

In the Indiana Supreme Court

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

Supreme Court Case No.
23S-MS-271



Order Approving Amended Local Rules

The Judges of the Johnson Circuit and Superior Courts request the approval of amended local rules for caseload allocation in accordance with Indiana Administrative Rule 1(E). Attached to this Order are the proposed amended local rules.

Upon examination of the proposed rule amendments requested by the Johnson Circuit and Superior Courts, this Court finds that the proposed rule amendments to LR41–AR01–060, LR41–AR01–062, and LR41–CR2.2–086 comply with the requirements of Indiana Administrative Rule 1(E), and, accordingly, should be approved.

IT IS, THEREFORE, ORDERED by this Court that amended Local Rules LR41–AR01–060, LR41–AR01–062, and LR41–CR2.2–086, for the Johnson Circuit and Superior Courts, set forth as attachments to this Order, are approved effective October 1, 2023.

Done at Indianapolis, Indiana, on 9/29/2023.

A handwritten signature in black ink, appearing to read "Loretta H. Rush", written over a horizontal line.

Loretta H. Rush
Chief Justice of Indiana

LR41 - AR01 - 060: Remaining Civil Cases.

- A. Reciprocal Support. Reciprocal Support (RS) cases shall be filed in the Johnson Circuit Court and will be heard by the Magistrate of the Juvenile and Family Court.
- B. Probate. All Probate cases (AD, ES, EM, EU, GU, MH, and TR) shall be filed in the Johnson Superior Court No. 1.
- C. Domestic Relations.
 - 1. With Children. Domestic Relations with Children (DC) cases shall be filed in the Johnson Circuit Court, the Johnson Superior Court No. 2, and the Johnson Superior Court No. 4, on a random and even basis.
 - 2. Without Children. Domestic Relations without Children (DN) cases shall be filed in the Johnson Circuit Court, the Johnson Superior Court No. 2, and the Johnson Superior Court No. 4, on a random and even basis.
- D. Small Claims. Small Claims (SC) cases, including Evictions (EV), shall be filed in the Johnson Circuit and Superior Courts, on a random and even basis. Small Claims cases shall be heard by the Magistrate of the Johnson Circuit and Superior Courts.
- E. Protection Order. Protection Order cases shall be filed in the Johnson Circuit and Superior Courts, on a random and even basis, unless involving the same parties in a pending Civil or Juvenile case (i.e., AD, DC, DN, GU, JC, JD, JM, JP, JS, JT, etc.).
 - 1. Not Associated with Other Cases. Protection Order (PO) cases not associated with other pending Civil or Juvenile case shall be heard by the Magistrate of the Johnson Circuit and Superior Courts.
 - 2. Associated with Other Cases. Protection Order (PO) cases associated with other pending Civil or Juvenile cases involving the same parties shall be opened in the courts wherein such associated cases are pending and may, at the discretion of the presiding Judge, be heard by the Magistrate of the Johnson Circuit and Superior Courts.
- F. Tax Sale Cases. Application for Judgment in Tax Sale (TS) and Verified Petition for Tax Deed (TP) cases shall be filed in Johnson Superior Court No. 1.
- G. Civil Cases. Unless a specific provision of this rule provides otherwise, all remaining civil case types (CC, CT, EV, MF, MI, PC, PL, RF, and XP) shall be filed in the Johnson Superior Court No. 1 and the Johnson Superior Court No. 4 on a random and even basis.
 - 1. Post-Conviction Relief.
 - a. Post-Conviction Relief (PC) cases shall be filed in the court which sentenced the Petitioner.
 - b. Post-Conviction Relief cases may be assigned to the Magistrate of the Johnson Circuit and Superior Courts.
 - 2. Expungement / Sealing (pursuant to I.C. 35-38-9-1, et seq.). Expungement (XP) cases shall be heard by the Magistrate of the Johnson Circuit and Superior Courts.
 - 3. Special Driving Privileges (pursuant to I.C. 9-30-16-1, et seq.). Civil Miscellaneous (MI) cases filed to petition for Special Driving Privileges shall be heard by the Magistrate of the Johnson Circuit and Superior Courts.

LR41 - AR01 - 062: Evaluation of Workload Information.

- A. Future Review. Future review of the Caseload Allocation Plan shall be conducted in compliance with the Schedule for the same established pursuant to Administrative Rule 1.
- B. Caseload Evaluation. The caseload evaluation shall factor in the disparate allocation of administrative duties among the judicial officers, as well as any special circumstances such as death penalty cases.
- C. Special Service. Special service by: 1) Johnson County judicial officers outside their own courts; or, 2) special, senior, or transfer Judges serving in the Johnson County Courts shall also be considered. Such service shall be calculated, in accordance with the Weighted Caseload Worksheet and criteria established by the Indiana Supreme Court Division of State Court Administration, to the nearest half day of service.
- D. Caseload Allocation Plan Schedule. Pursuant to the evaluation of factors outlined in steps 1-3 above, changes necessary to ensure that the Johnson County Courts remain in compliance with the Order for

Development of Local Caseload Plans shall be developed and approved by a majority vote of the judicial officers and shall become effective on January 1 of the following year, unless good cause is shown pursuant to Indiana Trial Rule 81.

- E. Bi-annual Review. Pursuant to Indiana Administrative Rule 1, the Johnson County Caseload Allocation Plan is subject to review in odd-numbered years.

LR41 - CR2.2 - 086: Random Case Assignment.

- A. Felonies. In conjunction with the Amended Johnson County Plan for Allocation of Judicial Resources, and subject to the provisions of LR41 - CR2.2 - 087 and LR41 - CR2.2 - 88, all cases involving Felonies shall be assigned on a random and equal basis among the Johnson Circuit Court, Johnson Superior Court No. 2, and Johnson Superior Court No. 3.
- B. Misdemeanors, Infractions, and Ordinance Violations. In conjunction with the Amended Johnson County Plan for Allocation of Judicial Resources, and subject to the provisions of LR41 - CR2.2 - 086 and LR41 - CR2.2 - 87, Misdemeanors (CM), Infraction (IF), and Ordinance Violation (OV) cases shall be assigned to the Johnson Superior Court No. 3.
- C. Miscellaneous Criminal Cases.
1. Search Warrants. Miscellaneous Criminal cases opened for Search Warrants shall be assigned among the Johnson Circuit Court, Johnson Superior Court No. 1, Johnson Superior Court No. 2, Johnson Superior Court No. 3, and Johnson Superior Court No. 4 based upon the annual Judges' On-Call Schedule.
 2. Grand Jury. Miscellaneous Criminal cases opened for Grand Jury proceedings shall be opened in the court of the supervising Judge, pursuant to Rule LR41-CR00-091.
 3. General.
 - a. Miscellaneous Criminal cases opened for rights advisements shall be filed in the Johnson Circuit and Superior Courts on a random and even basis;
 - b. Miscellaneous Criminal cases opened for rights advisements and extraditions shall be heard by the Magistrate of the Johnson County Circuit and Superior Courts; and,
 - c. Miscellaneous Criminal cases opened for probation transfers shall be assigned to the Johnson Circuit Court.
 - d. Criminal Red Flag (RF) cases shall be assigned on a random and equal basis among Johnson Circuit Court, Johnson Superior Court No. 2, and Johnson Superior Court No. 3.