

JOHNSON COUNTY  
CIRCUIT COURT

COURTHOUSE  
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FRANKLIN, INDIANA 46131  
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FAX (317) 736-3996



STAFF:

Georgenia Rogers, *Court Reporter*  
Maureen Bray  
Karen Glisson  
Christie Dunn, *Bailiff*  
Brandi Voris

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K. MARK LOYD

JUDGE

Marla K. Clark, *Juvenile Magistrate*  
(317) 346-4691

Donna Sipe, *Court Administrator*  
(317) 346-4408

Richard L. Tandy, *Magistrate*  
(317) 346-4441

December 8, 2016

Hon. Mary Willis, Chief Administrative Officer  
Indiana Supreme Court  
Office of Judicial Administration  
State House, Room 314  
200 W. Washington Street  
Indianapolis, IN 46204

Re: Promulgation of New Local Rules.

Dear Judge Willis,

The Judges of the Johnson County Circuit and Superior Courts have modified the Caseload Allocation Plan in order to accommodate the new case types which become effective in 2017. While a modification to the Caseload Allocation Plan does require approval by the Supreme Court, we do not anticipate that this update will have any material impact in the caseload equalization required by Indiana Administrative Rule 1.

Please do not hesitate to contact me should this information give rise to any questions or concerns. Thank you for your assistance in these matters.

Sincerely,

Hon. K. Mark Loyd, Judge  
Johnson Circuit Court

C. James Maguire, Esq.  
Jim Diller

**In the  
Indiana Supreme Court**

**IN THE MATTER OF REQUEST            )                    Case No.**  
**FOR APPROVAL OF LOCAL RULES    )**  
**FOR COURTS OF RECORD IN         )**  
**JOHNSON COUNTY                    )**

**REQUEST FOR APPROVAL OF LOCAL RULES**

The judges of the courts of record of Johnson County have decided to adopt the local rules indicated below and request Supreme Court approval for the following local rules for which Supreme Court approval is required:

1.  Special judge selection rule pursuant to Trial Rule 79(H);
2.  Reassignment of criminal cases pursuant to Criminal Rule 2.2;
3.  Court reporter rule pursuant to Administrative Rule 15;
4.  Caseload allocation rule pursuant to Administrative Rule 1.

The local rule(s) indicated above have been published for comment pursuant to the schedule established by T.R. 81 (B) for not less than 45 days.

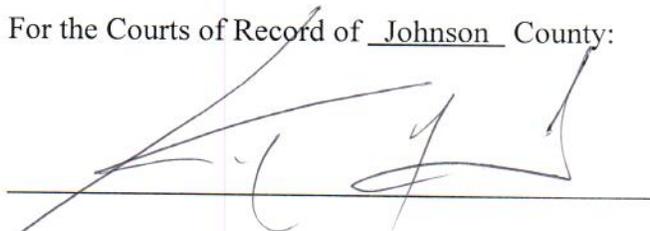
Or

The local rule(s) indicated above are proposed for adoption without first being published for comment because good cause exists for the court(s) to deviate from the schedule established pursuant to T.R. 81. Upon approval by the Supreme Court, these local rules shall be published as required by TR 81 (D) and shall not be effective until so published for comment.

Accordingly, the judges of record of Johnson County request approval of the above noted Local Rules.

Submitted this 8<sup>th</sup> day of November, 2016.

For the Courts of Record of Johnson County:

  
\_\_\_\_\_  
Hon. K. Mark Loyd, Judge, Johnson County Circuit Court

STATE OF INDIANA )  
 ) SS:  
COUNTY OF JOHNSON )

IN THE JOHNSON COUNTY  
CIRCUIT AND SUPERIOR COURTS

41C01 - 1601 - CB - 000002  
41D01 - 1601 - CB - 000005  
41D02 - 1601 - CB - 000008  
41D03 - 1601 - CB - 000011  
41D04 - 1601 - CB - 000014

