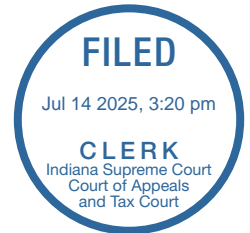


In the Indiana Supreme Court

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

Supreme Court Case No.
25S-MS-175



Order Approving Amended Local Rules

The Judges of the Rush Circuit and Superior Courts request the approval of amended local rules for caseload allocation in accordance with Administrative Rule 1(E), for court reporter services in accordance with Administrative Rule 15, for special judge assignments in accordance with Trial Procedure 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 Rush Circuit and Superior Courts, this Court finds that the proposed amendments to LR70-AR 00-1, LR70-AR 1(E)(6)-8, LR70-AR 8(C)-9, LR70-AR 1(E)(6)-10, LR70-FL 00-1, LR70-JV 00-1, and LR70- SC 00-1 comply with the requirements of Administrative Rule 1(E), the amendments to LR70-AR 15(C)(1)-5 comply with Administrative Rule 15, the amendments to LR70-TR 79-2 comply with Trial Rule 79, and the amendments to LR70-AR 21-11 comply with Administrative Rule 21, and, accordingly, should be approved.

IT IS, THEREFORE, ORDERED by this Court that amended Local Rules, LR70-AR 00-1, LR70-AR 1(E)(6)-8, LR70-AR 8(C)-9, LR70-AR 1(E)(6)-10, LR70-FL 00-1, LR70-JV 00-1, LR70-SC 00-1, LR70-AR 15(C)(1)-5, LR70-TR 79-2, and LR70-AR 21-11, for the Rush Circuit and Superior Courts, set forth as attachments to this Order, are approved effective January 1, 2026.

Done at Indianapolis, Indiana, on 7/14/2025.

Loretta H. Rush
Chief Justice of Indiana

In the event of filing of a motion for change of judge, or a disqualification or recusal by the sitting judge, and the parties do not agree on a special judge under Trial Rule 79 (D) or the special judge selected does not accept the case, a special judge shall be designated by the Clerk of the Rush Superior and Rush Circuit Courts. The Clerk shall first assign the case to the other sitting judge in Rush County and, if that Judge is unable to serve, then in sequence from the following list of judges:

1. Judge, Decatur Circuit Court
2. Judge, Franklin Circuit Court I
3. Judge, Henry Circuit Court I
4. Judge, Fayette Circuit Court
5. Judge, Union Circuit Court
6. Judge, Wayne Circuit Court
7. Judge, Decatur Superior Court
8. Judge, Franklin Circuit Court II
9. Judge, Shelby Superior Court I
10. Judge, Henry Circuit Court II
11. Judge, Fayette Superior Court
12. Judge, Wayne Superior Court No. I
13. Judge, Henry Circuit Court III
14. Judge, Wayne Superior Court No. II
15. Judge, Wayne Superior Court No. III
16. Magistrate, Wayne County Superior Court No. III
17. IV. D Commissioner, Wayne County

In the event no Judge is available for assignment or reassignment of a Felony or Misdemeanor case, such case shall be certified to the Indiana Supreme Court for the appointment of a Special Judge. In the event the Judge presiding in a Felony or Misdemeanor case concludes that the unique circumstances presented in such proceeding require appointment by the Indiana Supreme Court of a Special Judge, this presiding Judge may request the Indiana Supreme Court for such appointment.

Until further order of the Courts the following case assignments will be in effect for case distribution between the Rush Circuit Court and Rush Superior Court:

- A. Infractions opened during odd numbered months shall be assigned to Superior Court while infractions opened during even numbered months shall be assigned to Circuit Court.
- B. Unless otherwise designated, all other cases will be assigned on an equal random basis.

LR70 – AR 1(E)(6) -8**Assignment of Criminal Cases**

Until further order of the Courts the case assignments will be in effect for case distribution between the Rush Circuit Court and Rush Superior Court for criminal cases as follows:

- A. All criminal cases with material elements (or separate counts) involving drugs or alcohol shall be assigned to Superior Court.
- B. All other criminal cases shall be assigned to Circuit Court.

LR70 – AR 8(C) -9**Transfer of Cases Between Courts**

A Judge of Rush Circuit or Rush Superior Court by appropriate order entered in the Record of Judgment Orders may transfer and reassign to the other court of record within the county with jurisdiction to hear the charged offense in any pending case, subject to acceptance by the receiving court. Whenever a case is transferred between the Rush Circuit or the Rush Superior courts, only the court identifier in the first group of characters in the case number shall be changed. No change shall be made to the fourth group of characters in the case number.

LR70 – AR 1(E)(6) -10**Refiling and Subsequent Filings of Criminal Cases**

When the State of Indiana dismisses a case and chooses to refile that case, the case shall be assigned to the court from which the dismissal was taken.

LR70 – AR 15(C)(1) -5**Preparation of Transcripts**

The undersigned Courts comprise all the Courts of record of Rush County, Indiana and hereby adopt the following Local Rule by which Court Reporter services shall be governed.

