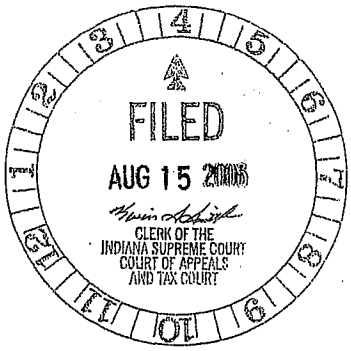
In the
Indiana Supreme Court



IN THE MATTER OF THE	)	
	)	**Case No. 77S00-0608-MS-287**
APPROVAL OF LOCAL RULES	)	
	)	
FOR SULLIVAN COUNTY	)	

ORDER REAPPROVING LOCAL RULE

The judges of the Sullivan Circuit and Superior Courts have resubmitted their existing caseload allocation plan, Local Court Rule 1, without changes, and have requested the re-approval of the local rule in accordance with Ind. Administrative Rule 1(E). Attached to this Order is the resubmitted local rule.

Upon examination of the resubmitted local rule, this Court finds that Local Court Rule 1 complies with the requirements of Ind. Administrative Rule 1(E), and, accordingly, should be approved.

IT IS, THEREFORE, ORDERED by this Court that Sullivan County Local Court Rule 1, set forth as an attachment to this Order, is re-approved, effective immediately.

The Clerk of this Court is directed to forward a copy of this Order to the Hon. P.J. Pierson, Sullivan Circuit Court, 100 Courthouse Square, #306, Sullivan, IN 47882-1592; the Hon. Thomas E. Johnson, Sullivan Superior Court, 100 Courthouse Square, #301, Sullivan, IN 47882-1592, and to the Clerk of the Sullivan Circuit and Superior Courts.

The Clerk of the Sullivan 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, this 15th day of August, 2006.

Randall T. Shepard

Randall T. Shepard
Chief Justice of Indiana

IN THE

SUPREME COURT OF INDIANA

IN THE MATTER OF THE	)
	)
SULLIVAN COUNTY PLAN	)
	)
FOR ALLOCATION OF	)
	)
JUDICIAL RESOURCES	)

REQUEST FOR ORDER APPROVING SULLIVAN COUNTY PLAN FOR ALLOCATION OF JUDICIAL RESOURCES

After full review of the weighted caseload study of the Courts of Sullivan County, Indiana, we, the undersigned Judges of Sullivan County, hereby adopted Amended Local Court Rule #1 entitled Sullivan County Plan For Allocation Of Judicial Resources.

WHEREAS, the Courts of Sullivan County adopted Amended Local Court Rule #1 entitled Sullivan County Plan For Allocation Of Judicial Resources effective February 1, 2002, a copy of said Amended Local Court Rule #1 being attached hereto and made a part hereof; and

WHEREAS, the Courts have found that the implementation of said attached Amended Local Court Rule #1 has resulted in an approximately equal division of the caseload between the Sullivan Circuit Court and the Sullivan Superior Court based upon the weighted caseload study and would request that the same allocation plan continue to be utilized.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the attached Amended Local Court Rule #1 regarding the filing of cases, and such amendments to same as the Courts may hereafter make, shall constitute the Sullivan County Plan For Allocation Of Judicial Resources.

ALL IS SO REQUESTED this 24th day of July, 2006.

P.J. PIERSON, Judge of the Sullivan Circuit Court	**THOMAS E. JOHNSON**, Judge of the Sullivan Superior Court

AMENDED LOCAL COURT RULE #1
EFFECTIVE FEBRUARY 1, 2002

The Presiding Judge of the Sullivan Circuit Court, P.J. Pierson, and the Presiding Judge of the Sullivan Superior Court, Thomas E. Johnson, now issue the following Orders and Local Court Rule, effective February 1, 2002, and thereafter until further order:

SULLIVAN COUNTY PLAN FOR ALLOCATION OF JUDICIAL RESOURCES

A. Sullivan Circuit Court: The Sullivan Circuit Court shall have exclusive jurisdiction over the following Court dockets:

