

In the
Indiana Supreme Court



IN THE MATTER OF THE)
)
APPROVAL OF LOCAL RULES) Case No. 15S00-1001-MS- 26
)
FOR DEARBORN COUNTY)

ORDER APPROVING AMENDED LOCAL RULES

The judges of the Dearborn Circuit and Superior Courts request the approval of amended local rules for appointment of special judges in accordance with Ind. Criminal Rule 2.2 Ind. Trial Rule 79. Attached to this Order are the proposed amended local rules.

Upon examination of the proposed rule amendments requested by the Dearborn Circuit and Superior Courts, this Court finds that the proposed rule amendments, LR15-AR-6, LR15-AR-7 and LR15-AR-8, comply with the requirements of Ind. Criminal Rule 2.2 and Ind. Trial Rule 79, and accordingly, should be approved.

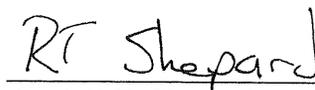
IT IS, THEREFORE, ORDERED by this Court that Dearborn County Local Rules, LR15-AR-6, LR15-AR-7 and LR15-AR-8, set forth as an attachment to this Order, are approved effective retroactive to January 1, 2010, provided further that the rules shall be posted in the county clerk's office(s) and on the county 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. James D. Humphrey, Dearborn Circuit Court, 215 West High Street, Lawrenceburg, IN 47025-1999; the Hon. Jonathan N. Cleary, Dearborn Superior Court 1, 215 West High Street, Lawrenceburg, IN 47025-1999; the Hon. Sally A. Blankenship, Dearborn Superior Court, 215 West High Street, Lawrenceburg, IN 47025; and to the Clerk of the Dearborn Circuit Court. The Clerk is also directed to post this Order on the Court's website.

The Clerk of the Dearborn 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 11th day of January, 2010.



Randall T. Shepard
Chief Justice of Indiana

LR15-AR-6: ASSIGNMENT OF CERTAIN CONFLICT CASES

This rule shall apply to the re-assignment of case and the selection of a Senior Judge where there is an Order of Disqualification or Recusal in order to bring the case to a conclusion in the Dearborn-Ohio Circuit Court.

As to cases filed where the Judge of the Dearborn Circuit Court has a conflict of interest in any cases which requires him to recuse himself because of prior contact with the case as a Deputy Prosecuting Attorney, Prosecuting Attorney or private practitioner, the case shall be assigned to a Senior Judge appointed to this Court for all further proceedings. The Clerk, upon recusal by the Circuit Court Judge, shall enter an order transferring the case to the Senior Judge appointed. The Senior Judge will be notified and shall accept jurisdiction under the provisions of this Rule unless disqualified under the Code of Judicial Ethics or excused from service by the Supreme Court. The re-assignment of such case shall be entered on the chronological case summary of the case and will not require an oath or special order accepting jurisdiction. The Senior Judge shall retain jurisdiction of the case for all future proceedings unless a specific statute or rule provides to the contrary or the Senior Judge is unavailable by reason of death, the Court will appoint a successor Senior Judge appointed to this Court.

LR15-AR-7: ASSIGNMENT OF CRIMINAL CASES

- A. Comes now the Court, sua sponte, and, pursuant to Criminal Rule 2.2, 12 and 13 of the Indiana Rules of Court, now issues the following Administrative Order establishing the method of assigning felony and misdemeanor cases in the Court of record of Dearborn County, Indiana:
1. All murder cases shall be filed in the Dearborn Circuit Court.
 2. All Class D felony cases and all Class A, B and C misdemeanor cases shall be filed in accordance with the month in which the crime is alleged to have occurred as follows:
 - a) Offenses alleged to have occurred in January, March, May, July, September and November shall be filed in Dearborn Superior Court II.
 - b) Offenses to have occurred in February, April, June, August, October and December shall be filed in Dearborn Superior Court No. 1.

Cases which allege an episode of criminal conduct over a period of time shall be filed in the month of the first occurrence of the crime as stated in the charging information. Cases that allege multiple counts of criminal conduct that are not necessarily of a continuing episode shall be filed in the month of the earliest count alleged.

3. All vehicular homicides other than murder cases shall be filed in the Dearborn Superior Court I & II, consistent with paragraph 2 above.
4. All miscellaneous criminal cases may be filed in either the Dearborn Circuit Court, the Dearborn Superior Court I, or the Dearborn Superior Court II.
5. Class A, B and C felonies shall be randomly assigned by the Clerk as follows: 3/5 of such cases to the Dearborn Circuit Court; 1/5 of such cases to the Dearborn Superior Court No. 1; and 1/5 of such cases to the Dearborn Superior Court II.
Once filed as a Class A, B or C felony, subsequent amendment of charges to add Defendants or additional counts (either of which arise from the same transaction or occurrence) shall be filed in the court of original filing. In addition, if such charges are dismissed and re-filed, the charges shall be re-filed in the Court of original filing.
6. All traffic infractions shall be filed in the Dearborn Superior Court I.
7. This Rule does not affect the manner of assigning cases to Courts of non-record.

B. Whenever a Motion for Change of Venue from the Judge has been granted pursuant to Criminal Rule 12(B), the presiding Judge disqualifies himself or it becomes necessary to assign another Judge in any criminal or juvenile delinquency case in the Dearborn Circuit Court except for situations arising under Trial Rule 79(C) of the Indiana Rules of Court, the Clerk shall reassign said cases to the following Judge in the following consecutive order:

1. Judge of the Dearborn Superior Court I;
2. Judge of the Dearborn Superior Court II;
3. Judge of the Ripley Circuit Court;
4. Judge of the Ripley Superior Court;
5. Judge of the Franklin Circuit Court #;
6. Judge of the Franklin Circuit Court #2.

