

In the  
Indiana Supreme Court



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

Case No. 59S00-1507-MS-443

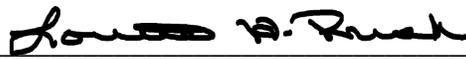
ORDER APPROVING AMENDED LOCAL RULES

The judges of the Orange Circuit and Superior Courts request the approval of amended local rules for caseload allocation in accordance with Indiana Administrative Rule 1(E) and appointment of special judges in accordance with Indiana Criminal Rule 13 and Indiana Trial Rule 79. Attached to this Order are the proposed amended local rules.

Upon examination of the proposed rule amendments requested by the Orange Circuit and Superior Courts, this Court finds that the proposed rule amendments, LR59-AR00-1, LR59-CR2.2-1 and LR59-TR79-1 comply with the requirements of Indiana Administrative Rule 1(E), Indiana Criminal Rule 13 and Indiana Trial Rule 79, and accordingly, should be approved.

IT IS, THEREFORE, ORDERED by this Court that Orange Circuit and Superior Court Local Rules, LR59-AR00-1, LR59-CR2.2-1 and LR59-TR79-1, set forth as attachments to this Order, are approved effective the date of this Order.

DONE at Indianapolis, Indiana, on 7/24/2015.

  
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Loretta H. Rush  
Chief Justice of Indiana

**LR59-AR 00-1  
CASELOADS**

The Courts of Orange County, Indiana adopt the following local rule in regard to caseloads pursuant to Administrative Rule 1(E) after reviewing the 2014 Weighted Caseload Measures and determining that the same complies with the 0.40 utilization Caseload Variance.

1. Unless precluded by state statute or state court rule, the following types of causes shall be filed exclusively in the Orange Superior Court:
  - a. Infractions (“IF” cause numbers),
  - b. Ordinance Violations (“OV” and “OE” cause numbers),
  - c. Criminal Misdemeanors (“CM” cause numbers),
  - d. Criminal Level 6 Felonies (“F6” cause numbers),
  - e. Protective Orders (“PO” cause numbers),
  - f. Small Claims (“SC” cause numbers),
  - g. Civil Plenary Cases in which the debt or damage claimed, or value of the property sought does not exceed \$10,000.00 (“PL” cause numbers),
  - h. Civil Collection Cases in which the debt or damage claimed, or value of the property sought does not exceed \$10,000.00 (“CC” cause numbers),
  - i. Domestic Relation Cases filed by the law firm of Blanton, Branstetter and Pierce (“DR” cause numbers),
  - j. Domestic Relations cases filed between July 1<sup>st</sup> and September 30<sup>th</sup> inclusive (“DR” cause numbers), and
  - k. Miscellaneous Civil cases in which the debt or damage claimed, or the value of the property sought does not exceed \$10,000.00, and which do not seek injunctive relief (“MI” cause numbers).
2. Unless precluded by state statute or state court rule, Miscellaneous Criminal cases (“MC” cause numbers) including but not limited to Search Warrants may be filed in either the Orange Circuit or Superior Courts.
3. Unless precluded by state statute or state court rule, Petitions to Expunge Convictions, Petitions to Seal Criminal Records, and Petitions for Specialized Driving Privileges (“MI” cause numbers) shall be filed in that Court that entered the conviction or license suspension at issue. Petitions for Specialized Driving Privileges in regard to license suspensions imposed by the Indiana Bureau of Motor Vehicles (“MI” cause numbers) may be filed in either the Orange Circuit or Superior Courts.
4. Petitions for Post Conviction Relief (“PC” cause numbers) seeking relief from a prior Judgment of the Orange Circuit Court shall be filed in the Orange Circuit Court. Petitions for Post Conviction Relief (“PC” cause numbers) seeking relief from a prior Judgment of the Orange Superior Court or Orange County Court shall be filed in the Orange Superior Court.

5. Unless precluded by state statute or state court rule, all other causes shall be filed exclusively in the Orange Circuit Court.
6. This rule does not preclude the following filings in the Orange Circuit Court:
  - a. Petitions for Protective Orders (“PO” cause numbers) when litigation between the same parties is pending in the Orange Circuit Court, or when the Respondent in the Protective Order is a juvenile.
  - b. Criminal Level 6 Felonies and Misdemeanors filed as counts to a more serious criminal charge filed in the Orange Circuit Court (“MR”, “F1”, “F2”, “F3”, “F4”, and “F5” cause numbers), and
  - c. Criminal Level 6 Felonies (“F6” cause numbers) and Criminal Misdemeanors (“CM” cause numbers) filed when the same Defendant has more serious criminal charges pending in the Orange Circuit Court.

