

*Pandemic Perspectives: Jeffersonville Residents Recount Their Lives During the 2020 Covid-19 Pandemic. Interview with Judge Vicki Carmichael*

Jen Weidner 0:06: Today is May the 25th, 2021, I'm Jen Weidner with the Jeffersonville Township Public Library conducting interviews for *Pandemic Perspectives: Jeffersonville Residents Recount Their Lives During the 2020 COVID-19 Pandemic*. This project was made possible with a grant from the Indiana Genealogical Society. I'm here today with Judge Vicki Carmichael. Vicki, how long have you been a judge in Clark County?

Judge Vicki Carmichael 0:29: Oh, well, I'm going on 22 years, I think.

Jen Weidner 0:34: You're pretty familiar with the community.

Judge Vicki Carmichael 0:35: I am.

Jen Weidner 0:37: Do you remember what your first reaction was when you heard about COVID-19?

Judge Vicki Carmichael 0:41: Well, so, interestingly enough, I was in Hawaii, and my husband and daughter and I had gone to Hawaii because I had a conference over there through the National Judicial College, and so we were coming back, we were scheduled to fly back home on May the 16th. And so we, yeah, I think that's right, is that when the order went into effect, no March, March 16, we were scheduled to fly back on March the 16th, and we started hearing about COVID, and certain cities and states locking down and shutting down, and we weren't sure we were going to get home, and my husband says the only unique thing about Hawaii is you can't drive home from here.

Jen Weidner 1:21: That's true.

Judge Vicki Carmichael 1:22: Right, we can't. I started feeling bad, and thought I had a fever, so my husband went to Target to try to get a thermometer to see, because I wanted to make sure I could get on the plane. Everything was off the shelves. I mean, it had started, and so he came back and he said, "Somebody directed me to the baby aisle and they had a baby thermometer." And I said, "It works." So, luckily I didn't, didn't have a fever, we were able to get on the plane. When we landed, I think it was March 17, maybe that Governor Holcomb said we are going to need to shut down, we're going to need to start wearing masks, and doing some things differently. So, my first reaction was, "Am I going to get home," and maybe Hawaii is not a bad place to quarantine but, you know, I could think of horseplay.

Jen Weidner 2:06: Oh totally, yeah!

Judge Vicki Carmichael 2:07: But I was worried about what was going on back here, because I knew with the court system...

Jen Weidner 2:11: So, by the time you got back, it already hit Indiana?

Judge Vicki Carmichael 2:14: It had, yeah. Yes, here it was, here in – my court administrator then could, because I'm the presiding judge, so the board of judges was meeting, I was meeting via text, and, you know, phone calls and saying, "Okay what do we need to do? We need to put an order in place, we need to have a plan in place," and, you know, to me this was one of those things where now I understand why we do a continuity of operations plan, why we have those kinds of things in place. And so, we, we had, actually, in the court system done a couple piano continuity of operations plan, back when the fire occurred in the Jefferson County Courthouse up in Madison, and so they had lost so many records and didn't know, you know, they were having to find new locations for court and things like that, so, really, statewide courts kind of looked around and said, "We need to do that, we need to have a plan in place," so we had a, kind of, a plan in place that if something happened to the building, how could we continue to do court, and part of that was to go off-site.

Jen Weidner 3:16: We never thought there would be a pandemic.

Judge Vicki Carmichael 3:19: Right! So, the plan didn't really work, because we couldn't go off site because everything was closed down. So we, you know, again, we kind of met via phone and text and things like that until I got back, and then we met in person and we submitted a plan to the Indiana Supreme Court and luckily, I mean Chief Justice Loretta Rush is just amazing, and she was just a rock star throughout this, ended up getting COVID. But she, you know, is healthy now, but she was just able to help each county kind of go through the process.

Jen Weidner 3:51: So, up in Indianapolis, they were already on it, they were, they knew it was coming, they, they knew they needed to act quickly.

Judge Vicki Carmichael 3:57: Yes, yes, and they had, they had suggestions in place, there's a rule, there's administrative rule 17 for the court system that says, if you have an emergency, send us a plan about what you're going to do. So, our plan was we're going to close the courts, with the exception of emergency situations, so certainly criminal cases, initial hearings still happened. We didn't have any trials, we closed all, canceled all trials.

