

In the
Indiana Supreme Court

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

Supreme Court Case No.
24S-MS-346



Order Approving Amended Local Rules

The Judges of the Lake 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) 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 Lake Circuit and Superior Courts, this Court finds that the proposed rule amendments to LR45-AR1(E) and LR45-AR1-01 comply with the requirements of Indiana Administrative Rule 1(E) and Administrative Rule 21, and, accordingly, should be approved.

IT IS, THEREFORE, ORDERED by this Court that amended Local Rules, LR45-AR1(E) and LR45-AR1-01, for the Lake Circuit and Superior Courts, set forth as attachments to this Order, are approved effective January 1, 2025.

Done at Indianapolis, Indiana, on 10/8/2024 .

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

Loretta H. Rush
Chief Justice of Indiana

L.R. AR1 (E) Local Rule for the Assignment of Criminal and Quasi Criminal Cases in all City, Town, County and Criminal Division Courts in Lake County

All ordinance violations, infractions, misdemeanors, and felonies alleged to have been committed in Lake County shall be filed, assigned, and reassigned only in accordance with this rule. The terms “charges” and “offenses,” as used herein, means ordinances, infractions, misdemeanors, and felonies, unless otherwise specified.

A. Filing.

1. Unless otherwise provided, all misdemeanors, infractions and ordinance violations alleged to have been committed within the political boundaries of any city or town that maintains a city or town court shall be filed in the city or town court sitting in said city or town. All other ordinance violations, infractions and misdemeanors shall be filed in the County Division of the Superior Court.
2. In cases in which law enforcement officers from multiple jurisdictions are involved, all misdemeanors, infractions and ordinance violations shall be filed in the city or town court of the officer issuing the probable cause affidavit for any misdemeanor or issuing the ticket for any infraction or ordinance violation.
3. All murder, Class A, B and C felonies shall be filed in the criminal division. After June 30, 2014, all murder charges and Level 1, 2, 3, 4 and 5 felonies shall be filed in the Criminal Division.
4. Except as otherwise provided, the clerk shall file all Class D Felonies, and after June 30, 2014, all Level 6 Felonies, pursuant to the Weighted Caseload Plan then in effect as adopted by the Lake Superior and Circuit Courts
5. If a defendant who is being charged with a Class D felony, or after June 30, 2014, a Level 6 Felony, is on probation to the county division, has other charges pending in the county division, or has previously been sentenced in the county division for an offense, then the Class D felony, or Level 6 Felony, shall be filed in the county division.
6. If a defendant who is being charged with a Class D felony, or, after June 30, 2014, a Level 6 Felony, is on probation to the criminal division, has other charges pending in the criminal division, or has previously been sentenced in the criminal division for an offense, then the Class D felony, or Level 6 Felony, shall be filed in the criminal division.
7. Notwithstanding the filing requirements above, all charges involving multiple offenses or defendants shall be filed in the same court as one another if the charges arise from:
 - a. a single act;
 - b. a series of acts connected together or constituting parts of a single scheme or plan;
 - c. a conspiracy; or,
 - d. a number of offenses so closely connected in respect to time, place, and occasion that it would be difficult to separate proof of one offense from proof of the others.
 - e. it is the intent of this subsection that in the event that a defendant has multiple cases or an alleged crime involves multiple defendants, one judge will hear all the pending matters.

8. Except as otherwise provided, and whenever possible, charges which have previously been filed and dismissed may only be refiled in the same division. This includes all charges arising out of the same offense report, arrest report, or set of operative facts.

