

In the
Indiana Supreme Court

CAUSE NUMBER: 45S00-1402-MS-91



ORDER AMENDING LAKE COUNTY LOCAL RULES

Under the authority vested in this Court to provide by rule for the procedure employed in all courts of this state and this Court's inherent authority to supervise the administration of all courts of this state, Lake County Rules LR 45-A.R. 16-17 (A) and LR 45 AR-1-01 are amended as follows (deletions shown by ~~striking~~ and new text shown by underlining):

LR 45-A.R.16-17 Electronic Filing and Service

Pursuant to Administrative Rule 16 and Trial Rule 77, the Superior Court of Lake County and the Lake Circuit Court, are authorized to establish practices and procedures for the filing, signing, verification and service of pleadings and papers, and sending notices, by electronic means. The judges and the clerk of the Superior Court of Lake County and the Lake Circuit Court have determined that an electronic filing system would advance efficiency in the Clerk's offices and the courts, and that members of the public and bar would be well served by such a system. Pursuant to Trial Rule 81 and Administrative Rule 16, the Superior Court of Lake County and Lake Circuit Court hereby adopt these rules establishing an electronic filing and service system in Lake County by using the Lake County Online Docket (LCOD) to file documents in the court's case management system, CourtView, and to serve the documents upon other persons in a case. The electronic filing and service system shall be designed, constructed, and maintained so as to function in compliance with Administrative Rules 6, 7, 9, and 16.

A. Application.

Unless otherwise ordered, these rules apply to all documents submitted for filing, no matter when the case was originally filed, according to the following schedule:

1. For all cases in Case Type MF in the Circuit Court and all Rooms of the Civil Division commencing on February 1, 2010.
2. For all cases in Case Type CC, PL, CT and MI in Rooms 2 and 3 of the County Division, ~~in the Circuit Court and all rooms of the Civil Division~~ commencing July 16, 2012, and cases in Case Type CC commencing September 1, 2013 in County Division Room 4.
3. Other case types and/or courts may be added to become subject to these electronic filing rules. Any additions will be made upon at least sixty (60) days advance

notice which shall be published in the offices of the Clerk of the Circuit and Superior Courts and on the Lake County Online Docket.

LR45-AR1-01 CASELOAD ALLOCATION RULE

Pursuant to TR81(a), the Lake Circuit/Superior Court adopts this Rule governing the assignment of cases as required by and in accordance with AR 1(E). This rule shall be effective January 1, 2013.

I. Judicial Reallocation

To comply with the requirement that the utilization variances between all courts of record in Lake County not exceed forty (40) percentage points, the Court adopted the modifications set forth in Table 1 for the 2011 Caseload Plan. This plan will remain in place for the 2013 Caseload Plan.

TABLE 1

| COURT | JUDICIAL OFFICERS ASSIGNED UNDER 2011 PLAN |
|-------------------------|--|
| Criminal Division 1 G01 | 1.5 |
| Criminal Division 2 G02 | 1.5 |
| Criminal Division 3 G03 | 1.5 |
| Criminal Division 4 G04 | 1.5 |
| Circuit Court C01 | 3.4 |
| Civil Division 1 D01 | 1.2 |
| Civil Division 2 D02 | 1.2 |
| Civil Division 3 D03 | 3 |
| Civil Division 4 D04 | 1.2 |
| Civil Division 5 D05 | 1 |
| Civil Division 6 D10 | 1 |
| Civil Division 7 D11 | 1 |
| Juvenile Court D06 | 7.5 |
| County Division 1 D07 | 2 |
| County Division 2 D08 | 2.3 |
| County Division 3 D09 | 2.4 |
| County Division 4 D12 | 1.3 |

~~III-II~~. Civil and County Division Case Filing

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, all of which address jurisdictional issues, the Lake Circuit and Superior Court adopts the following assignment schedule to maintain the efficient administration of justice and to ensure an even distribution of judicial workload among the courts of record in the County of Lake, pursuant to AR1(E).

The following case types shall be filed as follows:

1. Random filing of PL, CT, MF, and MI cases in the Circuit Court and the Civil Division, Rooms 1, 2, 4, 5, 6 and 7.
2. Random filing of CC and PO cases in the Circuit/Civil Division Courts by court location.
3. The equal distribution amongst the Civil Division of quiet title cases, previously filed exclusively in the Circuit, will allow the Court to meet the .40 objective detailed in AR1(E)(2).
4. With respect to PO cases in Crown Point and Gary, the Circuit Court and Civil Division, Room 3, hear all cases where there is a pending or concluded DR case in those courts involving the same parties. All other PO cases are randomly filed between the Circuit Court and Civil Division Courts at each location.
5. The Superior Court will also continue the practice of assigning CT and PL cases equally amongst the members of the Superior Court, pursuant to the court order of May 7, 2010.

6. Random filing of FD cases will also continue between the 4 Criminal Division and 4 County Division Courts with the Court maintaining sole discretion over the filing of FD cases in the Superior Court.
7. The filing of IF and OV cases are addressed in LR45-C.R.2.2-1
8. There shall be no random filing of civil cases in the County Division.
9. The County Division shall have exclusive original jurisdiction of all Small Claims Cases, and appeals and/or Trials De Novo of civil cases from City or Town Courts and shall maintain a Plenary Docket, with limited jurisdiction as more fully described below:
 - A. The Plenary Docket is limited to cases designated as PL, CT, CC, PO and MI.
 - B. .Damages for any case filed on the Plenary Docket shall be capped at \$10,000.00 (ten-thousand dollars).
 - C. The term “damages” shall include attorney fees, but excludes court costs, post judgment interest and any sanctions that a court may impose.
 - D. No case seeking equitable relief shall be filed on the Plenary Docket, with the following exceptions:
 - 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,

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

E. These rules should not be construed to exclude a County Division Judicial Officer from adjudicating a case, via transfer or special judge assignment, that would otherwise exceed the jurisdictional parameters set forth for the County Division Courts.

