

Second Amended Schedule and Format for Adoption of County Caseload Allocation Plans

The Indiana Office of Judicial Administration (IOJA) is charged, pursuant to Administrative Rule 1 of the Indiana Rules of Court, with establishing and publishing a schedule for the submission and approval of local court rules implementing caseload allocation plans.

Admin. R. 1(E) requires the courts of record in a county to develop and implement caseload allocation plans that ensure an even distribution of judicial caseloads among the courts of record in the county. Courts must submit new plans or re-submit existing plans (if no changes are required), every other year. The Court has given certain counties (Benton, Brown, Crawford, Fountain, Martin, Parke, Perry, Pike, Spencer, Tipton, Union, Vermillion, and Warren) an exemption from the caseload allocation plan requirement because they have only one court of record. See Court Order dated April 2, 2008.

Further, Trial Rule 81(C) requires that the IOJA develop and publish a schedule for the adoption of all local court rules.

Pursuant to Admin. R. 1(E) and T.R. 81(C), the following schedule shall apply for the submission and approval of local rules governing caseload allocation plans.

1. Year Plans Must Be Developed

All courts must either readopt their current caseload allocation plan or submit a new caseload allocation plan in 2017.

Beginning in 2018, courts must develop and submit caseload allocation plans every two (2) years.

Submission of caseload allocation plans shall follow the schedule for submission of caseload allocation which is set out in **Section 10**.

If the weighted caseload statistics for the calendar year immediately preceding the year in which a caseload allocation plan is due indicate that the courts of record within the county have an even distribution of judicial caseload, the courts may revalidate their plan and request that their existing plan be re-adopted.

2. Schedule

The schedule for submitting caseload allocation plans shall follow the schedule for adoption of all local rules under T.R. 81 and is as follows:

April 15 – IOJA shall publish the weighted caseload report based on the prior year caseload statistics.

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June 1 – Courts of record in the counties who are due to file caseload plans that year pursuant to **Section 10** below shall submit their proposed plans, in the form of a local rule, to the IOJA for publication and shall publish notice for comment pursuant to T.R. 81.

July 1 – Close of comment period.

July 2 to July 31 – Final approval of caseload plans by local courts.

August 1 – Submission of the locally approved caseload plans, in the form of a local rule, to IOJA for approval pursuant to Admin. R. 1(E)(5).

October 1 – Supreme Court action – approval, return with request for revisions, or rejection.

November 1 – Revised plans due before Supreme Court.

November 15 – Final Supreme Court action on resubmitted plans.

January 1 of following calendar year – effective date of caseload plan.

3. Content of the Notice

Not later than June 1 of each year, those courts obligated to prepare a caseload reallocation plan shall give notice to the bar and the public of the content of their proposed caseload allocation plan. The notice shall include:

- (a) Whether the plan is new or a resubmitted pre-existing plan;
- (b) The address to which comments should be sent;
- (c) That comments by the bar and public will be received until July 1;
- (d) That the trial courts will adopt, modify, or reject the plan by July 31;
- (e) That the plan will be submitted to the Indiana Supreme Court by August 1;
- (f) That the plan shall not be effective until approved by the Supreme Court; and
- (g) That the effective date of the caseload plan shall be January 1 of the following year.

4. Publication of the Notice

Publication of the notice is accomplished when the courts of a county provide the text of the caseload allocation plan to the county clerk and to the IOJA in digital format. The county clerk shall post the notice in the county clerk's office(s) and on the county clerk's website, if any. The IOJA shall post the proposal on the Indiana Judicial website for public inspection and comment. The trial courts shall also give notice to the president and secretary (or similar officers) of any local bar association.

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5. Close of Comment Period

The courts of the county shall accept comments for 30 days, until July 1. After July 1, the courts shall review and study the comments received and make any advisable changes to the proposed allocation plan.

6. Adoption of Plan

The courts of record in the county shall approve a single final caseload allocation plan for the courts on or before July 31.