In the event it becomes necessary to reassign a criminal or juvenile delinquency case in the Dearborn Circuit Court, the Judges shall be reassigned in consecutive order to the above named Judges. Judges previously assigned the case are ineligible for reassignment.

C. Whenever a Motion for Change of Venue from the Judge has been granted pursuant to Criminal Rule 12, the presiding Judge disqualifies himself, or it becomes necessary to assign another Judge in any criminal case in the Dearborn Superior Court 1, except for situations arising under Trial Rule 79 of the Indiana Rules of Court, the Clerk shall reassign said cases to the following Judges in the following order:

1. Judge of the Dearborn/Ohio Circuit Court;
2. Judge of the Dearborn Superior Court II;
3. Judge of the Ripley Circuit Court;
4. Judge of the Ripley Superior Court;
5. Judge of Franklin Circuit Court #1;
6. Judge of Franklin Circuit Court #2.

D. Whenever a Motion for Change of Venue from the Judge has been granted pursuant to Criminal Rule 12, the presiding Judge disqualifies himself, or it becomes necessary to assign another Judge in any criminal case in the Dearborn Superior Court II, except for situations arising under Trial Rule 79 of the Indiana Rules of Court, the Clerk shall reassign said cases to the following Judges in the following order:

1. Judge of the Dearborn/Ohio Circuit Court;
2. Judge of the Dearborn Superior Court 1;
3. Judge of the Ripley Circuit Court;
4. Judge of the Ripley Superior Court;
5. Judge of Franklin Circuit Court #1;
6. Judge of Franklin Circuit Court #2.

This rule shall apply to re-assignment of a case and the selection of a Special Judge where there is an Order of Disqualification or Recusal in order to bring the case to a conclusion in the Dearborn Superior Court No. 1. Whenever the Judge of the Dearborn Superior Court No. 1 has a conflict of interest in any case which requires him to recuse himself because of prior contact with the case as a Deputy Prosecuting Attorney, the case shall be assigned to Dearborn Circuit Court Judge James D. Humphrey for all further proceedings. The Clerk, upon recusal by the Superior Court No. 1 Judge, shall enter an order appointing Dearborn Circuit Court Judge James D. Humphrey as Special Judge, with an appropriate RJO entry, and shall notify Dearborn Circuit Court Judge James D. Humphrey of said appointment. Dearborn Circuit Court Judge James D. Humphrey shall accept jurisdiction under the provisions of this rule unless disqualified under the Code of Judicial Ethics or excused from service by the Indiana Supreme Court. The re-assignment of such case shall be entered on the chronological case summary of the case and will not require an oath or special order accepting jurisdiction. Dearborn Circuit Court Judge James D. Humphrey shall retain jurisdiction of the case for all future proceedings, unless a specific statute or rule provides to the contrary or Dearborn Circuit Court Judge James D. Humphrey is unavailable by reason of death, sickness, absence or unwillingness to serve. If further re-assignment or selection of a successor Special Judge or Senior Judge is required, then it shall be in the same manner as set forth in Dearborn County Local Court Rules.

- E. If further re-assignment or selection of a successor Special Judge is required, then it shall be in the same manner as set forth in Dearborn County Court Rule 15 for criminal cases:
1. In the event a case is dismissed and refilled, the Judge last having jurisdiction in the dismissed case shall be the Judge in the new case;
 2. Any post-conviction relief Petitions shall be filed in the Court in which the underlying conviction originated;
 3. Any cases which may be joined by statute shall be treated as one case for purposes of determining which Court shall be selected. The highest charge filed shall determine selection;

4. This Rule shall be reviewable at any time by the Judges of the Dearborn Circuit Court and Dearborn Superior Court 1 and shall be reviewed annually by the Judges of said Courts with approval of any changes in this Rule to be made in accordance with Criminal Rule 2.2 before any changes become effective;

F. Whenever the Judge of the Dearborn Superior Court II has a conflict of interest in misdemeanor or Class D felony cases which require her to recuse herself because of prior contact with the case as a Deputy Prosecuting Attorney, Prosecuting Attorney, or private practitioner, the case shall be assigned to Dearborn Superior I. Whenever the Judge of the Dearborn Superior Court II has a conflict of interest in any Class A, B or C felony cases which requires her to recuse herself because of prior contact with the case as a Deputy Prosecuting Attorney, Prosecuting Attorney, or private practitioner the case shall be assigned to Dearborn Circuit Court. The Clerk, upon recusal by the Dearborn Superior II Judge, shall enter an Order transferring the case to the appropriate Judge. The re-assignment of such case shall be entered on the chronological case summary of the case and will not require an Oath or special Order accepting jurisdiction.

LR15-AR-8: SPECIAL JUDGES

A. Pursuant to Trial Rule 79(H), the following list of judges shall be eligible for appointment as a Special Judge in civil cases:

1. Judge of the Jefferson Circuit Court
2. Judge of the Jefferson Superior Court
3. Judge of Switzerland Circuit Court
4. Judge of the Ripley Circuit Court
5. Judge of the Ripley Superior Court
6. Judge of the Dearborn-Ohio Circuit Court
7. -Judge of Dearborn Superior Court II
8. Judge of Dearborn Superior Court I

- B. Such judges shall be appointed on a rotating basis. All judges named above are members of Indiana Supreme Court administrative district 12.
- C. Any Judge appointed to serve as a permanent special judge under an existing standing order of the Supreme Court shall continue to serve in that capacity until further instruction from the Supreme Court.