**FILED**

DEC 08 2016

*Sue Anne Misinica*  
CLERK, JOHNSON CIRCUIT & SUPERIOR COURTS

**2016 UPDATE TO  
JOHNSON COUNTY PLAN  
FOR ALLOCATION OF JUDICIAL RESOURCES  
DUE TO ADDITION OF NEW CASE TYPES**

**I. INTRODUCTION:**

**WHEREAS** Indiana Administrative Rule 8 has been modified to create additional case types,

**IT IS THEREFORE ORDERED** that this Caseload Allocation Plan shall be modified as follows.

**II. AMENDMENTS TO CASELOAD ALLOCATION RULES:**

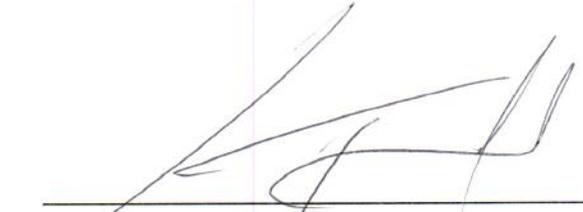
**LR41 - AR01 - 060: Remaining Civil Cases.**

- A. **Reciprocal Support.** Reciprocal Support (RS) cases shall be filed in the Johnson Circuit Court and will be heard by the Magistrate of the Juvenile and Family Court.
- B. **Probate.** All Probate cases (AD, ES, EM, EU, GU, MH, and TR) shall be filed in the Johnson Superior Court No. 1.
- C. **Domestic Relations.** ~~Domestic Relations (DR)~~
  - 1. Domestic Relations with Children (DN) Domestic Relations No Children (DN) cases shall be filed in the Johnson Circuit Court, the Johnson Superior Court No. 2, and the Johnson Superior Court No. 4, on a random and even basis.
  - 2. Domestic Relations with Children (DC) cases shall be filed in the Johnson Circuit Court, the Johnson Superior Court No. 2, and the Johnson Superior Court No. 4, on a random and even basis.
- D. **Small Claims.** Small Claims (SC) cases shall be filed in the Johnson Circuit and Superior Courts, on a random and even basis. Small Claims cases shall be heard by the Magistrate of the Johnson Circuit and Superior Courts.

- E **Protection Order.** Protection Order cases shall be filed in the Johnson Circuit and Superior Courts, on a random and even basis, unless involving the same parties in a pending Civil or Juvenile case (i.e., AD, DR, GU, JC, JD, JM, JP, JS, JT, etc.).
1. Protection Order (PO) cases not associated with other pending Civil or Juvenile case shall be heard by the Magistrate of the Johnson Circuit and Superior Courts.
  2. Protection Order (PO) cases associated with other pending Civil or Juvenile cases involving the same parties cases shall be opened in the courts wherein such associated cases are pending and may, at the discretion of the presiding Judge, be heard by the Magistrate of the Johnson Circuit and Superior Courts.
- F. **Tax Sale Cases.** Application for Judgment in Tax Sale (TS) and Verified Petition for Tax Deed (TP) cases shall be filed in Johnson Superior Court No. 1.
- ~~Civil Cases.~~ Unless a specific provision of this rule provides otherwise, all remaining civil case types (CC, CT, MF, MI, PC, PL, and XP) shall be filed in the Johnson Superior Court No. 1 and the Johnson Superior Court No. 4 on a random and even basis:
- ~~1. Post-Conviction Relief:~~
    - ~~a. Post-Conviction Relief (PC) cases shall be filed in the court which sentenced the Petitioner.~~
    - ~~b. Post-Conviction Relief cases may be assigned to the Magistrate of the Johnson Circuit and Superior Courts.~~
  - ~~2. Expungement / Sealing (pursuant to I.C. 35-38-9-1, et seq.). Expungement (XP) cases shall be heard by the Magistrate of the Johnson Circuit and Superior Courts.~~
  - ~~3. Special Driving Privileges (pursuant to I.C. 9-30-16-1, et seq.). Civil Miscellaneous (MI) cases filed to petition for Special Driving Privileges shall be heard by the Magistrate of the Johnson Circuit and Superior Courts.~~
- G. **Civil Cases.** Unless a specific provision of this rule provides otherwise, all remaining civil case types (CC, CT, MF, MI, PC, PL, and XP) shall be filed in the Johnson Superior Court No. 1 and the Johnson Superior Court No. 4 on a random and even basis.
1. Post-Conviction Relief.
    - a. Post-Conviction Relief (PC) cases shall be filed in the court which sentenced the Petitioner.
    - b. Post-Conviction Relief cases may be assigned to the Magistrate of the Johnson Circuit and Superior Courts.
  2. Expungement / Sealing (pursuant to I.C. 35-38-9-1, et seq.). Expungement (XP) cases shall be heard by the Magistrate of the Johnson Circuit and Superior Courts.
  3. Special Driving Privileges (pursuant to I.C. 9-30-16-1, et seq.). Civil Miscellaneous (MI) cases filed to petition for Special Driving Privileges shall be heard by the Magistrate of the Johnson Circuit and Superior Courts.

