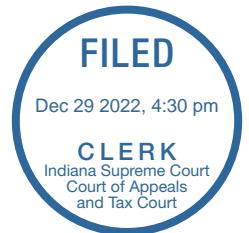


# In the Indiana Supreme Court

In the Matter of the Approval of Local Rules  
for Grant County

Supreme Court Case No.  
22S-MS-455



## Order Approving Amended Local Rules

The Judges of the Grant Circuit and Superior Courts request the approval of amended local rules for caseload allocation in accordance with Indiana Administrative Rule 1(E), for court reporter services in accordance with Administrative Rule 15, for special judge assignments in accordance with Trial Procedure Rule 79, for criminal case assignments in accordance with Criminal Procedure Rule 2.2, and for criminal special judge assignments in accordance with Criminal Procedure Rule 13. Attached to this Order are the proposed amended local rules.

Upon examination of the proposed rule amendments requested by the Grant Circuit and Superior Courts, this Court finds that the proposed rule amendments at LR-27 TR 63-1 and LR-27 AR 01-24 comply with the requirements of Indiana Administrative Rule 1(E), LR-27 AR 15-21 complies with Administrative Rule 15, LR-27 TR 79-3 complies with Trial Procedure Rule 79 and Criminal Procedure Rule 13, and LR-27 CR 2.2-2 complies with Criminal Procedure Rule 2.2, and, accordingly, should be approved.

IT IS, THEREFORE, ORDERED by this Court that amended Local Rules, LR-27 TR 63-1, LR-27 AR 01-24, LR-27 AR 15-21, LR-27 TR 79-3, and LR-27 CR 2.2-2, for the Grant Circuit and Superior Courts, set forth as attachments to this Order, are approved effective January 1, 2023.

Done at Indianapolis, Indiana, on 12/29/2022 .

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Loretta H. Rush  
Chief Justice of Indiana

**LR-27 TR 63-1**  
**Authority to Sit in Other Courts**

- A. The judges of Grant Circuit Court, Grant Superior Court 1, Grant Superior Court 2, Grant Superior Court 3, and the full-time juvenile magistrate appointed by the judge of Grant Superior Court 2, may sit as acting judge in any matter as if the judge were the elected or appointed judge in the courts listed below upon the unavailability of the elected or appointed judges and shall denominate their authority as “Acting Judge”, as provided in Ind. Administrative Rule 1:
1. Grant Circuit;
  2. Grant Superior 1;
  3. Grant Superior 2;
  4. Grant Superior 3;
  5. Gas City City Court; and
  6. Marion City Court.

**LR-27 AR 01-24**  
**Assignment of Civil Cases**

- A. Civil cases for the following case types shall be filed as follows:
1. All MH cases shall be filed in Circuit Court.
  2. All cases related to tax sales shall be filed in Superior Court 1
  3. All PO and AD cases shall be filed in Superior Court 2.
  4. All IV-D cases for the collection of support shall be filed in Superior Court 2.
  5. All JP, JC, JT, and JM cases shall be filed in Superior Court 2
  6. All IF and OV cases that are not designated to be filed in the Gas City City Court or the Marion City Court shall be filed in Superior Court 3.
  7. All SC, EV and CC cases shall be filed in Superior Court 3.
  8. All ES, EU, and EM cases shall be filed in Superior Court 3.
  9. All GU cases involving the guardianship of incapacitated adults and minors shall be filed in Superior Court 3.
- B) Except as set forth above, and any statutory limitations on subject matter jurisdiction civil cases may be filed in any court.

## **LR-27 CR 2.2-2**

### **Assignment of Criminal Cases**

All felony and misdemeanor (CM) cases [and all infraction (IF) cases and all ordinance (OV) cases] are to be filed in the Courts in Grant County pursuant to this Local Rule (this Rule). The Courts are Gas City City Court (27H01), Marion City Court (27H02), Grant Circuit Court (27C01), Grant Superior Court 1 (27D01), Grant Superior Court 2 (27D02), and Grant Superior Court 3 (27D03).