1. Juvenile;
2. Adoptions;
3. Guardianships;
4. Estates; and
5. Civil Commitments

B. Sullivan Superior Court: The Sullivan Superior Court shall exclusive jurisdiction over the following Court dockets:

1. Small Claims;
2. Traffic Violations;
3. Infractions; and
4. Felony offenses charged under I.C. 9-30-5-3 and I.C. 9-30-5-4

C. Concurrent Jurisdiction: The Sullivan Circuit Court and the Sullivan Superior Court will each have jurisdiction over the following Court dockets:

1. Civil;
2. Criminal Offenses;
3. Civil Venue;
4. Criminal Venue; and
5. Protective Orders

D. Random Case Assignment: Cases involving concurrent jurisdiction shall be assigned randomly by the Clerk of the Sullivan Circuit and Superior Courts. This shall be accomplished by utilizing JTS Case Tracking Software which randomly assigns cases on a 50:50 ratio between the Sullivan Circuit Court and the Sullivan Superior Court. However, there are some instances in which random case assignment will not be conducted. Those exceptions are as follows:

1. Criminal Felony Case Assignment:
   A. As stated in (B)(4), the Sullivan Superior Court shall have

exclusive jurisdiction over all felony cases filed under I.C. 9-30-5-3 and I.C. 9-30-5-4. The Clerk of the Courts will override the random case assignment process and assign all felony cases filed under I.C. 9-30-5-3 and I.C. 9-30-5-4 to the Sullivan Superior Court.

B. If a criminal non-support of a dependent child case is filed and a Sullivan Court has a pending case in which the child support obligation was either established or enforced, then the criminal non-support case shall be filed in the same Court in which the child support obligation was established or enforced. The Clerk of the Courts will override the random case assignment process and assign the criminal non-support case to the appropriate Court.

2. Criminal Misdemeanor Case Assignment: Random case assignment will be employed for all criminal misdemeanors filed. However, rather than a ratio of 50:50, the Clerk will assign these cases at a ratio of 75:25 with seventy-five percent (75%) of the criminal misdemeanor cases being filed in the Sullivan Superior Court and twenty-five percent (25%) of the criminal misdemeanor cases being filed in the Sullivan Circuit Court.

3. Companion Civil Filings: In the event two or more civil cause are identified by the filing party as companion cases, arising from the same circumstances, with similar issues of fact and law, the Clerk will utilize random case assignment to assign a Court to the first cause. The Clerk of the Courts will then override the random case assignment process and assign any companion cases the same Court

4. Subsequent Criminal Filings: The Circuit Court and the Superior Court state that the policy of the Courts is to have all criminal cases pending against an individual filed in the same Court. Therefore, when a criminal case is filed, the Prosecuting Attorney and the Clerk shall determine if the accused has additional criminal charges pending. If there is another criminal charge pending in either Court, the new criminal charge shall be filed in the same Court where charges are pending. When the new criminal charge is filed in the Court where additional criminal charges are pending, the Clerk shall override the random case assignment and assign the new criminal charge to the appropriate Court.

E. Transfer: The Judge of the Sullivan Circuit Court or the Sullivan Superior Court, by appropriate order entered in the Record of Judgments and Orders, may transfer and reassign any case to the other Court, subject to acceptance by the receiving Court.

F. Refilings: When the filing party and/or the State of Indiana dismisses a case and chooses to refile that case, the case shall be reassigned to the Court from which the dismissal was taken.

G. Reassignment of Judges in Circuit Court: The following individuals have agreed to serve in the event it becomes necessary to reassign a felony or misdemeanor case in the Sullivan Circuit Court: the Honorable Thomas E. Johnson, Sullivan Superior Court; the Honorable J. David Holt; Greene Superior Court; the Honorable David K. Johnson, Greene Circuit Court; and the Honorable Jim R. Osborne, Knox Superior Court, Division II. By order of adoption of these rules, the Indiana Supreme Court, pursuant to I.C. 33-2.1-7-8, temporarily transfers the above judges to the Sullivan Circuit Court for the purpose of reassignment of felony and misdemeanor cases. In the event it becomes necessary to reassign a felony or misdemeanor case, the judges will be reassigned in consecutive order to the above noted judges.

