless, in light of the emergency conditions caused by COVID-19, the Court finds that these revised procedures are necessitated and must be implemented to prevent the spread of the COVID-19 virus. *See Press-Enterprise Co. v. Superior Court*, 478 U.S. 1, 9 (1986); *Press-Enterprise Co. v. Superior Court*, 464 U.S. 501, 510 (1984); *Walton v. Briley*, 361 F.3d 431, 433 (7th Cir. 2004).

Dated this 6th day of April 2020.

/s/ Theresa L. Springmann
Theresa L. Springmann, Chief Judge

/s/ James T. Moody
James T. Moody, Judge

/s/ Philip P. Simon
Philip P. Simon, Judge

/s/ Jon E. DeGuilio
Jon E. DeGuilio, Judge

/s/ Damon R. Leichty
Damon R. Leichty, Judge

/s/ William C. Lee
William C. Lee, Judge

/s/ Robert L. Miller, Jr.
Robert L. Miller, Jr., Judge

/s/ Joseph S. Van Bokkelen
Joseph S. Van Bokkelen, Judge

/s/ Holly A. Brady
Holly A. Brady, Judge