

LR73-AR00 RULE 2 LOCAL CASELOAD PLANS

2.1 Caseload Allocation

2.1.1 Criminal Cases

Criminal case allocation shall continue to operate as specified in LR73-AR00 Rule 3 Local Caseload Plans

2.1.2 Civil Cases

2.1.2.1. Juvenile Cases. All Juvenile cases (JC, JT, JD, JS, JM, and JP) shall continue to be filed in Shelby Superior Court No. 1

2.1.2.2 Remaining Civil Cases

2.1.2.2.1 All Plenary (PL) cases shall be filed 50/50 on a random basis in Shelby Circuit Court and Shelby Superior Court No. 1

2.1.2.2.2 All Domestic Relations (DR) cases shall be filed 50/50 on a random basis in Shelby Circuit Court and Shelby Superior Court No. 1

2.1.2.2.3 All Reciprocal Support (RS) cases shall be filed in Shelby Circuit Court.

2.1.2.2.4 All Protective Orders (PO) cases shall be filed in Shelby Superior Court 1.

2.1.2.2.5 All Small Claims (SC) shall be filed in Shelby Superior Court No. 2

2.1.2.2.6 All remaining types of civil cases (AD, AH, CT, ES, EU, GU, MH, MI and TR) shall be filed as requested by the initiating party.

2.2 Evaluation of Caseload Allocation

A. The Allocation of Judicial Resources described herein should place the Shelby County Courts in compliance with guidelines issued by the Indiana Supreme Court's Order for Development of Local Caseload Plans. No later than March 1 of each year, the judges of the courts of record in Shelby County shall meet and evaluate the caseload data as reported to the Indiana Supreme Court Administration.

B. The caseload evaluation shall factor in the allocation of administrative duties among the judges as well as any special circumstances such as death penalty cases.

C. Special service by Shelby County judges outside their own courts or special, senior judges or transfer judges serving in the Shelby County Courts shall also be considered. Such service shall be calculated in accordance with the weighted caseload worksheet and criteria established by the Indiana Supreme Court Division of State Court Administration.

D. Modification or changes necessary for the Shelby County Courts to remain in compliance with the Order for Development of Local Caseload Plans shall be developed and approved by a majority vote of the judges and shall become effective on April 1 of each year.

Adopted as local Rule 1991-1, September 8, 1999, effective November 1, 1999. Amended and renumbered as Rule 3, September 30, 2005, effective October 11, 2005. Amended and renumbered as LR73-AR00 Rule 2 effective Sept 1, 2011. Amended effective April 1, 2015.

LR73-AR00 RULE 3 LOCAL CASELOAD PLANS

A. Criminal Cases

All A, B & C felonies and murder as defined in Local Rule 73-CR2.2-1, shall be filed in the respective courts in the following percentages:

45% in Shelby Circuit Court
45% in Shelby Superior Court No. 1
10% in Shelby Superior Court No. 2

All misdemeanor and D felonies under 9-30-5 shall be filed in Shelby Superior Court No. 2. The remaining D felonies shall be filed in the respective courts in the following percentages:

45% in Shelby Circuit Court
10% in Shelby Superior Court 1
45% in Shelby Superior Court 2

B. Criminal Cases

All Level 1, 2, 3, 4 & 5 felonies shall be filed in the following percentages:

45% in Shelby Circuit Court
45% in Shelby Superior Court 1
10% in Shelby Superior Court 2

All Level 6 felonies shall be filed in the following percentages:

45% in Shelby Circuit Court
10% in Shelby Superior Court 1
45% in Shelby Superior Court 2

All misdemeanor cases shall be filed in Superior Court 2.