Jen Weidner 4:23: Are these still happening in person at that point?

Judge Vicki Carmichael 4:25: Oh yeah, so we were still in-person and we were trying to figure out, "Okay what do we need to do?" Well, luckily, again, the sheriff's department and the courts work together, and we were able to set up Zoom accounts, so the Supreme Court bought all of the judges in Indiana the Zoom licenses, the enterprise licenses.

Jen Weidner 4:43: That was a big help, because I know, kind of, don't have an extra money, right, that's, that's not cheap.

Judge Vicki Carmichael 4:48: Right, and so they bought every judge the Enterprise license. Yes, which was amazing. And we still have it, said, "How long are we gonna get to keep that?" So, we at least have it to the end of this year, probably into next year, but we were able to then set that up so that we were able to create Zoom meetings for our different court sessions, and so we stopped in-person completely, probably, in May, just stopped in-person. And so we Zoom, still do Zoom from the jail. So, any inmate that's in custody can Zoom with us for their initial hearing pre-trial, plea, change any of that. We did some trials, so we were very hesitant about doing trials. And so, the Supreme Court stopped all trials up through May I think, and then decided that you could do trials, if you could keep people safe, if you could make sure you're off-site if you've got a big enough location. Well, the Clark County Courthouse does not have a big jury assembly room or anything like that, so we first worked with Greater Clark School System, and they were going to let us use the center at Jeff High that's separated from the school. And, so, we were going to use that to select our juries, and then figure out if we could do trials there, if we needed to, if we could come back to the courthouse.

Jen Weidner 6:15: Because at that point all the schools were closed, right?

Judge Vicki Carmichael 6:17: Schools were closed, well, so, by the time we started trials, which was, I think in May, May, in June, the Supreme Court kind of let up and said, "Do trials if you're safe to do them." Well, the school had other things going on with that center, and so we ended up at the 4-H Center, so we called the 4-H Center and they said, "Yeah, you can use our facility." And so, we went up there and we set up chairs six feet apart, and they've got a little stage areas, and we set the bench up there with just a table and recording equipment, and then we were able to live stream. And so, the Supreme Court also set up a live stream on their website and, so, all court proceedings are still open to the public.

Jen Weidner 6:17: Yes, I remember watching some of those.

Judge Vicki Carmichael 6:18: Yeah, so, we, we set up our jury trials, so, we did jury trials, we did jury selection, but before age, so I did, I think, three trials before we shut down again, and so we did three trials, just small trials. And then, we were able to come back to Circuit One, which is a large enough courtroom where we could separate the jury up in the gallery.

Jen Weidner 7:24: Okay.

Judge Vicki Carmichael 7:24: And, so, they sat in the gallery, that was their jury box, and then we were able to livestream it so people could still see what was going on in court, because, obviously, we have to be open to the public. And so, we did, and we were able to do that, then we kind of shut down trials again. And then I had the Oberhansley trial, which had been going on for some time.

Jen Weidner 7:46: That's a whole 'nother interview we can do sometime.

Judge Vicki Carmichael 7:51: But I needed to do it, because we, everybody was ready and we...

Jen Weidner 7:56: Needed it to happen.

Judge Vicki Carmichael 7:57: It needed to happen, so we went up to Allen County, Allen County had the same kind of procedures in place, although they had a courtroom large enough to do jury selection in panels, so we were doing all of our jury selection in panels. So, we were able to select the jury, came back to Clark County, used circuit one, that was their jury box, in the gallery we live streamed it. And other than that, we've been doing everything by Zoom, almost all of our hearings are remote, we do, still do very little in-person, we're able to use Zoom. And what we found, which was interesting, so, we entered an order back in May of last year that said anybody who comes into the courthouse has to wear a mask, has to wear a face covering, and your temperature is going to be checked, and so we were able to purchase masks, gloves if people wanted them, we got two thermometers to check people's temperatures as they came in there or at the 4-H when we were doing selection. And we were able to use them, or the county was able to use Cares Act money to reimburse some of those expenses, but we were able to do all of that because we had, kind of, a plan in place, we kind of knew that we were going to have to do an emergency at some point, what's it going to be, pandemic was not on our radar.

