FILED
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CLERK OF THE
INDIANA SUPREME COURT
COURT OF APPEALS
AND TAX COURT

In the
Indiana Supreme Court

IN THE MATTER OF THE	)	
	)	**Case No. 88S00-0611-MS-459**
APPROVAL OF LOCAL RULES	)	
	)	
FOR WASHINGTON COUNTY	)	

ORDER APPROVING AMENDED LOCAL RULES

The judges of the Washington Circuit and Superior Courts request the approval of amended local rules: for caseload allocation in accordance with Ind. Administrative Rule 1(E), and criminal case assignment in accordance with Ind. Criminal Rule 2.2. Attached to this Order are the proposed amended local rules.

Upon examination of the proposed rule amendments requested by the Washington Circuit and Superior Courts, this Court finds that the proposed rule amendments, LR88-AR01-9 and LR88-CR-2.2-1, comply with the requirements of Ind. Administrative Rule 1(E) and Ind. Criminal Rule 2.2, and accordingly, should be approved.

IT IS, THEREFORE, ORDERED by this Court that Washington County Local Rules, LR88-AR01-9 and LR88-CR-2.2-1 set forth as an attachment to this Order, are approved effective January 1, 2007, provided further that the rules shall be posted in the county clerk's office(s) and on the county clerk's website, if any, and on the Indiana Judicial Website not less than thirty (30) days prior to the effective date.

The Clerk of this Court is directed to forward a copy of this Order to the Hon. Robert L. Bennett, Washington Circuit Court, 99 Public Square, #200, Salem, IN 47167-2098; the Hon. Frank Newkirk, Jr., Washington Superior Court, 801 Jackson Street, Salem, IN 47167-1218 and to the Clerk of the Washington Circuit and Superior Courts.

The Clerk of the Washington Circuit and Superior 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 9th day of November, 2006.

RT Shepard

Randall T. Shepard
Chief Justice of Indiana

LOCAL RULES OF THE WASHINGTON CIRCUIT AND SUPERIOR COURTS

LR88-CR2.2-1 – CRIMINAL CASE ASSIGNMENT

All criminal cases containing any of the following counts ~~count alleging an alcohol or controlled substance offense, or alleging non-support of a dependent child~~ shall be assigned to the Washington Superior Court:~~, with a~~

A. Alcohol Offense
B. Burglary
C. Check Deception
D. Controlled Substance Offense
E. Conversion
F. Forgery
G. Fraud
H. Non-support of a Dependent
I. Receiving Stolen Property
J. Residential Entry
K. Resisting Law Enforcement
L. Robbery
M. Theft

All other criminal cases shall be assigned to the Washington Circuit Court.

LR88-CR2.2-2 – TRANSFER OF CRIMINAL CASES

The judge of the Washington Circuit or Superior Court may

A. Direct in writing that a new case may be filed in the other Court, or

B. By appropriate order entered in the Record of Judgment and Orders, transfer and reassign any pending case to the other Court.

Such transfer or filing is subject to acceptance by the receiving Court.

LR88-CR2.2-3 – REFILING AND SUBSEQUENT FILINGS OF CRIMINAL CASES

When the State of Indiana dismisses a case and chooses to re-file that case, the case shall be assigned to the court from which the dismissal was taken.

LR88-CR2.2-4 – REASSIGNMENT OF CRIMINAL CASES

When a motion for change of judge has been granted, the Clerk shall assign a new judge randomly from the following list of Courts:

1. Lawrence Circuit Court
2. Lawrence Superior Court 1
3. Lawrence Superior Court 2
4. Scott Circuit Court
5. Scott Superior Court
6. Washington Superior Court
7. Washington Circuit Court

By order of adoption of these rules, the Indiana Supreme Court temporarily transfers sitting judges of the above listed Courts to the Washington Circuit and Superior Courts for the purpose of reassignment of felony and misdemeanor cases.

LR88-CR2.2-5 APPOINTMENT OF SPECIAL JUDGE IN CRIMINAL CASES BY INDIANA SUPREME COURT

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 proceedings require appointment by the Indiana Supreme Court of a special judge, this presiding judge may request the Indiana Supreme Court for such an appointment.

