

**STATE OF INDIANA – COUNTY OF SPENCER  
IN THE SPENCER CIRCUIT COURT**

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**Notice of Proposed New Rule or Amendment(s) to Local Court Rule(s)  
June 6, 2022**

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In accordance with Trial Rule 81 of the Indiana Court Rules, the Spencer Circuit Court hereby give notice to the bar and the public that the Court proposes to amend the Local Rule(s) on Assignment of Cases/Case Allocation; Conduct and Decorum; and Discovery for the courts of record of Spencer County, effective January 1, 2023. All new text is shown by underlining and deleted text is shown by ~~strike through~~. Supreme Court approval is required for Local Rules concerning Assignment of Cases and Case Allocation and may not take effect until approved by the Supreme Court.

The time period for the bar and the public to comment shall begin on June 6, 2022, and shall close on July 6, 2022. The proposed amendments to the rule will be adopted, modified or rejected before July 31, 2022, and, if required, the final version of the rule will be submitted to the Indiana Supreme Court for review and approval not later than August 1, 2022.

Comments by the bar and the public should be made in writing and mailed, or emailed, to:

Hon. Jon A. Dartt, Judge of the Spencer Circuit Court, Attn: Public Comment on Local Rules, Spencer County Courthouse, P.O. Box 152, Rockport, Indiana 47635; or [thomasp@spencercircuitcourt.com](mailto:thomasp@spencercircuitcourt.com).

A paper copy of the proposed amended local rule(s) will be made available for viewing in the office of the Clerk of Spencer County, Spencer County Courthouse, 200 Main Street, Rockport, Indiana during normal business hours. Persons with Internet access may view the proposed amended local rule for Caseload Allocation Plan at the following websites:

<http://spencercounty.in.gov/173/Clerks-Office> or <http://www.courts.IN.gov/rules/local>



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Jon A. Dartt, Judge  
Spencer Circuit Court

**LR74-AR00-3**

**Assignment of Cases / Caseload Allocation Plan / Administrative Matters**

A. Except as set forth in part B, the following case types will be assigned to the Circuit Court Judge:

AD— Adoption

CC— Civil Collection

CT— Civil Tort

DC— Domestic Relations with Children

DN— Domestic Relations No Children

DR— Domestic Relation (includes Dissolution of Marriage, Annulment, and Legal Separation)

EV— Petition for Eviction

MF— Mortgage Foreclosure

MH— Mental Health

MI— Miscellaneous (Civil cases other than those specifically identified—i.e. change of name, appointment of appraisers, marriage waivers, etc.)

PC— Post Conviction Relief Petition

PL— Civil Plenary

PO— Order of Protection

RS— Reciprocal Support

TP— Verified Petition for Issuance of a Tax Deed

TS— Application for Judgment in a Tax Sale

F1— Level 1 Felony

F2— Level 2 Felony

F3— Level 3 Felony

F4— Level 4 Felony

F5— Level 5 Felony

FA— Class A Felony

FB— Class B Felony

FC— Class C Felony

FD— Class D Felony

MC— Miscellaneous Criminal

MR— Murder

JP— Juvenile Paternity

JQ— Child Protection Order

EM— Estate, Miscellaneous

ES— Estate, Supervised

EU— Estate, Unsupervised

GM— Guardianship Miscellaneous

GU— Guardianship

TR— Trust

SC— Small Claim

CB— Court Business record—i.e. court orders that refer to non-case matters such as the appointment of judge pro tempore, drawing the jury, etc.

Drug Court

B. The Perry Circuit Court judicial officer sitting under LR74 AR1-1, shall be assigned every other new case of the following type:

DC— Domestic Relations with Children

DN— Domestic Relations No Children

PO— Order of Protection

MI— Miscellaneous (Civil cases other than those specifically identified—i.e. change of name, appointment of appraisers, marriage waivers, etc.)

JP— Juvenile Paternity

C. The Spencer Circuit Referee, being a competent attorney in good standing admitted to practice by the Supreme Court of Indiana residing in Spencer County, Indiana and having no independent law practice outside his/her duties as Referee, is appointed to serve as Judge *Pro Tempore* during the criminal court dockets of this court, regardless of the availability of the Circuit Judge.