H. Reassignment of Judges in Superior Court: The following individuals have have agreed to serve in the event it becomes necessary to reassign a felony or misdemeanor case in the Sullivan Superior Court: the Honorable P.J. Pierson, Sullivan Circuit Court; the Honorable J. David Holt; Greene Superior Court; the Honorable David K. Johnson, Greene Circuit Court; and the Honorable Jim R. Osborne, Knox Superior Court, Division II. By order of adoption of these rules, the Indiana Supreme Court, pursuant to I.C. 33-2.1-7-8, temporarily transfers the above judges to the Sullivan Superior Court for the purpose of reassignment of felony and misdemeanor cases. In the event it becomes necessary to reassign a felony or misdemeanor case, the judges will be reassigned in consecutive order to the above noted judges.

I. Appointment of Special Judge: 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 the appointment of a Special Judge. In the event the judge presiding in a felony or misdemeanor case concludes that the unique circumstances presented in such proceeding require appointment by the Indiana Supreme Court of a Special Judge, such presiding judge may request the Indiana Supreme Court for such appointment.

The effective date of this Amended Local Court Rule #1 shall be February 1, 2002.

IT IS SO ORDERED this 1st day of February, 2002.

P.J. PIERSON, Judge of the
Sullivan Circuit Court

THOMAS E. JOHNSON, Judge of the
Sullivan Superior Court

Caseload Allocation Plan

Recommendation for Sullivan County

Recommendation: Approve

A preliminary analysis of Sullivan County's Caseload Allocation Plan revealed that the projected utilization variation between Sullivan Circuit Court and Sullivan Superior Court is less than the 0.40 allowable variation (see Figure 1).

	Projected Need	Actual Have	Projected Utilization
Circuit	0.96	1.50	0.6382
Superior	0.98	1.50	0.6505
		Difference	**0.0123**

Figure 1

Method:

Since the judges of Sullivan County will not alter their method of allocation (see Appendix A), I used 2005 caseload allocation data to examine the county's utilization. Please refer to Appendix B and C for a detailed analysis.

APPENDIX A

Kris Suthers/incourts
07/24/2006 10:34 AM

To James Maguire/incourts@incourts, Candice Graham/incourts@incourts, Colleen O'Brien/incourts@incourts
cc
bcc
Subject Fw: Sullivan County Allocation Plan

Well that was fast... I haven't looked this over yet but wanted to make sure everyone gets a copy. They state below that they are not implementing any changes, and in 2005 the variance in Sullivan County was 0.01.

-Kris

---- Forwarded by Kris Suthers/incourts on 07/24/2006 10:27 AM ----

"Ann Smith Mischler" <asmith@joink.com>
07/24/2006 10:22 AM

To <ksuthers@courts.state.in.us>
cc
Subject Sullivan County Allocation Plan

Attached is the REQUEST FOR ORDER APPROVING SULLIVAN COUNTY PLAN FOR ALLOCATION OF JUDICIAL RESOURCES and our AMENDED LOCAL COURT RULE #1. Signed copies will follow by mail. ~~We were under the impression that since we were not implementing any changes we did not need to submit another plan.~~ Sorry for the confusion!!!

Ann Smith Mischler
Magistrate
Sullivan Circuit/Superior Courts
100 Courthouse Square, Room 302
Sullivan, Indiana 47882

