In the
Indiana Supreme Court

IN THE MATTER OF THE	)	
	)	
APPROVAL OF LOCAL RULES	)	Case No. 84S00-1108 -MS- 505
	)	
FOR VIGO COUNTY	)	

ORDER APPROVING AMENDED LOCAL RULES

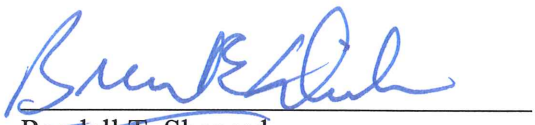
The Judges of the Vigo Circuit and Superior Courts request the approval of amended local rules for caseload allocation in accordance with Ind. Administrative Rule 1(E). Attached to this Order are the proposed amended local rules.

Upon examination of the proposed rule amendments requested by the Vigo Circuit and Superior Courts, this Court finds that the proposed rule amendments, LR84-CR2.2-2 and LR84-AR01-2 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 at least thirty (30) days prior to taking effect.

IT IS, THEREFORE, ORDERED by this Court that amended Local Rules LR84-CR2.2-2 and LR84-AR01-2 for Vigo Circuit and Superior Courts, set forth as an attachment to this Order, are approved effective January 1, 2012. The Clerk of this Court is directed to forward a copy of this Order to the Hon. Phillip I. Adler, Vigo Superior Court, 33 South Third Street, Terre Haute, IN 47807-3434; the Hon. David R. Bolk, Vigo Circuit Court, 33 South Third Street, Terre Haute, IN 47807-3434; the Hon. Michael Lewis, Vigo Superior Court, 33 South Third Street, Terre Haute, IN 47807; the Hon. Christopher A. Newton, Vigo Superior Court, 33 South Third Street, Terre Haute, IN 47807-3434; the Hon. Michael R. Rader, Vigo Superior Court, 33 South Third Street, Terre Haute, IN 47807-3434; the Hon. John Roach, Vigo Superior Court, 33 South Third Street, Terre Haute, IN 47807-3434; to the Clerk of the Vigo 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 Vigo 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 at least thirty (30) days prior to taking effect.

DONE at Indianapolis, Indiana, this 17th day of August, 2011.



Randall T. Shepard ACTING CHIEF JUSTICE
Chief Justice of Indiana

VIGO COUNTY CRIMINAL RULES

LR84-CR2.2 Rule 2. Criminal Case Assignments

(A) Except as provided in paragraph (B) and (C) below, the following rotation for felony cases is adopted for Superior Court Division 1, Circuit/Superior Court Division 3, Superior Court Division 5, and Superior Court Division 6, felony cases will be assigned on a rotating basis beginning with Division 1, then 3, then 5, and then 6, and is based upon the time of the occurrence of the offense.

(1) Offenses occurring between 12:01 A.M. of the first day of each month through midnight on the 9th day of each month will be assigned to Superior Court Division 1.
(2) Offenses occurring between 12:01 A.M. of the ~~8th~~ 10th day of each month through midnight of the 18th day of that month will be assigned to Circuit/Superior Court Division 3.
(3) Offenses occurring between 12:01 A.M. on the 19th day of each month through midnight of the 27th day of that month will be assigned to Superior Court Division 6.
(4) Offenses occurring between 12:01 A.M. of the 28th day of each month through midnight of the last day of that month will be assigned to Superior Court Division 5.
(5) Notwithstanding the above rule, no Superior Court judge shall have more than one capital murder case pending at any one time except where multiple defendants are charged with capital murder arising out of a single episode.

(B) All criminal misdemeanor and Class D Felonies arising out of domestic relations shall be assigned to Superior Court Division 4.

(C) Class D Felonies relating to Operating a Motor Vehicle While Intoxicated shall be assigned to Superior Court Division 5. All other Class D Felonies shall be assigned to Superior Court Division 1, 3 and 6 on the following schedule: offenses occurring from the first day of the month through midnight of the 10th day of the month will be assigned to Superior Court Division 1; offenses occurring from 12:01 A.M. on the 11th day of each month through midnight of the 20th day of each month will be assigned to Superior Court Division 3; offenses occurring from 12:01 on the 21st day of each month through the end of the month will be assigned to Superior Court Division 6.