D. The Spencer Circuit Referee, acting as Judge *Pro Tempore* or Temporary Judge as necessary, shall be assigned to the following case types:

CM— Criminal Misdemeanor\*

XP— Expungement Petition (for petitions filed under I.C. 35-38-9)

F6— Level 6 Felony\*

IF— Infraction

OE— Exempted Ordinance Violation

OV— Local Ordinance Violation

JC— Juvenile CHINS

JD— Juvenile Delinquency

JM— Juvenile Miscellaneous

JS— Juvenile Status

JT— Juvenile Termination of Parental Rights

IV-D cases

Family Recovery Court

Truancy Court

(\* - The Circuit Judge shall preside over any jury trials in criminal cases)

E. Should disqualification and recusal of the Spencer Circuit Referee be necessary in a matter, the matter shall automatically be transferred to the Circuit Judge or Perry judicial officer for further proceedings.

F. In the absence, or inability, of the Circuit Judge to preside, the Spencer Circuit Referee shall serve as Judge *Pro Tempore* of the Spencer Circuit Court.

## LR74-AR00-4

### Conduct, Dress, and Courthouse Policies

**A. Professional Conduct.** It is intended that the business of the Court of the 84th Judicial Circuit will be conducted by the Judges in an atmosphere that is safe and secure, with a decorum that is appropriate to the fair and just resolution of the legal conflicts the Court is called upon to decide.

**B. Behavior in the Courthouse.** While in the courthouse within Spencer County, the following behavior is required:

1. All persons within the courthouse shall refrain from loud, vulgar, disruptive, or abusive behavior;
2. Lawyers, litigants, and spectators shall refrain from unnecessary conversation in the courtroom that would disturb the proceedings. Any necessary conversation in the courthouse or in the courtroom shall be conducted at a sufficiently low voice level as not to interfere with the conduct of trials, hearings, or other proceedings before the court;
3. Lawyers, litigants, and spectators shall not enter the courtroom with food or beverages without prior approval of the Court;
4. Lawyers, litigants, or any other person within the courthouse shall not smoke, vape or chew tobacco while in the courthouse. Chewing gum is not permitted in the courtrooms.

**C. Appearance and Dress.** Every person who enters a courtroom in Spencer County should be appropriately dressed. Lawyers should appear for court proceedings in professional attire. Litigants, witnesses, and spectators to court proceedings should appear in appropriate attire.

**D. Prohibited Items.** To ensure compliance with state law and to promote public safety, the following rules apply to the presence or use of specific items in and around the courthouse within Spencer County:

**1. Weapons.** No person may possess firearms, knives, or other deadly weapons while in or around the courthouse within Spencer County without the prior written authorization of the Judge of the Circuit Court. However, a law enforcement officer who is not a litigant in a pending matter and who is appearing as a witness or for other official purposes, may retain possession of his or her issued firearm while in the courthouse, so long as he or she advises and receives the permission of the supervisor of the courthouse security staff upon entering the courthouse.

#### **2. Cameras, Telephones, and Other Items**

- a. To assure compliance with state and federal law and Indiana Rule of Judicial Conduct 2.17, the broadcasting, televising, audio recording, video recording and taking of photographs in the courtroom, immediately adjacent areas, and court offices is prohibited, unless previously authorized by written court order. An exception will be allowed by participants in ceremonial proceedings, educational activities, or training sessions. To this end, during court proceedings, the

following items are prohibited in the courtrooms, unless explicitly permitted by the presiding judge: cameras, video cameras, or any devices capable of audio and/or video recording, that are not listed in paragraph (2) of this section.

- b. Personal Digital Assistants, electronic books, laptops, tablets, cellular telephones, beepers, watches, or similar electronic devices capable of making an audible noise are permitted so long as they are disabled or switched to vibrate mode prior to entering a courtroom, and so long as they are not used to take audio and/or video recordings of court proceedings.
- c. Any other item(s) the Presiding Judge deems disruptive to the court proceedings are prohibited.

**E. Enforcement.** The Sheriff of Spencer County (hereinafter “Sheriff”) and her/his appointed deputies have been authorized to monitor and enforce compliance with these Rules. Any person violating the rules regarding weapons, cameras, cellular telephones, or other electronic devices shall be subject to immediate confiscation of the same and/or removal of the individual, regardless if they have a case yet to be called. The Court may also initiate immediate contempt proceedings if warranted.

**F. Consent to Search.** All persons entering the courthouse within Spencer County, except those previously exempted by the Judges thereof, are required to pass through a magnetometer/x-ray screening point and to comply with all reasonable requests of courthouse security personnel. Purses, bags, backpacks, or other similar items being brought into the courthouse are subject to being searched. The Sheriff, law enforcement officers, or court security personnel may detain any person who they have reason to believe possesses any weapon or other prohibited item in violation of this Rule for a period of time sufficient to obtain name, address, date of birth, social security number, and/or to seize any weapon or other prohibited item and to take any other action authorized by law.

