

In the  
Indiana Supreme Court



IN THE MATTER OF THE )  
 ) Case No. 03S00-0612 -MS- 532  
APPROVAL OF LOCAL RULE )  
 )  
FOR BARTHOLOMEW COUNTY )

**ORDER APPROVING AMENDED LOCAL RULE**

The judges of the Bartholomew County Circuit and Superior Courts request the approval of an amended local rule for caseload allocation in accordance with Ind. Administrative Rule 1(E). Attached to this Order is the proposed amended local rule

Upon examination of the proposed rule amendment requested by the Bartholomew County Circuit and Superior Courts, this Court finds that the proposed rule amendment, "County of Bartholomew Caseload Plan" complies with the requirements of Ind. Administrative Rule 1(E), and, accordingly, should be approved, after the rule has been posted in the county clerk's office(s) and on the county clerk's website, if any, and on the Indiana Judicial Website, effective January 1, 2007.

IT IS, THEREFORE, ORDERED by this Court that the "County of Bartholomew Caseload Plan" for the Bartholomew County Circuit and Superior Courts, set forth as an attachment to this Order, is approved, after the rule has been posted in the county clerk's office(s) and on the county clerk's website, if any, and on the Indiana Judicial Website, effective January 1, 2007.

The Clerk of this Court is directed to forward a copy of this Order to the Hon. Stephen R. Heimann, Bartholomew Circuit Court, 234 Washington Street, Columbus, IN 47201; the Hon. Roderick D. McGillivray, Bartholomew Superior Court #2, 234 Washington Street, Columbus, IN 47202-0924; the Hon. Chris D. Monroe, Bartholomew Superior Court #1, 234 Washington Street, Columbus, IN 47201-6750; and to the Clerk of the Bartholomew County Courts.

The Clerk of the Bartholomew County Courts is directed to enter this Order and attachment in the Record of Judgments and Orders for the Courts, to post this Order and attachment for examination by the Bar and the general public, and if available, to publish this Order and attachment on the county clerk's website.

DONE at Indianapolis, Indiana, this 22<sup>nd</sup> day of December 2006.

RT Shepard  
Acting Chief Justice of Indiana

STATE OF INDIANA  
COUNTY OF BARTHOLOMEW

CASELOAD PLAN

Pursuant to Administrative Rule 1(E), the Bartholomew Circuit Court,  
Superior 1 Court and Superior 2 Court adopt the following on this 31st day of May,  
2006.

CRIMINAL CASE FILINGS

**(a) Superior Court 2.** The following types of causes shall be docketed with Superior Court 2:

- (1) all class D, C, and B felonies related to driving offenses;
- (2) all classes of misdemeanors (except Domestic Violence cases); and
- (3) all classes of infractions.

**(b) Circuit and Superior Court 1.** The following shall be docketed with the Circuit Court and Superior Court 1 in a random method by the Clerk. The following types of causes shall be docketed with these two courts according to the aforementioned method:

- (1) all class A-D felonies (except those specifically denoted to be filed in Superior Court 2 and except for Domestic Violence cases) and
- (2) all capital offenses.

**(c) Domestic Violence Cases**

All Domestic Violence cases shall be filed in Superior Court 1.

**(d) Defendants with Multiple Actions.** Notwithstanding LR03-CR2.2-1(a) and (b), when a Defendant has a cause pending against them in Circuit or Superior Court 1, during the pendency of that cause, all subsequent criminal actions filed against that Defendant shall be assigned to the Court where the initial cause was assigned.

**(e) Co-Defendants.** When two or more defendants are charged with felonies as the result of the same underlying set of facts, they shall all be charged in the same Court.

**(f) Charges Alleging violation of Protective Order.** When a defendant is charged with violation of a Protective Order, those charges shall be filed in the Court where the protective order was issued.

**(g) Prosecutor's Knowledge of Potential Conflict.** In the event the prosecutor has knowledge prior to the filing of a case that a judge should not receive a case because

of a conflict, or for some other reason, the prosecutor may request the filing of a case in a specific court by making specific allegations in a written request filed at the time of filing said case. This request may be approved by the judge of the Court in which the prosecutor seeks to file said case.

- (a) **LR03-CR2.3-1 Transfer of Cases** In the event of a conflict, Circuit Court shall reassign cases first to Superior Court 1 and if there is a conflict with Superior Court 1, then the reassignment shall be to Superior Court 2.
- (b) In the event of a conflict, Superior Court 1 shall reassign cases first to Circuit Court and if there is a conflict with Circuit Court, then the reassignment shall be to Superior Court 2.
- (c) In the event of a conflict, Superior Court 2 shall reassign cases to Circuit Court and Superior Court 1 randomly.
- (d) In the event that no Courts in Bartholomew County are available to hear a case, then that case shall be transferred to Shelby Circuit Court or Decatur Circuit Court randomly.
- (e) In the event that no judge is available for assignment or reassignment, such case shall be certified to the Indiana Supreme Court for the appointment of a Special Judge.

