In the
Indiana Supreme Court

IN THE MATTER OF THE	)	
	)	
APPROVAL OF LOCAL RULES	)	Case No. 42S00-1408-MS-528
	)	
FOR KNOX COUNTY	)	

ORDER APPROVING AMENDED LOCAL RULES

The Judges of the Knox 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.

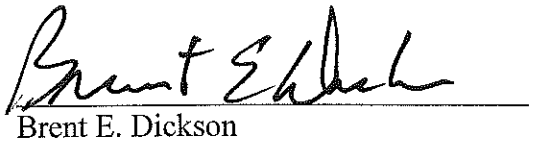
Upon examination of the proposed rule amendments requested by the Knox Circuit and Superior Courts, this Court finds that the proposed rule amendments, LR42-CR2.2-2.0 and LR42-AR00-3.4 comply with the requirements of Ind. Administrative Rule 1(E), and, accordingly, should be approved and posted in the 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 LR42-CR2.2-2.0 and LR42-AR00-3.4 for Knox Circuit and Superior Courts, set forth as an attachment to this Order, are approved effective retroactive to July 1, 2014. The Clerk of this Court is directed to forward a copy of this Order to the Hon. W. Timothy Crowley, Knox Superior Court 1, 111 North Seventh Street, Suite 20, Vincennes, IN 47591; to the Hon. Sherry B. Gregg Gilmore, Knox Circuit Court, 111 North Seventh Street, Suite 14, Vincennes, IN 47591-2022; to the Hon. Jim R. Osborne, Knox Superior Court 2, 620 Busseron Street, Vincennes, IN 47591-2032; to the Clerk of the Knox 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 Knox 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, on August 12, 2014.



Brent E. Dickson
Chief Justice of Indiana

LR42-CR2.2-2.0

ASSIGNMENT OF CRIMINAL CASES; SPECIAL JUDGES (Criminal Matters)

This rule is adopted pursuant to Indiana Criminal Rules 2.2, 12 and 13 for the assignment of cases and selection of a Special Judge in criminal matters.

A. MURDER CASES:

Murder cases shall be assigned to the Knox Circuit Court and the Knox Superior Court 1 on an equal basis.

B. LEVELS 1 THROUGH 6 FELONY CASES:

All Level 1 through 6 Felony cases shall be assigned to the Knox Circuit Court and the Knox Superior Court 1 on an equal basis with the exception of felony operating a motor vehicle while intoxicated cases and felony habitual traffic offender cases. Those cases shall be assigned to the Knox Superior Court II. In the event a case charges both a Level 1-6 felony and misdemeanor offense, the case shall be considered a level 1-6 felony for assignment to the Knox Circuit Court or the Knox Superior Court 1.

C. FELONIES COMMITTED PRIOR TO JULY 1, 2014:

All felonies filed with an A, B, C or D designation relating to acts committed prior to July 1, 2014, shall be assigned to the Knox Circuit Court and the Knox Superior Court 1, on an equal basis with the exception of felony operating a motor vehicle while intoxicated cases and felony habitual traffic offender cases. Those cases shall be assigned to the Knox Superior Court II.

D. JUVENILE OFFENDERS WAIVED TO ADULT STATUS:

The Knox Superior Court 1 shall be assigned the cases of juvenile offenders waived to adult status following a waiver of juvenile jurisdiction pursuant to I.C. 31-30-3.

E. INVASION OF PRIVACY:

A misdemeanor charge of invasion of privacy pursuant to I.C. 35-46-1-15.1 shall be assigned to the Court that issued the original protective order, workplace violence restraining order or no contact order.

F. MISDEMEANOR AND INFRACTION CASES:

Other than those cases assigned to the Knox Circuit Court, or to the Knox Superior Court 1, pursuant to the provisions of paragraphs B and D above, all misdemeanor cases and all infraction cases shall be assigned to the Knox Superior Court II.

