In the
Indiana Supreme Court

In the Matter of the Approval of Local Rules for Monroe County

Supreme Court Case No. 53S00-1611-MS-563

FILED
Nov 02 2016, 1:22 pm
CLERK
Indiana Supreme Court
Court of Appeals
and Tax Court

Order Approving Amended Local Rule

The Judges of the Monroe Circuit Court request the approval of an amended local rule for caseload allocation in accordance with Indiana Administrative Rule 1(E). Attached to this Order is the proposed amended local rule.

Upon examination of the proposed rule amendment requested by the Monroe Circuit Court, this Court finds that the proposed rule amendment, LR53-AR00-0108 complies with the requirements of Indiana Administrative Rule 1(E), and, accordingly, should be approved.

IT IS, THEREFORE, ORDERED by this Court that amended Local Rule LR53-AR00-0108 for Monroe Circuit Court, set forth as an attachment to this Order, is approved effective January 1, 2017.

Done at Indianapolis, Indiana, on 11/2/2016.

Loretta H. Rush
Chief Justice of Indiana

LR53-AR00-0108 CASELOAD ALLOCATION

Updated 1/1/2017

A. Procedure. The Board of Judges shall:

1. Review and comply with current caseload allocation orders of the Indiana Supreme Court.

2. Review and assess literature from the Indiana State Bar Association, the American Bar Association, and the National Center for State Courts.

3. Review and consider suggestions made by the Monroe County Bar, the Prosecuting Attorney, and the Public Defender.

4. Review and analyze the statistics on current workload and caseflow within the Monroe Circuit Court.

5. Analyze whether the current allocation is providing quality public service. There shall be a presumption in favor of the current allocation in order to preserve public confidence in the system, promote stability for the employees of the court system, and avoid inefficient use of personnel, time, and resources to effectuate change. Caseload allocation shall be determined by judicial seniority.

B. Implementation. The Clerk of Monroe County shall maintain a random filing system, by computer or otherwise, implementing the caseload allocation approved by the Board of Judges. If the caseload allocation is changed by order of the Board of Judges, the Presiding Judge shall forward the amended allocation to the Clerk of the Supreme Court and Court of Appeals, the State Court Administrator, the Clerk of the Monroe Circuit Court, and the President of the Monroe County Bar Association. The current allocation is as follows:

1. Case Assignment. The Clerk shall assign cases as from time to time directed by the Board of Judges.

   a. The Clerk shall randomly assign all murder, A, B, C, D, Level I, Level II, Level III, Level IV, Level V, Level VI felony and misdemeanor cases to Divisions II, III, V, and IX.

   b. Domestic relations cases shall be randomly assigned 50% to Division IV and 50% to Division VIII, *unless consolidated with an active protection order case as provided in paragraph c.*

   c. Protective Order cases shall be randomly assigned 50% to Division IV and 50% to Division VIII. If however; the parties to the Protection Order case have an active or closed Domestic Relations (DR) case or an active Child in Need of Services (CHINS) case, the Protection Order case will be assigned to the Division with the DR or CHINS case. Domestic Relations cases shall be assigned to the Division with an active Protection Order case involving the same parties

d. Tort, Civil Plenary, Civil Collection and Mortgage Foreclosure cases shall be randomly assigned 60% to Division I and 40% to Division VI.

e. Juvenile Delinquencies, Juvenile Status, Juvenile Miscellaneous resulting from delinquent acts, Juvenile Paternity, Adoptions, Mental Health and Guardianship cases shall be assigned to Division VII.

f. Juvenile CHINS, Juvenile Miscellaneous filed by the Office of Family and Children, and juvenile Terminations shall be randomly assigned 50% to Division VII and 50% to Division VI.

g. Estate and Trust cases shall be assigned to Division I

h. Small Claims cases shall be randomly assigned 50% to Division IV and 50% to Division VIII.

i. Infraction cases shall be randomly assigned.

j. Reciprocal Support and Civil Miscellaneous cases shall be assigned to Divisions I, IV, VI, and VIII.

k. A redocketed case bearing a 1992 or earlier cause number shall be assigned to the court of original jurisdiction if that division in the reallocation of cases is assigned that case type, otherwise it will be randomly assigned to a division with that jurisdiction.

l. A redocketed case bearing a 1993 or later cause number shall be assigned to the court of original jurisdiction if that division in the reallocation of cases is assigned that case type, otherwise it will be randomly assigned to a division with that jurisdiction.

m. The Clerk shall use the related case function in the Odyssey Case Management System in Protection Order (PO) and Juvenile Paternity (JP) cases involving the same parties to facilitate coordination, consistency, and efficiency within judicial orders.

n. The Clerk shall use the related case function in the Odyssey Case Management System if an active CHINS case pending in Division VII involves the same parties to a new or pending Domestic Relations, Reciprocal Support, or Protective Order cases.

2. Case Re-filed. If a case is dismissed without prejudice on a plaintiff's motion and the same case is subsequently re-filed by a plaintiff, the re-filed case shall be assigned to the same Division of the Monroe Circuit Court in which the dismissed case was originally filed providing that division is overseeing that case type. If that division is no longer hearing that case type, then the Clerk will randomly assign that case to a division with jurisdiction. "Same case" shall mean substantially the same cause of action, arising out of the same transaction or occurrence, and between substantially the same parties. If such a re-filed case is not initially re-filed in the same division of the Monroe Circuit Court, then upon motion of any party or Court, it shall be transferred to the Division of the Monroe Circuit Court in which it was originally filed.

3. Change of Judge. When a special judge must be appointed in accordance with Trial Rule 79 (H), the case shall be randomly reassigned to another division of the court currently receiving new filings of that case type pursuant to Caseload Allocation Rule LR 53-AR00108. Juvenile CHINS, Juvenile Termination of Parental Rights and Adoption cases shall be reassigned to Division VI. Estate and Trust cases shall be reassigned to Division VII. Juvenile Status, Juvenile Miscellaneous, Juvenile Paternity, Mental Health and Guardianship cases shall be reassigned to Division IV. Juvenile Delinquency cases shall be reassigned to Division VIII.

   The Court Reporter shall notify the Clerk of the need for reassignment in accordance with District Rule DR 20-TR79-000.

C. Case Consolidation.

1. Civil cases. Civil cases filed against different defendants that arise out of the same occurrence, or multiple cases filed against the same defendant may be consolidated and assigned to the division with the oldest case number.

2. Criminal cases. All criminal cases against a defendant shall be consolidated in the Division with the oldest pending case number. A new case shall be filed in that Division, or transferred to that Division. Pending cases include defendants on Probation and in the Pre-Trial Diversion Program.

D. Case Transfer.

1. Nothing in this Rule shall preclude the transfer of case from one Division of the Circuit Court to another Division to promote efficiency and provide for timely resolution of cases. Upon transfer, credit will be given to the new Division assigned by the Odyssey Case Management System.