#### **I. Case Assignments When There Is a Pending Case or Probation**

- A. If charges are pending against an individual in 27C01, 27D01, or 27D02 or if an individual is on probation in 27C01, 27D01, or 27D02, and a new felony charge is filed, the new felony shall be filed in the Court with the pending charge or probation.
- B. If charges are pending against an individual in 27D03, or if an individual is on probation in 27D03, and a new L6 case is filed, it shall be filed in 27D03.
- C. Otherwise, the felony cases shall be filed as shown in Section II and III of this Rule.

#### **II. Case Assignments When There Are No Pending Cases nor Probation**

Cases shall be assigned as set out below when no other criminal proceeding is pending and when the Defendant is not on probation:

- A. The following cases shall be filed in 27H01:
  - (1) All CM and IF cases that are alleged to have occurred in Grant County, Indiana, outside the corporate limits of the City of Marion, except those assigned to 27D03 pursuant to this Rule.
  - (2) All OV cases that are alleged to have occurred within the city limits of Gas City.
  - (3) All CM and infraction cases that are alleged to have occurred within the corporate limits of the City of Marion, when the primary law enforcement officer is an officer with the Grant County Sheriff's Department or with the Indiana State Police, except those cases assigned to 27D03 pursuant to this Rule.
  - (4) All CM cases in which the crime alleged is compulsory school attendance violation [Ind. Code § 20-33-2], including cases that would otherwise be filed in 27H02.
- B. The following cases shall be filed in 27H02:
  - (1) All CM and IF cases that are alleged to have occurred within the corporate limits of the City of Marion, Indiana, that are not assigned to 27H01 or 27D03.
  - (2) All OV cases that are alleged to have occurred within the city limits of Marion.
- C. The following cases shall be filed in 27C01:
  - (1) All waivers of jurisdiction over juveniles to adult court.

- (2) All cases designated as Drug Court or Veterans Court cases.
- (3) All grand jury proceedings, including impaneling the grand jury.
- D. The following cases shall be filed in 27D01:
  - (1) All Reentry Court cases.
- E. The following cases shall be filed in 27D02:
  - (1) All juvenile cases except waivers of jurisdiction to adult court.
- F. The following cases shall be filed in 27D03:
  - (1) All OV cases, other than those assigned to 27H01 or 27H02.
  - (2) All trial de novo cases from 27H01 or 27H02.
  - (3) All cases transferred from 27H01 or 27H02 due to a timely jury trial demand.
  - (4) All cases transferred from 27H01 and 27H02 when the City Court Judge enters an order of disqualification or recusal or grants a motion for change of judge.
  - (5) All CM cases that include a charge under I.C. § 9-30-5 (Operating a Vehicle While Intoxicated).

### **III. Random Selection for All Other Criminal Cases**

Level 6 felony cases shall be filed by random selection in 27C01, 27D01, 27D02 and 27D03. All other felony cases, including those filed upon a grand jury indictment, shall be filed by random selection in 27C01, 27D01 and 27D02. Random selection shall be done as follows:

- A. The Clerk of the Grant Circuit Court (the Clerk) shall utilize the Odyssey case management program's random filing feature to select a court.
- B. If the case must be transferred from the Court selected on the first draw, the Clerk shall randomly select one (1) of the two (2) remaining Courts and the case shall then be filed in that Court. The Clerk shall enter the Court so designated on the criminal information and record the date and time the Court was selected.
- C. If the case must be transferred from the Court selected on the second draw, the case shall be transferred to the remaining Court. The Clerk shall enter the Court so designated on the criminal information and record the date and time the Court was selected.
- D. If the case must be transferred from the third Court selected, the case shall be transferred to the 27D03. The Clerk shall enter the Court so designated on the criminal information and record the date and time of the Court was selected.
- E. If a case filed in 27D03 must be transferred to another Court, the Clerk is to use the random selection process outlined above.

- F. If 27C01, 27D01, or 27D02 becomes over-burdened with cases from the blind draw system that Court's ball may be removed from further draws in criminal cases upon majority vote of the three (3) Judges of those Courts for whatever length of time and upon such terms and conditions that those Judges agree.
- G. When a change of Judge has been granted, the successor Court shall be selected in accordance with the random selection process outlined above. If all Grant County Judges have declined to exercise jurisdiction or are unable to do so, a special judge will be assigned according to the provisions of Local Rule 79-3(E).

