



**In the
Indiana Supreme Court**

IN THE MATTER OF THE)
)
APPROVAL OF LOCAL RULES) Case No. 70S00-0909-MS- 423
)
FOR RUSH COUNTY)

ORDER APPROVING AMENDED LOCAL RULES

The judges of the Rush Circuit and Superior Courts request the re-approval of their local rules concerning caseload allocation and the approval of amended local rules for the appointment of special judges in accordance with Ind. Criminal Rule 13 and Ind. Trial Rule 79. Attached to this Order are the proposed amended local rules.

Being duly advised, the Court now finds that the caseload allocation plan for Rush County should be re-approved and upon examination of the proposed rule amendments requested by the Rush Circuit and Superior Courts, this Court further finds that the proposed rule amendments, LR70-CR13-4 and LR70-TR79-3, comply with the requirements of Ind. Criminal Rule 13 and Ind. Trial Rule 79, and accordingly, should be approved.

IT IS, THEREFORE, ORDERED by this Court that based upon revalidation by the Rush County Judges, the Rush County caseload allocation plan is re-approved and that Rush County Local Rules, LR70-CR13-4 and LR70-TR79-3, set forth as an attachment to this Order, are approved effective the date of this Order, 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. David E. Northam, Rush Circuit Court, 100 East Second Street, 3rd Floor, Rushville, IN 46173-1887; the Hon. Brian D. Hill, Rush Superior Court, 100 East Second Street, Rushville, IN 46173-1883; and to the Clerk of the Rush Circuit Court. The Clerk is also directed to post this Order on the Court's website.

The Clerk of the Rush 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 29th day of September, 2009.

RT Shepard

Randall T. Shepard
Chief Justice of Indiana

CIVIL LAW RULES

Rule LR70 – AR00-1 Case Assignment

Until further order of the Courts the following case assignments will be in effect for case distribution between the Rush Circuit Court and Rush Superior Court:

- A. Infractions opened during odd numbered months shall be assigned to Superior Court while infractions opened during even numbered months shall be assigned to Circuit Court.
- B. Unless otherwise designated, all other cases will be assigned on an equal random basis.

CRIMINAL LAW RULES

Rule LR70 – CR00-1 Case Assignment

Until further order of the Courts the case assignments will be in effect for case distribution between the Rush Circuit Court and Rush Superior Court for criminal cases as follows:

- A. All criminal cases with material elements (or separate counts) involving drugs or alcohol shall be assigned to Superior Court.
- B. All other criminal case shall be assigned to Circuit Court.

FAMILY LAW RULES

Rule LR70 – FL00-1 Case Assignment

Until further order of the Courts all cases shall be assigned on an equal random basis.

JUVENILE LAW RULES

Rule LR70 – JV00-1 Case Assignment

Until further order of the Courts the case assignments will be in effect for case distribution between the Rush Circuit Court and Rush Superior Court for criminal cases as follows:

- A. Chins cases shall be assigned to Circuit Court.
- B. All other cases will be assigned on an equal random basis. However, if a juvenile has an open delinquency case, all subsequent delinquency cases shall be filed in the same court as the open case.

SMALL CLAIM LAW RULES

Rule LR70 – SC00-1 Case Assignment

Small claims for Atlas Collections and the schools shall be assigned to Circuit Court. All other small claims shall be assigned to Superior Court.

Rule LR70 – CR13-2 Transfer

A Judge of Rush Circuit or Rush Superior Court by appropriate order entered in the Record of Judgment Orders may transfer and reassign to the other court of record within the county with jurisdiction to hear the charged offense in any pending case, subject to acceptance by the receiving court.

Rule LR70 – CR13-4 Reassignment

In the event a change of judge is granted or a judge is disqualified or recuses in either Rush Circuit or Rush Superior Court, the case shall be reassigned first to the other sitting judge within the county and then to a special judge who shall be selected randomly from a list of eligible judges from the contiguous counties that shall be maintained by the clerk of the courts. Multiple cases may be assigned to one judge if the cases are related.

Rule LR70 – TR79-3 Special Judge Selection in Civil Cases Pursuant to TR 79(H)

In the event that the Judge of the Rush Circuit or Superior Court recuses himself in a case, a special judge shall be selected by agreement of the parties in accordance with TR 79 (D) and (E). Failing to select a special judge pursuant to TR 79(D) and (E), a special judge shall be selected randomly from a list of eligible judges from within the administrative district that shall be maintained by the clerk of the courts.