**LR74-CR00-2**      **Discovery in Criminal Cases**

- A.    Automatic Discovery/General Provisions. The parties shall endeavor to share information without involvement of the court.
1.    No written discovery motion is required, except:
    - a.    to compel compliance under this rule; \_\_\_\_\_
    - b.    for additional discovery not covered under this rule;
    - c.    for a protective order; or
    - d.    for an extension of time.
  2.    The parties may comply with discovery obligations in any manner mutually agreeable to the parties. Disputes over timing and manner of discovery may be resolved by the court in accordance with Ind. Trial Rule 26(F).
  3.    The following are not subject to disclosure:
    - a.    privileged communications as defined by law; and
    - b.    work product of the parties and their legal or investigative staff.
  4.    A party has a continual obligation to disclose discovery within a reasonable time period.
- B.    Disclosures by the state
1.    The state shall disclose and furnish all relevant items and information under Section B.2. to the defense within thirty (30) days from the date of the initial hearing subject to constitutional limitations and protective orders.
  2.    The state shall disclose the following material and information within its possession or control:
    - a.    The names and last known addresses of persons who may be called as witnesses, with their relevant written or recorded statements. The state may refrain from providing a witness' address or other contact information under this rule if the state in good faith believes the disclosure of the witness' address or other contact information may jeopardize the safety of the witness or the witness' immediate family. If the state does not disclose the witness' address or other contact information in its possession for the reason stated under this rule, then the state shall make the witness available to the defense counsel upon reasonable notice.
    - b.    Any written, oral, or recorded statements made by the accused or by a codefendant, and a list of witnesses to the making and acknowledgement of such statements.

- c. A transcript of those portions of grand jury minutes containing testimony of persons whom the prosecuting attorney intends to call as witnessed at the trial.
  - d. Any reports or statements of experts or skilled witnesses, made in connection with the case, including results of physical or mental examinations and of scientific tests, experiments, or comparisons.
  - e. Any books, papers, documents, photographs, or tangible objects that the prosecuting attorney intends to use in the hearing or trial.
  - f. Any books, papers, documents, photographs, or tangible objects or which were obtained from or belong to the accused.
  - g. The terms of any agreements made with co-defendants or other witnesses to secure their testimony, including any written documentation thereof.
  - h. Copies of affidavits for search warrants, search warrants, and returns made on search warrants.
  - i. Ind. Evidence Rule 404(b) proffer.
  - j. Documents produced pursuant to pre-charge subpoenas.
3. The state shall disclose to the defense any material or information within its possession or control that tends to negate the guilt of the accused as to the offense charged or would tend to reduce the punishment.
4. The state shall disclose and furnish to the defense prior to the trial date, subject to constitutional limitations and protective orders: any record of prior criminal convictions that may be used for impeachment of the persons whom the state intends to call as witnesses at the hearing or trial.
5. Upon a reasonable defense request and a showing of materiality to the preparation of the defense, the court may require disclosure to the defense of unprivileged information not covered by this rule.
6. The state shall provide the Court with notice, in writing, of its compliance with the foregoing provisions of Discovery upon tendering the relevant information to the defense.

C. Disclosures by the defense

1. Within sixty (60) days of the initial hearing, the defense shall furnish the state with the following material and information within the defense's possession or control:
- a. Any affirmative defense that the defense intends to make at trial.

- b. The names and last known addresses of persons whom the defense intends to call as witnesses, with their relevant written or recorded statements. The defense may refrain from providing a witness' address or other contact information under this rule if the defense in good faith believes the disclosure of the witness' address or other contact information may jeopardize the safety of the witness or the witness' immediate family. If the defense does not disclose the witness' address or other contact information in its possession for the reason stated under this rule, then the defense shall make the witness available to the state upon reasonable notice.
  - c. Any books, papers, documents, photographs or tangible objects the defense intends to use as evidence.
  - d. Any reports or statements of experts, made in connection with the particular case, including results of physical or mental examinations and of scientific tests, experiments, or comparisons, that may be used at a hearing or trial.
2. The defense shall provide the Court with notice, in writing, of its compliance with the foregoing provisions of Discovery upon tendering the relevant information to the state.