C. Civil Cases

Small claims and Infractions shall be filed in Shelby Superior Court No. 2. Protective orders shall be filed in Shelby Superior Court 1 unless there is a related case in one of the other courts in which case the Protective Order case would be filed in the other court along with the related case. Mortgage Foreclosure (MF), Plenary (PL), Civil Collections (CC), and Domestic Relations (DR) cases shall be filed on a 50/50 random basis between Shelby Circuit Court and Shelby Superior Court No. 1. All other civil actions shall be filed in the court chosen by the initiating party. Notwithstanding the caseload allocation plan, a judge of Shelby Circuit or a Superior Court may, by appropriate order entered in the Record of Judgments and Orders, transfer and reassign to any other court of record in the county with jurisdiction to hear the matter in dispute, any pending civil case subject to acceptance by the receiving court, where the interests of justice or the interest of judicial economy so require. For cases filed after January 1, 2014 the clerk shall change the court identifier characters to reflect the new receiving court pursuant to Indiana Administrative Rule 8. Such a change shall be noted in the CCS as well.

D. Juvenile Cases

All juvenile cases shall be filed in Shelby Superior Court 1. Notwithstanding the caseload allocation plan, a judge of Shelby Circuit or a Superior Court may, by appropriate order entered in the Record of Judgments and Orders, transfer and reassign to any other court of record in the county with jurisdiction to hear the matter in dispute, any pending Juvenile case subject to acceptance by the receiving court, where the interests of justice or the interest of judicial economy so require. For cases filed after January 1, 2014 the clerk shall change the court identifier characters to reflect the new receiving court pursuant to Indiana Administrative Rule 8. Such a change shall be noted in the CCS as well.

Effective September 1, 2011, amended effective July 1, 2014, amended effective April 1, 2015.

LR73-CR2.2 RULE 1 CRIMINAL CASELOAD ASSIGNMENT

- 1.1 All misdemeanors shall be filed in Shelby Superior No. 2;
- 1.2 All felonies (including murder) shall be assigned on a random basis among the three courts by the Shelby County Clerk pursuant to the Shelby County Caseload Allocation Plan under LR73-AR00 Rule 3. Thus, Shelby Circuit and Superior Court I shall receive 45% of Murder and Level 1, 2, 3, 4, & 5 felonies and Superior Court II shall receive 10% of such cases. Circuit and Shelby Superior Court II shall each receive 45% of Level 6 felonies and Superior Court I shall receive 10% of Level 6 felonies.
- 1.3 The most serious level of charge filed determines where the case is assigned.
- 1.4 When the State of Indiana dismisses a pool felony case and chooses to refile that case, the case shall be assigned to the court from which dismissal was taken;

- 1.5 All co-defendants in felony cases shall be assigned to the same court based upon a single random draw by the Shelby County Clerk;
- 1.5.1 The Shelby County Prosecutor's Office shall notify the Clerk at the time of filing if the cases involve co-defendants. Each person will be assigned an individual cause number. For purposes of this Rule, the cases involve co-defendants as provided by I.C. 35-34-1-9 and amendments thereto.
- 1.6 Except in felony cases involving co-defendants as defined above, any new felony case filed against a defendant who has an open felony case already pending in any Court, shall be assigned to the Court where the current case is pending. The Shelby County Prosecutor's Office shall notify the Clerk at the time of filing if the defendant has a pending felony case.
- 1.7 A Judge of Shelby Circuit or a Superior Court may, by appropriate order entered in the Record of Judgments and Orders, transfer and reassign to any other court of record in the county with jurisdiction to hear the charged offense(s), any pending case subject to acceptance by the receiving court, where the interests of justice or the interest of judicial economy so require.
- 1.8 The prosecuting attorney or the defendant may seek to transfer a case, and upon good cause shown, a case may be transferred to any of the other courts for consolidation with a companion case, or with other cases pending in that court against the defendant with the acceptance of the judge of the receiving court.
- 1.9 In the event a motion for change of judge is granted the case shall be reassigned pursuant to Local Rule or District Rule DR17-CR12-00003 Appointment of a Special Judge In Criminal Cases.

Adopted as Joint Local Rule No. 1, effective October 11, 2001. Amended and renumbered as Rule 1, September 30, 2005, effective October 11, 2005. Amended on April 8, 2009. Amended 06-14-2011; effective September 1, 2011. As Amended July 1, 2014 Effective Aug 1, 2014.