LR88-TR79-6 APPOINTMENT OF SPECIAL JUDGES

A. Selection of Assignment Judge. On or before October 1st of each year, the Judges of the Circuit and Superior Courts of Washington County shall meet with the presiding judges of Administrative District 14 for the purpose of selecting a judge

designated as the assignment judge who shall serve the Administrative District for a period of twelve (12) months.

B. Section H Appointments. In the event it becomes necessary to appoint a special judge under Section H of Trial Rule 79 of the Indiana Rules of Trial Procedure, the judge before the case is pending shall send notice of the need of the appointment of a special judge to the Administrative District's assignment judge who shall then make such assignment within five (5) days of receiving said notice.

C. Method of Assignment. The Administrative District's assignment judge shall select special judges from a roster of the available judges in the Administrative District. The assignments shall be a sequential order beginning with the name of the judge following the last judge so assigned. If, however, because of travel considerations a judge has been passed over or if a judge is otherwise disqualified to hear a particular case, that judge shall be deemed to be the next in sequence until assigned a case. The assignment judge shall maintain a record of all assignments and shall issue a summary report of the assignments on a quarterly basis.

D. Travel Considerations. In making the selection of a special judge, the assignment judge shall consider that travel of more than forty (40) miles in one direction is not effective use of judicial resources.

E. Roster of Available Judges. The roster of available judges in Administrative District
14 shall be maintained by Court designation in the following sequential order and shall include senior judges as available:

(1) Clark Circuit
(2) Clark Superior #1
(3) Clark Superior #2
(4) Clark Superior #3
(5) Crawford Circuit
(6) Floyd Circuit
(7) Floyd Superior
(8) Floyd County
(9) Harrison Circuit
(10) Harrison Superior
(11) Orange Circuit
(12) Orange Superior
(13) Scott Circuit
(14) Scott Superior
(15) Washington Circuit
(16) Washington Superior
(17) Senior Judges approved for the requesting Court

Appointment Order. Upon selecting a special judge, the assignment judge shall prepare an Order of Appointment and forward said Order to the judge before whom the case is pending who shall then sign and enter the Order of Appointment and forward a copy of the Order to the special judge and the attorneys of record.

F. Acceptance of Jurisdiction. The Order of Appointment, when entered by the judge before whom the case is pending, shall constitute acceptance of jurisdiction by the appointed special judge unless the judge is otherwise disqualified, and no special appearance, oath or additional evidence of acceptance shall be required.

G. Form of Order. The Order of Appointment shall be in the following form:

IN THE _____COURT FOR _____ COUNTY

STATE OF INDIANA

(Caption)

ORDER OF APPOINTMENT

Under the provisions of Trial Rule 79(H) of the Indiana Rules of Trial Procedure, the Honorable _____ of the _____ Court of _____ County is hereby appointed to serve as special Judge in the above-captioned case.

SO ORDERED THIS _____ DAY OF _____, _____.

_____
Judge, _____Court

Assigned this _____ day of _____, _____.

_____
Administrative District #14
Assignment Judge

H. Implementation of Rule. In the event a selected Judge does not accept an appointment to serve as a special Judge under the provisions of section (D), (E) or (F) of Trial Rule 79 of the Indiana Rules of Trial Procedure, the judge before whom the case is pending shall notify the assignment judge of the need for an appointment of a special judge under this local rule.

I. Certification to Supreme Court. If, under the provisions of this rule, no judge is eligible to serve as a special judge in a case, the assignment judge shall notify the judge before whom the case is pending who shall then certify such fact to the Indiana Supreme Court for the appointment of a special Judge.
If the judge before whom the case is pending is of the opinion that the particular circumstances of a case warrants selection of a special judge by the Indiana Supreme Court, said judge shall certify such facts to the Indiana Supreme Court for the appointment of a special Judge. Under such circumstance this Rule shall not be implemented unless the Indiana Supreme Court declines to appoint a special Judge.

LR88-AR15-7 – IMPLEMENTATION OF ADMINISTRATIVE RULE 15

The Courts of Washington County, Indiana adopt the following rules for Court Reporters services pursuant to Administrative Rule 15.

1. Each Court Reporter shall be paid an annual salary for time spent working under the control, direction and direct supervision of the Court during any regular work hours, gap hours, or overtime hours.