(D) All criminal misdemeanor cases shall be assigned as follows:

(1) Offenses for Operating a Vehicle While Intoxicated shall be assigned to Division 5.
(2) All other misdemeanor offenses shall be assigned to Division 1, and 6 on a rotating basis. Offenses occurring between 12:01 A.M. of the first day of each month through midnight of the 15th day of that month will be assigned to Superior Court Division 1. Offenses occurring between 12:01 on the 16th day of each month through the end of the month will be assigned to Superior Court Division 6.
(3) In the case of multiple offenses, the date of the earliest offense alleged in the charging document shall assign the rotation date and assignment of the court. If a case involves both felony and misdemeanor charges, the case shall be considered a felony for application of this rule.

(E) A judge of the Circuit or Superior Courts, by appropriate order entered in the record of judgments and orders, may transfer and reassign a case to any other court of record in the county with jurisdiction to hear the charged offense subject to acceptance by the receiving court.

(F) When the State of Indiana dismisses a case and chooses to re-file that case, the case shall be assigned to the court from which the dismissal was taken.

(G) In the event additional charges are filed against a criminal defendant subsequent to the assignment of the case, all such additional charges shall be assigned to the court of initial assignment.

(H) (1) In the event a change of judge is granted or it becomes necessary to assign another judge in any criminal proceeding in Superior Court Division 1, the case shall be reassigned first to Superior Court Division 3, then to Superior Court Division 5, then to Superior Court Division 6; if the receiving judge cannot accept jurisdiction the case shall be reassigned to the alternative court in the order indicated. If the judges of Superior Court Division 3, Superior Court Division 5, or Superior Court Division 6 cannot accept jurisdiction, the case will be reassigned to Superior Court Division 4.
(2) In the event a change of judge is granted or it becomes necessary to assign another judge in any criminal proceeding in Superior Court Division 3, the case shall be reassigned first to Superior Court Division 5, then to Superior Court Division 6 then to Superior Court Division; if the receiving judge cannot accept jurisdiction the case shall be reassigned to the alternative court in the order indicated. If the judges of Superior Court Division 1, Superior Court Division 5, or Superior Court Division 6 cannot accept jurisdiction, the case will be reassigned to Superior Court Division 4.
(3) In the event a change of judge is granted or it becomes necessary to assign another judge in any criminal proceeding in Superior Court

Division 4, the case shall be reassigned first to the judge of Superior Court Division 5. If the judge of Superior Court Division 5 cannot accept jurisdiction, the case will be reassigned first to Superior Court Division 6, then to Superior Court Division 1, then to Superior Court Division 3; if the receiving judge cannot accept jurisdiction the case shall be reassigned to the alternative court in the order indicated.

(4) In the event a change of judge is granted or it becomes necessary to assign another judge in any misdemeanor criminal proceeding in Superior Court Division 5, the case shall be reassigned first to the judge in Superior Court Division 4. In the event a change of judge is granted or it becomes necessary to assign another judge in any felony criminal proceeding in Superior Court Division 5, the case shall be reassigned first to Superior Court Division 6 then to Superior Court Division 1, then to Superior Court Division 3; if the receiving judge cannot accept jurisdiction the case shall be reassigned to the alternative court in the order indicated. If the judges of Superior Court Division 1, Superior Court Division 3, or Superior Court Division 6 cannot accept jurisdiction, the case will be reassigned to Superior Court Division 4.

(5) In the event a change of judge is granted or it becomes necessary to assign another judge in any criminal proceeding in Superior Court Division 6, the case shall be reassigned to Superior Court Division 1, then to Superior Court Division 3, then to Superior Court Division 5; if the receiving judge cannot accept jurisdiction the case shall be reassigned to the alternative court in the order indicated. If the judges of Superior Court Division 1, Superior Court Division 3, or Superior Court Division 5 cannot accept jurisdiction, the case will be reassigned to Superior Court Division 4.