9. A defendant who is seeking expungement in a case in which an arrest occurred, but no charges were filed, shall file the request for expungement with the Clerk of the Court for random assignment in any Criminal Division or County Division court that has jurisdiction over the types of charges for which the defendant was arrested. The case shall be assigned an XP cause number, and no filing fee shall be required. Any document containing a social security number shall remain confidential pursuant to the Indiana Rules on Access to Court Records (ACR)

10. A defendant who is seeking expungement in a case in which charges were filed, but no conviction was entered, or a conviction was entered but was subsequently vacated on appeal, shall file the request for expungement in the same court in which the charges were filed. However, if the case that did not result in a conviction, or in which a conviction was vacated on appeal, was filed in a city or town court, the request for expungement shall be filed with the Clerk of the Court for random assignment in the County Division. The request for expungement shall be assigned an XP cause number. No filing fee shall be required. Any document containing a social security number shall remain confidential pursuant to the Indiana Rules on Access to Court Records (ACR).

11. A defendant who is seeking expungement in a case in which a conviction was entered shall file the request for expungement in the court in which the conviction was entered. However, if the conviction was entered in a city or town court, the request for expungement shall be filed with the Clerk of the Court for random assignment in the County Division. A request for expungement filed in a case in which a conviction was entered shall be assigned an XP cause number. A filing fee is required, unless waived or reduced by the court after a showing of indigency by the petitioner. Any document containing a social security number shall remain confidential pursuant to the Indiana Rules on Access to Court Records (ACR).

12. A defendant who is seeking expungement in multiple cases shall file the request for expungement with the Clerk of the Court for assignment in the Criminal Division or County Division court in which the highest level of conviction has been entered. If all of the convictions were entered in city and town courts, then the request for expungement shall be filed with the Clerk of the Court for random assignment in the County Division. A petition for expungement addressing multiple cases in which convictions were entered shall be assigned an XP cause number. A filing fee is required, unless waived or reduced by the court after a showing of indigency by the petitioner. Any document containing a social security number shall remain confidential pursuant to the Indiana Rules on Access to Court Records (ACR)

B. Assignment.

1. Charges shall be assigned within a division according to the following rules, which are listed in order of precedence:

a. Charges involving multiple offenses or defendants shall be assigned to the same judge if the charges arise from:

(1) a single act;

- (2) a series of acts connected together or constituting parts of a single scheme or plan;
- (3) a conspiracy; or,
- (4) a number of offenses so closely connected in respect to time, place, and occasion that it would be difficult to separate proof of one offense from proof of the others.

b. Charges filed against defendant who has other charges pending shall be assigned to the judge handling the pending charges.

c. Charges filed against a defendant who has previously been sentenced by a judge shall be assigned to that same judge. If the defendant has previously been sentenced by more than one judge of the division, then the case shall be assigned to the judge who still has jurisdiction over the defendant through probation, if applicable, or else to the judge who sentenced the defendant most recently.

d. Charges against a defendant who has previously been a defendant in the division shall be assigned to the same room of the division.

e. If more than one defendant in a new case has other charges pending before separate judges within the same division, the new case shall be assigned to the judge with the greater number of cases pending against all codefendants in the case. If the number of such pending cases is equal for two or more judges, then the case shall either be randomly assigned to one of those judges or else be assigned to the judge whose cases are closer to disposition at the time of the new filing.

f. All other cases shall be randomly assigned so that the assignment of all criminal cases to judges within a division is kept relatively equal.

2. Charges which have been dismissed and refiled shall be assigned to the same judge who had jurisdiction of the charges when they were dismissed. This includes all charges arising out of the same offense report, arrest report, or set of operative facts.

C. Reassignment.

If a motion for change of judge is granted in a felony or misdemeanor case or an order of disqualification or recusal is entered in a felony, misdemeanor, infraction or ordinance case, then the case shall be reassigned to a special judge as outlined below.

A special judge shall be appointed from a list of on a rotating basis in each of the following case categories: OE, OV, IF, CM, FD, FC, FB, FA, MR, MC, and, after June 30, 2014, for case types F1, F2, F3, F4, F5 and F6. Each judicial officer may also choose to limit the number of categories for which that judicial officer will be eligible to hear special judge cases. However, judges of city or town courts shall only be eligible to hear CM, IF, OV or OE cases and will not be eligible to serve as special judges in the case of Trials de Novo or Appeals from other city or town courts.

