

In the  
Indiana Supreme Court



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

Case No. 38S00-1502-MS-98

ORDER APPROVING AMENDED LOCAL RULE

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

Upon examination of the proposed rule amendment requested by the Jay Circuit and Superior Courts, this Court finds that the proposed rule amendment, LR38-CP00-1 complies 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 Rule LR38-CP00-1 for Jay Circuit and Superior Courts, set forth as an attachment to this Order, is approved.

DONE at Indianapolis, Indiana, on February 23, 2015.

  
Loretta H. Rush  
Chief Justice of Indiana

## **LR38-AR01- 4 CASELOAD ALLOCATION**

**(A) CRIMINAL CASES: All criminal cases shall be filed in accordance with LR38-CP00-1.**

**(B) CIVIL CASES:**

- (1) All cases involving small claims shall be filed in the Jay Superior Court;
- (2) All cases involving probate and juvenile matters shall be filed in the Jay Circuit Court;
- (3) Cases other than those mentioned in the preceding paragraphs may be filed in either the Jay Superior or Jay Circuit Court, at the discretion of the filing party. However, nothing in this rule shall prohibit a judge of said Court from transferring a case from that court to the other as allowed by statute, LR38-CP00-1(B), or rule of trial procedure. Furthermore, upon a determination by the judges of both the Jay Circuit and Jay Superior Court, based on weighted caseload studies, that deviation from this rule is necessary to ensure an even distribution of judicial workload among the courts of record in the county, the judges may make such temporary order as is necessary to promote even distribution and avoid more than a 0.40 utilization variance.

## **LR38-CP00-1 CRIMINAL CASE ASSIGNMENT**

**(A) ASSIGNMENT GENERALLY:** All criminal cases where the most serious charge is Murder, a class A, B, or C Felony, or a Level 1, 2, 3, 4, or 5 Felony, except for cases where the most serious charge of the Information alleges a violation of Title Nine of the Indiana Code, shall be assigned to the Jay Circuit Court. All other criminal cases shall be filed in the Jay Superior Court. The judges of the Jay Circuit Court and Jay Superior Court shall meet from time to time and may, after considering the workload of each Court and other circumstances, agree to reverse the assignment of criminal cases.

**(B) CASE TRANSFER:** The judges of the Jay Circuit and Jay Superior Court may order the transfer and reassignment of criminal cases to the other court, subject to the acceptance by the receiving judge.

**(C) SITTING OF THE JUDGES:** The judge of the Jay Circuit Court may sit as judge of the Jay Superior Court in all criminal matters when the judge of the Jay Superior Court is unavailable, without further request or consent required. The judge of the Jay Superior Court may sit as judge of the Jay Circuit Court in all criminal matters when the judge of the Jay Circuit Court is unavailable, without further request or consent required.

**(D) REFILING AND SUBSEQUENT FILING:** When the State has dismissed a case and chooses to re-file that case, the case shall be re-filed in the Court from which the dismissal was taken. In the event that additional charges are filed against a criminal defendant subsequent to the initial assignment of the case, the case shall be reassigned, if necessary, to the Court to which the case would have been originally assigned had all the charges been filed at the time of the original assignment.