7. Supreme Court Approval

(a) Not later than August 1, the courts shall submit to the IOJA all newly adopted and re-adopted case allocation plans by sending a Request for Approval of Local Rules. The IOJA will forward this form to the Clerk of the Indiana Supreme Court. **(See Appendix A for a Request for Approval of Local Rules form.)**

(b) The IOJA, following the provisions of Admin. R. 1(E)(5), will act upon Requests not later than October 1. If the IOJA requests an explanation of any caseload variance among courts, those courts have until November 1 to respond or submit revised caseload allocation plans.

(c) The Supreme Court order approving the Request for Approval of Caseload Allocation Plan shall be entered in the Record of Judgments and Orders of each local court in which it is effective.

(d) A Caseload Allocation Plan is not effective until the Supreme Court enters an order approving it.

8. Effective Date of Allocation Plans

All caseload allocation plans shall become effective January 1 of the following year.

9. Plans for Courts that Fail to Develop Plan.

Not later than December 1, the IOJA shall report to the Supreme Court those counties, if any, where the courts have failed to develop a caseload allocation plan or the plan does not meet

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the requirements of Admin. R. 1 so that the Court may determine a plan for such a county pursuant to Admin. R. 1(E).

10. Year Caseload Plans Must Be Developed

a) 2019: The following counties must review their caseload allocation plans and either: (1) revalidate their current plan and submit a request to readopt the current plan; or (2) submit a new caseload allocation plan in 2019, and in each odd-numbered year thereafter.

Districts 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 22, 23 & 24 (As established in Admin. R. 3, amended effective January 1, 2011)

Boone	Harrison	Ripley
Carroll	Hendricks	Rush
Clark	Jefferson	Scott
Clay	Johnson	Shelby
Clinton	Lawrence	Sullivan
Crawford	Madison	Switzerland
Dearborn	Marion	Tippecanoe
Fayette	Monroe	Tipton
Floyd	Montgomery	Union
Fountain	Morgan	Vermillion
Franklin	Ohio	Vigo
Grant	Orange	Warren
Greene	Owen	Washington
Hamilton	Parke	Wayne
Hancock	Putnam	White

b) 2018: The following counties must review their caseload allocation plans and either: (1) revalidate their current plan and submit a request to readopt the current plan; or (2) submit a new caseload allocation plan in 2018, and in each even-numbered year thereafter.

Districts 1, 2, 3, 4, 5, 6, 7, 8, 9, 15, 21, 25 & 26 (As established in Admin. R. 3, amended effective January 1, 2011.)

Adams	Henry	Noble
Allen	Howard	Perry
Bartholomew	Huntington	Pike
Benton	Jackson	Porter
Blackford	Jasper	Posey
Brown	Jay	Pulaski
Cass	Jennings	Randolph
Daviess	Knox	Spencer
Decatur	Kosciusko	St. Joseph

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DeKalb	LaGrange	Starke
Delaware	Lake	Steuben
Dubois	LaPorte	Vanderburgh
Elkhart	Marshall	Wabash
Fulton	Martin	Warrick
Gibson	Miami	Wells
Grant	Newton	Whitley

These standards shall remain in effect until amended.

February 21, 2017

Mary Willis
Chief Administrative Officer
Indiana Office of Judicial Administration

In the
Indiana Supreme Court

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

Supreme Court Case No.

REQUEST FOR APPROVAL OF LOCAL RULES

The judges of the courts of record of _____ County have decided to adopt, or amend, the local rules indicated below and request Supreme Court approval for the following local rules, or amendments:

1. ___ Special judge selection pursuant to Trial Rule 79(H);
2. ___ Reassignment of criminal cases pursuant to Criminal Rule 2.2;
3. ___ Court reporter services pursuant to Administrative Rule 15;
4. ___ Caseload allocation pursuant to Administrative Rule 1(E).

_____ The local rule(s) indicated above have been published for comment pursuant to the schedule established by T.R. 81 (B) for not less than 30 days.

Accordingly, the judges of record of _____ County request approval of these local rules, or amendments.

Submitted this _____ day of _____, _____.

For the Courts of Record of _____ County

Signature of submitting judge

Typed name of submitting judge