Indiana Supreme Court

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FOR SHELBY COUNTY	APPROVAL OF LOCAL RULES	IN THE MATTER OF THE
<u> </u>) Case No	_
	Case No. 73S00-1503-N	

ORDER APPROVING AMENDED LOCAL RULES

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

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

Rule 2, LR73-AR00-Rule 3 and LR73-CR2.2-Rule 1 for Shelby Circuit and Superior Courts, set forth as an attachment to this Order, are approved effective April 1, 2015 IT IS, THEREFORE, ORDERED by this Court that amended Local Rules LR73-AR00-

DONE at Indianapolis, Indiana, on March 24, 2015

Brent E. Dickson

Acting Chief Justice of Indiana

LR73-AR00 RULE 2 LOCAL CASELOAD PLANS

2.1 Caseload Allocation

2.1.1 Criminal Cases

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

2.1.2 Civil Cases

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

2.1.2.2 Remaining Civil Cases

- Shelby Circuit Court and Shelby Superior Court No. 1 2.1.2.2.1 All Plenary (PL) cases shall be filed 50/50 on a random basis in
- random basis in Shelby Circuit Court and Shelby Superior Court No. 2.1.2.2.2 All Domestic Relations (DR) cases shall be filed 50/50 on a
- 2.1.2.2.3 All Reciprocal Support (RS) cases shall be filed in Shelby Circuit
- 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.
- MI and 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,

2.2 Evaluation of Caseload Allocation

- > to the Indiana Supreme Court Administration. the courts of record in Shelby County shall meet and evaluate the caseload data as reported 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 Allocation of Judicial Resources described herein should place the Shelby County
- ᄧ judges as well as any special circumstances such as death penalty cases The caseload evaluation shall factor in the allocation of administrative duties among the

- Ü or transfer judges serving in the Shelby County Courts shall also be considered. Such established by the Indiana Supreme Court Division of State Court Administration. service shall be calculated in accordance with the weighted caseload worksheet and criteria Special service by Shelby County judges outside their own courts or special, senior judges
- Ģ. with the Order for Development of Local Caseload Plans shall be developed and approved Modification or changes necessary for the Shelby County Courts to remain in compliance by a majority vote of the judges and shall become effective on April 1 of each year.

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

LR73-AR00 RULE 3 LOCAL CASELOAD PLANS

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

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

Β Criminal Cases

All Level 1, 2, 3, 4 & 5 felonies shall be filed in the following percentages:
45% in Shelby Circuit Court

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

45% in Shelby Circuit Court

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

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

All misdemeanor cases shall be filed in Superior Court 2

C. Civil Cases

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

D. Juvenile Cases

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

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 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. Murder and Level 1, 2, 3, 4, & 5 felonies and Superior Court II shall receive 10% of such LR73-AR00 Rule 3. Thus, Shelby Circuit and Superior Court I shall receive 45% of by the Shelby County Clerk pursuant to the Shelby County Caseload Allocation Plan under All felonies (including murder) shall be assigned on a random basis among the three courts
- <u>...</u> The most serious level of charge filed determines where the case is assigned
- 1.4 case shall 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

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

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