

In the  
Indiana Supreme Court

In the Matter of the Approval of Local  
Rules for Cass County

Supreme Court Case No.  
22S-MS-295



### Order Approving Amended Local Rule

The Judges of the Cass Circuit and Superior Courts request the approval of amended local rules for caseload allocation in accordance with Indiana Administrative Rule 1(E) and for criminal special judge assignments in accordance with Criminal Procedure Rules 2.2 and 13 and for civil special judge assignments in accordance with Trial Procedure Rule 79. Attached to this Order are the proposed amended local rules.

Upon examination of the proposed rule amendments requested by the Cass Circuit and Superior Courts, this Court finds that the proposed rule amendments at LR09-AR1-7 comply with the requirements of Indiana Administrative Rule 1(E), LR09-CR2.2-3 comply with the requirements of Criminal Procedure Rules 2.2 and 13, and LR09-TR79-5 comply with the requirements of Trial Procedure Rule 79, and, accordingly, should be approved.

IT IS, THEREFORE, ORDERED by this Court that amended Local Rules, LR09-AR1-7, LR09-CR2.2-3, and LR09-TR79-5, for Cass Circuit and Superior Courts, set forth as an attachment to this Order, are approved effective September 1, 2022.

Done at Indianapolis, Indiana, on 8/26/2022.

Loretta H. Rush  
Chief Justice of Indiana

Except as hereafter provided, Level 6 felony cases shall be filed in Superior Court 1. All misdemeanors and infractions shall be filed in Superior Court 2. All criminal and civil support actions shall be filed in Cass Circuit Court. All other felonies shall be assigned randomly to Cass Circuit Court and Cass Superior Court 2. A defendant having multiple independent criminal actions pending against him may have all criminal actions consolidated in one court per the discretion of the judiciary in this jurisdiction. Where multiple offenses are alleged, the highest class of criminal offense filed against an individual defendant shall control case assignment in accordance with this rule. Cases involving multiple defendants may be filed per the discretion of the judiciary in the same court pursuant to this rule for judicial economy.

Cases involving juvenile delinquencies, children in need of services, paternity, guardianships, and adoptions shall be filed in Circuit Court.

Small claims, independent protective order proceedings, EV Civil, EV Small Claims and mental health cases shall be filed in Superior Court 1.

All other civil matters not specifically set out above shall be filed in the court requested by initiating counsel.

## LR09-CR2.2-3 Reassignment of Criminal Cases

In the event of disqualification, recusal, or other reason for change of Judge, a pending felony, misdemeanor, or infraction shall be reassigned to another court in Cass County, provided the other court has jurisdiction to hear such matter. If this process does not result in the selection of a Special Judge, the Clerk shall select a Special Judge in rotating order from the Judges of the following Courts, comprising courts contiguous to, or within the same administrative district as Cass County:

Miami Circuit  
Miami Superior 1  
Miami Superior 2  
Carroll Circuit  
Carroll Superior  
White Circuit  
White Superior  
Howard Circuit  
Howard Superior 1  
Howard Superior 2  
Howard Superior 3  
Howard Superior 4  
Magistrate of the Howard Circuit and Superior Courts  
Fulton Circuit

Fulton Superior  
Pulaski Circuit Court  
Pulaski Superior Court

Judges previously assigned to the case are ineligible for reassignment under this rule.

### **LR 09-TR79-5 Appointment of Special Judge- Civil**

#### **Purpose of Rule**

This rule is adopted to comply with the requirements of Trial Rule 79(H) of the Indiana Rules of Trial Procedure. It is intended to provide a means of selection of Special Judges ensuring the effective use of all judicial resources within Administrative District 8 (which is comprised of Cass County, Fulton County, Howard County, and Miami County) and includes each person eligible for appointment under Section (J) of Trial Rule 79.

#### **Central Office Established**

There is established a Central Office for the keeping of records of appointment and selection of Special Judges for this District. The Central Office of this District shall be the Howard Circuit Court.

The Courts of this County shall hereafter refer to the Central Office of this District whenever selection of a Special Judge is required under this rule. Each of the Courts of this County shall accept from the Central Administrator the name of the individual to then be appointed as Special Judge for a given case.

The person serving as the Central Administrator shall have the following responsibilities:

1. To maintain a list of persons qualified to serve as Special Judge under Section (J) of Trial Rule 79.
2. To take referrals from the several courts of this District, requesting appointment of a Special Judge.
3. To alternately and on a rotating basis appoint qualified Judges from the list maintained for that purpose.
4. To notify the referring court of the individual to be appointed under this rule.

#### **Current Rotation Schedule**

The following shall be the rotation schedule used by the Central Administrator:

1. The Judge of the Cass Superior Court I
2. The Judge of the Howard Superior Court III
3. The Judge of the Fulton Superior Court
4. The Judge of the Howard Superior Court II

5. The Judge of the Fulton Circuit Court
6. The Judge of the Howard Circuit Court
7. The Judge of the Miami Superior Court I
8. The Judge of the Howard Superior Court I
9. The Magistrate of the Howard Circuit and Superior Courts
10. The Judge of the Cass Circuit Court
11. The Judge of the Miami Circuit Court
12. The Judge of the Cass Superior Court II
13. The Judge of the Howard Superior Court IV
14. The Judge of the Miami Superior Court II

#### **Administrative Fee**

Each of the Courts participating under this rule shall pay each year the sum of Fifty Dollars (\$50.00) to the Central Administrator, payable directly to the Administrator by the 15th day of September of each year.

#### **Certification to the Supreme Court**

In cases in which no Judge is eligible to serve as Special Judge in a particular case or where the circumstances of a case require it, the Court shall certify those circumstances to the Supreme Court and that Court shall make the appointment.

#### **Credit for Voluntary Acceptance of Certain Special Judge Cases**

If, outside the normal rotation schedule, a Judge voluntarily accepts a Cass County, Fulton County, Howard County, or Miami County civil case at the request of the parties to the case or at the request of the Court in which the case is pending, that Judge may then receive credit for taking that case, with the Central Administrator skipping over that Judge the next time that Judge's name comes up for appointment for a case under the above-described rotation schedule. In order to receive such credit, the Judge shall notify the Central Administrator of his or her voluntary acceptance of such a civil case no later than seven (7) days after his or her formal qualification and assumption of jurisdiction in that case. At the time that such notification is provided to the Central Administrator, the notifying Judge shall also provide the Central Administrator the cause number of the civil case that he or she has voluntarily accepted.