PREPARATION OF TRANSCRIPTS FOR INDIGENT PERSONS

1. All transcripts for indigent persons are prepared during the regular business hours of the Court.
2. In the event an indigent transcript cannot be prepared during regular working hours, the Reporter must receive permission from the Judge to prepare portions of the transcript outside the regular business hours of the Court.
3. Upon approval by the Judge for preparation of indigent transcripts outside of the regular business hours, the Reporter shall charge no more than \$4.25 per page for transcripts outside of the regular business hours. The Reporter shall charge no more than \$1.25 per page for each copy of the transcript. A minimum fee of \$35.00 per transcript may be charged for small transcripts and is not to be used in addition to a per page fee.

The Index and Table of Contents shall be charged at the per page rate. The Reporter may charge up to \$14.00 per hour for time spent binding the transcript and exhibit binders. The Reporter may charge reasonable costs for office supplies for binding and electronic transmission not to exceed \$1.00 per diskette and \$.75 per binder. The Reporter shall submit a claim to the county for the preparation of indigent transcripts. The claim must be approved by the supervising Judge.

4. The fees for any state indigent transcripts shall be the same amount as the fee for county transcripts.
5. The Court Reporter shall report, at least on an annual basis, all transcript fees received for the preparation of county indigent, state indigent or private transcripts to the Indiana Supreme Court Division of State Court Administration. The reporting shall be made on forms prescribed by the Division of State Court Administration.
6. In preparing non-indigent transcripts, the Court Reporter may contract directly with a party or attorney to provide the services. The Court Reporter shall charge with a party or attorney to provide the services. The Court Reporter shall charge no more than \$ 4.25 per page for an original transcript and \$1.25 for a copy of a transcript. In the event the court Reporter uses any Court equipment for the preparation of a private transcript she shall reimburse Rush County at a rate of \$.01 per page. The reimbursement shall be made once per quarter no later than January 15, April 15, July 15 and October 15.

LR70 – AR 21 -11

Appointment of Special Judge in Criminal Cases

In the event a change of judge is granted or a judge is disqualified or recuses in either Rush Circuit or Rush Superior Court, the case shall be reassigned as follows: the Clerk shall first assign the case to the other sitting judge in Rush County and, if that Judge is unable to serve, then to a special judge who shall be selected randomly from a list of eligible judges from within the District and the contiguous counties, and then in sequence from the following list of judges:

1. Judge, Decatur Circuit Court
2. Judge, Franklin Circuit Court I
3. Judge, Henry Circuit Court I
4. Judge, Fayette Circuit Court
5. Judge, Union Circuit Court
6. Judge, Wayne Circuit Court
7. Judge, Shelby Circuit Court
8. Judge Hancock Circuit Court
9. Judge, Decatur Superior Court
10. Judge, Franklin Circuit Court II

11. Judge, Shelby Superior Court I
12. Judge, Hancock Superior Court No. I
13. Judge, Henry Circuit Court II
14. Judge, Fayette Superior Court
15. Judge, Wayne Superior Court No. I
16. Judge, Henry Circuit Court III
17. Judge, Wayne Superior Court No. II
18. Judge, Shelby Superior Court No. II
19. Judge, Hancock Superior Court No. II
20. Judge, Wayne Superior Court No. III
21. Magistrate, Shelby County
22. Magistrate, Hancock County Circuit Court
23. Magistrate, Wayne County Superior Court No. III
24. IV. D Commissioner, Wayne County

Multiple cases may be assigned to one judge if the cases are related.

In the event no Judge is available for assignment or reassignment of a Felony or Misdemeanor case, such case shall be certified to the Indiana Supreme Court for the appointment of a Special Judge. In the event the Judge presiding in a Felony or Misdemeanor case concludes that the unique circumstances presented in such proceeding require appointment by the Indiana Supreme Court of a Special Judge, this presiding Judge may request the Indiana Supreme Court for such appointment.

LR70 – FL 00 -1

Case Assignment

Until further order of the Courts all cases shall be assigned on an equal random basis. However, if a new case is filed that is related to a pending case, the new matter shall be filed in the same court as the currently pending case. By way of illustration only, if a JP case is pending, and a GV case is filed, the GV case shall be filed in the same court in which the JP case is pending. Case types which may involve related cases are JP, DC, DN, GU, GV, and PO.

LR70 – JV 00 -1

Case Assignment

Until further order of the Courts the case assignments will be in effect for case distribution between the Rush Circuit Court and Rush Superior Court for criminal cases as follows:

- A. CHINS cases shall be assigned to Circuit Court.
- B. TPR cases shall be assigned to Superior Court.
- C. All other cases will be assigned on an equal random basis.
However, if a juvenile has an open delinquency case, all subsequent delinquency cases shall be filed in the same court as the open case.

LR70 – SC 00 -1

Case Assignment

Small claims for Atlas Collections and the schools shall be assigned to Circuit Court.

All other small claims shall be assigned to Superior Court.