



In the
Indiana Supreme Court

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

Case No. 28S00-0907-MS- 348

ORDER APPROVING AMENDED LOCAL RULE

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

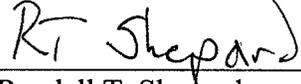
Upon examination of the proposed rule amendment requested by the Greene Circuit and Superior Courts, this Court finds that the proposed rule amendment, LR28-AR01-01 complies with the requirements of Ind. Administrative Rule 1(E), and, accordingly, should be approved and posted in the county clerk's office(s) and on the county clerk's website, if any, and on the Indiana Judicial Website.

IS, THEREFORE, ORDERED by this Court that amended Local Rule LR28-AR01-01 for Greene County Courts, set forth as an attachment to this Order, is approved effective August 1, 2009. The Clerk of this Court is directed to forward a copy of this Order to the Hon. Eric Allen, Greene Circuit Court, P.O. Box 231, Bloomfield, IN 47424-0231; the Hon. Dena Benham Martin, Greene Superior Court, P.O. Box 445, Bloomfield, IN 47424-0445; and to the Clerk of the Greene Circuit Court. The Clerk is also directed to post this Order on the Court's website.

The Clerk of the Greene 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 August 1, 2009.

DONE at Indianapolis, Indiana, this 31st day of July, 2009.



Randall T. Shepard
Chief Justice of Indiana

LR28-AR01-01 CASELOAD ALLOCATION PLAN

A. ANNUAL REVIEW: The Judges of the Greene Circuit Court and the Greene Superior Court shall meet annually to review the weighted caseload statistics of each Court and to comply with Orders of the Indiana Supreme Court concerning case assignments.

B. GREENE CIRCUIT COURT: The following cases shall be filed exclusively with the Greene Circuit Court:

1. Juvenile.
2. Adoption.
3. Guardian.
4. Estates.

C. GREENE SUPERIOR COURT: The following cases shall be filed exclusively with the Greene Superior Court:

1. Small Claims.
2. Infractions.
3. Minor Offenses and Violations.
4. Criminal, if each Count is a misdemeanor or if a Count alleges either a felony or misdemeanor violation of I.C. 9-30-5 et seq.

D. CONCURRENT ASSIGNMENT: The Greene Circuit Court and Greene Superior Court shall receive assignments of all other matters, including:

1. Civil Commitments.
2. Criminal offenses, except cases alleging all misdemeanors or cases alleging either a felony or misdemeanor violation of I.C. 9-30-5 et seq.
3. Civil.
4. Civil and Criminal Cases Transferred from Other Counties.
5. Protective Orders.

from the Clerk of the Greene Circuit Court as follows:

1. Random Draw: An opaque container holding eight (8) separate pieces marked (C) for Circuit and eight (8) separate pieces marked (S) for Superior will be kept in the Clerk's Office. When a case is filed, the Clerk will randomly remove a piece from the container. If the piece is marked with a (C), the case will be filed in the Circuit Court. If the piece is marked with an (S), the case will be filed in the Superior Court. A piece removed from the container will not be returned to the container until all sixteen (16) pieces have been removed. Then all sixteen (16) pieces will be returned to the container.

2. Probation Transfer, Subpoena Duces Tecum, and Search Warrant Cases: Notwithstanding the above, any case that is a probation transfer from another county, or a case in which the State is filing a motion for subpoena duces tecum, or a case in which the State is seeking a search warrant, the Clerk will use a separate opaque container holding an equal number of pieces for Circuit and Superior Courts and file the case randomly consistent with the procedures set forth in the preceding paragraph.

3. Companion Civil Filings: In the event two or more civil cases are identified by the filing party as companion cases, arising from the same circumstances, with similar issues of fact and law, the Clerk will randomly remove a piece from the appropriate container. All companion cases will then be filed in the Court identified by the piece drawn. The Clerk shall then draw from the container an additional number of pieces with the same Court designation so that the total number of pieces drawn equal the total number of companion cases filed.

4. Subsequent Criminal Filings: The Circuit Court and the Superior Court state that the policy of the Courts is to have all criminal felony cases, excluding violations of I.C. 9-30-5 et seq., pending against an individual filed in the same Court. Therefore, when a criminal case is filed which charges an accused with a felony, excluding violations of I.C. 9-30-5 et seq., the Prosecuting Attorney and the Clerk shall determine if the accused has another felony charge pending in either Court. "Another felony charge pending" means both a felony case where judgment has not yet been entered and a felony case in which a Petition to Revoke has been filed. If there is another felony charge pending in either Court, the new charge shall be filed in the same Court where the previous felony charge is pending. When the new felony is filed in the same Court where the previously filed felony is pending, the Clerk shall remove the piece marked "C" or "S", as appropriate, from the container.

E. TRANSFER: The Judge of the Greene Circuit Court or the Greene Superior Court, by appropriate order entered in the Record of Judgments and Orders, may transfer and reassign any case to the other Court, subject to acceptance by the receiving Court.

F. REFILINGS: When the State of Indiana dismisses a case and chooses to refile that case, the case shall be assigned to the Court from which the dismissal was taken.

G. REASSIGNMENT OF JUDGES IN CIRCUIT COURT IN CRIMINAL CASES: The presiding judges of the following Courts have agreed to serve in the event it becomes necessary to reassign a felony or misdemeanor case in the Greene Circuit Court: Sullivan Circuit Court, Daviess Circuit Court, Owen Circuit Court, and Sullivan Superior Court. In the event it becomes necessary to reassign a felony or misdemeanor case, the judges will be reassigned by the Clerk in consecutive order to the above noted courts.

H. REASSIGNMENT OF JUDGES IN SUPERIOR COURT IN CRIMINAL CASES: The following individuals have agreed to serve in the event it becomes necessary to reassign a felony or misdemeanor case in the Greene Superior Court: the Honorable William Sleva, Lawrence Superior Court II, the Honorable Kenneth Todd, Monroe Circuit Court, the Honorable Robert Springer, Sullivan Superior Court, the Honorable Mary Ellen Diekhoff, Monroe Circuit Court, the Honorable James Osborne, Knox Superior Court II, and the Honorable Teresa D. Harper, Monroe Circuit Court. In the event it becomes necessary to reassign a felony or misdemeanor case, the judges will be reassigned by the Clerk in consecutive order to the above noted judges.

I. APPOINTMENT OF SPECIAL JUDGES IN CRIMINAL CASES: 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 proceeding require appointment by the Indiana Supreme Court of a special judge, such presiding judge may request the Indiana Supreme Court for such appointment.