2. Regular working hours shall be 35 hours per week. Gap hours shall be worked in excess of 35 hours per week. Overtime hours shall be hours worked in excess of 40 hours.

3. That for any gap or overtime hours worked, the Court and Court Reporter shall enter into a written agreement whereby compensation for such work shall be as follows:
    a. Compensatory time off from regular work hours shall be given in an amount equal to the number of gap hours worked.
    b. Compensatory time off from regular work hours shall be give in the amount of one and one-half (1½) times the number of overtime hours worked.

4. The Court Reporter shall be compensated at the rate $4.50 per page for any county indigent, state indigent or private transcripts prepared. The Court Reporter shall submit directly to the County a claim for the preparation of the county indigent transcript as other county claims are submitted. If the Court Reporter is required to prepare an expedited transcript, the maximum per page fee shall be $7.50 where the transcript must be prepared within 24 hours or less and $6.00 where the transcript must be prepared within 3 working days. Index and Table of Contents will be charged at the same rate as the other pages.

5. A minimum fee of Forty-five Dollars ($45) will be charged for transcripts less than ten (10) pages in length.

6. Additional fees shall be added to the cost of the transcript for the following:
    a. Reasonable cost of office supplies necessary for preparation and binding of the transcript, which shall be determined by the judges and published annually as the "Schedule of Transcript Supplies."
    b. Labor charge in the sum of the approximate hourly rate of the Court Reporter's annual court compensation for time spent binding the transcript and the exhibit binders.

7. If a transcript is prepared for purposes of appeal, the original paper transcript shall be forwarded to the Clerk upon completion. The Court Reporter is also directed to produce two (2) copies of an electronically formatted transcript, one of which shall

become an official record of the Court proceedings and kept in the Court where said proceeding was held, and the other shall be submitted to the Clerk along with the original paper transcript.

8. Any transcript prepared for reasons other than appeal shall be delivered to the requesting party.

9. Each Court Reporter who received income from the preparation of transcripts shall report such amounts, at least annually, to the Indiana Supreme Court Division of State Court Administration, on forms prescribed by such Division.

10. Should any Court Reporter elect to engage in the private business of recording and/or transcribing depositions, they shall do so outside of regular working hours and the Court's equipment, work space and supplies shall not be used for such purposes.

11. This local rule shall be applicable in all proceedings effective immediately upon approval of the Indiana Supreme Court.

12. The Clerk of the Washington Circuit Court is ordered to post this amended rule in their office, and on their website, if any exists, for a period of 30 days.

LR88-JR04-8 – JUROR SUMMONING

Pursuant to Indiana Jury Rule 4, the courts adopt the Single Tier Notice and Summons Procedure for summoning jurors. Accordingly, the jury administrators shall send a summons at the same time the Jury Qualification form and notice is mailed, which shall be at least six weeks before jury service.

LR88-AR01-9 – CASELOAD ALLOCATION

Pursuant to Administrative Rule1E the Clerk of the Washington County Circuit and Superior Courts shall assign cases as follows beginning January 1, 2007:

Superior Court

1. All Pro Se Guardianships
2. All Pro Se Civil matters
3. All Pro Se Estates
4. All Pro Se Dissolutions
5. All Pro Se Small Claims

Unless filed in Circuit Court at the request of the Plaintiff/Petitioner

6. Criminal Actions INVOLVING:
   Alcohol, Drugs,
   Non-Support of Dependents,
   Fraud, Forgery, Check Deception,
   Robbery, Burglary, Residential Entry,
   Conversion, Theft, Receiving Stolen Property,
   Resisting Law Enforcement

7. Protective Orders filed in
   a. January
   b. March
   c. May
   d. July
   e. September
   f. November

8. Attorneys may designate Court in:
   a. Civil Matters, including Small Claims
   b. Guardianships
   c. Estates
   d. Dissolutions

Circuit Court

1. All Adoptions
2. All Mental Health Matters
3. All Juvenile Matters
4. All Paternity Actions
5. All Infractions

6. Criminal Actions NOT designated for filing in Superior Court under this Order.

7. Protective Orders filed in
   a. February
   b. April
   c. June
   d. August
   e. October
   f. December

8. Attorneys may designate Court in:
   a. Civil Matters, including Small Claims
   b. Guardianship
   c. Estates
   d. Dissolutions