

In the
Indiana Supreme Court

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

Supreme Court Case No.
24S-MS-308



Order Approving Amended Local Rules

The Judges of the Decatur Circuit and Superior Courts request the approval of amended local rules for caseload allocation and criminal case assignment in accordance with Indiana Administrative Rule 1(E), for civil special judge assignments in accordance with Trial Rule 79, and for criminal special judge assignments in accordance with Administrative Rule 21. Attached to this Order are the proposed amended local rules.

Upon examination of the proposed rule amendments requested by the Decatur Circuit and Superior Courts, this Court finds that the proposed rule amendments to LR16-AR21-1 and LR16-AR00-1 comply with the requirements of Administrative Rule 1(E) and Administrative Rule 21, and the amendments to LR16-TR79-1 comply with Trial Rule 79, and, accordingly, should be approved.

IT IS, THEREFORE, ORDERED by this Court that amended Local Rules, LR16-AR21-1, LR16-AR00-1, and LR16-TR79-1, for the Decatur Circuit and Superior Courts, set forth as attachments to this Order, are approved effective January 1, 2025.

Done at Indianapolis, Indiana, on 9/9/2024.

A handwritten signature in black ink that reads "Loretta H. Rush".

Loretta H. Rush
Chief Justice of Indiana

LR16-AR21-1 Criminal Case Filings and Reassignment

(A) If the highest offense level charged is a misdemeanor, then the case shall be filed in the Decatur Superior Court.

(B) If the highest offense level charged is a felony, then the case shall be filed according to the following rules, to be applied in order:

(i) If the highest offense level charged is a felony arising under Title 9 of the Indiana Code, then the case shall be filed in the Decatur Superior Court.

(ii) If the defendant has a pending criminal case charging a felony offense in either the Decatur Circuit Court or the Decatur Superior Court, then the case shall be filed in the court where the pending case is. In the event that the defendant has pending criminal cases charging felony offenses in both courts, then case assignment shall be done by random selection.

(iii) All other criminal cases charging felony offenses shall be assigned by random selection with one-half (1/2) of the cases assigned to each court.

(C) Judges of the Decatur Circuit Court and the Decatur Superior Court may transfer any pending case to the other Decatur County Court or may appoint the other Decatur County Judge as special judge.

(D) In the event that a change of judge is granted or a judge is disqualified or recuses, then reassignment shall be made on a rotating basis to one of the judges/magistrates of the following courts: Jennings Circuit Court, Jennings Superior Court, Jennings County Magistrate, Bartholomew Circuit Court, Bartholomew Superior Court No. 1, Bartholomew Superior Court No. 2, Bartholomew Superior Court No. 2 Magistrate, Rush Circuit Court, Rush Superior Court, Franklin Circuit Court No. 1, Franklin Circuit Court No. 2, Ripley Circuit Court, Ripley Superior Court, Shelby Circuit Court, Shelby Superior Court No. 1, Shelby Superior Court No. 2, Shelby County Magistrate, Jackson Circuit Court, Jackson Superior Court No. 1, Jackson Superior Court No. 2, Brown Circuit Court, and Brown Circuit Court Magistrate.

(E) When, under these rules, no judge is available for appointment, or when, in the discretion of the regular presiding judge, the particular circumstance warrants selection of a special judge by the Indiana Supreme Court, the presiding judge shall certify these facts to the Indiana Supreme Court and request an appointment of a special judge under the applicable procedural rules.

LR16-AR00-1 Civil Case Filings

Civil cases with the following case types shall be filed in the Decatur Circuit Court: DC, DN, AD, ES, EU, EM, GU, GM, TR, JC, JD, JS, JT, JP, JM, JQ, RS, TS, TP, and RF. Civil cases with the following case types shall be filed in the Decatur Superior Court: PL, CT, MI, IF, OV, OE, CC, MF, SC, EV, and PO. All civil cases with case types not specified herein may be filed in either court. A case with any case type may be transferred from one court to the other court, subject to acceptance by the receiving court.

LR16-TR79-1 Selection of Special Judges in Civil Cases

When a special judge must be appointed pursuant to Trial Rule 79(H), the other Decatur County Judge shall be appointed as special judge. In the event that the other Decatur County Judge has previously recused or is not eligible to serve pursuant to the Code of Judicial Conduct, the judges of the following courts shall be eligible for appointment on a rotating basis: Jennings Circuit Court, Jennings Superior Court, Jennings County Magistrate, Bartholomew Circuit Court, Bartholomew Superior Court No. 1, Bartholomew Superior Court No. 2, Bartholomew Superior Court No. 2 Magistrate, Rush Circuit Court, Rush Superior Court, Franklin Circuit Court No. 1, Franklin Circuit Court No. 2, Brown Circuit Court, Brown Circuit Court Magistrate, Jackson Circuit Court, Jackson Superior Court No. 1, and Jackson Superior Court No. 2. All of the above-named judges are within Administrative District 21 or are from a contiguous county and have agreed to serve as a special judge in the court where the case is pending.

When, under this rule, no judge is eligible to serve as special judge or the particular circumstance of a case warrants selection of a special judge by the Indiana Supreme Court, the presiding judge shall certify the case to the Indiana Supreme Court for the selection of a special judge.