

In the
Indiana Supreme Court



IN THE MATTER OF THE)
) Case No. 37S00-0705-MS-204
APPROVAL OF LOCAL RULES)
)
FOR JASPER COUNTY)

ORDER APPROVING LOCAL RULE

The Hon. John D. Potter and the Hon. J. Philip McGraw, judges of the Jasper Circuit and Superior Courts, respectively, request the approval of a local rule for caseload allocation in accordance with Ind. Administrative Rule 1(E). Attached to this Order is the proposed local rule

Upon examination of the proposed rule requested by the Jasper Circuit and Superior Courts, this Court finds that the proposed rule, Local Rule LR37-AR00-05, complies with the requirements of Ind. Administrative Rule 1(E), and, accordingly, should be approved effective May 15, 2007.

IT IS, THEREFORE, ORDERED by this Court that Local Rule LR37-AR00-05 for Jasper Circuit and Superior Courts, set forth as an attachment to this Order, is approved effective May 15, 2007.

The Clerk of this Court is directed to forward a copy of this Order to the Hon. John D. Potter, Jasper Circuit Court, 115 West Washington Street, Rensselaer, IN 47978-2890; the Hon. J. Philip McGraw, Jasper Superior Court, 115 West Washington Street, Rensselaer, IN 47978-2890, and to the Clerk of the Jasper Circuit Court.

The Clerk of the Jasper Circuit Court 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 17th day of May, 2007.

Randall T. Shepard
Randall T. Shepard
Chief Justice of Indiana

LR37-AR00-05

TEMPORARY CIVIL ALLOCATION

The Clerk of the Jasper Circuit and Superior Court shall assign all civil plenary (PL), mortgage foreclosure (MF), and civil tort (CT) cases filed between May 15, 2007 and December 30, 2007 to the Jasper Superior Court.

**AMENDED JOINT ORDER REQUESTING THE SUPREME COURT APPROVE THE
EMERGENCY ADOPTION OF A LOCAL RULE ON A SCHEDULE OTHER THAN
PERMITTED IN ADMINISTRATIVE RULE ONE OF THE INDIANA
ADMINISTRATIVE RULES OF COURT**

Comes now the Honorable John D. Potter, Judge of the Jasper Circuit Court, and comes now the Honorable J. Philip McGraw, Judge of the Jasper Superior Court, and make the following findings:

The Courts FIND that the weighted case load for the calendar year 2006 issued by the Supreme Court on April 23, 2007, shows that the Jasper Superior Court has a weighted caseload of .82 and the Jasper Circuit Court has a weighted caseload of 1.49. That there is a difference in the two courts in weighted caseloads in the amount of .67, which is greater than the .4 amount as described in Administrative Rule One.

The Courts further FIND that the criminal cases have been allocated evenly pursuant to Local Rule 37-AR00-04; however, there is a discrepancy in the allocation of civil cases.

The Courts further FIND that the reasons for the difference in the case load and the allocation of civil cases include that the Honorable J. Philip McGraw, of the Jasper Superior Court, locally announced his intention to retire at or near the end of the year 2007 and that he suffered from certain health problems, requiring time away from his Court in the year 2006.

The Courts further FIND that those two factors led to a plethora of attorneys filing cases electing special judges for Courts that did not include the Honorable J. Philip McGraw and the Jasper Superior Court because of the uncertainty of who would be succeeding Judge McGraw, or who a temporary replacement would be due to any temporary health absence.

The Courts further FIND that by implementing a temporary rule requiring that during the period from thirty days after this Order until December 30, 2007 all cases of the following type should be filed in the Jasper Superior Court: MF, CT, and PL.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Honorable John D. Potter and the Honorable J. Philip McGraw hereby order and direct the Clerks of the Jasper Circuit Court and the Jasper Superior Court to follow Local Rule 37-AR00-05 attached hereto, for the allocation of all cases with MF, CT and PL designations, and file said cases in the Jasper Superior Court from thirty days after this Order until December 30, 2007; and further that pursuant to Trial Rule 81(D), good cause exists to deviate from the schedule established pursuant to TR 81(C) and that comments may be made to Jasper Circuit Court at 115 W. Washington Street, Suite 320, Rensselaer, Indiana 47978, or to Jasper Superior Court Court at 115 W. Washington Street, Suite 300, Rensselaer, Indiana 47978, within thirty (30) days of posting in the county clerk's office and on the Indiana Judicial Website.

JOINTLY ORDERED THIS 11th DAY OF MAY, 2007.

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John D. Potter, Judge
Jasper Circuit Court

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J. Philip McGraw, Judge
Jasper Superior Court