

In the
Indiana Supreme Court

IN THE MATTER OF REQUEST)
FOR APPROVAL OF LOCAL RULES) Case No.
IN MONROE COUNTY)

**REQUEST FOR APPROVAL TO RE-ADOPT
CURRENT CASELOAD ALLOCATION RULE**

The judges of Monroe County have met and reviewed the 2014 weighted caseload statistics for the courts of record. Our review indicates that the difference in utilization between any two courts of record does not exceed .40 based on the 2014 Weighted Caseload Report.

We have amended our existing caseload plan to incorporate the new felony levels that were effective on July 1, 2014, but have made no changes to the current allocation of criminal cases.

Accordingly, the judges of the courts of record have decided to re-adopt their local rule pertaining to caseload allocation as required by Administrative Rule 1. This local rule was previously published for public comment as required by Trial Rule 81 and approved by the Supreme Court. We request Supreme Court approval to re-adopt the current local rule on caseload allocation.

Submitted this 8th day of May, 2015 for the Courts of Record of Monroe County, Indiana.



Valeri Haughton, Presiding Judge
Monroe Circuit Court

LR53-AR00-0108 CASELOAD ALLOCATION

Updated 05/08/2015

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 caseflow 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.
 - 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.
2. Case Re-filed. If a case is dismissed without prejudice on a plaintiff's motion and the same case is subsequently re-filed by a plaintiff, the re-filed 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 re-filed case is not initially re-filed 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 it was originally filed.

- 3 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.

C. 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.

2016 CASELOAD DISTRIBUTION PLAN -- BASED ON 2014 ACTUAL FILINGS

CRIMINAL

Honorable Marc R. Kellams

Div. II

Case Type	Split	Wgt.
Murder	1/4	302
A Felony	1/4	4,039
Level 1 & 2	1/4	793
B Felony	1/4	6,050
Level 3 & 4	1/4	3,312
C Felony	1/4	5,433
Level 5	1/4	3,312
D Felony	1/4	17,063
Level 6	1/4	8,384
Post Conv	1/4	1,553
Misd.	1/4	37,880
Crim Misc	1/4	243
Infractions	1/9	1,497
Civil Misc		2,762
Other	SC/DR	
Total		92,621
Need		1.15
Have		1.06
Utilization		0.30

Honorable Kenneth G. Todd - P.J

Div. III

Case Type	Split	Wgt.
Murder	1/4	302
A Felony	1/4	4,039
Level 1 & 2	1/4	793
B Felony	1/4	6,050
Level 3 & 4	1/4	3,312
C Felony	1/4	5,433
Level 5	1/4	3,312
D Felony	1/4	17,063
Level 6	1/4	8,384
Post Conv	1/4	1,553
Misd.	1/4	37,880
Crim Misc	1/4	243
Infractions	1/9	1,497
Civil Misc		2,762
Other	SC/DR	
Total		92,621
Need		1.15
Have		1.06
Utilization		0.30

Honorable Mary Ellen Diekhoff

Div. V

Case Type	Split	Wgt.
Murder	1/4	302
A Felony	1/4	4,039
Level 1 & 2	1/4	793
B Felony	1/4	6,050
Level 3 & 4	1/4	3,312
C Felony	1/4	5,433
Level 5	1/4	3,312
Drug Court	22	3,784
D Felony	1/4	17,063
Level 6	1/4	8,384
Post Conv	1/4	1,553
Misd.	1/4	37,880
Crim Misc	1/4	243
Infractions	1/9	1,497
Civil Misc		2,762
Other	CC/DR	
Total		96,405
Need		1.20
Have		1.04
Utilization		0.20

Honorable Teresa D. Harper

Div. IX

Case Type	Split	Wgt.
Murder	1/4	302
A Felony	1/4	4,039
Level 1 & 2	1/4	793
B Felony	1/4	6,050
Level 3 & 4	1/4	3,312
C Felony	1/4	5,433
Level 5	1/4	3,312
D Felony	1/4	17,063
Level 6	1/4	8,384
Post Conv	1/4	1,553
Misd.	1/4	37,880
Crim Misc	1/4	243
Infractions	1/9	1,497
Civil Misc		2,762
Other		0
Total		92,621
Need		1.15
Have		1.06
Utilization		0.30

CIVIL-DOMESTIC RELATIONS

Honorable E. Michael Hoff

Div. I

Case Type	Split	Wgt.
Civil	60%	49,761
Trusts	100%	320
Divorces	5%	5,550
PO	5%	1,188
Estates	100%	16,830
Rec Supp	25%	248
Civil Misc	25%	3,676
IF	1/9	1,497
OTHER	FD/CMJ/PSC	
Total		79,069
Need		0.98
Have		1.07
Utilization		0.35

Honorable Elizabeth A. Cure

Div. IV

Case Type	Split	Wgt.
SC/OV	50%	28,067
Civil		415
Divorces	31.67%	35,154
PO	31.67%	7,523
Rec Supp	25%	248
Civil Misc	25%	3,676
IF	1/9	1,497
OTHER	FD/CMJ/PJM	
Total		76,579
Need		0.95
Have		1.07
Utilization		0.35

Honorable Frances G. Hill

Div. VI

Case Type	Split	Wgt.
Civil	40%	33,174
GU		415
Divorces	31.67%	35,154
Adopt		7,523
PO	31.67%	7,523
Rec Supp	25%	248
Civil Misc	25%	3,676
IF	1/9	1,497
OTHER	FBI/DC/MJ/PJ/M/SC	
Total		81,271
Need		1.01
Have		1.07
Utilization		0.35

Honorable Stephen R. Galvin

Div. VII

Case Type	Split	Wgt.
Guardian	100%	13,392
Chins	100%	37,620
Mental H	100%	16,058
Juv Pat	100%	13,530
Juv.	100%	40,481
Divorces		
PO		
Rec Supp	100%	5,141
Civil Misc	25%	1,497
IF	1/9	1,497
OTHER	MCT/RCT/IES	
Total		127,719
Need		1.58
Have		1.50
Utilization		2.50

Honorable Valeri Haughton

Division VIII

Case Type	Split	Wgt.
SC/OV	50%	28,067
Divorces	31.67%	35,154
PO	31.67%	7,523
GU		
Rec Supp	25%	248
Civil Misc	25%	3,676
IF	1/9	1,497
OTHER	JP	
Total		76,164
Need		0.94
Have		1.07
Utilization		0.35

*Civil includes: Civil Plenary, Mortgage Foreclosures, Coll. Cases, Civil Tort.
Juv includes: JM, JT, JS, JD