F. 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 parameters. 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 a court of general jurisdiction. Upon such transfer, the case shall no longer be constrained by the jurisdictional parameters laid out in this rule.

10. This rule shall apply to all cases pending in the County Division upon its adoption

~~IV.~~ III. Case Movement

County Division 1 – D07 will receive **60%** of all IF cases filed in the Superior Court.

County Division 2 – D08 will not have new IF cases filed.

County Division 3 – D09 will receive **25%** of all IF cases filed in the Superior Court.

County Division 4 - D12 will receive **15%** of all IF cases filed in the Superior Court.

To address the utilization disparities in the least intrusive manner, the 2013 Caseload Allocation plan focuses mainly on the movement of cases rather than judicial officers whenever possible. The 2011 Caseload Allocation plan returned all SC cases filed in Hammond to County Division 4. As such, these cases are no longer assigned to Civil Division 5 in Hammond.

The current filing pattern in the County Division, which calls for an additional 350 CM cases be filed in County Division 1, will be maintained.

To maintain parity and allowable utilization figures in the Civil Division of the Superior Court, additional PL and CT cases will be assigned, as needed, to Civil Division 4 and Civil Division 5 as part of the normal distribution of cases for equalization purposes. The majority of these cases would have normally been assigned to Civil Division 2, but given the large CC caseload in Civil Division 2 and the nature of batch filing CC cases, PL and CT cases will be reduced in that court, bringing the utilization figures in Civil Divisions 4 and 5 closer to the other courts in the Civil Division.

Finally, to close the gap and achieve the .40 variance threshold, the quiet title cases that had been exclusively filed in the Circuit Court, will be equally distributed amongst the 8 Civil Courts. In 2011, there were 74 such cases filed. By equally dividing the quiet title PL caseload, the gap between the court with the highest utilization figure, Circuit Court, would drop from 1.33 to 1.30 and the court with the lowest utilization figure, Civil Division Room 5, would rise from

.88 to .90, thus meeting the requirements set forth in AR1(E)(2). The projected 2013 utilization figures for the Lake Superior and Circuit Courts are portrayed below in Table 3. The Courts with the highest utilization figure under this plan will be the Circuit Court, with projected utilization figures of 1.30. The Court with the lowest projected utilization figure is Civil Division 5 at .90. This .40 difference again meets the requirements of Administrative Rule 1(E).

TABLE 3

| COURT | CURRENT 2011 UTILIZATION | 2013 PROJECTED UTILIZATION |
|-------------------------|--|--|
| Criminal Division 1 G01 | 1.11 | 1.11 |
| Criminal Division 2 G02 | 1.06 | 1.06 |
| Criminal Division 3 G03 | 1.09 | 1.09 |
| Criminal Division 4 G04 | 1.08 | 1.08 |
| Circuit Court C01 | 1.33 | 1.30 |
| Civil Division 1 D01 | .89 | .90 |
| Civil Division 2 D02 | 1.09 | 1.10 |
| Civil Division 3 D03 | 1.01 | 1.10 |
| Civil Division 4 D04 | .89 | .90 |
| Civil Division 5 D05 | .88 | .90 |
| Civil Division 6 D10 | .91 | .92 |
| Civil Division 7 D11 | .91 | .92 |
| Juvenile Court D06 | 1.17 | 1.17 |
| County Division 1 D07 | 1.15 | 1.15 |
| County Division 2 D08 | 1.21 | 1.21 |
| County Division 3 D09 | 1.10 | 1.10 |
| County Division 4 D12 | 1.23 | 1.23 |
| | CURRENT UTILIZATION DIFFERENCE <u>.45</u> | PROJECTED UTILIZATION DIFFERENCE <u>.40</u> |

As this change is due to a scrivener's error, the requirements for posting on the Internet and the required comment period of Indiana Trial Rule 81(B) are hereby waived.

This amendment shall take effect February 28, 2014.

The Clerk of this Court is directed to forward a copy of this Order to the Clerk of the Lake Circuit Court, the judge of the Lake Circuit Court, 2293 North Main St, Crown Point, IN 46307, Martin Goldman, Administrator of the Lake Superior Court, 2293 North Main St., Crown Point, IN 46307, the Lake County Bar Association, 291 W 84th Dr., Merrillville, IN 46410, Indiana Supreme Court; the Administrator, Indiana Court of Appeals; Administrator, Indiana Tax Court; Public Defender of Indiana; the Michie Company; and Thomson Reuters. The Clerk is also directed to post this Order to the Court's website. Thomson Reuters is directed to publish this Order in the advance sheets of this Court. The Clerk of the Lake Circuit and Superior Court is directed to bring this Order to the attention of all judges within the county and to post this Order for examination by the Bar and general public.

DONE at Indianapolis, on February 4, 2014.

/s/ Brent E. Dickson
Chief Justice of Indiana

All Justices concur.