In the
Indiana Supreme Court

IN THE MATTER OF THE	)	
	)	
APPROVAL OF LOCAL RULES	)	Case No. 71S00-0810-MS- 574
	)	
FOR ST. JOSEPH COUNTY	)	

ORDER APPROVING AMENDED LOCAL RULES

The Judges of the St. Joseph Circuit, Superior and Probate Courts request the approval of an amendment to the local rule for caseload allocation in accordance with Ind. Administrative Rule 1(E). Attached to this Order is the proposed amendment to the local rule.

Upon examination of the proposed amendment requested by the St. Joseph Circuit, Superior and Probate Courts, this Court finds that the proposed amendment to Appendix A to Local General and Administrative Rules, 100 Series, Caseload Allocation Plan complies with the requirements of Ind. Administrative Rule 1(E), and, accordingly, should be approved and posted in the county clerk's office(s) and on the county clerk's website, if any, and on the Indiana Judicial Website at least thirty (30) days prior to taking effect on January 1, 2009.

IT IS, THEREFORE, ORDERED by this Court that amended Appendix A to Local General and Administrative Rules, 100 Series, Caseload Allocation Plan for St. Joseph County Courts, set forth as an attachment to this Order, is approved effective January 1, 2009. The Clerk of this Court is directed to post a copy of the amended rule on the Indiana Judicial Website at least thirty (30) days prior to January 1, 2009. The Clerk of this Court is further directed to forward a copy of this Order to the Hon. Michael G. Gotsch, St. Joseph Circuit Court, 101 South Main Street, South Bend, IN 46601-1807; the Hon. Roland W. Chamblee, Jr., St. Joseph Superior Court, 101 South Main Street, #140, South Bend, IN 46601-1807; the Hon. David C. Chapleau, St. Joseph Superior Court, 101 South Main Street, South Bend, IN 46601-1807; the Hon. J. Jerome Frese, St. Joseph Superior

Court, 101 South Main Street, South Bend, IN 46601-1807; the Hon. Jenny Pitts Manier, St. Joseph Superior Court, 219 Lincolnway West, Mishawaka, IN 46544; the Hon. John M. Marnocha, St. Joseph Superior Court, 101 South Main Street, South Bend, IN 46601-1807; the Hon. Jane Woodward Miller, St. Joseph Superior Court, 101 South Main Street, South Bend, IN 46601-1807; the Hon. Peter J. Nemeth, St. Joseph Probate Court, 1000 South Michigan Street, South Bend, IN 46601-3426; the Hon. Michael Scopelitis, St. Joseph Superior Court, 101 South Main Street, South Bend, IN 46601-1807; and to the Clerk of the St. Joseph Circuit Court.

The Clerk of the St. Joseph 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 21st day of October, 2008.

RT Shepard

Randall T. Shepard
Chief Justice of Indiana

APPENDIX A TO LOCAL GENERAL AND ADMINISTRATIVE RULES, 100 SERIES

CASELOAD ALLOCATION PLAN

FOR COURTS IN ST. JOSEPH COUNTY, INDIANA

I. Organization of the Courts of St. Joseph County:

As of January 1, 2009, the Courts of St. Joseph County are organized and assigned judicial officers as follows:

(1) St. Joseph Circuit Court – one (1) judge and two (2) magistrate judges;

(2) St. Joseph Superior Court – eight (8) judges and two (2) magistrate judges; and

(3) St. Joseph Probate Court – one (1) judge and three (3) magistrate judges.

II. Designation of Judicial Officers to Hear Civil, Criminal and Juvenile Cases:

(1) Judicial Officers Designated to Hear Civil Cases: Civil Cases (other than small claims matters) shall be heard by the judge and the magistrate judges of the Circuit Court, and by the judges and/or magistrate judges of the Superior Court designated by the Chief Judge of the Superior Court to hear civil cases;

(2) Judicial Officers Designated to Hear Felony Criminal Cases: Felony criminal cases shall be heard by the judges and/or magistrate judges of the Superior Court designated by the Chief Judge of the Superior Court to hear felony criminal cases;

(3) Judicial Officers Designated to Hear Small Claims Cases: Small claims matters shall by heard by the judges and/or magistrate judges of the Superior Court designated by the Chief Judge of the Superior Court to hear small claims matters;

(4) Judicial Officers Designated to Hear Traffic and Misdemeanor Cases: Unless otherwise assigned to a felony criminal court for judicial economy because a defendant has pending felony, misdemeanor and/or probation revocation matters, traffic and misdemeanor matters shall by heard by the judges and/or magistrate judges of the Superior Court designated by the Chief Judge of the Superior Court to hear traffic and misdemeanor matters.

(5) Judicial Officers Designated to Hear Paternity, Delinquency, Dependency, and Adoption Cases: Paternity, delinquency, dependency, and adoption matters shall be assigned to the Judge of the Probate Court unless the Judge assigns the matter to be heard by a magistrate judge of the Probate Court.