Court Rule 1 Modified 2-1-02.doc

Allocation Plan.doc

Appendix B
Sullivan County 2006 WCL Plan

	Actual 2005 New Filings			Assignment of cases based upon plan				Application of plan guidelines and		
	Circ. 1	Sup. 1	Total	Circ. 1	Sup. 1	Total	Comments	Circ. 1	Sup. 1	Total
MR	0		0					0	0	0
CF			0					0	0	0
FA	3	5	8	37.50%	62.50%	100.00%		3	5	8
FB	7	7	14	50.00%	50.00%	100.00%		7	7	14
FC	15	9	24	62.50%	37.50%	100.00%		15	9	24
FD	46	58	104	44.23%	55.77%	100.00%		46	58	104
PC	0		0			0.00%		0	0	0
CM	134	387	521	25.72%	74.28%	100.00%		134	387	521
MC	45	85	130	34.62%	65.38%	100.00%		45	85	130
IF		3,954	3,954	0.00%	100.00%	100.00%		0	3,954	3,954
OV,OE			0			0.00%		0	0	0
JC	33		33	100.00%	0.00%	100.00%		33	0	33
JD	128		128	100.00%	0.00%	100.00%		128	0	128
JS	17		17	100.00%	0.00%	100.00%		17	0	17
JP	55		55	100.00%	0.00%	100.00%		55	0	55
JM	14		14	100.00%	0.00%	100.00%		14	0	14
JT	0		0			0.00%		0	0	0
CP			0			0.00%		0	0	0
PL	21	14	35	60.00%	40.00%	100.00%		21	14	35
MF	48	47	95	50.53%	49.47%	100.00%		48	47	95
CC	107	104	211	50.71%	49.29%	100.00%		107	104	211
CT	60	68	128	46.88%	53.13%	100.00%		60	68	128
SC		855	855	0.00%	100.00%	100.00%		0	855	855
DR	82	85	167	49.10%	50.90%	100.00%		82	85	167
RS	15		15	100.00%	0.00%	100.00%		15	0	15
MH	20		20	100.00%	0.00%	100.00%		20	0	20
AD	9		9	100.00%	0.00%	100.00%		9	0	9
AH			0			0.00%		0	0	0
ES,EU	53		53	100.00%	0.00%	100.00%		53	0	53
GU	50		50	100.00%	0.00%	100.00%		50	0	50
TR	1		1	100.00%	0.00%	100.00%		1	0	1
PO	61	60	121	50.41%	49.59%	100.00%		61	60	121
MI	29	12	41	70.73%	29.27%	100.00%		29	12	41
CB			0							
TOTAL	1,053	5,750	6,803					1,053	5,750	6,803

APPENDIX C

Sullivan

Circuit

Total Actual Minutes:	77191
Actual Need (to date):	0.96
Quarters Counted:	4
Projected Need (year):	0.96
Actual Have:	1.50
Projected Utilization:	**0.6382**

Superior

Total Actual Minutes:	78685
Actual Need (to date):	0.98
Quarters Counted:	4
Projected Need (year):	0.98
Actual Have:	1.50
Projected Utilization:	**0.6505**

County Summary (All Courts)

Projected Need:	1.93
Actual Have:	3.00
Projected Utilization:	**0.6443**

Type	Weight	Circuit		Superior		Total Cases	Projected Minutes
		Cases	Proj. Min.	Cases	Proj. Min.		
Capital	2649	0	0	0	0	0	0
MR	453	0	0	0	0	0	0
CF	155	0	0	0	0	0	0
FA	420	3	1260	5	2100	8	3360
FB	260	7	1820	7	1820	14	3640
FC	210	15	3150	9	1890	24	5040
FD	75	46	3450	58	4350	104	7800
PC	0	0	0	0	0	0	0
CM	40	134	5360	387	15480	521	20840
MC	18	45	810	85	1530	130	2340
IF	2	0	0	3954	7908	3954	7908
OV	2	0	0	0	0	0	0
JC	111	33	3663	0	0	33	3663
JD	60	128	7680	0	0	128	7680
JS	58	17	986	0	0	17	986
JP	82	55	4510	0	0	55	4510
JM	12	14	168	0	0	14	168
JT	194	0	0	0	0	0	0
CP	106	0	0	0	0	0	0
PL	121	21	2541	14	1694	35	4235
MF	23	48	1104	47	1081	95	2185
CC	26	107	2782	104	2704	211	5486
CT	118	60	7080	68	8024	128	15104
SC	13	0	0	855	11115	855	11115
DR	185	82	15170	85	15725	167	30895
RS	31	15	465	0	0	15	465
MH	37	20	740	0	0	20	740
AD	53	9	477	0	0	9	477
AH	53	0	0	0	0	0	0
EU	85	53	4505	0	0	53	4505
GU	93	50	4650	0	0	50	4650
TR	40	1	40	0	0	1	40
PO	37	61	2257	60	2220	121	4477
MI	87	29	2523	12	1044	41	3567
TOTAL		1053	77191	5750	78685	6803	155876