The lists of eligible persons shall be maintained in the office of the Lake Superior Court Administrator (hereafter Administrator) and regularly updated. When it becomes necessary to select a special judge from said lists, the following procedure shall be followed:

The judge who has recused or granted a motion for change of judge shall contact the Administrator for the name of the next available judicial officer. The Administrator shall provide to that judge a name from the list on a rotating basis beginning with the first name on the list for the particular case category. The disqualified judge shall then issue an order notifying the special judge that he or she has been appointed. The city or county clerk's office shall then send the complete case file to the clerk's office servicing the special judge. No transfer fees shall be assessed.

The selected special judge to serve under this local rule must accept jurisdiction unless disqualified under circumstances set out in the Rules of Trial Procedure 79(H). Should the special judge be required to recuse, the special judge shall follow the procedures outlined above in Rule C(4)(a). Judges who have previously recused or were disqualified shall no longer be eligible as a special judge in that particular case. The order of appointment by the regular judge shall constitute acceptance. An oath or additional evidence of acceptance is not required.

If no judicial officer from the list qualifies, the final judicial officer that recuses shall petition the Supreme Court for the appointment of a special judge pursuant to Admin. Rule 21(B).

Motions for change of judge as of right (as opposed to recusal or disqualification) for infractions and ordinance cases shall continue to be governed by the Indiana Rules of Trial Procedure and nothing in this rule shall be read to conflict with those Rules.

6. Any protective order entered by the regular judge shall remain in full force and effect until addressed by the special judge, the judge receiving the case via transfer or the judge receiving the case upon filing of a Petition for Trial De Novo or Appeal from a city or town court.

D. Trials de Novo or Appeals from City or Town Courts

Upon filing a request for a Trial de Novo or Appeal from a city or town court for a misdemeanor, infraction or ordinance case and the posting of a bond, if required by the Trial de Novo Rules or by statute, the county division clerk shall randomly assign the case to the appropriate court of the county division pursuant to section B of this rule as if the case were a newly filed charge.

The clerk of the county division shall notify the city or town court from which a Trial de Novo or Appeal is sought as to the filing of the Trial de Novo or Appeal and whether a bond was posted in a misdemeanor case. The posting of a bond with the county division clerk for a misdemeanor case shall stay the execution of the sentence imposed by the city or town court. Bond shall be set pursuant to the bond schedule. With the consent of the city or town court, a bond originally posted in the city or town court may be transferred to the county division clerk and utilized as a Trial de Novo or Appeal bond.

No judge of the county division may decline the assignment of a Trial de Novo or Appeal from a city or town court unless retaining jurisdiction by the county division judge would violate the Code of Judicial Conduct.

Upon a proper recusal, the procedures outlined in Sec. C of this rule shall be followed, however, no judge of a city or town court will be eligible to be a special judge of a Trial de Novo or Appeal from a city or town court; rather, if a city or town court judge is next on the list of special judges, the Administrator shall appoint the next judge on the list who is NOT a city or town court judge.

E. Transfers.

This rule shall not prohibit a town, city or superior court from transferring a case from one court to another. This rule shall also not be understood to encourage or permit the transfer of a case merely on the agreement of the prosecution and defense.

Pursuant to Admin. Rule 22, any reassignment of a case from a city or town court to the county division that does not involve the recusal of a city or town court judge or the filing of a petition for trial de novo or appeal, constitutes a transfer that requires the acceptance of a county division judge. Such acceptance must be obtained prior to the entry of any order to transfer from a city or town court.

F. Transfers to Veterans' Treatment Court

A Veterans' Treatment Court (hereafter VTC) will be presided over by the Judges of County Division III.

Upon assignment to the VTC, the clerk shall assign a County Division III cause number to the case.

