

In the
Indiana Supreme Court



IN THE MATTER OF)
)
APPROVAL OF LOCAL RULES) Cause No. 72S00-1001-MS- 15
)
FOR SCOTT COUNTY)

ORDER RE-APPROVING CASELOAD ALLOCATION PLAN

Pursuant to Ind. Administrative Rule 1, the Judges of the Scott County Circuit and Superior Courts, request this Court to re-approve their caseload allocation plan based upon their revalidation of the plan and to approve an amendment to their local rule concerning the assignment of civil cases.

And this Court being duly advised, now finds that the caseload allocation plan for Scott County should be re-approved and the amendment to Local Rule LR72-AR1-4 should be approved.

IT IS, THEREFORE, ORDERED by this Court, based upon revalidation by the Scott County Judges, that the Scott County caseload allocation plan is re-approved and the amendment to LR72-AR1-4 is approved.

The Clerk of this Court is directed to forward a copy of this Order to the Hon. Roger L. Duvall, Jr., Scott Circuit Court, One East McClain Avenue, #212, Scottsburg, IN 47170-1848; the Hon. Nicholas L. South, Scott Superior Court, One East McClain Avenue, #252, Scottsburg, IN 47170-1848 and to the Clerk of the Scott Circuit Court. The Clerk is also directed to post this Order on the Court's website.

The Clerk of the Scott Circuit Court is directed to enter this Order in the Record of Judgments and Orders for the Courts, to post this Order 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 6th day of January, 2010.

RT Shepard
Randall T. Shepard
Chief Justice of Indiana

LR72-CR2.2-1

ASSIGNMENT OF CRIMINAL CASES

The Courts of Scott County, Indiana, adopt the following rules for the assignment of criminal cases and the selection of special judges in criminal cases:

(A) All cases wherein the most serious charge is a Class C Felony or above shall be filed in Circuit Court except as provided in Section B of this rule.

(B) All cases wherein a person is charged under Indiana Code title 9, Motor Vehicles, shall be filed in Superior Court.

(C) All cases wherein the factual basis for the criminal charges, also, is the factual basis in the Circuit Court under Indiana Code 31-34 et. seq., Child In Need of Services, shall be filed in Circuit Court.

(D) All cases wherein a person is charged under Indiana Code Title 20, Compulsory School Attendance Law, shall be filed in Circuit Court.

(E) All juvenile delinquency cases shall be filed in Circuit Court and if there is a waiver from juvenile court into adult court, the case shall be filed in Circuit Court.

(F) All other criminal cases and infractions shall be filed in Superior Court.

(G) 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.

(H) When there is a recusal by the sitting Judge or when a motion for change of Judge has been granted, the Clerk shall assign a judge randomly from the following list:

- | | | | |
|----|-------------------|---|---------------------------------|
| 1. | Jon W. Webster | - | Jennings Circuit Court |
| 2. | Ted Todd | - | Jefferson Circuit Court |
| 3. | Allison Frazier | - | Jefferson Superior Court |
| 4. | Robert L. Bennett | - | Washington Circuit Court |
| 5. | Frank Newkirk | - | Washington Superior Court |
| 6. | Bruce Markel | - | Jackson Superior Court <u>1</u> |
| 7. | Gary Smith | - | Jennings Superior Court |
| 8. | Bruce McTavish | - | Jackson Superior Court <u>2</u> |

(I) 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.

(J) Criminal cases for which the factual basis to support the filing of a criminal charge occurred before December 31, 2004 shall be filed in the Scott Superior Court.

(K) Criminal cases in the Scott Circuit Court for which there was a disposition prior to January 1, 2005 and for which there is filed a motion, pleading or notice of any nature, other than a petition for post conviction relief or a probation revocation proceeding, shall, if accepted, be transferred to or addressed by the Scott Superior Court or referred to a Senior Judge for further disposition. A petition for post conviction relief or a probation revocation proceeding shall, if accepted, be transferred to the Scott Superior Court or assigned a new Judge pursuant to Section H of this Rule.

LR72-AR1-4

ALLOCATION OF JUDICIAL RESOURCES/ASSIGNMENT OF CIVIL CASES

1. Not later than May 15 of each year, all regular Judges of the courts of record in Scott County shall meet, in person, telephonically, or by other means, and shall evaluate each court's caseload data, as reported to the Division of State Court Administration.

2. The caseload evaluation shall factor in any special circumstances such as death penalty cases.

3. Service as transfer judge or special judge. Time spent doing special or transfer judge service by each judge outside his or her court and special judge service or transfer judge service in each court shall also be included.

4. Based upon the foregoing caseload evaluation for each court within the county, the Designated Judge shall develop and maintain a roster reflecting the weighted caseloads of each court and the judicial officer need or surplus in each court. Any plan for adjustment of caseload should then compare that need or surplus to the utilization range established in Administrative Rule 1(E).

5. Should the above said evaluation indicate that the weighted caseloads of any court are not within the county range, the judges shall adopt a plan whereby (a) case type filings are shifted, (b) causes are transferred between courts pursuant to I.C. 33-29-1-9, (c) Judges sit as Judge of the other court pursuant to I.C. 33-29-1-10, as to bring all courts within the range.

6. Civil Cases The Circuit and Superior Court will participate in open filing of all Civil Tort, Civil Plenary, Mortgage Foreclosure, and Miscellaneous cases, except as provided by statute.

Domestic Relations Cases Divorce cases may be filed in either the Circuit or Superior Court.

Small Claims All Small Claims cases shall be filed in Superior Court.

Mental Health Mental Health cases shall be filed in Circuit Court.

Juvenile Circuit Court shall have exclusive jurisdiction over all juvenile matters.

Guardianships and Estates Circuit Court shall have exclusive jurisdiction over all Adoptions, Guardianship, Trust and Estate (supervised and unsupervised) proceedings.

Reciprocal Support Cases Circuit Court shall have exclusive jurisdiction in Reciprocal Support Cases.