(6) Judicial Officers Designated to Hear Title IV-D Cases: Pursuant to LR71-FL00-430 et seq., Title IV-D Cases may be assigned to the Title IV-D Court and heard by a magistrate judge of the Probate Court designated to preside over Title IV-D hearings.

III. Protocol for Assignment of Cases Among the Courts of St. Joseph County:

(1) Civil cases (other than small claims): With the exception of cases that must be assigned statutorily to the Probate Court because of its designation as the court with exclusive jurisdiction over juvenile cases (paternity, delinquency, dependency, adoption, etc.) or to the Circuit Court (license reinstatement, name changes, etc.), civil cases (other than small claims cases) shall be assigned randomly among the judges and/or magistrate judges of the Circuit Court and the Superior Court designated to hear civil matters.

(2) Felony Criminal Cases: With the exception of criminal cases that must be assigned to the Circuit Court by L71-CR2.2-303.1 or 303.2, felony criminal cases shall be assigned randomly among the judges and/or magistrate judges of the Superior Court

designated to hear criminal cases. However, and notwithstanding this method of random assignment, in all felony criminal cases, except MR cases, where co-defendants are charged, cases shall be reassigned to a single judge or magistrate judge, as follows: (a) where co-defendants have been equally assigned to different judges, the judge having the lowest assigned cause number shall be assigned/reassigned all co-defendant cases; or (b) in the event that co-defendants have been unequally assigned to different judges, the judge having the greatest number of co-defendants shall be assigned/reassigned all co-defendant cases. Further, the Chief Judge of the Superior Court may reassign cases involving a defendant who has a pending case to the judge presiding over the earliest assigned cause number. The Chief Judge of the Superior Court may reassign MR cases or other felony cases where such reassignment is in the interest of judicial economy or dictated by the weighted caseload balancing requirements.

(3) Small Claims Cases: With the exception of small claims matters filed by the City of Mishawaka, the School City of Mishawaka, ~~or a resident of the city of Mishawaka where all defendants are residents of the City of Mishawaka,~~ and the Town of Osceola, or when otherwise ordered by a judge of the Superior Court, small claims cases shall be assigned to South Bend Division of the Superior Court. For convenience of parties, a small claims case that must be assigned to the South Bend Division may be filed in the Mishawaka Division, but the filling party or counsel shall indicate to the Clerk on the Chronological Case Summary that the matter must be docketed in the South Bend Division, and the Clerk shall promptly forward the pleadings to the South Bend Division for filing and processing.

(4) Traffic and Misdemeanor Cases: With the exception of ordinance or traffic matters filed by the City of Mishawaka, traffic and misdemeanor cases shall be filed in and assigned to the South Bend Division of the Superior Court.

(5) Paternity, Delinquency, Dependency, and Adoption Cases: Paternity, delinquency, dependency, and adoption cases shall be filed in Probate Court.

IV. Exceptions to the Protocol for Assignment of Cases:

(1) Mass Filing of Collection Cases (other than small claims): Upon request and designation by the Judge of the Circuit Court and the Chief Judge of the Superior Court, a lawyer or law firm may be approved to make mass filing of collection cases (other than small claims). Unless otherwise directed by the Judge of the Circuit Court or the Chief Judge of the Superior Court based on weighted caseload balancing requirements or otherwise, cases filed by a lawyer or law firm approved for mass filing shall be assigned to the Circuit Court.

(2) Special Judge or Transfer: Nothing in these local rules shall be interpreted to prevent a party from taking a change of judge or requesting transfer of a case as otherwise authorized by statute or rule of court.

(3) Temporary or Permanent Assignment of Cases: Nothing in these local rules shall be interpreted to prevent the regularly presiding judge of a Court from assigning a case on a temporary or permanent basis to a Magistrate Judge, Special Judge, Senior Judge, Temporary Judge, Judge Pro Tem, Referee, or other duly appointed judicial officer.

(4) Caseload Balancing: Nothing in these local rules shall be interpreted to prevent the Judge of the Circuit Court, the Chief Judge of the Superior Court or the Judge of the Probate Court, either jointly or individually, from reassigning a case for the purpose of caseload balancing based on the weighted caseload criteria or other caseload balancing criteria.

(5) Emergency or Exigent Circumstances: Nothing in these local rules shall be interpreted to prevent the Judge of the Circuit Court, the Chief Judge of the Superior Court or the Judge of the Probate Court, either jointly or individually, from assigning a case based on emergency or exigent circumstances.

V. Authority and Effective Date:

(1) This Caseload Allocation Plan is adopted pursuant to the requirements of A.R. 1 (E) and LR71-AR1-107.1

(2) The effective date of this Caseload Allocation Plan is January 1, 2009.