In the Indiana Supreme Court

FILED
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CLERK
Indiana Supreme Court
Court of Appeals
and Tax Court

In the Matter of Pending Attorney Disciplinary Proceedings	Supreme Court Case Nos. 19S-DI-427, 19S-DI-587, 19S-DI-647, 19S-DI-657, 20S-DI-11, 20S-DI-21, 20S-DI-27, 20S-DI-66, 20S-DI-90, 20S-DI-312, 20S-DI-322, 20S-DI-374, 20S-DI-377, 20S-DI-420, 20S-DI-474, 20S-DI-487, 20S-DI-526, 20S-DI-529, 20S-DI-556, 20S-DI-577, 20S-DI-584, 20S-DI-628

Order

The above-captioned cases are disciplinary proceedings currently pending before hearing officers appointed by this Court. To the best of the Court's knowledge, none of these cases have yet proceeded to final hearing.

Beginning in March 2020, and periodically since then, the Court has issued several orders in Case No. 20S-CB-123 granting and extending certain emergency relief for matters in the Indiana Supreme Court, Court of Appeals, Tax Court, and Clerk of Courts. Although the Indiana Supreme Court has exclusive jurisdiction over attorney disciplinary matters brought pursuant to Admission and Discipline Rule 23, *see* Admis. Disc. R. 23(1)(b), none of the orders issued to date in Case No. 20S-CB-123 have specifically addressed attorney disciplinary proceedings.

Due to the ongoing public health emergency relating to the 2019 novel coronavirus (COVID-19), the Court on its own motion provides the following instructions to hearing officers and parties in attorney disciplinary proceedings which have not yet proceeded to final hearing:

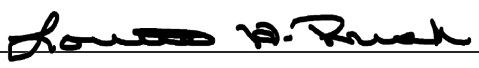
1. Hearing officers are reminded that they have the power and duty to do "all things necessary and proper" to fulfill their responsibilities. *See* Admis. Disc. R. 23(13)(c)(4).
2. Hearing officers have a responsibility to protect the health of personnel and participants in this matter, in the same general manner provided by this Court's November 10, 2020 "Order on Continued Emergency Actions" in Case No. 20S-CB-123.
3. Unless exceptional circumstances require otherwise, all status conferences and other preliminary hearings must be conducted remotely.
4. For the duration of this public health emergency, hearing officers may conduct final hearings remotely, notwithstanding any contrary provision of Admission and Discipline Rule 23(14)(f)(3).

5. Hearing officers may live-stream non-confidential proceedings on a public platform to accommodate the public's access to disciplinary proceedings and limit in-person spectator attendance. *See* Admis. Disc. R. 23(22). Such a live stream shall be viewable only during the proceeding and shall not be made available for later playback.
6. For final hearings conducted in-person, hearing officers shall do all of the following:
    a. Require all participants and spectators to wear appropriate masks or face shields (as a reasonable accommodation for those who cannot wear a mask for medical reasons or other circumstances) throughout the hearing except for witnesses, who may remove their masks for the limited period of providing a verbal response to questions, and other limited individual circumstances.
    b. Ensure appropriate distancing among participants and spectators is maintained, including by limiting the number of spectators (other than parties and their attorneys) to the extent necessary.
    c. Comply with, and enforce, local and statewide public health orders as they relate to court proceedings and the facility in which the hearing is being conducted.
    d. Follow the guidance issued by the Indiana Office of Court Services as it relates to protocols for conducting live hearings, including the use of screening questions and other similar measures, as the circumstances of each case may warrant.

This order is intended solely as direction for the manner of conducting hearings in disciplinary cases and does not vacate or continue any existing hearing dates. All scheduling orders previously issued by hearing officers in these matters not in conflict with this order remain in full force and effect.

This order shall remain in effect until further order from the Court.

Done at Indianapolis, Indiana, on 11/18/2020.



Loretta H. Rush
Chief Justice of Indiana