

In the Indiana Supreme Court

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

Supreme Court Case No.
23S-MS-242



Order Approving Amended Local Rules

The Judges of the Putnam Circuit and Superior Courts request the approval of amended local rules for caseload allocation in accordance with Indiana Administrative Rule 1(E), 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 Putnam Circuit and Superior Courts, this Court finds that the proposed rule amendments to LR67-2 comply with the requirements of Indiana Administrative Rule 1(E) and Criminal Procedure Rule 2.2, the amendments to LR67-10 comply with Trial Procedure Rule 79, and the amendments to LR67-11 comply with Criminal Procedure Rule 13, and, accordingly, should be approved.

IT IS, THEREFORE, ORDERED by this Court that amended Local Rules, LR67-2, LR67-10, and LR67-11, for the Putnam Circuit and Superior Courts, set forth as attachments to this Order, are approved effective September 11, 2023.

Done at Indianapolis, Indiana, on 9/7/2023.

A handwritten signature in black ink, appearing to read "Loretta H. Rush".

Loretta H. Rush
Chief Justice of Indiana

LR67-2 (Adm. Rule) Commencement of Action/Assignment of Cases

A. Circuit Court

1. Civil

- a. all causes filed as a CC or a CT, except for cases which involve Putnam County Hospital or its employed doctors is/are a party
- b. All PL matters (except Quiet Title, Boundary Line Disputes, and other matters involving to real estate
- c. 50% of Dissolution of Marriage actions
- d. Mental Health Commitments
- e. Probate
- f. Trust
- g. Guardianship
- h. Juvenile – JM's, JD's, JS's, 50% of JP's
- i. All JC, JT, and JM of Department of Child Services
- j. Protective Orders if a Dissolution or Juvenile matter involving the same parties is pending
- k. Adoption
- l. 100% Reciprocal Support
- m. 100% Tax Petitions and Tax Sale
- n. 50% of MI cases
- o. 50% of RF cases- every other case

2. Criminal

- a. Murder- every other one (if co-defendant, then filed together)
- b. Felonies- 50% Class A, B, C, D Felonies (by random draw through Odyssey System at Clerk's Office) and 50% of Level 1, 2, 3, 4, 5, 6 (by random draw through Odyssey system at Clerk's Office)
- c. 50% Criminal Miscellaneous (MC) (search warrant applications, probation transfers, etc.)
- d. Misdemeanors if conflict or Defendant already has a pending filing in Circuit or it is an allegation of compulsory school attendance.
- e. 50% of RF cases- every other case

B. Superior Court

1. Civil

- a. CT's naming Putnam County Hospital /its doctors as a party
- b. 50% of Dissolution of Marriage actions
- c. 50% of JP's
- d. Small claims
- e. Rent/eviction
- f. Protective Orders, except where a dissolution or Juvenile matter is pending in the Putnam Circuit Court
- g. Actions filed by Jail or Penal institution inmates (MI cases)
- h. 50% MI cases
- i. Mortgage Foreclosures(MF), Quiet Title (PL), Boundary Line Disputes(PL) and other matters involving title to real estate

j. 50% of RF cases- every other case

2. Criminal

- a. Murder every other one (if co-defendant, then filed together)
- b. Felonies- 50% of all Class A, B, C, D Felonies (by random draw through Odyssey system at Clerk's Office) and 50% of Level 1, 2, 3, 4, 5, 6 (by random draw through Odyssey system at Clerk's Office)
- c. All A, B, C misdemeanors; Exception conflict or Defendant already has a pending filing in Circuit or it is an allegation of compulsory school attendance
- d. 50% of Criminal Miscellaneous MC (search warrant applications, probation transfers, etc.)
- e. 50% of RF cases- every other case

C. Prior to filing a new criminal charge, the prosecutor's office is required to determine if the Defendant is on probation or already has a pending criminal case or on probation in one of the courts. If so, the prosecutor's office shall file the new case in the same court as the prior pending case/probation. Prior civil cases are not included/counted for assignment.

D. *Magistrate Judge shall hear JC's, DC's, AD's, SC's, PO's, IF's, JM's w/ DCS, OV's, JP's and MI's.

LR67-10 (Indiana T.R. 79) Selection of a Special Judge Pursuant to Trial Rule 79 (H)

A. The Presiding Judge in Administrative District 19 shall administer reassignment of cases pursuant to T.R. 79(H) from a list of the Judges and Magistrates in District 19 and contiguous counties. The Presiding Judge shall be selected from the sitting Judges and Magistrates in District 19. The presiding judge shall notify the parties promptly of the change. The initial Presiding Judge's term shall commence April 1, 2013, and terminate December 31, 2013. All subsequent terms shall be for a calendar year. Should the Presiding Judge leave the bench during the term, a successor Judge shall be selected to fulfill the balance of that term as well as the entirety of the next term. A Judge may not refuse to serve as Presiding Judge.