Jen Weidner 9:09: No one expected a pandemic in their disaster plan.'

Judge Vicki Carmichael 9:13: But it's worked out, you know, and so we still do hearings by Zoom, we've, what we found with Zoom, is that more people show up.

Jen Weidner 9:22: That's what I've heard. Lawyers say that they get their clients to show up, especially juvenile cases.

Judge Vicki Carmichael 9:27: Absolutely, because the juvenile, well, they're at home because schools weren't out, or they're at home because they're not in school, and parents can go on to work. And so the parents are going to work, do you have analysis at home, they're Zooming in from different locations, but as long as I know the name and who I'm supposed to be I...

Jen Weidner 9:44: Do you think that the Indiana Supreme Court will allow Zoom to continue, like, ongoing like after the pandemic cuz they see the statistics?

Judge Vicki Carmichael 9:51: I think they will. Yeah, we're, we're in discussions now, so I, the Chief Justice tasked me to be chair of the statewide resuming court operations task force. And so, our task force actually started meeting in May of 2020, and we were meeting weekly, and we were putting out guidance for the courts across the state saying, "Here's some orders on masks, here's some orders on jury selection, here's, you know, things that you can do." And so, we did that. The task force was made up of judges from across the state; north, middle, south. And so, we did that weekly, and we kept putting stuff out to our judges, and then the, after, maybe, in the fall, we started meeting every other week, and then we thought, "Okay, maybe we can go to

monthly so this year,” we've been doing monthly, but we're still meeting because there's still things that are going on.

Jen Weidner 10:42: We are still not done.

Judge Vicki Carmichael 10:42: No, no, and so now with the CDC saying, fully-vaccinated people don't have to wear masks, courts are thinking, “What do we do now?”

Jen Weidner 10:51: You can't ask someone to show their vaccination card.

Judge Vicki Carmichael 10:56: Right, so how do we know if they're fully vaccinated? So locally, our mask mandate is still in place, probably to June 1. And then the building itself, because obviously we aren't the only occupants of the government building, right. And so, our mask mandate covers everybody right now, but as of June 1 will indicate that it's recommended, but it will still be required in the courts and the court office

Jen Weidner 11:21: Oh, good.

Judge Vicki Carmichael 11:22: Because once again, we don't know who's vaccinated and who's not. My staff is fully vaccinated, but people coming in, we don't know, I don't know if other staff is vaccinated, again because I can't ask people.

Jen Weidner 11:31: And lawyers can't force their clients to show proof, and people in the jail, you know, that's, we know that's a population that can easily spread.

Judge Vicki Carmichael 11:39: Exactly, exactly. So, the jail loves the Zoom, because it's so much easier for them to control. It's not a security risk, you know, Clark County Courthouse wasn't built to transport prisoners. And so, you've got inmates walking through the main hallway, and you've got the public in the main hallway wanting to see what's going on in court. So it was, there was always a security risk with that, so they love it, they want us to keep it as long as we can. The Supreme Court, as I said, the task force is working on some guidance from the Supreme Court's Rules Committee to say, “We want this rule expanded,” because that rule is Administrative Rule 14 that allows video here.

Jen Weidner 12:18: Do you think that, also, people who are coming in who have been the victim of a violent crime, or whatever, that they feel safer being able to do it from Zoom, instead of having to face the person that harmed them?

Judge Vicki Carmichael 12:29: Absolutely. Protective order hearings, you've got to protect, you're asking for a protective order, the courtroom where those hearings are held isn't any bigger than your office, I mean, those tables are right next to each other, and you've got somebody who's alleging some kind of violence against the person, and the judges making a decision, and how is that going to come down when those people are sitting right next to each other. So on Zoom, everyone feels safer. Yeah. You know, there's some problems with it,

obviously, I mean, you know, you don't necessarily get the same, I guess, reading of body language, and, you know, certain gestures and things that people would do that you kind of miss when you're on Zoom and you're looking at other people on the, on the camera. So it's, there's, there's some problems with, it but we really found in the Department of Child Services cases and Children's cases, people show up because they don't have to sit in the hallway waiting hours, they can go to work and login when they're called and—

Jen Weidner 13:31: They don't have to, like, tell their whole place of business, "Hey I gotta leave."

