

In the  
Indiana Supreme Court



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

Case No. 90S00-1411-MS- 722

ORDER APPROVING AMENDED LOCAL RULES

The judges of the Wells Circuit and Superior Courts request the approval of amended local rules for caseload allocation in accordance with Ind. Administrative Rule 1(E) and appointment of special judges in accordance with Ind. Criminal Rule 13. Attached to this Order are the proposed amended local rules.

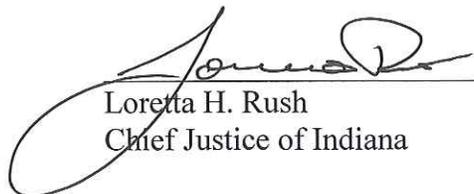
Upon examination of the proposed rule amendments requested by the Wells Circuit and Superior Courts, this Court finds that the proposed rule amendments, LR90-AR01-1 and LR90-CR2.2-01 comply with the requirements of Ind. Administrative Rule 1(E) and Ind. Criminal Rule 13, and accordingly, should be approved.

IT IS, THEREFORE, ORDERED by this Court that Wells Circuit and Superior Local Rules, LR90-AR01-1 and LR90-CR2.2-01, 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. Everett E. Goshorn, Wells Superior Court, 102 Market Street West, Bluffton, IN 46714-2050; to the Hon. Kenton W. Kiracofe, Wells Circuit Court, 102 Market Street West, Bluffton, IN 46714-2050; to the Clerk of the Wells Circuit and Superior Courts; and to the Division of State Court Administration.

The Clerk of the Wells 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 November 24, 2014.

  
Loretta H. Rush  
Chief Justice of Indiana

**LR90-AR01-1 Caseload Allocation Plan for Wells Circuit and Superior Courts**

**I Criminal, Infraction and Ordinance Violation Cases**

Criminal Cases shall be filed pursuant to LR90-CR2.2-01(A). All infraction and ordinance violation cases not associated with a Felony charge required to be filed in the Wells Circuit Court shall be assigned to the Wells Superior Court.

**II Probate and Related Cases**

All Estate, Guardianship, Paternity, Adoption and Trust cases shall be assigned to the Wells Circuit Court.

**III Juvenile Cases**

All juvenile cases of every sort shall be assigned to the Wells Circuit Court.

**IV Civil Cases**

Except as otherwise specifically set out in this Rule, civil cases of all sorts, including domestic relations cases, shall be assigned to whichever court the attorney or the self-represented litigant filing the case designates to the Clerk. Provided, however, that petitions for dissolution of a marriage filed by a self-represented litigant where there are unemancipated children of the marriage, real property or unresolved property division issues, shall be filed in Wells Circuit Court.

**V Small Claims and Protective Order Cases**

All small claims shall be assigned to the Wells Superior Court.

Protective order cases (including Workplace Violence Protective Orders), shall be assigned to whichever court the attorney or the self-represented litigant filing the case designates to the Clerk.

**VI Mental Health**

Mental Health cases shall be assigned to the Wells Circuit Court.

**VII Refiled Cases**

Except when a change of venue is necessary, whenever a case is dismissed by action of the originating party, the case, if re-filed, must be assigned to the same court that received the original case.

**VIII Continuing Monitoring**

Not later than May 1 each year, all Judges of the courts of record in Wells County shall meet and shall evaluate each court's caseload data as reported to the Division of State Court Administration.

If, in a given year, the weighted caseload statistics from the Division of State Court Administration indicate that a caseload variance among these courts exceeds forty percent (40%), the courts of record in Wells County shall submit a revised Caseload Allocation Plan pursuant to the Indiana Supreme Court Division of State Court Administration's "Schedule for Submission of Caseload Plans Pursuant to Administrative Rule 1(E).

**(A) Case Assignment**

For crimes committed on or before June 30, 2014:

Except as hereinafter provided, all criminal cases wherein the most serious charge is a Class C Felony or greater shall be assigned to the Wells Circuit Court. All misdemeanor criminal cases not associated with a Felony charge required to be filed in the Wells Circuit Court shall be assigned to the Wells Superior Court.

For crimes allegedly committed on or after July 1, 2014:

Except as hereinafter provided, all criminal cases wherein the most serious charge is a Level 5 Felony or greater shall be assigned to the Wells Circuit Court. All criminal misdemeanor cases not associated with a Level 5 charge required to be filed in the Wells Circuit Court shall be assigned to the Wells Superior Court.

**(B) Refiling and Subsequent Filings**

When the State of Indiana dismisses a criminal cause and later chooses to refile the cause, or to refile another charge related to the incident which was the basis for the original charge, the case shall be assigned to the court from which the original dismissal was taken.

**(C) Reassignment**

Where a change of judge is granted pursuant to Ind. Criminal Rule 12(B) or an order of disqualification or recusal is entered, the case shall be reassigned pursuant to the Ind. Criminal Rule 13(C) as follows:

1. When the presiding judge of Wells Circuit Court grants a motion for change of judge or enters an order of disqualification or recusal, then the case shall be assigned to the judge of Wells Superior Court and given a Wells Superior Court case number.
2. When the presiding judge of Wells Superior Court grants a motion for change of judge or enters an order of disqualification or recusal, then the case shall be assigned to the judge of Wells Circuit Court and given a Wells Circuit Court case number.
3. In the event that a reassignment cannot be accomplished as set forth above, the Clerk shall appoint a Special Judge from the following list, comprising courts contiguous to, and within the same administrative district as, Wells County.

The Judge of the Adams Circuit Court  
The Judge of the Adams Superior Court  
The Judge of the Huntington Circuit Court  
The Judge of the Huntington Superior Court  
The Clerk shall select the first judge for the first case requiring assignment after adoption of these rules and selecting each judge thereafter on a rotational basis and in order of their placement on this list.

**(D) Sitting of the Judges**

The judge of the Wells Circuit Court may sit as judge of the Wells Superior Court in all criminal matters when the judge of the Wells Superior Court is unavailable, without further request or consent. The judge of the Wells Superior Court may sit as judge of the Wells Circuit Court in all criminal matters when the judge of the Wells Circuit Court is unavailable, without further request or consent.

**(E) Supreme Court Appointment**

In the event no judge is available for assignment or reassignment of a felony or misdemeanor case, such case shall then be certified to the Indiana Supreme Court for the appointment of a special judge. In the event the judge presiding in a felony or misdemeanor case concludes the unique circumstance presented in such proceeding requires appointment by the Indiana Supreme Court of a special judge, this presiding judge may request the Indiana Supreme Court for such appointment.

*(As amended effective July 1, 2014)*