G. SUBSEQUENT FELONY CHARGES:

In the interests of judicial economy, if a person has a felony charge pending in the Knox Circuit Court or the Knox Superior Court 1, all subsequent felony charges filed against that same person shall be filed in the Court where the original felony charge is pending. This provision shall take precedence over the other provisions of this rule set forth above.

H. SEPARATE FELONY CHARGES IN DIFFERENT COURTS:

If a person has separate felony charges pending in more than one Court in Knox County, the State, at its option, may dismiss the more recent felony charge or charges and re-file said charges in the Knox County Court having the oldest pending felony charge against the person. In the event the State dismisses and re-files charges against a person, the State shall provide a copy of the Chronological Case Summary (CCS) to the Court where the charges are to be re-filed so that said Court will be advised of any potential tacking problem.

I. ASSIGNMENT OF SPECIAL JUDGES:

In the event of the recusal of a Judge, a change of Judge, or when it becomes necessary to assign another Judge in any criminal case, the case shall be assigned to one of the following Judges who have agreed to serve as a Special Judge in that Court:

Knox Circuit Court:	Judge of the Knox Superior Court 1 Judge of the Knox Superior Court II Judge of the Daviess Circuit Court Judge of the Daviess Superior Court Judge of the Pike Circuit Court
Knox Superior Court 1:	Judge of the Knox Circuit Court Judge of the Knox Superior Court II Judge of the Daviess Circuit Court Judge of the Daviess Superior Court Judge of the Pike Circuit Court
Knox Superior Court II:	Judge of the Knox Circuit Court Judge of the Knox Superior Court 1 Judge of the Daviess Circuit Court Judge of the Daviess Superior Court Judge of the Pike Circuit Court Judge of the Greene Superior Court

The Clerk is to select a Judge to be assigned by drawing a name from the above-listed Judges, for the appropriate Court, and from time to time thereafter from the remaining Judges until all the listed Judges have been assigned an equal number of cases.

LR42-AR00-3.4

LOCAL RULE CONCERNING CASELOAD ALLOCATION PLAN

(Effective July 1, 2014)

In conformance with the Order of the Indiana Supreme Court, the Judges of the Knox County Courts submit their proposed Knox County Caseload Allocation Plan as follows:

1. On or before April 1 of each year, the Judges of the Knox County Courts shall meet to review the Weighted Caseload Measures statistics as calculated by the Division of State Court Administration from the preceding calendar year. The utilization percentage between the Courts shall be re-evaluated yearly to assess what actual disparities may exist. In the event the utilization percentages of the Courts are within forty percentage points (40%) of each other, it shall be presumed that no action is necessary to reduce the disparity. If the utilization percentage between the Courts differs by more than forty percentage points (40%) in a calendar year, it shall be presumed that the disparity must be reduced.
2. Should action be required to reduce a disparity in caseload, the Judges may agree to accomplish the reduction in any reasonable manner.
3. The Knox Superior Court II shall no longer accept "PL" (civil plenary), "MF" (mortgage foreclosures), and "CT" (civil tort) filings. Instead, these cases shall be filed in the Knox Circuit Court or in the Knox Superior Court 1.
4. Eviction cases shall continue to be filed in the Knox Superior Court II, but, effective immediately, eviction cases shall be filed as a "SC" (small claims) filing rather than as an "MI" (miscellaneous) filing.
5. Effective July 1, 2008, the Knox Superior Court II shall no longer accept pro se Petitions for Dissolution of Marriage. Instead, pro se Petitions for Dissolution must be filed in the Knox Circuit Court or the Knox Superior Court 1.
6. Effective July 1, 2014, all felonies shall be assigned to the Knox Circuit Court and the Knox Superior Court 1 on an equal basis with the exception of felony operating a motor vehicle while intoxicated cases and felony habitual traffic offender cases. Those cases shall be assigned to the Knox Superior Court II.