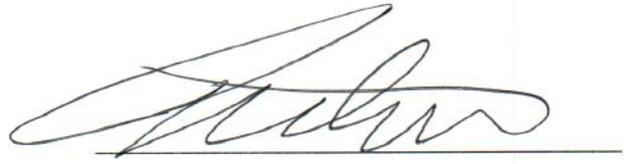
No further modifications to the Johnson County Caseload Allocation Plan are contemplated at this time.

All of which is **SO ORDERED** and **ADOPTED** this \_\_\_\_\_ day of December, 2016.



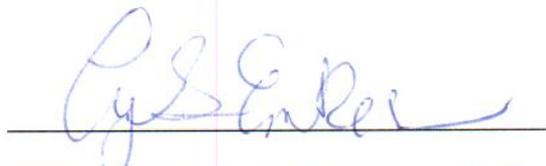
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**HON. K. MARK LOYD, JUDGE**  
JOHNSON CIRCUIT COURT



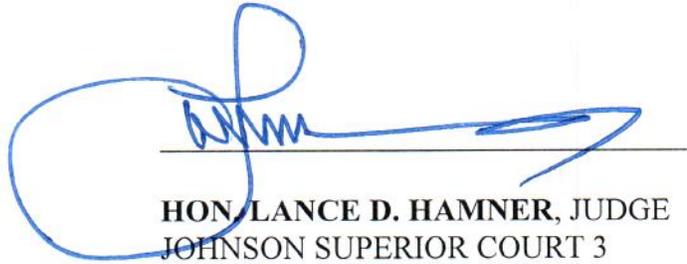
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**HON. KEVIN M. BARTON, JUDGE**  
JOHNSON SUPERIOR COURT 1



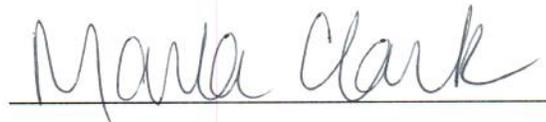
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**HON. CYNTHIA S. EMKES, JUDGE**  
JOHNSON SUPERIOR COURT 2



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**HON. LANCE D. HAMNER, JUDGE**  
JOHNSON SUPERIOR COURT 3



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**HON. MARLA K. CLARK, JUDGE**  
JOHNSON SUPERIOR COURT 4

# MEMORANDUM

**TO:** Johnson County Bar Association and Public  
**FROM:** Judges of the Johnson Circuit and Superior Courts  
**RE:** Update to the Johnson County Caseload Allocation Plan Due to Addition of New Case Types  
**DATE:** December 8, 2016

## Introduction:

Indiana Administrative Rule 8 was modified, effective January 1, 2017, to create four (4) new case types. Domestic Relations cases will now be divided into two (2) types: 1) Domestic Relations with Children (DC); and, 2) Domestic Relations No Children (DN). In addition, two (2) case types have been created for tax sale proceedings: 1) Application for Judgment in Tax Sale (TS); and, 2) Verified Petition for Tax Deed (TP).

## Changes in Caseload Allocation Plan:

In order to accommodate these additional case types, Johnson County's Caseload Allocation Plan is being modified. DC and DN cases will be randomly and evenly filed in the Circuit Court, Superior Court No. 2, and Superior Court No. 4. All tax sale cases (TS and TP) will be filed in Johnson Superior Court No. 1.

## Future Review:

Pursuant to Indiana Administrative Rule 1, the Johnson County Caseload Allocation Plan is subject to review in odd-numbered years. In compliance with the rule, the next scheduled review will occur in 2017. Thus, a full Caseload Allocation review incorporating Superior Court No. 4 will not occur until 2017, based upon the caseload statistics from 2015 and 2016.

## Comments:

Public comments regarding the caseload allocation plan will be received January 7, 2017. Comments may be sent to: Donna Sipe, Esq., Court Administrator, Courthouse, 5 E. Jefferson St., Franklin, IN 46131 or [dsipe@co.johnson.in.us](mailto:dsipe@co.johnson.in.us).