

**In the
Indiana Supreme Court**

IN THE MATTER OF REQUEST)
FOR APPROVAL OF LOCAL RULES) Case No.
IN JEFFERSON COUNTY)

**REQUEST FOR APPROVAL TO RE-ADOPT
CURRENT CASELOAD ALLOCATION RULE**

The judges of Jefferson County have met and reviewed the 2014 weighted caseload statistics for the courts of record. Our review indicates that the difference in utilization between any two courts of records does not exceed .40 based on the 2014 Weights Caseload Report.

We have amended our existing caseload plan to incorporate the new felony levels that became effective on July 1, 2014, but have made no changes to the current allocation of criminal cases.

Accordingly, the judges of the courts of record have decided to re-adopt their local rule pertaining to caseload allocation as required by Administrative Rule 1. This local rule was previously published for public comment as required by Trial Rule 81 and approved by the Supreme Court. We request Supreme Court approval to re-adopt the current local rule on caseload allocation.

Submitted this 15 day of MAY, 2015 for the Courts of Record of Jefferson County,



MICHAEL J. HENSLEY, Judge
Jefferson Superior Court



DARRELL M. AUXIER, Judge
Jefferson Circuit Court

Pursuant to Criminal Rules 2.2, 12 and 13, the Jefferson Circuit Court and the Jefferson Superior Court hereby amend Local Rule No. 2 to read as follows:

- A. Except as hereinafter set forth, all misdemeanor cases shall be filed in the Jefferson Superior Court.
- B. Any Title 35 offenses where the Defendant is under the age of eighteen shall be filed in the Jefferson Circuit Court. All ~~class D~~ Level 5 and Level 6 felony non-support cases shall be filed in the Jefferson Circuit Court.
- C. All other ~~class D~~ Level 6 and Level 5 felonies shall be filed in the Jefferson Superior Court.
- D. All murder and ~~class A~~ Level 1 and Level 2 felony cases shall be filed in the Jefferson Circuit Court.
- E. All other ~~class B~~ Level 3 and ~~class C~~ Level 4 felonies shall be filed randomly in either Court, with the Clerk choosing, by lot, which Court shall be selected.
- F. Any criminal charge based upon the issuance of a protective order issued by either Court shall be filed in the Court that issued the protective order. Any criminal case against a person who has an unresolved case in either Court shall be filed in the Court where the first offense is pending, except murder and class A felony charges which shall be filed in the Jefferson Circuit Court.
- G. Any cases which may be joined by statues shall be treated as one case for purposes of determining which Court shall be selected. The highest charge filed shall determine selection.
- H. The judges of the two courts shall retain authority to reassign cases between the courts whenever the workload of each Court, or convenience in handling the case, make such a reassignment judicially desirable.
- I. When a motion for change of judge has been granted pursuant to Criminal Rule 12(B), or an order of disqualification or recusal has been entered, the Clerk shall assign a judge randomly from the following list:
 1. Judge of the Scott Circuit Court
 2. Judge of the Scott Superior Court
 3. Judge of the Switzerland Circuit Court
 4. Judge of the Jennings Circuit Court
 5. Judge of the Jennings Superior Court
 6. Judge of the Ripley Circuit Court
 7. Judge of the Ripley Superior Court
 8. Either judge of the Jefferson Circuit Court or the Jefferson Superior Court depending from whom the change has been taken.
- J. In the event a case is dismissed and re-filed, the judge last having jurisdiction in the dismissed cause shall be the judge in the new case.

Pursuant to AR 1, the Courts of Jefferson County, Indiana adopt the following local rules as to case allocation:

1. All probate, paternity, CHINS, juvenile, and mental health cases shall be filed in the Jefferson Circuit Court.
2. All small claims cases shall be filed in the Jefferson Superior Court.
3. All criminal cases shall be filed pursuant to LR 39-CF-2.2-CR-2.
4. All other cases may be filed in either Court.
5. The Judges of the Jefferson Circuit and Superior Courts retain authority to reassign all types of cases between the courts whenever the workload of each court or convenience in the handling the case make such a reassignment judicially desirable.