



**In the
Indiana Supreme Court**

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

Case No.

26500-1010-MS-543

ORDER APPROVING AMENDED LOCAL RULES

The judges of the Gibson Circuit and Superior Courts request the approval of amended local rules: for caseload allocation in accordance with Ind. Administrative Rule 1(E) and 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.

Upon examination of the proposed rule amendments requested by the Gibson Circuit and Superior Courts, this Court finds that the proposed rule amendments, LR26-AR1-004, LR26-CR2.2-002 and LR26-TR79-001, comply with the requirements of Ind. Administrative Rule 1(E), Ind. Criminal Rule 13 and Ind. Trial Rule 79, and accordingly, should be approved.

IT IS, THEREFORE, ORDERED by this Court that Gibson County Local Rules, LR26-AR1-004, LR26-CR2.2-002 and LR26-TR79-001, set forth as an attachment to this Order, are approved effective January 1, 2011, 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. Jeff Meade, Gibson Circuit Court, 101 North Main Street, Princeton, IN 47670-1562; the Hon. Earl G. Penrod, Gibson Superior Court, 101 North Main Street, Princeton, IN 47670-1562; to the Clerk of the Gibson Circuit Court; and to the Division of State Court Administration. The Clerk is also directed to post this Order on the Court's website.

The Clerk of the Gibson 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 15th day of October, 2010.

RT Shepard

Randall T. Shepard
Chief Justice of Indiana

LR26-TR79-001

In the event a special judge selected under Trial Rule 79, Sections (D) (E) or (F) does not accept the case or a judge disqualifies and recuses under Trial Rule 79(C), the then presiding judge shall appoint a special judge from the following list of presiding judges in the respective courts, with the Circuit Court commencing from the top of the list and proceeding in descending order and the Superior Court commencing at the bottom of the list and proceeding in ascending order:

James M. Redwine	Posey Circuit Court
S. Brent Almon	Posey Superior Court
J. Douglas Knight	Vanderburgh Superior Court
Mary M. (Maggie) Lloyd	Vanderburgh Superior Court
David O. Kelley	Warrick Circuit Court
Keith A. Meier	Warrick Superior Court I
Robert R. Aylsworth	Warrick Superior Court II
Jeffrey Biesterveld	Pike Circuit Court
Sherry L. Biddinger-Gregg	Knox Circuit Court
W. Timothy Crowley	Knox Superior 1 Court
Jim R. Osborne	Knox Superior 2 Court

A person selected and appointed to serve under this rule shall accept jurisdiction in the case unless disqualified pursuant to the Code of Judicial Conduct, ineligible for service under Trial Rule 79 or is excused from service by the Indiana Supreme Court.

If the judge selected to serve is disqualified or is excused from service, the then presiding judge shall appoint the next judge on the list. If no judge on the list is eligible to serve as special judge or the particular circumstances in the case so warrant, the then presiding judge in the case shall certify the matter to the Indiana Supreme Court for the appointment of a special judge pursuant to TR79(H)(3).

LR26-CR2.2-002

1. All misdemeanor and felony cases shall be filed in the courts of record in Gibson County on a random basis pursuant to the procedure and subject to the exceptions as set forth in this rule.
2. The Clerk of the courts shall create a series of tokens representing the Circuit Court and a distinguishable but equal number of tokens representing Superior Court. An equal number of tokens shall be placed in an appropriate container. Upon the prosecutor specifically identifying the name of the Defendant against whom charges are being filed, the Clerk shall randomly draw one token and the case shall be docketed in the Court represented by the token drawn. The tokens drawn shall not be placed into the token container until the container becomes empty. At that time, the container shall be refilled and the process repeated.

3. With permission of the judges, the Clerk may replace the token and container process with a computerized random draw so long as the computerized process complies fully with the provisions of this rule.

4. Notwithstanding the requirement of random draw as set forth in paragraph 1, cases in which the most serious count alleges the commission of a misdemeanor or a felony set forth in Title 9 of the Indiana Code, shall be filed and docketed in the Superior Court.

5. In the event the prosecutor files any additional charges against a Defendant against whom charges are pending, these subsequent charges shall be filed and docketed in the court as the original charges.

6. In the event the prosecutor files charges against a Defendant who is on probation at the time the additional charges are filed, these charges shall be docketed in the same court through which the Defendant is serving probation.

7. In the event a special judge is to be selected upon the granting of a motion for change of venue from the judge or an order of disqualification or recusal is entered in the case, a special judge shall be appointed from the following list of presiding judges in the respective courts and Senior Judges, with Circuit Court commencing from the top of the list and proceeding in descending order and Superior Court beginning at the bottom of the list and proceeding in ascending order:

~~James M. Redwine~~

~~S. Brent Almon~~

~~Jeffrey Biesterveld~~

~~David O. Kelley~~

~~Keith A. Meier~~

~~Robert R. Aylsworth~~

~~J. Douglas Knight~~

Mary M. (Maggie) Lloyd

Donald Hendrickson (Senior Judge)

Edward A. Campbell (Senior Judge)

Posey Circuit Court

Posey Superior Court

Pike Circuit Court

Warrick Circuit Court

Warrick Superior Court I

Warrick Superior Court II

Vanderburgh Superior Court

Vanderburgh Superior Court

Warrick County

Warrick County

8. Pursuant to I.C. §33-29-6-1 and I.C. §33-29-6-2 the judges of the courts reserve the right to transfer cases as they deem appropriate.

LR26-AR1-004

1. On or before April 12 of each year the Judge of the Gibson Circuit Court and the Judge of the Gibson Superior Court shall meet to review the Weighted Caseload Measures statistics as calculated by the Division of State Court Administration for the preceding calendar year. The Court utilization percentage of the two Courts shall be compared and if the utilization percentages are within 25 points of one another, it shall be presumed that no action is necessary to reduce the disparity. If the utilization percentage between the courts differs by more than 40 points in a calendar year or by more than 20 points for two consecutive years, it will be presumed that the disparity must be reduced, unless the judges agree otherwise after discussing and evaluating the various relevant factors.
2. Should action be required to reduce a disparity in caseload, the Judges may agree to accomplish the reduction in any reasonable manner. If the caseload disparity warrants action but the Judges cannot agree on an equalization procedure, the reduction of the disparity shall be accomplished through implementation of a random filing system for civil collection (CC) ~~plenary (CP)~~ cases. Specifically, the Judges shall implement a random assignment system for civil collection (CC) ~~plenary (CP)~~ cases with the court having the lower utilization percentage receiving two cases for every one case received by the Court having the higher utilization percentage. Unless otherwise agreed by the Judges, the random assignment for civil plenary cases shall continue until the end of the calendar year in which it was implemented.
3. As part of the Gibson County Plan for Allocation of Judicial Resources, the Judge of the Gibson Circuit Court and the Judge of the Gibson Superior Court shall be reasonably available for the assignment of cases throughout the administrative district consistent with the comparative utilization levels for the Courts within the district and as provided in the Administrative District 13 Plan for Allocation of Judicial Resources.