Judge Vicki Carmichael 13:33: Right, yeah. And so, and even in criminal cases, people that aren't in custody go to work, I want you working, I want you to be a productive member of society, so go to work, and then Zoom in. We'll let you know when your case is called, your attorney can text you, and you couldn't say gotta take a break now, and you go do it. So it's, it's really worked out great. I think the Supreme Court sees that. I think the Rules Committee sees that. So, I think there will be continued use of Zoom and remote, remote here.

Jen Weidner 14:05: So, that's one good thing that's come from a pandemic, is the courts kinda had an overhaul, but they've had to look at things differently and see, going forward, what's gonna work best for the community and to get people to come to court. Yeah, keep people out of jail because they are able to come to court. What are some things that you've learned, either professionally or personally, from the pandemic that you hope to keep moving forward with?

Judge Vicki Carmichael 14:27: I think, probably, how to react, how to, how to adapt. You know, we've had to, we've really had to change the way we do things, but it's made it better. And so, the way we do things in my professional life has, has changed, because we're no longer seeing people directly. You know that with jury selection, it's kind of difficult because people are wearing masks and can you really see their facial expressions and do they, you know, are they being honest, and it's easier when you, when you can see their face. So, some of those things have been challenging, but we've been able to react to that challenge and make it work. So, that's been great, personally, you know, in my personal life, it was difficult to work from home. We did do a lot of hearings. So, I've got my whole computer set up at home with Zoom and everything else.

Jen Weidner 15:21: People don't realize it, but you were still a judge, right, they were sitting at home, right, you were still doing your job as a judge, I'm sure you've had your robe on and you were as professional as you could be at home with your dogs.

Judge Vicki Carmichael 15:34: They made a lot of Zoom appearances, I'm like, okay, get off my lap, I gotta go to court now, but, you know, it's, it's been interesting, because personally, when you're at home working from home, and I didn't do it a lot because I didn't find it as easy, I did it when I had to but, you know, well, for instance, I had surgery and had to be home for for three weeks. Okay, well, I can work from home, you know, so I did. You know, so we're able to do those kinds of things, but it's been interesting, because now that we, everybody's kind of back to

work full-time, my dogs don't understand when I leave in the morning, they got used to you. Yeah, they're like, where are you going, what, why aren't you here all day? You know, and of course, my husband works at Ivy Tech, and they were shut down, they were remote, so he was working from home. And so both of us and, I mean we have separate offices at home, thank goodness, but we were both working from home at different times, and our internet wasn't always the best. You know, it's like, "Wait a minute. He's on a Zoom meeting. I got to go to court. Okay, get off your meeting, I got to do."

Jen Weidner 16:38: One thing we found out that internet should be just part of our infrastructure, and everyone should have access to it. Absolutely, absolutely. I mean, that's one good thing that the pandemic showed us, that we need to have to do it. Yep, upgrade.

Judge Vicki Carmichael 16:51: Yeah, it needs to be available to everyone in every part of our community.

Jen Weidner 16:58: Is there anything else you'd like to add?

Judge Vicki Carmichael 16:59: Oh gosh, I don't know. But speaking of the internet, I'll tell you one of my court reporters was working from home and she said, "I've done everything that's in my queue, can I know is there anything else I can do?" And I said yes, I said, "Go and find all of the internet locations, free internet locations in Clark County." And so she said okay. The next day, I had a list broken down by zip code.

Jen Weidner 17:22: We had free access in our parking lot, we had a lot of people coming in, needing Zoom for a court case. And that was one of the days, didn't anything private in the library but we're like, yeah, go out there. Yeah, I'm sorry, but you know, it's free in our parking lot, if you're free to sit out there as long as you need to

Judge Vicki Carmichael 17:41: McDonald's restaurants, free Wi-Fi in the parking lot, she found locations in every zip code in Clark County.

Jen Weidner 17:47: And that was one thing that, yeah, what became evident that not everyone has access to the internet, they're easy access to the internet, right. Yeah, right.

Judge Vicki Carmichael 17:56: So, it's been a challenge, but we've made it, and, you know. Just keep working and doing what we did.

Jen Weidner 18:02: Well, thank you for coming in.