In the
Indiana Supreme Court

IN THE MATTER OF THE	)	
	)	
APPROVAL OF A LOCAL RULE	)	Case No. 53S00-1108-MS-485
	)	
FOR MONROE COUNTY	)	

ORDER APPROVING AMENDED LOCAL RULE

The Judges of the Monroe Circuit Court 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 Monroe Circuit Court, this Court finds that the proposed rule amendment, LR53-AR00-0108 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 at least thirty (30) days prior to the effective date.

IT IS, THEREFORE, ORDERED by this Court that amended Local Rule LR53-AR00-0108 for the Monroe Circuit Court, set forth as an attachment to this Order, is approved effective January 1, 2010. The Clerk of this Court is directed to forward a copy of this Order to the Hon. Elizabeth Ann Cure, Monroe Circuit Court, Div. 9, 301 North College Avenue, Bloomington, IN 47404-3865; the Hon. Mary Ellen Diekhoff, Monroe Circuit Court, Div. 4, 301 North College Avenue, Bloomington, IN 47404-3865; the Hon. Stephen R. Galvin, Monroe Circuit Court, Div. 6, 301 North College Avenue, Bloomington, IN 47404-3865; the Hon. Teresa D. Harper, Monroe Circuit Court, Div. 9, 301 North College Avenue, Bloomington, IN 47404-3865; the Hon. Valeri Haughton, Monroe Circuit Court, Div. 7, 301 North College Avenue, Bloomington, IN 47404-3865; the Hon. Francie Hill, Monroe Circuit Court, Div. 5, 301 North College Avenue, Bloomington, IN 47404-3865; the Hon. E. Michael Hoff, Monroe Circuit Court, Div. 1, 301 North College Avenue, Bloomington, IN 47404-3865; the Hon. Marc R. Kellams, Monroe Circuit Court, Div. 2, 301 North

College Avenue, Bloomington, IN 47404-3865; the Hon. Kenneth G. Todd, Monroe Circuit Court, Div. 3, 301 North College Avenue, Bloomington, IN 47404-3865; to the Clerk of the Monroe 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 Monroe Circuit Court is directed to enter this Order and attachment in the Record of Judgments and Orders for the Court, 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 the effective date.

DONE at Indianapolis, Indiana, this 4th day of August, 2011.

RT Shepard

Acting Chief Justice of Indiana

LR53-AR00-0108 CASELOAD ALLOCATION

Updated 11/20/09 and 5/31/11

A. Procedure. The Board of Judges shall:
   1. Review and comply with current caseload allocation orders of the Indiana Supreme Court.
   2. Review and assess literature from the Indiana State Bar Association, the American Bar Association, and the National Center for State Courts.
   3. Review and consider suggestions made by the Monroe County Bar, the Prosecuting Attorney, and the Public Defender.
   4. Review and analyze the statistics on current workload and case flow within the Monroe Circuit Court.
   5. Analyze whether the current allocation is providing quality public service. There shall be a presumption in favor of the current allocation in order to preserve public confidence in the system, promote stability for the employees of the court system, and avoid inefficient use of personnel, time, and resources to effectuate change. Caseload allocation shall be determined by judicial seniority.

B. Implementation. The Clerk of Monroe County shall maintain a random filing system, by computer or otherwise, implementing the caseload allocation approved by the Board of Judges. If the caseload allocation is changed by order of the Board of Judges, the Presiding Judge shall forward the amended allocation to the Clerk of the Supreme Court and Court of Appeals, the State Court Administrator, the Clerk of the Monroe Circuit Court, and the President of the Monroe County Bar Association. The current allocation is as follows:

1. Case Assignment.

The Clerk shall assign cases as from time to time directed by the Board of Judges.

   a. The Clerk shall randomly assign all murder, A, B, C, D felony and misdemeanor cases to Divisions II, III, V, and IX.
   b. Domestic relations cases shall be assigned randomly to Division I, IV, VI and VIII, *unless consolidated with an active protection order case as provided in section c.*
   c. Protective order cases shall be randomly assigned to Division I, IV, VI, and VIII. If however; the parties of the protection order have an active or closed domestic relations (DR) case or an active child in need of services (CHINS) case, the protection order will be assigned to the Division with the DR or CHINS case. Domestic relations cases shall be assigned to the Division with an active protection order case involving the same parties
   d. The Clerk shall randomly assign Civil cases to Division I and to Division VI.
   e. Juvenile delinquencies, juvenile status, juvenile miscellaneous resulting from delinquent acts, juvenile paternity, adoptions, mental health and guardianship cases shall be assigned to Division VII.
   f. Juvenile CHINS, juvenile miscellaneous filed by the Office of Family and Children, and juvenile terminations shall be assigned to Division VII.
   g. Estate cases shall be assigned to Division I
   h. Small claims cases shall be randomly assigned 50% to Division IV and 50% to Division VIII.
   i. Infraction cases shall be randomly assigned to Divisions II, III, V, and IX.
   j. Reciprocal support cases shall be assigned to Divisions I, IV, VI, and VIII.

k. A redocketed case bearing a 1992 or earlier cause number shall be assigned to the court of original jurisdiction if that division in the reallocation of cases is assigned that case type, otherwise it will be randomly assigned to a division with that jurisdiction.
l. A redocketed case bearing a 1993 or later cause number shall be assigned to the court of original jurisdiction if that division in the reallocation of cases is assigned that case type, otherwise it will be randomly assigned to a division with that jurisdiction.
m. The Clerk shall use the related case function in the Odyssey Case Management System in protection order (PO) and juvenile paternity (JP) cases involving the same parties to facilitate coordination, consistency, and efficiency within judicial orders.
n. The Clerk shall use the related case function in the Odyssey Case Management System if an active CHINS case pending in Division VII involves the same parties to a new or pending domestic relations, support, or custody case.

1. Case Refiled. If a case is dismissed without prejudice on a plaintiff's motion and the same case is subsequently refiled by a plaintiff, the refiled case shall be assigned to the same Division of the Monroe Circuit Court in which the dismissed case was originally filed providing that division is overseeing that case type. If that division is no longer hearing that case type, then the Clerk will randomly assign that case to a division with jurisdiction. "Same case" shall mean substantially the same cause of action, arising out of the same transaction or occurrence, and between substantially the same parties. If such a refiled case is not initially refiled in the same division of the Monroe Circuit Court, then upon motion of any party or Court, it shall be transferred to the Division of the Monroe Circuit Court in which is was originally filed.

2. Case Recusal. The Court Reporter shall notify the Clerk of the cases in which judges recuse themselves. When a judge disqualifies and recuses in a case pursuant to Trial Rule 79 (C), the clerk shall randomly reassign the case to another Division currently receiving new filings of that case type pursuant to Caseload Allocation Rule LR 53-AR00108. Credit will be provided to the new division assigned.

C. Case Consolidation.
1. Civil cases. Civil cases filed against different defendants that arise out of the same occurrence, or multiple cases filed against the same defendant may be consolidated and assigned to the division with the oldest case number.
2. Criminal cases. All criminal cases against a defendant shall be consolidated in the Division with the oldest pending case number. A new case shall be filed in that Division, or transferred to that Division. Pending cases include defendants on Probation and in the Pre-Trial Diversion Program.

D. Case Transfer.

1. Nothing in this Rule shall preclude the transfer of case from one Division of the Circuit Court to another Division to promote efficiency and provide for timely resolution of cases. Upon transfer, credit will be given to the new Division assigned by the Odyssey Case Management System.