

In the
Indiana Supreme Court



IN THE MATTER OF THE)
)
APPROVAL OF LOCAL RULES)
)
FOR VANDERBURGH COUNTY)

Case No. 82S00-1407-MS-407

ORDER APPROVING AMENDED LOCAL RULE

The Judges of the Vanderburgh Circuit and Superior Courts request the approval of amended local rules for caseload allocation in accordance with Ind. Administrative Rule 1(E). Attached to this Order are the proposed amended local rule.

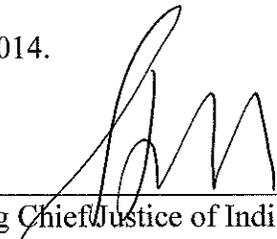
Upon examination of the proposed rule amendments requested by the Vanderburgh Circuit and Superior Courts, this Court finds that the proposed rule amendments, LR82-AR00-1.02, LR82-AR00-S1.03 and LR82-AR00-S1.04 comply with the requirements of Ind. Administrative Rule 1(E), and, accordingly, should be approved and posted in the county clerk's office(s) and on the county clerk's website, if any, and on the Indiana Judicial Website.

IT IS, THEREFORE, ORDERED by this Court that amended Local Rules LR82-AR00-1.02, LR82-AR00-S1.03 and LR82-AR00-S1.04 for Vanderburgh Circuit and Superior Courts, set forth as an attachment to this Order, are approved effective July 28, 2014. The Clerk of this Court is directed to forward a copy of this Order to the Hon. Richard D'Amour, Vanderburgh Superior Court, 825 Sycamore, #218, Evansville, IN 47708-1885; to the Hon. David D. Kiely, Vanderburgh Circuit Court, 825 Sycamore, #210, Evansville, IN 47708-1885; to the Hon. Mary Margaret Lloyd, Vanderburgh Superior Court, 825 Sycamore, #120, Evansville, IN 47708-1885; to the Hon. Brett J. Niemeier, Vanderburgh Superior Court, 825 Sycamore, #126, Evansville, IN 47708-1885; to the Hon. Robert J. Pigman, Vanderburgh Superior Court, 825 Sycamore, #122, Evansville, IN 47708-1885; to the Hon. Les Shively, Vanderburgh Superior Court, 825 Sycamore, #116, Evansville, IN 47708-1885; to the Hon. Robert J. Tornatta, Vanderburgh Superior Court, 825 Sycamore, #225, Evansville, IN 47708-1885; to the Hon. Wayne S. Trockman, Vanderburgh Superior Court, 825 Sycamore, #118, Evansville, IN 47708-1885; to the Clerk of the Vanderburgh Circuit and Superior

Courts; and to the Division of State Court Administration. The Clerk is also directed to post this Order on the Court's website.

The Clerk of the Vanderburgh Circuit and Superior Courts is directed to enter this Order and attachment in the Record of Judgments and Orders for the Courts, to post this Order and attachment for examination by the Bar and the general public, and if available, to publish this Order and attachment on the county clerk's website.

DONE at Indianapolis, Indiana, on July 25, 2014.



Acting Chief Justice of Indiana

CIVIL RULES OF THE VANDERBURGH CIRCUIT AND SUPERIOR COURTS
LR82-TR81-1.01

Applicability, Effective Date, and Designations

These rules apply to all litigants whether or not represented by counsel. These rules shall be effective beginning January 1, 2007, and supersede all rules or parts of rules previously followed by these Courts. Each rule applies to both Circuit and Superior Courts, except where one Court's designation ("C" for Circuit and "S" for Superior) appears in the last set of characters in a rule number, in which case that rule applies only to the designated Court.

LR82-AR00-1.02

Case Allocation Plan

(A) Balance within Superior Court. The Vanderburgh Superior Court is divided into seven Divisions as follows:

1. Division I – Civil
2. Division II – Criminal
3. Division III – Civil
4. Division IV – Domestic Relations
5. Division V – Civil
6. Division VI – Criminal, Small Claims and Misdemeanor/Traffic
7. Division VII – Juvenile and Probate

Divisions I through VI are presided over by six of the Judges.

Division II has two presiding Judges, one of whom handles the Class D Felonies as assigned in LR82-CR2.2-2.01. The other presiding Judge handles the other Felonies assigned to Superior Court pursuant to LR82-CR2.2-2.01.

Division VII is presided over by a single Judge. This assignment is a one year minimum assignment.

All Felony criminal cases (MR, FA, FB, FC, and FD) are assigned pursuant to LR82-CR2.2-2.01 and civil cases with exception of expungements (PL, MF, CC, CT, MI) are assigned to one of the four remaining Judges by blind lot in the order presented for filing. The MI cases are evenly divided to the four Judges with the expungement cases going to Judge Shively. PO cases are evenly divided amongst the six Superior Court Judges not assigned to Juvenile Court. The County utilizes Court View software package which evenly distributes the cases among the Judges. This software also adjusts the new case assignments to account for recusals so that every attempt is made to evenly distribute the case load among the Judges. All miscellaneous felony criminal matters (MC) are assigned to Division II. The Judge serving in Division I, III, or V also serves as a backup for Division II.

