

In the  
Indiana Supreme Court



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

Case No. 77S00-1506-MS-396

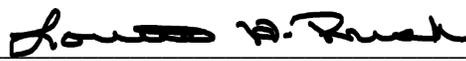
ORDER APPROVING AMENDED LOCAL RULES

The judges of the Sullivan 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. Attached to this Order are the proposed amended local rules.

Upon examination of the proposed rule amendments requested by the Sullivan Circuit and Superior Courts, this Court finds that the proposed rule amendments, LR77-AR-1-1 and LR77-CR00-4 comply with the requirements of Indiana Administrative Rule 1(E) and Indiana Criminal Rule 13, and accordingly, should be approved.

IT IS, THEREFORE, ORDERED by this Court that Sullivan Circuit and Superior Courts Local Rules, LR77-AR-1-1 and LR77-CR00-4, set forth as an attachment to this Order, are approved effective July 1, 2015.

DONE at Indianapolis, Indiana, on 6/29/2015.

  
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Loretta H. Rush  
Chief Justice of Indiana

**SULLIVAN COUNTY PLAN FOR ALLOCATION OF JUDICIAL RESOURCES (EFFECTIVE July 1, 2015)**

The Presiding Judge of the Sullivan Circuit Court, Robert E. Hunley, II and the Presiding Judge of the Sullivan Superior Court, Hugh R. Hunt, adopt the following Local Court Rule effective **July 1, 2015**:

**SULLIVAN COUNTY PLAN FOR ALLOCATION OF JUDICIAL RESOURCES**

- A. **Sullivan Circuit Court:** The Sullivan Circuit Court shall have exclusive jurisdiction over the following Court dockets:
1. Juvenile Cases: Delinquency, Paternity, Chins
  2. Probate Cases: Estates, Guardianships, Adoptions
  3. Civil Commitments (Mental Health cases)
  4. Infractions
- B. **Sullivan Superior Court:** The Sullivan Superior Court shall exclusive jurisdiction over the following Court dockets:
1. Small Claims
  2. Felony and Misdemeanor offenses charged under I.C. 9-30-5-3 and I.C. 9-30-5-4
- C. **CONCURRENT JURISDICTION:** The Sullivan Circuit Court and the Sullivan Superior Court will each have jurisdiction over the following Court dockets:
1. Civil
  2. Criminal Felony & Misdemeanor except as stated above in B, #2.
  3. Civil Venue cases from Vigo County
  4. Protective Orders
  5. Divorces and Legal Separations
- D. **Random Case Assignment:** Cases involving concurrent jurisdiction shall be assigned randomly by the Clerk of the Sullivan Circuit and Superior Courts. This shall be accomplished by utilizing JTS Case Tracking Software which randomly assigns cases on a 50:50 ratio between Sullivan Circuit Court and the Sullivan Superior Court. However, there are some instances in which random case assignment will not be conducted. Those Exceptions are as follows:
1. **Criminal Felony Case Assignment:** If a criminal non-support of a dependent child case is filed and Sullivan Court has an pending case in which the child support obligation was either established or enforced, then the criminal non-support case shall be filed in the same Court in which the child support obligation was established or enforced. The Clerk of the Court will override the random case assignment process and assign the criminal non-support case to the appropriate Court.

2. Companion Civil Filings: In the event two or more civil causes are identified by the filing party as companion cases, arising from the same circumstances, with similar issues of fact and law, the Clerk will utilize random case assignment to assign a Court to the first cause. The Clerk of the courts will then override the random case assignment process and assign any companion cases the same Court.
  3. Subsequent Criminal Filings: The Circuit Court and the Superior Court state that the policy of the Courts is to have all criminal cases pending against an individual filed in the same Court. Therefore, when a criminal case is filed, the Prosecuting Attorney and the Clerk shall determine if the accused has additional criminal charges pending. When the new criminal charge is filed in the Court where the additional criminal charges are pending, the Clerk shall override the random case assignment and assign the new criminal charge to the appropriate Court.
- E. Transfer: The Judge of the Sullivan Circuit Court or the Sullivan Superior Court, by appropriate order entered in the Record of Judgments and Orders, may transfer and reassign any case to the other Court, subject to acceptance by the receiving Court.
- F. Refilings: When the filing party and/or the State of Indiana dismisses a case and chooses to refile that case, the case shall be reassigned to the Court from which the dismissal was taken.

**Special Judge Assignments in Criminal Cases**

A. Pursuant to Ind. Criminal Rule 2.2(D) and Ind. Criminal Rule 13(C), in the event a change of judge is granted, or a disqualification or recusal is entered, the case shall be reassigned as follows:

- (1) Circuit Court: When it becomes necessary to assign another Judge in any felony or misdemeanor proceeding in the Sullivan Circuit Court, the case shall be reassigned to the Sullivan Superior Court.
- (2) Superior Court: When it becomes necessary to assign another Judge in any felony or misdemeanor proceeding in the Sullivan Superior Court, the case shall be reassigned to the Sullivan Circuit Court.
- (3) Alternative: In the event a reassignment cannot be accomplished pursuant to the rules set forth above, then the case will be reassigned in consecutive order to the following Judges:

Judge of the Greene Circuit Court

Judge of the Greene Superior Court

Judge of the Vigo Superior Court #1

Judge of the Vigo Circuit/Superior Court #3

Judge of the Vigo Superior Court #4

Judge of the Vigo Superior Court #5

Judge of the Vigo Superior Court #6 and

Judge of the Clay Circuit Court

Judge of the Clay Superior Court

Senior Judges eligible and who have agreed to serve as special judge in the Sullivan Circuit Court or the Sullivan Superior Court.

B. Pursuant to Ind. Criminal Rule 13 (D), 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.