For a Defendant to qualify for transfer to the VTC s/he must meet the following criteria. A Defendant:

must have received an honorable or less than honorable discharge from the armed services,
must be approved for transfer to the VTC by the Veterans Administration,
must be willing to adhere to the terms and conditions regarding said court and said agreement to be imposed by the VTC and the Veterans Administration.

A Defendant's Transfer to the Veteran's Treatment Court can be affected upon:

Order of a Judge of the County Division, Criminal Division, or any City or Town Court located in Lake County sua sponte,

Motion of the Defendant or the State, if said Motion is granted by the presiding judge of the County Division, Criminal Division or any City or Town Court Judge located within Lake County, to whom the Defendant was originally assigned.

If the VTC and/or the Veterans Administration determines that, upon transfer to the Veterans' Treatment Court, that a Defendant is ineligible to participate or is unable to continue placement in the program, the Veterans' Treatment Court may return the case to the court that originally had jurisdiction of the Defendant.

Transfers of cases directly to the VTC from counties other than Lake will be reviewed by the VTC on a case-by-case basis.

G. Transfer of Case Due to conflict

Court orders concerning the reassignment of any criminal or quasi criminal case must specifically indicate the reason for the reassignment.

LR45-AR1-01 Plan for Allocation of Judicial Resources

I. Pursuant to TR81(A), the Lake Circuit and Superior Courts adopt this Rule, effective January 1, 2025, governing the assignment of all cases filed in the Lake Circuit or Superior Courts as required by and in accordance with A.R. 1(E).

Unless changed by the court through addition, deletion and/or amendment, these rules shall remain in effect until December 31, 2026.

Notwithstanding the enactment of the following statutes, IC 33-28-1-2, IC 33-29-1-1.5, IC 33-29-1.5-2 and IC 33-31-1-9, which address jurisdictional issues, the Lake Circuit and Superior Courts adopt the following case assignment schedule:

All MR, FA, FB, FC (Murder and Felony Levels 1, 2, 3, 4 and 5 after June 30, 2014) shall be filed in the Criminal Division pursuant to L.R. 45 C.R. 2.2.1 in such a manner so as to ensure the equal distribution of them in the Criminal Division Courts.

2. FD (Level 6 cases after June 30, 2014) cases shall be assigned amongst the four Criminal Division and four County Division Courts pursuant to the requirements of L.R. C.R. 2.2.1 in such a manner so as to ensure the equal distribution of them between the Criminal and County Division Courts.

3. PC, CM, and MC cases shall be filed pursuant to the requirements of L.R. 45 C.R. 2.2.1

4. The filing of IF and OV cases is addressed in LR45-C.R.2.2.1, as modified using the formulas below:

A. County Division 1 – (D07) will receive 60% of all IF cases filed in the County Division.

B. County Division 3 – (D09) will receive 25% of all IF cases filed in the County Division.

C. County Division 4 – (D12) will receive 15% of all IF cases filed in the County Division.

D. County Division 2 - (D08) will receive all traffic related OV cases originating from the following jurisdictions: Cedar Lake, Dyer, Highland, St. John, and Winfield.

E. County Division 3 - (D09) will receive all traffic related OV cases originating from the following jurisdictions: Lake County Sheriff's Department, Griffith, Munster, and Schneider.

F. County Division 4 – (D12) will receive all traffic related OV cases originating from the City of Hammond, Whiting and New Chicago.

5. All JC, JD, JS, JP, JM, JT, and JQ cases shall be filed in the Superior Court, Juvenile Division.

6. All CT and PL cases shall be filed via the IEFS. CT and PL cases shall be distributed throughout the Circuit Court and Superior Court, Civil Division, Rooms 1, 2, 4, 5, 6 and 7 in such a manner so as to comply with Administrative Rule 1(E). The Circuit and Superior Court shall cooperate to ensure such compliance. Pro Se filings at the Lake County Clerk's Office, after assignment by Court Administration, can then be filed into the proper court by the Lake County Clerk's Office

A. Any new CT or PL case which seeks emergency relief shall be brought to the attention of the Judge of the Lake Circuit Court or a Judge of the Superior Court, Civil Division, Rooms 6 or 7. That Judge shall address the emergency matter. The case shall thereafter be transmitted to the assigned Court as provided in this rule.

