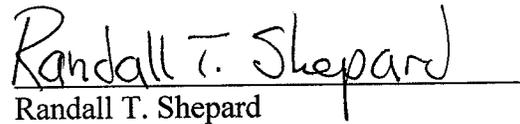


Michael Hoff, Monroe Circuit Court, Div. 1, 301 North College Avenue, Bloomington, IN 47404-3865; the Hon. Marc R. Kellams, Monroe Circuit Court, Div. 2, 301 North College Avenue, Bloomington, IN 47404-3865; the Hon. Kenneth G. Todd, Monroe Circuit Court, Div. 3, 301 North College Avenue, Bloomington, IN 47404-3865; the Hon. Valeri Haughton, Monroe Circuit Court, Div. 7, 301 North College Avenue, Bloomington, IN 47404-3865 and to the Clerk of the Monroe Circuit Court. The Clerk of the Monroe 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 at least thirty (30) days prior to January 1, 2009.

DONE at Indianapolis, Indiana, this 30th day of December, 2008.


Randall T. Shepard
Chief Justice of Indiana

LR53-AR01-108
CASELOAD ALLOCATION

Updated
1/1/09

A. Procedure. The Board of Judges shall:

1. Review and assess literature from the Indiana State Bar Association, the American Bar Association, and the National Center for State Courts.
2. Review and consider suggestions made by the Monroe County Bar, the Prosecuting Attorney and the Public Defender.
3. Review and analyze the statistics on current workload and caseload within the Monroe Circuit Court.
4. Analyze whether the current allocation is providing quality public service. There shall be a presumption in favor of the current allocation in order to preserve public confidence in the system, promote stability for the employees of the court system, and avoid inefficient use of personnel, time and resources to effectuate change. Caseload allocation shall be determined by judicial seniority.

B. Implementation. The Clerk of Monroe County shall maintain a random filing system, by computer or otherwise, implementing the caseload allocation approved by the Board of Judges. If the caseload allocation is changed by order of the Board of Judges, the presiding judge shall forward the amended allocation to the Clerk of the Supreme Court and Court of Appeals, the State Court Administrator, the Clerk of Monroe Circuit Court, and the President of the Monroe County Bar Association. The current allocation follows:

1. Case Assignment The Clerk shall randomly assign all A, B, C, D felony and misdemeanor cases to Divisions II, III, V, and IX.
 - a. The Clerk shall randomly assign 50% of Civil cases to Division I and 50% to Division VI. Domestic relations cases shall be assigned randomly to Divisions I, IV, VI and VIII.
 - b. Probate, juvenile delinquencies, juvenile status, juvenile miscellaneous resulting from delinquent acts, juvenile paternity, adoptions, mental health and guardianship cases shall be assigned to Division VII.
 - c. Juvenile CHINS, juvenile miscellaneous filed by the Office of Family and Children, and juvenile terminations shall be assigned to Division VII.
 - d. Small claims cases shall be randomly assigned 50% to Divisions IV and 50% to Division VIII.
 - e. Infraction cases shall be randomly assigned to Divisions II, III, V, and IX.

- f. Protective order cases shall be assigned to Division I, IV, VI and VIII by random assignment.
 - g. If there exists a previously filed domestic relations case involving the parties to the Protective Order case, the Protective Order case shall be consolidated with the previously filed domestic relations case.
 - h. Reciprocal support cases shall be assigned to Divisions I, IV, VI and VIII.
 - i. A redocketed case bearing a 1992 or earlier cause number shall be randomly assigned to circuit divisions overseeing that case type as specified in the Caseload allocation (Rule 2) by the Clerk designated by case type for redocketed cases and shall remain with that division.
 - j. A redocketed case bearing a 1993 or later cause number shall be assigned to the Court of original jurisdiction if that division in the reallocation of cases is assigned that case type, otherwise, it will be randomly assigned to a division with that jurisdiction.
2. Case Refiled: If a case is dismissed without prejudice on a plaintiff's motion, and the same case is subsequently refiled by a plaintiff, the refiled case shall be assigned to the same Division of the Monroe Circuit Court in which the dismissed case was originally filed providing that division is overseeing that case type. If that division is no longer hearing that case type, then the Clerk will randomly assign that case to a division with jurisdiction. "Same case" shall mean substantially the same cause of action, arising out of the same transaction or occurrence, and between substantially the same parties. If such a refiled case is not initially refiled in the same division of the Monroe Circuit Court, then upon motion of any party or Court, it shall be transferred to the Division of the Monroe Circuit Court in which it was originally filed.
 3. Case Recusal: The Court Reporter shall notify the Clerk of the cases in which judges recuse themselves. Credit will be provided to the new division assigned.
- C. Case Consolidation. Cases filed which involve multiple-defendants arising out of same occurrence or multiple cases filed against the same defendant shall be consolidated and assigned to the division with the oldest cause number. Criminal cases shall be consolidated with the oldest pending cause number. Pending cases include defendants on Probation and in the Pre-Trial Diversion Program. Protective order cases shall be consolidated with related domestic relations cases.
- D. Case Transfer.
1. Any divorce, support or custody case filed or pending in Divisions I, IV, VI and VIII, while there is an active CHINS case pending in Division VII, shall be transferred to Division VII. At the conclusion of the CHINS case, the divorce,

support or custody case may be transferred back to the court of original jurisdiction.

2. Nothing in this Rule shall preclude the transfer of an individual case from one division of the Circuit Court to another division to promote efficiency and
3. Provide for timely resolution of cases. The transferring judge shall direct the Clerk to resubmit the case to a random filing system for assignment to another division, unless transfer to a specific division promotes judicial economy. Upon transfer, adjustments will be made in the Office of Court Services and the Clerk's office to maintain an equitable caseload allocation. This transfer procedure shall also be used when a judge disqualifies from a case pursuant to Trial Rule 79(C), Indiana Rules of Trial Procedure.