#### **IV. Miscellaneous Provisions**

- A. Multiple offenses against the same defendant arising from the same course of conduct shall be filed contemporaneously with the other charges using the highest class of charge in determining in which Court the case shall be filed.
- B. When multiple defendants are charged with crimes arising out of the same facts and circumstances, all of the charges shall be filed in the same Court, which shall be selected according to the highest class of the charges filed against any of the defendants.
- C. The Judge of one Court may transfer any case to be redocketed in another Court, if the Judge of the receiving Court consents to the transfer and the receiving Court has jurisdiction over the subject matter of the case.

### **LR-27 TR 79-3 Selection of Special Judges in Civil Cases**

When a change of judge has been granted by a Judge of the Grant Circuit Court, Superior Court 1, Superior Court 2, or Superior Court 3 or if the Judge of the Grant Circuit or Superior Court disqualifies under Indiana Trial Rule 79(C) and a Special Judge is not selected under T.R. 79(D), then the special judge in the case shall be selected from the full-time general jurisdiction judges of the remaining three (3) courts. This shall be done in the following manner:

- A. Random selection of the special judge shall be done by the Clerk of the Grant Circuit Court. The Clerk shall utilize the Odyssey case management program's random filing feature to select a court. The Clerk shall enter the name of the Court that has been drawn on the Chronological Case Summary (CCS) of the case and notify the Judge that he or she has been selected to serve as the special judge in the case. The Clerk is to redocket the case using the court identifier of the Special Judge's Court.
- B. If a change of venue from the judge is granted by the first named special judge or if the first named special judge disqualifies himself or herself under T.R. 79(C), then a Court shall be selected among the remaining courts using the Odyssey case management program's random selection feature. The Clerk is to notify the Judge of that Court that he or she has been selected to serve as the special judge in the case. The Clerk is to redocket the case using the court identifier of the second named special judge's court.

- C. If a change of venue from the judge is granted by the second named special judge or if the second named special judge disqualifies himself or herself under T.R. 79(C), then the Clerk is to notify the Judge of the remaining Court that he or she has been selected to serve as the special judge of the case. The Clerk is to redocket the case using the court identifier of the third named special judge's court.
- D. The Special Judge selected under A, B, or C above is required to accept jurisdiction unless he or she is disqualified, ineligible for service, or excused by the Indiana Supreme Court. An oath or additional evidence of acceptance of jurisdiction is not required. The order of appointment under this Rule shall constitute acceptance. An oath or additional evidence of acceptance of jurisdiction is not required when the Special Judge is selected under A, B, or C above.
- E. If no Judge is selected by the above-described method then the Clerk shall select the name of a Special Judge from the list of full-time judicial officers serving in the counties contiguous to Grant County [Blackford, Delaware, Howard, Huntington, Madison, Miami, Tipton, Wabash, and Wells Counties].
- The assignments shall begin with the judges of Blackford County, then Delaware County, then Howard County, then Huntington County, then Madison County, then Miami County, then Tipton County, then Wabash County, and finally Wells County, and then the assignments shall begin again with the judges of Blackford County.
- The judges of a county shall be selected naming the Circuit Court judge first then the Superior Court judges next in order, i.e. Superior Court 1, Superior Court 2, etc. In counties with a unified court system, such as Madison County, the judge of Circuit Court 1 shall be first, then the judge of Circuit Court 2, and so on. Other full-time judicial officers in a court of record in a county shall be named last, in the order of the court in which they serve.
- The Clerk of Grant County shall keep a list of Judges selected by the method described here and refer to that list should it be necessary to select a Special Judge using this method.
- F. If no judge on the list is eligible to serve as special judge or the particular circumstances in the case so warrant, the then presiding judge in the case shall certify the matter to the Indiana Supreme Court for the appointment of a special judge pursuant to TR79(H)(3).

### **LR-27 AR 15-21 Court Reporters**

The undersigned Courts comprise all of the Courts of record of Grant County, Indiana and hereby adopt the following Local Rule by which Court Reporter services shall be governed.