7. All MF and MI cases shall be filed via IEFS, where said cases shall be randomly assigned to the Circuit Court and Civil Division, Rooms 1, 2, 4, 5, 6 and 7, in such a manner so as to ensure an equal division of these cases in each court. However, MI cases seeking a name change may be filed in the Clerk's Office in Crown Point, Gary, Hammond or East Chicago. Such cases shall be randomly assigned by the Clerk at each location in such a manner so as to ensure an equal division of them to the Circuit and Civil Division Courts at each location. Pro Se filings are also accepted at any location of the Lake County Clerk's Office

8. All CC cases shall be distributed by the Clerk's Office in the following manner to ensure caseload parity:

- A. 30% of CC filings shall be assigned to Civil Division Room 3.
- B. 10% of CC filings shall be assigned to Civil Division Room 1.
- C. 10% of CC filings shall be assigned to Civil Division Room 2.
- D. 10% of CC filings shall be assigned to Civil Division Room 4.
- E. 10% of CC filings shall be assigned to Civil Division Room 5.
- F. 10% of CC filings shall be assigned to Civil Division Room 6.
- G. 10% of CC filings shall be assigned to Civil Division Room 7
- H. 10% of CC filings shall be assigned to the Circuit Court

9. Protective Order (PO) cases may be filed in the Circuit Court, Superior Court, Civil Division and Juvenile Division Courts by court location in the following manner:

A. In PO cases filed in Crown Point, where the parties are married with children and have a pending or previous dissolution case, the PO case shall be assigned to the Court having jurisdiction over the previous or pending case.

B. In PO cases filed in Crown Point, where the parties are married with children but no dissolution case has been filed, the PO case shall be assigned to the Circuit Court.

C. In PO cases filed in Crown Point, where the parties are not married but have children, the PO case shall be assigned to the Juvenile Division.

D. In PO cases filed in Crown Point, where the parties are not married but have children and have a pending case in the Juvenile Division, the PO case shall be assigned to the Juvenile Division.

E. Notwithstanding the above listed paragraphs, A through D, in the event there is an emergency, serious injury, and/or threat of serious injury to the Petitioner, the PO case filed in Crown Point shall be assigned to the Circuit Court, Superior Court, Civil Division or Juvenile Division. After due consideration and determination of the Petition for Protective Order, said

court shall transfer any further action on the Protective Order to the Court having jurisdiction over the companion case (dissolution or paternity).

F. In PO cases filed in Crown Point, where there is alleged domestic violence and the parties are not married and have no children, the PO case shall be assigned to the Circuit Court or Superior Court, Civil Division.

G. In PO cases filed in Crown Point, where stalking is alleged, the PO case shall be assigned to the Circuit Court or Superior Court, Civil Division.

H. In PO cases filed in Crown Point, where there has been domestic violence and one of the parties is in custody or criminal charges have been filed, the PO case shall be assigned to the Circuit Court or Superior Court, Civil Division.

I. In PO cases filed in Crown Point, where there has been sexual abuse of a minor alleged, the PO case shall be assigned to the Juvenile Division.

J. In PO cases filed in Gary, where the parties are married with children and have a pending or previous dissolution case in the Superior Court, Civil Division, Room Three, the PO case shall be assigned to Superior Court, Civil Division, Room Three.

K. Notwithstanding the above assignment parameters established for PO cases, all other Protective Orders filed in Crown Point, Gary and Hammond shall be assigned by the Clerk of the Circuit Court and Superior Court, Civil Division in such a manner so as ensure equal case distribution. All PO cases filed in the Clerk's Office on East Chicago shall be assigned to the Superior Court, Civil Division, Room 2 sitting in East Chicago.