**LR59-CR 2.2-1**  
**ASSIGNMENT OF CRIMINAL CASES**

The Courts of Orange County, Indiana adopt the following local rule in regard to assignment of criminal cases, and pursuant to Rule 2.2 of the Indiana Rules of Criminal Procedure.

1. All Misdemeanors and Level 6 Felonies shall be assigned to, and filed in the Orange Superior Court (subject to the exceptions provided in LR59-AR 00-1).
2. All other Felonies shall be assigned to, and filed in the Orange Circuit Court.
3. This rule does not preclude the following filings in the Orange Circuit Court:
  - a. Criminal Level 6 Felonies and Misdemeanors filed as counts to a more a serious criminal charge filed in the Orange Circuit Court (“MR”, “F1”, “F2”, “F3”, “F4”, and “F5” cause numbers), and
  - b. Criminal Level 6 Felonies (“F6” cause numbers) and Criminal Misdemeanors (“CM” cause numbers) filed when the same Defendant has more serious criminal charges pending in the Orange Circuit Court.
4. The Judge of the Orange Circuit Court or Superior Court, by appropriate order entered in the Record of Judgments and Orders, may transfer and reassign to the other court a pending Level 6 Felony or Misdemeanor case, provided the receiving Court accepts jurisdiction of such matter.
5. Because this assignment rule provides for all Misdemeanors and Level 6 Felonies to be filed in the Orange Superior Court, and for all other Felonies to be filed in the Orange Circuit Court, with the only exceptions being those outlined in Sections 3 & 4 of this rule, so long as the regular Judge of the Orange Circuit or Superior Court is presiding on the case at the time of dismissal, it is not necessary to make further provisions for continued assignment of a Judge in the event of dismissal. In those circumstances, continued assignment in the event of dismissal shall occur as the inevitable result of compliance with this rule.
6. If a Special Judge is presiding on a case in either the Orange Circuit or Orange Superior Court, and a dismissal occurs, all Felony or Misdemeanor charges filed against the same defendant within the next six months which are based upon the same facts and circumstances, shall be assigned to the Special Judge from whom the dismissal was taken.

7. In the event of disqualification, recusal, or other change of Judge, a criminal, infraction, ordinance violation, or post-conviction relief case shall be reassigned in the Court where pending to a Special Judge selected by the Administrative Judge of District 24 pursuant to the District 24 Governance Plan. The selection shall take into account the Indiana Supreme Court's policy that Special Judges in these kinds of cases should first be selected from within Orange County, and the requirement of Indiana Criminal Rule 13 that Special Judges in these kinds of cases if not from Orange County must be from a county that is contiguous to Orange County or from within District 24. The selection shall also take into account the intent of the District 24 Governance Plan that each Judge receive one (1) appointment for every case from which that Judge disqualifies, recuses, or grants a change of Judge.
  
8. In the event these rules fail to assign a case or unique circumstances presented in a particular proceeding preclude local assignment, the Judge before whom the case is pending may request the Indiana Supreme Court to appoint a Special Judge for the case.

**LR59-TR79-1**  
**SELECTION OF SPECIAL JUDGES IN CIVIL CASES**

1. In the event of disqualification, recusal, or other change of Judge in a civil case, and the parties do not reach an agreement as to a Special Judge pursuant to Indiana Trial Rule 79(D) or an agreed upon Special Judge does not accept the case, and it becomes necessary to appoint a Special Judge under Indiana Trial Rule 79(H), a Special Judge shall be selected by the Administrative Judge of District 24 pursuant to the District 24 Governance Plan. The selection shall take into account the intent of the District 24 Governance Plan that each Judge receive one (1) appointment for every case from which that Judge disqualifies, recuses, or grants a change of Judge.
  
2. In the event that these rules fail to produce a Special Judge who is eligible to serve, or unique circumstances presented in a particular case preclude Special Judge selection locally, the Judge before whom the case is pending may request the Indiana Supreme Court to appoint a Special Judge for the case.

**LR59-TR79-1**  
**SELECTION OF SPECIAL JUDGES IN CIVIL CASES**

1. In the event of disqualification, recusal, or other change of Judge in a civil case, and the parties do not reach an agreement as to a Special Judge pursuant to Indiana Trial Rule 79(D) or an agreed upon Special Judge does not accept the case, and it becomes necessary to appoint a Special Judge under Indiana Trial Rule 79(H), a Special Judge shall be selected by the Administrative Judge of District 24 pursuant to the District 24 Governance Plan. The selection shall take into account the intent of the District 24 Governance Plan that each Judge receive one (1) appointment for every case from which that Judge disqualifies, recuses, or grants a change of Judge.
  
2. In the event that these rules fail to produce a Special Judge who is eligible to serve, or unique circumstances presented in a particular case preclude Special Judge selection locally, the Judge before whom the case is pending may request the Indiana Supreme Court to appoint a Special Judge for the case.