## Section One - Definitions.

The following definitions shall apply under this Local Rule:

1. *A Court Reporter* is a person who is specifically designated by a Court to perform the official Court reporting services for the Court including preparing a transcript of the record.
2. *Equipment* means all physical items owned by the Court or other governmental entity and used by a Court Reporter in performing Court reporting services. Equipment shall include, but not be limited to, telephones, computer hardware, software programs, disks, tapes, and any other device used for recording and storing and transcribing electronic data.
3. *Work space* means that portion of the Court-s facilities dedicated to each Court Reporter, including but not limited to actual space in the Courtroom and any designated office space.
4. *Page* means the page unit of transcript which results when a recording is transcribed in the form required by Indiana Rule of Appellate Procedure 7.2.
5. *Recording* means the electronic, mechanical, stenographic or other recording made as required by Indiana Rule of Trial Procedure 74.
6. *Regular hours worked* means those hours which the Court is regularly scheduled to work during any given work week. Depending on the particular Court, these hours may vary from Court to Court within the County but remain the same for each work week.
7. *Gap hours worked* means those hours worked that are in excess of the regular hours worked but hours not in excess of forty (40) hours per work week.
8. *Overtime hours worked* means those hours worked in excess of forty (40) hours per work week.
9. *Work week* means a seven (7) consecutive day week that consistently begins and ends on the same days throughout the year, i.e., Sunday through Saturday, Wednesday through Tuesday, Friday through Thursday.
10. *Court* means the particular Court for which the Court Reporter performs services. Court may also mean all of the Courts in Grant County.
11. *County indigent transcript* means a transcript that is paid for from County funds and is for the use on behalf of a litigant who has been declared indigent by a Court.
12. *State indigent transcript* means a transcript that is paid for from state funds and is for the use on behalf of a litigant who has been declared indigent by a Court.
13. *Private transcript* means a transcript, including but not limited to a deposition transcript, that is paid for by a private party.
14. *Expedited Transcript* means a transcript which is requested to be delivered by the Court Reporter in a time period which is less than 30 days.

## **Section Two: Salaries, Per Page Fees and Private Practice**

1. The Court Reporter shall be paid an annual salary for time spent working under the control, direction and direct supervision of the Court during all regular work hours, gap hours or overtime. The Judge of the supervising Court and Court Reporter(s) shall enter into a separate written agreement addressing gap hours and overtime.
2. Effective January 1, 2023, the Court Reporter shall charge as follows:
  - A. A per page fee of Five Dollars and Fifty Cents (\$5.50) for indigent county transcripts, state indigent transcripts and private practice transcripts,
  - B. a minimum fee of \$35.00 per transcript, and
  - C. additional labor charge for time spent binding the transcript and exhibit binders (this is to be an hourly rate based upon Court reporter's paid salary / 35 hour work week and taking into consideration the additional costs associated with an individual who receives self-employed income. This rate shall be calculated on an annual basis by the Judges of Grant County and communicated to the Court Reporters.)
  - D. If preparing an Expedited Transcript, the Court Reporter may charge up to an additional \$2.00 per page.

A claim for all county indigent transcripts shall be submitted to the Grant County Auditor for payment. Depositions shall remain at Four Dollars (\$4.00) per page.
3. Pursuant to Administrative Rule 15 all Court Reporters will report, on an annual basis, to the Indiana Supreme Court Office of Judicial Administration on forms prescribed by the Division.
4. If the Court Reporter elects to engage in the private practice of recording a deposition and/or preparation of a deposition and the Court Reporter desires to utilize the Court's equipment, work space and supplies, and the Court agrees to the use of Court's equipment for such purpose, the Court Reporter agrees to the following:
  - A. Record and transcribe the deposition on the Court Reporter's own time and keep a record of such on employee time sheets.
  - B. Reimburse the County at the rate of ten cents (\$.10) per page for use of equipment, work space and supplies.
    - (1) The Court Reporter shall submit a claim to the Grant County Auditor for payment of an indigent deposition, however, said claim shall include the deduction for use of equipment, work space and supplies.
    - (2) The Court Reporter shall remit payment to the Grant County Auditor annually, by December 15th, for use of equipment, work space and supplies in conjunction with a non-indigent deposition.