L. The Clerk of the Circuit Court, Superior Court, Civil Division and Juvenile Division shall process all PO case filings and have them assigned and delivered to the proper Court consistent with these rules no later than 3:30P.M. unless there has been serious bodily injury or threat of bodily injury.

10. All DC, DN and RS cases shall be filed in the Circuit Court in Crown Point, or in the Superior Court, Civil Division - Room 3 in Gary.

11. All MH, ES, EU GU and TR cases shall be filed in either the Circuit Court or in the Superior Court, Civil Division Rooms 2, 5, and 7. GU petitions filed by the Volunteer Advocates for Seniors and Incapacitated Adults (VASIA) program or any other volunteer adult guardian program shall be filed in Civil Division, Room 7.

12. All TS and TP cases shall be filed in the Circuit Court in Crown Point.

13. All Petitions for Guardianship over the person of minors with no assets shall be filed in the Superior Court of Lake County, Juvenile Division. All other Petitions for Guardianship, including those over minors with assets, shall continue to be filed in either Lake Circuit Court or any Lake Superior Court, Civil Division Courtroom having a probate division. This shall not affect any pending GU case in either Lake Circuit Court or Lake Superior Court, Civil Division.

14. All Petitions for Adoption (AD) shall be filed in the Superior Court of Lake County, Juvenile Division. Any such AD case may be transferred to either the Lake Circuit Court or any Lake Superior Court, Civil Division Courtroom by either the Judge of the Juvenile Division or by the Chief Judge of the Lake Superior Court. This shall not affect any pending AD case in either the Lake Circuit Court of Lake Superior Court, Civil Division.

15. RF filings can be civil or criminal in nature. RF filings should be file. in Crown Point.

A. Criminal RF cases will be filed randomly in the Criminal Division and the County Division (All courts will criminal jurisdiction), unless the defendant has pending or disposed cases in one of those courts already.

B. Civil RF cases will be filed randomly in the Circuit Court, the Civil Division and the County Division (all Crown Point courts with civil jurisdiction)

16. EV filing may be filed in the court elected by the filer. Small Claims evictions will be exclusively filed in the County Division. (see number 17)

17. The County Division shall have exclusive original jurisdiction of all Small Claims Cases, appeals, and/or Trials De Novo of civil cases from City or Town Courts. The County Division courts shall maintain a Plenary Docket, with limited jurisdiction as more fully described below:

A. There shall be no random filing of civil cases in the County Division.

B. The Plenary Docket is limited to cases designated as PL, CT, CC and MI.

C. Damages awarded in any case filed on the Plenary Docket shall not exceed \$10,000.00 (ten-thousand dollars).

D. The term “damages” shall include attorney fees, but excludes court costs, post judgment interest and any sanctions that a court may impose.

18. No case seeking equitable relief shall be filed in the County Division except as follows:

A. Orders directing the Bureau of Motor Vehicles to issue car titles, car registrations and driver’s licenses,

B. Evictions,

C. Replevins, provided the value of the property at issue does not exceed \$10,000.00,

D. Civil proceedings against property related to criminal activities, provided the value of the property does not exceed \$10,000.00.

19. This rule shall not be construed as limiting the powers of the County Division Courts with respect to collecting judgments, punishing contempt or enforcing its orders.

20. These rules should not be construed to exclude a County Division Judicial Officer from adjudicating a case by way of transfer or special judge assignment that would otherwise exceed the jurisdictional limits set forth in these rules for the County Division Courts.

21. By filing suit on the Plenary Docket or by filing a counterclaim or cross claim, a party waives any right to relief that is beyond the County Division’s jurisdictional limits set forth in these rules. However, if a party can establish that the claim was mandatory or that due diligence would not have disclosed the need to request such relief prior to filing their suit, or that transfer is appropriate pursuant to T.R. 75(B), upon motion, the case shall be transferred to the Circuit or Civil Division Courts. Upon such transfer, the case shall no longer be constrained by the jurisdictional limits set forth in these rules.