B. During his or her term of service, the Presiding Judge shall maintain a record of the cause number of each case certified for reassignment and appointment of a special judge, the Judge who certified the case, and the Judge to whom the case was reassigned. The Presiding Judge shall submit an electronic quarterly report to all District 19 Judges and Magistrates no more than ten (10) days following the end of each quarters of each calendar year. The Presiding Judge may assign administrative duties to local court support staff to assist in fulfilling these responsibilities. The Presiding Judge, at his/her discretion, may elect to not be in the case assignment rotation during his/her term as Presiding Judge. The Presiding Judge shall transfer the records maintained during his or her term of service to the succeeding Presiding Judge.

C. Pursuant to Trial Rule 79 (H), the District Judges and Magistrates shall certify to the Presiding Judge cases for reassignment and special judge appointment. The certification shall include a prepared order of appointment, as exhibited in Appendix A. When the Presiding Judge receives a certification requiring reassignment, the Presiding Judge shall appoint a Judge or Magistrate in the following manner: 1. At the beginning of each calendar year, the Presiding Judge shall create a list of all judicial officers in District 19. The District will follow the principle

that each Judge or Magistrate will receive a new case for each case from which he or she has been removed – a one-off, one-on formula. Upon receiving a certification, the Presiding Judge shall assign the case to the first eligible Judge or Magistrate on the list.

2. The order of appointment shall be filed in the court where the case originated. The order of appointment shall constitute acceptance, and neither oath nor additional evidence of acceptance is required.

D. A Senior Judge may elect to participate in District 19 special judge selection by submitting a written petition to the Presiding Judge no later than January 15 of any calendar year indicating that the Senior Judge wishes to participate during the year.

E. When a Judge or Magistrate vacates the bench and is certified as a Senior Judge, that Judge may retain jurisdiction of all previously existing Special Judge cases as provided by Administrative Rule 5. In the event the Judge or Magistrate vacates the bench and is not certified as a Senior Judge or is unavailable as indicated under Trial Rule 79 (L), then the successor Judge may assume jurisdiction over all previous Special Judge cases of the vacating Judge or Magistrate. The county's judicial personnel shall first attempt to absorb conflicts of interest of the Successor Judge within the county without undue hardship.

F. If no Judge or Magistrate is eligible to serve as a Special Judge, or if the Presiding Judge determines the selection of a Special Judge by the Indiana Supreme Court is warranted under the particular circumstances of a case, the Presiding Judge shall certify the case to the Indiana Supreme Court for appointment of a Special Judge.

LR67-11 (Crim. Pro.) Selection of a Special Judge in Criminal Cases

A. The Presiding Judge in Administrative District 19 shall administer the reassignment of cases pursuant to Crim. R. 2.2 and Crim. R. 13 from a list of Judges and Magistrates in District 19, contiguous counties, and senior judges. The Presiding Judge shall be selected from the full-time Judges and Magistrates within District 19.

B. Pursuant to Crim. Rule 13(C), the District 19 and contiguous counties Judges and Magistrates shall certify to the Presiding Judge cases for reassignment and special judge appointment. When the Presiding Judge receives a certification requiring reassignment, the Presiding Judge shall appoint a Judge or Magistrate in the following manner:

C. At the beginning of each calendar year, the Presiding Judge shall create a list of all judicial officers in District 19 and contiguous counties. The principle that each Judge or Magistrate will receive a new case for each case from which he or she has been removed – a one-off, one-on formula shall be followed. Upon receiving a certification, the Presiding Judge shall assign the case to the first eligible Judge or Magistrate on the list.

D. The order of appointment shall be filed in the court where the case originated. The order of appointment shall constitute acceptance, and neither oath nor additional evidence of acceptance is required.

E. A Senior Judge may elect to participate in special judge selection pursuant to this rule by submitting a written petition to the Presiding Judge no later than January 15 of any calendar year indicating that the Senior Judge wishes to participate during the year.

F. When a Judge or Magistrate vacates the bench and is certified as a Senior Judge, that Judge may retain jurisdiction of all previously existing Special Judge cases as provided by Administrative Rule 5. In the event, the Judge or Magistrate vacates the bench and is not certified as a Senior Judge or is unavailable, then the successor Judge may assume jurisdiction over all previous Special Judge cases of the vacating Judge or Magistrate. The county's judicial personnel shall first attempt to absorb conflicts of interest of the Successor Judge within the county without undue hardship.

G. If no Judge or Magistrate is eligible to serve as a Special Judge in a criminal case, or if the Presiding Judge determines the selection of a Special Judge by the Indiana Supreme Court is warranted under the particular circumstances of a case, the Presiding Judge shall certify the case to the Indiana Supreme Court for appointment of a Special Judge.