

In the
Indiana Supreme Court

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

Supreme Court Case No.
24S-MS-102



Order Approving Amended Local Rules

The Judges of the Dubois Circuit and Superior Courts request the approval of amended local rules for caseload allocation and criminal case assignment in accordance with Indiana Administrative Rule 1(E), for criminal case special judge assignments in accordance with Administrative Rule 21, and for civil case special judge assignments in accordance with Trial Rule 79. Attached to this Order are the proposed amended local rules.

Upon examination of the proposed rule amendments requested by the Dubois Circuit and Superior Courts, this Court finds that the proposed rule amendments to both LR19-AR1 and LR19-AR1-2 comply with Indiana Administrative Rule 1(E), the amendments to LR19-AR21-1 comply with Administrative Rule 21, and the amendments to LR19-TR79(H)-1 comply with Trial Rule 79, and, accordingly, should be approved.

IT IS, THEREFORE, ORDERED by this Court that amended Local Rules, LR19-AR1, LR19-AR1-2, LR19-AR21-1, and LR19-TR79(H)-1, for the Dubois Circuit and Superior Courts, set forth as attachments to this Order, are approved effective March 22, 2024.

Done at Indianapolis, Indiana, on 3/21/2024.

A handwritten signature in black ink, appearing to read "Loretta H. Rush".

Loretta H. Rush
Chief Justice of Indiana

LR19-AR1 CASELOAD ALLOCATION

In order to ensure an even distribution of judicial workload between the two Courts in Dubois County, pursuant to Administrative Rule 1, the Courts are adopting the local rule as follows:

1. Dubois Circuit Court shall have exclusive jurisdiction of all probate and juvenile matters;
2. Dubois Superior Court shall have exclusive jurisdiction of all traffic and small claims cases;
3. Both Courts shall have concurrent jurisdiction for all other civil matters.
4. Criminal cases shall be assigned to the Dubois Circuit Court or the Dubois Superior Court under LR19-AR1-2.

ADDITIONAL JUDICIAL RESOURCES: Additional judicial resources may be needed from time to time to ensure the efficient adjudication of cases in Dubois County. At such times, a judicial officer of a court of record in District 25 may serve as acting Judge in Dubois County upon mutual agreement of the Judges. The authority to sit as acting judge in Dubois County Courts is granted even when the sitting judge is present and available.

LR19-AR1-2 ASSIGNMENT OF CRIMINAL CASES

Pursuant to Administrative Rule 1(E), the following categories of charges shall be filed in the Dubois Circuit Court and Dubois Superior Court respectively:

CIRCUIT COURT

Homicide
Mischief
Burglary
Trespass
Forgery
Battery
Kidnapping
Sex Crimes
Robbery
Crimes against Public Administration
Bribery and other Official Misconduct
Perjury
Interference with Governmental Operation
Article 46 – Miscellaneous Offenses
Weapons and Violence
Check Deception
Domestic Violence
Red Flag

SUPERIOR COURT

Arson
Theft
Home Improvement Fraud
Offenses against Public Health, Order and Decency
Public Order
Communications
Pollution
Public Indecency
Prostitution
Gambling
Racketeering
Loan sharking
Gang Control
Stalking
Controlled Substances
Alcohol related offenses
Obscenity and Pornography
Traffic related offenses
Conservation violations

The most serious level of charge filed determines where the case is filed.

The prosecuting attorney or defense attorney may seek to transfer a case, and upon good cause shown, a case may be transferred to the other court for consolidation with a companion case, or other

cases pending in that court against the same defendant with the acceptance of the judges of the receiving and sending court.

In the event of dismissal and re-filing of a criminal case, it shall be re-filed in the same court in which it was originally filed.

Pursuant to Administrative Rule 21, in the event a change of judge is granted the case shall be reassigned pursuant to Local Rule.

LR19-AR21-1 APPOINTMENT OF SPECIAL JUDGE IN CRIMINAL CASES

If the judge before whom a case is pending in the Dubois Circuit Court or Dubois Superior Court becomes disqualified from jurisdiction of a case pursuant to the Administrative Rules, Rules for Post-Conviction Remedies, 1 or the Code of Judicial Conduct, then the presiding judge shall reassign the case to the other judge in Dubois County, and if that judge is ineligible to serve, then the presiding judge shall reassign the case by selecting the next judge in sequence from the list of judges of the following courts:

Daviess Circuit Court
Daviess Superior Court
Knox Circuit Court
Knox Superior Court I
Knox Superior Court II
Knox Circuit and Superior Courts Magistrate
Martin Circuit Court
Perry Circuit Court
Perry Circuit Court Magistrate
Pike Circuit Court
Spencer Circuit Court
Orange Circuit Court
Orange Superior Court
Crawford Circuit Court
Warrick Circuit Court
Warrick Superior Court I
Warrick Superior Court Magistrate

In the event a judge is ineligible for assignment from the list or the particular circumstances of the case warrant selection of a special judge by the Indiana Supreme Court, the presiding judge shall certify the case to the Indiana Supreme Court for the appointment of a special judge pursuant to Administrative Rule 21(B).

LR19-TR79(H)-1 APPOINTMENT OF SPECIAL JUDGE IN CIVIL CASES

If a motion for change of judge is granted or an order of disqualification is entered in a civil case, and a special judge is not appointed and qualified as provided in Indiana Trial Rule 79(D), pursuant to Indiana Trial Rule 79(H), the presiding judge shall reassign the case to the other judge in Dubois

County, and if that judge is ineligible to serve, then the presiding judge shall reassign the case by selecting the next judge in sequence from the list of judges of the following courts:

Daviess Circuit Court
Daviess Superior Court
Knox Circuit Court
Knox Superior Court I
Knox Superior Court II
Knox Circuit and Superior Courts Magistrate
Martin Circuit Court
Perry Circuit Court
Perry Circuit Court Magistrate
Pike Circuit Court
Spencer Circuit Court

In the event no judge from the list set forth above is available for appointment, or the particular circumstances in a case warrant selection of a special judge by the Indiana Supreme Court, the presiding judge may request, pursuant to Indiana Trial Rule 79(H)(3), that the Indiana Supreme Court appoint a special judge.