#### CIVIL CASE FILINGS

- (a) **Infraction** cases (except for juvenile non-driving infractions) shall be filed in Superior Court 2.
- (b) **Ordinance Violation** cases may be filed in any court.
- (c) **Juvenile Chins, Delinquents, Status, Paternity, Miscellaneous, Status, Infractions, and Ordinance Violation** cases shall be filed in Circuit Court.
- (d) **Civil Plenary, Mortgage Foreclosure, Civil Collection, Civil Tort, Domestic Relations, Reciprocal, Adoption, Estates, Guardianships Trusts, and Miscellaneous Civil** cases may be filed in any court.
- (e) **Small Claim** cases shall be filed in Superior Court 2.
- (f) **Mental Health** cases shall be filed in Superior Court 1.
- (g) **Protective Order** cases shall be filed in Superior Court 1 unless there is currently pending a case involving the parties in another Bartholomew County Court. Then the protective order case shall be filed in that court.

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Stephen R. Heimann  
Circuit Court Judge

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Chris D. Monroe  
Superior Court 1 Judge

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Roderick D. McGillivray  
Superior Court 2 Judge

Appendix A  
Bartholomew County 2006 WCL Plan

	Actual 2005 New Filings			Assignment of cases based upon plan			Comments	Application of plan guidelines and assumptions to 2005					
	Circuit	Sup. 1	Sup. 2	Total	Circuit	Sup. 1		Sup. 2	Total	Circuit	Sup. 1	Sup. 2	Total
MR	0	0	0	0				0.00%		0	0	0	
CF				0				0.00%		0	0	0	
FA	5	17		22	50.00%	50.00%	0.00%	100.00%		11	11	22	
FB	29	4		33	87.88%	12.12%	0.00%	100.00%	* Assumption based on historical proportions	29	4	33	
FC	41	51	12	104	39.42%	49.04%	11.54%	100.00%	* Assumption based on historical proportions	41	51	104	
FD	149	154	118	421	35.39%	36.58%	28.03%	100.00%	* Assumption based on historical proportions	149	154	421	
PC	3	3	6	12	50.00%	50.00%	0.00%	100.00%	* Assumption based on historical proportions	3	3	6	
CM	4	21	1,620	1,645	0.24%	1.28%	98.48%	100.00%	* Assumption based on historical proportions	4	21	1,620	
MC	44	80	130	254	17.32%	31.50%	51.18%	100.00%	* Assumption based on historical proportions	44	80	254	
IF	15		8,581	8,596	0.17%	0.00%	99.83%	100.00%	* Assumption based on historical proportions	15	0	8,581	
OV,OE			85	85	0.00%	0.00%	100.00%	100.00%	* Assumption based on historical proportions	0	0	85	
JC	76			76	100.00%			100.00%		76	0	76	
JD	259			259	100.00%			100.00%		259	0	259	
JS	51			51	100.00%			100.00%		51	0	51	
JP	239			239	100.00%			100.00%		239	0	239	
JM	365			365	100.00%			100.00%		365	0	365	
JT	17			17	100.00%			100.00%		17	0	17	
CP				0				0.00%		0	0	0	
PL	14	10	11	35	40.00%	28.57%	31.43%	100.00%	* Assumption based on historical proportions	14	10	35	
MF	93	181	1	275	33.82%	65.82%	0.36%	100.00%	* Assumption based on historical proportions	93	181	275	
CC	555	258	90	903	61.46%	28.57%	9.97%	100.00%	* Assumption based on historical proportions	555	258	903	
CT	39	44	34	117	33.33%	37.61%	29.06%	100.00%	* Assumption based on historical proportions	39	44	117	
SC			3,917	3,917			100.00%	100.00%		0	0	3,917	
DR	209	223	178	610	34.26%	36.56%	29.18%	100.00%	* Assumption based on historical proportions	209	223	610	
RS	31			31	100.00%	0.00%	0.00%	100.00%	* Assumption based on historical proportions	31	0	31	
MH				146		100.00%		100.00%		0	146	146	
AD	8	15	4	27	29.63%	55.56%	14.81%	100.00%	* Assumption based on historical proportions	8	15	27	
AH				0				0.00%		0	0	0	
ES,EU	59	87	41	187	31.55%	46.52%	21.93%	100.00%	* Assumption based on historical proportions	59	87	187	
GU	41	49	18	108	37.96%	45.37%	16.67%	100.00%	* Assumption based on historical proportions	41	49	108	
TR	4	5		9	44.44%	55.56%	0.00%	100.00%	* Assumption based on historical proportions	4	5	9	
PO	111	714	50	875	12.69%	81.60%	5.71%	100.00%	* Assumption based on historical proportions	111	714	875	
MI	46	39	17	102	45.10%	38.24%	16.67%	100.00%	* Assumption based on historical proportions	46	39	102	
CB				0				0.00%		0	0	0	
TOTAL	2,507	2,101	14,907	19,515						2,513	2,095	14,907	

\* 2005 distribution proportions were used for caseload allocation projections. These assumptions were confirmed by Judge Heimann.