(I) In the event no judge is available for assignment or reassignment of a felony or misdemeanor case, such case shall be certified to the Indiana Supreme Court for appointment of a Special Judge. In the event the judge presiding in a felony or misdemeanor case concludes that special circumstances presented in such proceeding require appointment by the Indiana Supreme Court of a Special Judge, the presiding judge may request the Indiana Supreme Court make such appointment.

(J) This rule does not prohibit the filing of appropriate criminal offenses in the Terre Haute City Court to the extent of its jurisdiction.

LR84-AR01-2 **CASE ASSIGNMENTS**

(A) CRIMINAL CASES shall be filed pursuant to LR84-CR2.2-2.

(B) CIVIL CASES

(1) DISSOLUTION ACTIONS (DR)

The filing of dissolution actions shall be filed in the following proportionate rotation:

Vigo Superior Court Division Two	60%
Vigo Superior Court Division One	13.33%
Vigo Superior Court Division Three	13.33%
Vigo Superior Court Division Six	13.33%

(2) PROBATE

The filing of probate matters shall be filed in the following proportionate rotation:

Vigo Superior Court Division One	33.33%
Vigo Superior Court Division Two	33.33%
Vigo Superior Court Division Three	33.33%

(3) CIVIL TORT (CT)

The filing of civil tort actions shall be filed in the following proportionate rotation:

Vigo Superior Court Division Six	20%
Vigo Superior Court Division One	20%
Vigo Superior Court Division Two	40%
Vigo Superior Court Division Three	20%

(4) CIVIL PLENARY (PL)

The filing of civil plenary actions shall be filed in the following proportionate rotation:

Vigo Superior Court Division One	25%
Vigo Superior Court Division Two	25%
Vigo Superior Court Division Three	25%
Vigo Superior Court Division Six	25%

(5) CIVIL COLLECTIONS (CC)

The filing of civil collection actions shall be filed in the following proportionate rotation:

Vigo Superior Court Division One	20%
Vigo Superior Court Division Two	20%
Vigo Superior Court Division Three	20%
Vigo Superior Court Division Four	20%
Vigo Superior Court Division Six	20%

(6) MORTGAGE FORECLOSURES (MF)

The filing of mortgage foreclosures shall be filed in the following proportionate rotation:

Vigo Superior Court Division Three	40%
Vigo Superior Court Division One	15%
Vigo Superior Court Division Two	15%
Vigo Superior Court Division Four	15%
Vigo Superior Court Division Six	15%

(7) SMALL CLAIMS (SC)

The filing of small claims actions shall be in the following proportionate rotation:

Vigo Superior Court Division 4	66%
Vigo Superior Court Division 5	34%

(8) PROTECTIVE ORDERS (PO)

Petitions for protection orders and workplace restraining orders shall be filed in Vigo Superior Court Division 4 except for protection order petitions filed by a party:

1. To a pending marriage dissolution case or to a marriage dissolution case in which a decree has been entered and there are minor children to the parties. These petitions shall be filed in the Court presiding over the dissolution action.
2. To a pending paternity case or who is a juvenile or naming a juvenile as respondent. These cases shall be filed in Juvenile Court.

(9) MENTAL HEALTH CASES (MH)

All mental health cases filed shall be in Vigo Superior Court Division 2.

(10) JUVENILE COURT (JP)

To the extent of its jurisdiction, all juvenile matters shall be filed in the Juvenile Division of the Vigo Circuit Court.

(11) MISCELLANEOUS (MI)

All miscellaneous civil filings shall be filed in the following rotation:

All miscellaneous civil filings will be divided equally between Division 1, Division 2, Division 3, Division 4, Division 5, and Division 6 on a rotating basis.

As in the past, Vigo County Judges shall continue to cooperate with one another to insure the effective and efficient administration of justice by assisting one another with hearings, should they be available to do so.