All Domestic Relations (DR), Juvenile Paternity (JP), and Reciprocal (RS) matters are assigned to Division IV. Four Judges rotate through this Division for a one month period. Each Judge serves six non-consecutive months a year in this Division. The four Magistrates rotate through this Division so that each Magistrate presides in Division IV for three non-consecutive months a year. Two Judges and one Magistrate are assigned each month to this Division.

Cases over which Juvenile Court has concurrent original jurisdiction involving adults charged with the crime of contributing to delinquency (IC 35-46-1-8) or adults charged with violating the compulsory school attendance law (IC 20-8.1-3) shall be assigned to the Juvenile Division of the Vanderburgh Superior Court and presided over by the Judge assigned to Juvenile Court or the Magistrate assigned thereto. All remaining Misdemeanor and Traffic (CM, IF) cases shall be assigned to Division VI. These cases are presided over by four Magistrates subject to the supervision of one of the Judges. The Magistrates rotate through on a monthly basis serving three non-consecutive months a year.

All Small Claims (SC) and Ordinance Violation (OV, OE) cases are assigned to Division VI. These cases are presided over by four Magistrates subject to the supervision of one of the Judges. The Magistrates rotate through on a monthly basis serving three non-consecutive months a year. There is an assignment of one Magistrate to hear all OE cases in a court set up and named "Housing Court".

Mental Health cases are also assigned to Division VI and are heard by the presiding Judge or Magistrate presiding in Small Claims for that month.

All Probate and Juvenile matters with exception of JP cases (JS, JT, JM, AD, AH, ES, EU, GU, TR, JC, JD) are assigned to Division VII. This Court is presided over by the Judge who does not participate in the rotation schedule set out in paragraph one. There is one Magistrate assigned to Juvenile Court permanently and other Magistrates as needed. This Magistrate assignment is a one year minimum assignment.

The rotating DR schedules and the use of the Court View software creates a nearly as is possible an even distribution of the work load within Superior Court.

LR82-AR00-S1.03

Assignment of Judges within Superior Court

(A) Chief Judge and Judges of Superior Court. There shall be a Chief Judge elected on a date between January 1 and January 31 of each year by the Judges who shall begin his/her term as the Chief Judge on the following February 1st. The Chief Judge will be primarily responsible for the efficient and expeditious operation and conduct of the Court. In the absence of the Chief Judge, the Judge sitting in Division One shall act as temporary Chief Judge.

The following Courts shall have Judges elected as supervisors on a yearly basis: drug court, misdemeanor and traffic, small claims and domestic relations. Each Judge so selected shall be responsible for the efficient and expeditious operation of that Court. Each supervisor shall report periodically to the Chief Judge and all other Judges any change in the current operations of that Court. There shall be appointed each year a Supervisor of Information and Technology to oversee and assure the Court's compliance with Administrative Rule 9.

(B) Superior Court Rotation. The four Superior Court Judges not assigned to Felony or Juvenile Courts shall rotate their sitting in the remaining Divisions of this Court. The rotation shall commence on the first Monday of each month. Any new Judge replacement shall sit in the Division of the Judge whom he/she replaces unless otherwise agreed by majority vote of the Court as a whole. The Court, by a date not later than the first day of December or the first business day thereafter, shall publish a schedule of the sessions of this Court for the following calendar year of the Court together with the names of the Judges who will be sitting in the Divisions of this Court during each session thereof similar to Appendix B as attached hereto.

LR82-AR00-S1.04

Assignment and Disposition of Civil Cases in Superior Court

All Civil cases shall, upon being filed in the office of the Clerk, be assigned in the following manner:

(A) Assignment. Each Civil Case shall be assigned to one of the four (4) rotating Judges by blind lot in the order presented for filing. The Judge assigned to each case shall have responsibility for all proceedings in that case including hearings of all motions, arguments and petitions. All emergency matters shall be heard by the assigned judge unless he/she is unable to do so, in which case he/she may refer the matter to another Judge. Where the assigned Judge is unavailable to refer the matter, such emergency matter may be heard by any other Judge.

(B) Transfer within County. Where a case originates in the Small Claims, Juvenile or Probate Divisions and is transferred to the Civil Division, the clerk shall assign such case to a specific Judge in the same manner as in other Civil Cases.

(C) Transfer from another County. All Civil cases transferred to this Court from another County shall be assigned by the Clerk as provided by the rules stated herein for the assignment of Civil Cases.