Appendix B

Bartholomew

Circuit	
Total Actual Minutes:	167149
Actual Need (to date):	2.07
Quarters Counted:	4
Projected Need (year):	2.07
Actual Have:	1.60
<b>Projected Utilization:</b>	<b>1.2955</b>

Superior 1	
Total Actual Minutes:	137098
Actual Need (to date):	1.70
Quarters Counted:	4
Projected Need (year):	1.70
Actual Have:	1.10
<b>Projected Utilization:</b>	<b>1.5456</b>

Superior 2	
Total Actual Minutes:	196099
Actual Need (to date):	2.43
Quarters Counted:	4
Projected Need (year):	2.43
Actual Have:	2.10
<b>Projected Utilization:</b>	<b>1.1580</b>

County Summary (All Courts)

Projected Need:	6.20
Actual Have:	4.80
<b>Projected Utilization:</b>	<b>1.2926</b>

Type	Weight	Circuit		Superior 1		Superior 2		Total Cases	Projected Minutes
		Cases	Proj. Min.	Cases	Proj. Min.	Cases	Proj. Min.		
Capital	2649	0	0	0	0	0	0	0	0
MIR	453	0	0	0	0	0	0	0	0
CF	155	0	0	0	0	0	0	0	0
FA	420	11	4620	11	4620	0	0	22	9240
FB	260	29	7540	4	1040	0	0	33	8580
FC	210	41	8610	52	10920	12	2520	105	22050
FD	75	149	11175	154	11550	118	8850	421	31575
PC	0	3	0	3	0	0	0	6	0
CM	40	4	160	21	840	1620	64800	1645	65800
MC	18	44	792	80	1440	130	2340	254	4572
IF	2	15	30	0	0	8581	17162	8596	17192
OV	2	0	0	0	0	85	170	85	170
JC	111	76	8436	0	0	0	0	76	8436
JD	60	259	15540	0	0	0	0	259	15540
JS	58	51	2958	0	0	0	0	51	2958
JP	82	239	19598	0	0	0	0	239	19598
JM	12	365	4380	0	0	0	0	365	4380
JT	194	17	3298	0	0	0	0	17	3298
CP	106	0	0	0	0	0	0	0	0
PL	121	14	1694	10	1210	11	1331	35	4235
MF	23	93	2139	181	4163	1	23	275	6325
CC	26	555	14430	258	6708	90	2340	903	23478
CT	118	39	4602	44	5192	34	4012	117	13806
SC	13	0	0	0	0	3917	50921	3917	50921
DR	185	209	38665	223	41255	178	32930	610	112850
RS	31	31	961	0	0	0	0	31	961
MH	37	0	0	146	5402	0	0	146	5402
AD	53	8	424	15	795	4	212	27	1431
AH	53	0	0	0	0	0	0	0	0
EU	85	59	5015	87	7395	41	3485	187	15895
GU	93	41	3813	49	4557	18	1674	108	10044
TR	40	4	160	5	200	0	0	9	360
PO	37	111	4107	714	26418	60	1650	875	32375
MI	87	46	4002	39	3393	17	1479	102	8874
<b>TOTAL</b>		<b>2513</b>	<b>167149</b>	<b>2096</b>	<b>137098</b>	<b>14907</b>	<b>196099</b>	<b>19516</b>	<b>500346</b>

0.3876

Appendix C

B Statistics 2005										
Court Name	County #	Court Type	Court #	Total Adjusted For Cases (venued transferred special judge)	Total Adjusted for capital Murder	Need 2005 (Adjusted)	Have 2005 (Adjusted)	Utilize 2005 (Adjusted)	2005 Utilize	Difference (B stats - A stats)
BARTHOLOMEW CIRCUIT COURT	3	C	1	165743	165743	2,0553	1,6056	1,2801	1,2760	30042
BARTHOLOMEW SUPERIOR COURT 1	3	D	1	136426	136426	1,6918	1,0000	1,6918	1,7288	3370
BARTHOLOMEW SUPERIOR COURT 2	3	D	2	199108	199108	2,4691	2,1116	1,1693	1,2159	3466
Total / Average						6,2162	4,7172	1,3178	1,3483	-0,0305

APPENDIX D



"Stephen Heimann"  
<sheimann@bartholomewco.  
com>

08/16/2006 11:57 AM

To <cgraham@courts.state.in.us>  
cc  
bcc  
Subject

Bartholomew Superior Court 1 is 1.1  
Bartholomew Superior Court 2 is 2.1