

**In the
Indiana Supreme Court**



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

Case No. 73S00-1108 -MS- 488

ORDER APPROVING AMENDED LOCAL RULES

The Judges of the Shelby Circuit and Superior Courts request the approval of amended local rules for caseload allocation in accordance with Ind. Administrative Rule 1(E). Attached to this Order are the proposed amended local rules.

Upon examination of the proposed rule amendments requested by the Shelby Circuit and Superior Courts, this Court finds that the proposed rule amendments, LR73-AR00-Rule 2 and LR73-AR00-Rule 3 comply 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.

IT IS, THEREFORE, ORDERED by this Court that amended Local Rules LR73-AR00-Rule 2 and LR73-AR00-Rule 3 for the Shelby Circuit and Superior Courts, set forth as an attachment to this Order, are approved effective September 1, 2011. The Clerk of this Court is directed to forward a copy of this Order to the Hon. Charles D. O'Connor, Jr., Shelby Circuit Court, 407 South Harrison Street, Shelbyville, IN 46176-2170; the Hon. David N. Riggins, Shelby Superior Court, 407 South Harrison Street, Shelbyville, IN 46176-2170; the Hon. Jack A. Tandy, Shelby Superior Court, 407 South Harrison Street, Shelbyville, IN 46176-2170; to the Clerk of the Shelby Circuit and Superior Courts; 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 Shelby Circuit and Superior Courts 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 4th day of August, 2011.

RT Shepard
Acting Chief Justice of Indiana

LR73-AR00 Rule 2 Local Caseload Plans

2.1 Caseload Allocation

2.1.1-Criminal Cases

Criminal case allocation shall continue to operate as specified in **LR73-AR00 Rule 3 Local Caseload Plans**

2.1.2 Civil Cases

2.1.2.1. Juvenile Cases

All Juvenile cases (JC, JT, JD, JS, JM, and JP) shall continue to be filed in Shelby Superior Court No. 1

2.1.2.2 Remaining Civil Cases

2.1.2.2.1 All Plenary (PL) cases shall be filed 50/50 on a random basis in Shelby Circuit Court and Shelby Superior Court No. 1

2.1.2.2.2 All Domestic Relations (DR) cases shall be filed 50/50 on a random basis in Shelby Circuit Court and Shelby Superior Court No. 1

2.1.2.2.3 All Reciprocal Support (RS) cases shall be filed in Shelby Circuit Court.

2.1.2.2.4 All Protective Orders (PO) cases shall be filed in Shelby Circuit Court

2.1.2.2.5 All Small Claims (SC) shall be filed in Shelby Superior Court No. 2

2.1.2.2.6 All remaining types of civil cases (AD, AH, CT, ES, EU, GU, MH, MI and TR) shall be filed as requested by the initiating party.

II. Evaluation of Caseload Allocation

A. The Allocation of Judicial Resources described herein should place the Shelby County Courts in compliance with guidelines issued by the Indiana Supreme Court's Order for Development of Local Caseload Plans. No later than March 1 of each year, the judges of the courts of record in Shelby County shall meet and evaluate the caseload data as reported to the Indiana Supreme Court Administration.

B. The caseload evaluation shall factor in the allocation of administrative duties among the judges as well as any special circumstances such as death penalty cases.

C. Special service by Shelby County judges outside their own courts or special, senior judges or transfer judges serving in the Shelby County Courts shall also be considered. Such service shall be calculated in accordance with the weighted caseload worksheet and criteria established by the Indiana Supreme Court Division of State Court Administration.

D. Modification or changes necessary for the Shelby County Courts to remain in compliance with the Order for Development of Local Caseload Plans shall be developed and approved by a majority vote of the judges and shall become effective on April 1 of each year.

LR73-AR00 Rule 3 Local Caseload Plans

Criminal Cases

All A, B & C pool felonies and murder as defined in Local Rule 73-CR2.2-1, shall be filed in the respective courts in the following percentages:

45% in Shelby Circuit Court

45% in Shelby Superior Court No. 1

10% in Shelby Superior Court No. 2

All misdemeanor and D felonies under 9-30-5 shall be filed in Shelby Superior Court No. 2. The remaining D felonies shall be filed in the respective courts in the following percentages:

45% in Shelby Circuit Court

10% in Shelby Superior Court 1

45% in Shelby Superior Court 2

Civil Cases

Small claims and Infractions shall be filed in Shelby Superior Court No. 2.

Shelby County 2011 Caseload allocation plan.

Protective orders shall be filed in Shelby Circuit Court unless there is a related case in one of the other courts in which case the Protective Order case would be filed in the other court along with the related case.

Mortgage Foreclosure (MF), Plenary (PL), Civil Collections (CC), and Domestic Relations (DR) cases shall be filed on a 50/50 random basis between Shelby Circuit Court and Shelby Superior Court No. 1.

All other civil actions shall be filed in the court chosen by the initiating party.

Juvenile Cases

All juvenile cases shall be filed in Shelby Superior Court No. 1

The revised Caseload Allocation Plan is the current caseload plan with the only modification the assignment of pool felonies between Circuit and Superior Court 1 courts. This modification will bring the Shelby County Courts within the forty (40%) percent variance based on the weighted caseload measures system.