



In the  
Indiana Supreme Court

IN THE MATTER OF THE )  
 )  
APPROVAL OF LOCAL RULES )  
 )  
FOR BARTHOLOMEW COUNTY )

Case No. 03S00-0902-MS- 74

ORDER APPROVING AMENDED LOCAL RULES

The judges of the Bartholomew Circuit and Superior Courts request the approval of amended local rules for special judge selection in accordance with Ind. Criminal Rule 13, and for caseload allocation in accordance with Administrative Rule 1(E). Attached to this Order are the proposed amended local rules.

Upon examination of the proposed rule amendments requested by the Bartholomew Circuit and Superior Courts, this Court finds that the proposed rule amendments, LR03-CR13-1 and LR03-AR17-1, comply with the requirements of Ind. Criminal Rule 13 and Ind. Administrative Rule 1(E), and accordingly, should be approved.

IT IS, THEREFORE, ORDERED by this Court that Bartholomew County Local Rules, LR03-CR13-1 and LR03-AR17-1, set forth as an attachment to this Order, are approved effective January 1, 2009, 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.

The Clerk of this Court is directed to forward a copy of this Order to the Hon. Chris D. Monroe, Bartholomew Superior Court, 234 Washington, Columbus, IN 47201-6750; the Hon. Stephen R. Heimann, Bartholomew Circuit Court, 234 Washington, Columbus, IN 47201-6750; the Hon. Kathleen Tighe Coriden, Bartholomew Superior Court, 234 Washington, Columbus, IN 47201-6750; and to the Clerk of the Bartholomew Circuit Court, and to post this Order on the Court's website dealing with local rule amendments.

The Clerk of the Bartholomew 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 19<sup>th</sup> day of February, 2009.

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

### **LR03-CR13-1 Transfer of Cases**

**(A)** 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, unless the conflict is as a result of the attorney representing the defendant being a member of the family of the Superior Court 2 judge, or being a member of the law firm of a member of the family of the Superior Court 2 judge. In the event of a conflict because of representation of a defendant by a family member of the Superior Court 2 judge or a member of the law firm of a member of the family of the Superior Court 2 judge, the assignment of the case shall proceed under LR03-AR17-1.

**(D)** In the event that no courts in Bartholomew County are available to hear a case, then that case shall be transferred on a rotating basis to a judge of one of the other courts in the district in the following order; Brown Circuit Court, Jackson Circuit Court, Jackson Superior No. 1, Jennings Circuit, Jennings Superior, Decatur Circuit, and Decatur Superior. A judge shall be skipped in the rotation when such judge is known to the court to be ineligible or disqualified. If a judge is so skipped in the rotation, he or she shall be selected for the next eligible case if the ineligibility has been removed.

**(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.

### **LR03-AR17-1: Caseload Plan**

#### **CRIMINAL CASE FILINGS**

See LR03-CR2.2-1

Transfer of Criminal Cases See LR03-CR13-1

#### **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, Reciprocal, Adoption, Estates, Guardianships Trusts, and Miscellaneous Civil cases may be filed in any court.

(E) Mortgage Foreclosure, Civil Tort, and Domestic Relations cases shall be filed randomly between Circuit, Superior 1 and Superior 2 Courts.

(F) Civil Collection cases may be filed in either the Circuit or Superior 2 Court.

(G) Small Claim cases shall be filed in Superior Court 2.

(H) Mental Health cases shall be filed in Superior Court 1.

(I) Protective Order cases shall be filed randomly between Superior 1 and Superior 2 Courts with Superior Court 1 receiving one-third (1/3) and Superior Court 2 receiving two-thirds (2/3) of these cases, unless there is currently pending a case involving the parties in another Bartholomew County Court. If there is a currently pending case involving the parties in another Bartholomew County Court, then the protective order case shall be filed in the court where the other case is pending, unless the underlying case is a DR filed in Circuit Court. In that case, the protective order case shall be filed in Superior Court 2 and the DR case shall be transferred to Superior Court 2. Circuit Court shall retain those PO cases where there is currently pending another case in Circuit Court other than a DR case (such as JP, JC, JD, JS, or JT cases).

#### **TRANSFER OF CASES AS A RESULT OF CONFLICTS BETWEEN SUPERIOR COURT 2 JUDGE AND FAMILY MEMBERS WHO PRACTICE LAW**

The judge in Bartholomew Superior Court 2 has a husband and a son who practice law in a law firm with additional associates, all of whom practice law in Bartholomew County. To avoid conflicts and the appearance of impropriety, in the event that an attorney from the law firm of either the husband or son of the Superior Court 2 judge enters their appearance on behalf of a party in a case in Superior Court 2, Superior Court 2 will transfer the case as follows:

(A) All criminal felony and misdemeanor cases, as well as all PC, CM, and MC cases shall be transferred to Circuit Court.

(B) All OV, PL, MF, CC, CT, DR, RS, MH, AD, EU, GU, TR, PO, and MI cases shall be transferred to Superior Court 1.

(C) The Circuit Court Judge shall be named as Special Judge in all IF cases.

(D) The Superior Court 1 Judge shall be named as Special Judge in all SC cases.