

Indiana Supreme Court

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IN THE MATTER OF THE
APPROVAL OF LOCAL RULES
FOR SHELBY COUNTY

Case No. 73S00-1407-MS-408

ORDER APPROVING AMENDED LOCAL RULES

Order are the proposed amended local rules for caseload allocation in accordance with Ind. Administrative Rule 1(E). Attached to this The Judges of the Shelby Circuit and Superior Courts request the approval of amended local

county clerk's website, if any, and on the Indiana Judicial Website. Superior Courts, this Court finds that the proposed rule amendments, LR73-AR00-Rule 2, LR73-1(E), and, accordingly, should be approved and posted in the county clerk's office(s) and on the AR00-Rule 3 and LR73-CR2.2-Rule 1 comply with the requirements of Ind. Administrative Rule Upon examination of the proposed rule amendments requested by the Shelby Circuit and

also directed to post this Order on the Court's website Shelby Circuit and Superior Courts; and to the Division of State Court Administration. The Clerk is Shelby Superior Court, 407 South Harrison Street, Shelbyville, IN 46176-2170; to the Clerk of the Superior Court, 407 South Harrison Street, Shelbyville, IN 46176-2170; the Hon. Jack A. Tandy, an attachment to this Order, are approved effective retroactive to July 1, 2014. The Clerk of this Court, 407 South Harrison Street, Shelbyville, IN 46176-2170; the Hon. David N. Riggins, Shelby 2, LR73-AR00-Rule 3 and LR73-CR2.2-Rule 1 for Shelby Circuit and Superior Courts, set forth as Court is directed to forward a copy of this Order to the Hon. Charles D. O'Connor, Jr., Shelby Circuit IT IS, THEREFORE, ORDERED by this Court that amended Local Rules LR73-AR00-Rule

attachment in the Record of Judgments and Orders for the Courts, to post this Order and attachment The Clerk of the Shelby Circuit and Superior Courts is directed to enter this Order and

attachment on the county clerk's website. for examination by the Bar and the general public, and if available, to publish this Order and

DONE at Indianapolis, Indiana, on July 25, 2014.

Acting Chief Justice of Indiana

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

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

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

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

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

2.1.2.2.5 All Small Claims (SC) shall be filed in Shelby Superior Court No. 2 2.1.2.2.4 All Protective Orders (PO) cases shall be filed in Shelby Circuit Court

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

2.2 Evaluation of Caseload Allocation

- 1 County shall meet and evaluate the caseload data as reported to the Indiana Supreme Court Caseload Plans. No later than March 1 of each year, the judges of the courts of record in Shelby compliance with guidelines issued by the Indiana Supreme Court's Order for Development of Local The Allocation of Judicial Resources described herein should place the Shelby County Courts in
- ₩ well as any special circumstances such as death penalty cases. The caseload evaluation shall factor in the allocation of administrative duties among the judges as
- Ü Indiana Supreme Court Division of State Court Administration. calculated in accordance with the weighted caseload worksheet and criteria established by the transfer judges serving in the Shelby County Courts shall also be considered. Such service shall be Special service by Shelby County judges outside their own courts or special, senior judges or
- P. Order for Development of Local Caseload Plans shall be developed and approved by a majority vote Modification or changes necessary for the Shelby County Courts to remain in compliance with the 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.

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. remaining D felonies shall be filed in the respective courts in the following percentages: Ы The

45% in Shelby Circuit Court

10% in Shelby Superior Court 1

45% in Shelby Superior Court 2

Œ 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

Ç Civil Cases

Small claims and Infractions shall be filed in Shelby Superior Court No. 2.

other courts in which case the Protective Order case would be filed in the other court along with the Protective orders shall be filed in Shelby Circuit Court unless there is a related case in one of the

cases shall be filed on a 50/50 random basis between Shelby Circuit Court and Shelby Superior Mortgage Foreclosure (MF), Plenary (PL), Civil Collections (CC), and Domestic Relations (DR) Court No. 1.

All other civil actions shall be filed in the court chosen by the initiating party.

Ď. Juvenile Cases

All juvenile cases shall be filed in Shelby Superior Court No. 1

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

LR73-CR2.2 RULE 1. CRIMINAL CASELOAD ASSIGNMENT

- All misdemeanors shall be filed in Shelby Superior No. 2;
- 6 felonies. Court II shall each receive 45% of Level 6 felonies and Superior Court I shall receive 10% of Level 4, & 5 felonies and Superior Court II shall receive 10% of such cases. Circuit and Shelby Superior 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 Thus, Shelby Circuit and Superior Court I shall receive 45% of Murder and Level 1, 2, 3,
- The most serious level of charge filed determines where the case is assigned
- 1.4 be assigned to the court from which dismissal was taken; When the State of Indiana dismisses a pool felony case and chooses to refile that case, the case shall
- 5 draw by the Shelby County Clerk; All co-defendants in felony cases shall be assigned to the same court based upon a single random
- 1.5.1 of this Rule, the cases involve co-defendants as provided by I.C. 35-34-1-9 and amendments 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
- 1.6 Clerk at the time of filing if the defendant has a pending felony case. Court where the current case is pending. The Shelby County Prosecutor's Office shall notify the a defendant who has an open felony case already pending in any Court, shall be assigned to the Except in felony cases involving co-defendants as defined above, any new felony case filed against
- 1.7 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. Judgments and Orders, transfer and reassign to any other court of record in the county with A judge of Shelby Circuit or a Superior Court may, by appropriate order entered in the Record of
- 1.8 other cases pending in that court against the defendant with the acceptance of the judge of the a case may be transferred to any of the other courts for consolidation with a companion case, or with The prosecuting attorney or the defendant may seek to transfer a case, and upon good cause shown,
- 1.9 Rule or District Rule DR17-CR12-00003 Appointment of a Special Judge in Criminal Cases In the event a motion for change of judge is granted the case shall be reassigned pursuant to Local

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.