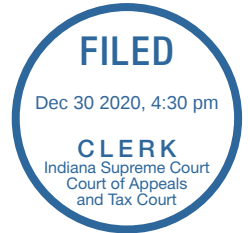


# In the Indiana Supreme Court

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

Supreme Court Case No.  
20S-MS-266



## Order Approving Amended Local Rule

The Judges of the Marion Circuit and Superior Courts request the approval of amended local rules for caseload allocation in accordance with Indiana Administrative Rule 1(E) and for criminal case assignments in accordance with Criminal Procedure Rule 2.2. Attached to this Order are the proposed amended local rules.

Upon examination of the proposed rule amendments requested by the Marion Circuit and Superior Courts, this Court finds that the proposed rule amendments at LR49-CR2.2-100 complies with Criminal Procedure Rule 2.2, and LR49-TR3-200 complies with the requirements of Indiana Administrative Rules 1(E) and, accordingly, should be approved.

IT IS, THEREFORE, ORDERED by this Court that amended Local Rules, LR49-CR2.2-100, and LR49-TR3-200, for Marion Circuit and Superior Courts, set forth as an attachment to this Order, are approved effective January 1, 2021.

Done at Indianapolis, Indiana, on 12/30/2020.

A handwritten signature in black ink that reads "Loretta H. Rush".

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Loretta H. Rush  
Chief Justice of Indiana

## **LR49-CR2.2-100 RANDOM ASSIGNMENT OF CRIMINAL CASES**

(1) **Random Assignment of Criminal Cases.** The Criminal Division of Marion County is divided into two sub-divisions: Major Felony and Misdemeanor/F6. All criminal cases filed in Marion Superior Court shall be assigned to a Court on a random and equal distribution, utilizing the following guide:

- (a) **Major Felony Sub-Division:** Courts D20, D21, D27, D28, D29, D30, D31, and D32 will equally receive all random filings for level 5 felonies, level 4 felonies, level 3 felonies, level 2 felonies, level 1 felonies, murder, class C felonies, class B felonies, and class A felonies.
- (b) **Misdemeanor/Level 6 Sub-Division:** Courts D17, D18, D19, D23, D24, D25, D26, D33, D34, D35, and D36 will equally receive all random filings for level 6 felonies, class D felonies, and misdemeanors.
  - 1. Court D22 will receive filings for all Traffic-related misdemeanor, infractions, and ordinance violations not to include offenses of Operating a Vehicle While Intoxicated.

(2) **Case Consolidation.** Cases subject to the policies of case consolidation are exempt from the rule of Random Assignment of Criminal Cases.

(3) **Problem-Solving Dockets.** If a case has been accepted into a problem-solving docket, that case will be transferred to the court overseeing the relevant problem-solving docket.

## **LR49-TR3-200 RANDOM FILING OF CIVIL CASES**

A. All civil cases filed with the Marion County Clerk's Office designated by statute or rule as being required to be filed in certain named Courts shall be so assigned.

B. Cases involving a petition for specialized driving privileges pursuant to I.C. § 9-30-16 in which the suspension of the driving privileges was not imposed by or recommended by a court imposing a sentence in a criminal case, and was not based upon delinquent child support or the person's status as a student under I.C. § 9-24-2, shall be filed in the Marion Circuit Court; all other petitions or requests for specialized driving privileges shall be filed in the court in which the charges are pending or in which the sentence was imposed, in the court in which the issue of child support is docketed, or in the Juvenile Division if the suspension was based upon the person's status as a student under I.C. § 9-24-2.

C. Civil Plenary (PL), Mortgage Foreclosure (MF), Civil Collections (CC), Civil Torts (CT), and Domestic Relations (DR) cases shall be allocated at follows:

- 1. Civil Plenary (CP/PL) cases
  - a. 1% shall be randomly filed in Circuit Court, and
  - b. 99% shall be filed in Superior Court, divided randomly and evenly among Courts D01, D02, D03, D04, D05, D06, D07, D11, D12, and D13.
- 2. Mortgage Foreclosure (MF) cases

- a. 5% shall be randomly filed in Circuit Court, and
- b. 95% shall be filed in Superior Court, divided randomly and evenly among Courts D01, D02, D03, D04, D05, D06, D07, D11, D12, and D13.

3. Civil Collections (CC) cases

- a. 1% shall be randomly filed in Circuit Court, and
- b. 99% shall be filed in Superior Court, divided randomly and evenly among Courts D01, D02, D03, D04, D05, D06, D07, D11, D12, and D13.

4. Civil Torts (CT)

Shall be assigned to Superior Court, divided randomly and evenly among Courts D01, D02, D03, D04, D05, D06, D07, D11, D12, and D13.

5. Protective Order (PO) cases that do not involve a relationship as defined by IC 35-31.5-2-128 shall be assigned to Superior Court, divided randomly and evenly among Courts D01, D02, D03, D04, D05, D06, D07, D11, D12, and D13.

5. Family Cases

a. DC and DN cases shall be assigned to Marion Superior Court, divided randomly and evenly among Courts D10, D14, and D16. (*Effective November 15, 2020*)

b. JP cases shall be assigned in the following manner:

1. 30% of JP filings, not initiated by the Prosecutor's Office shall be assigned to Marion Superior Court, divided randomly and evenly among Courts D10, D14, and D16.

2. JP filings initiated in conjunction with an existing case in Superior Court D09 or D15 shall be assigned to the Court that houses the accompanying juvenile case.

3. All other JP filings shall be assigned to the Marion Circuit Court.

c. All cases filed in the Juvenile Division shall be divided and randomly assigned to courts D09 and D15, including case types JQ, JC, JD, JS, JM, JT. d. Protective order cases that are domestic in nature (those that involve a relationship as defined by IC 35-31.5-2-128) shall be divided and randomly assigned to Courts D10, D14, and D16.

1. When there is an existing DN, DR, DC, or JP case, any related PO filing shall be assigned to the same court as the existing family case.

D. Marion Superior Court, Civil Division D13 shall be assigned the following case filings:

1. Any civil case where the environment is involved as the lead issue or where a decision of an environmental administrative agency is being appealed;
2. Any civil action that includes a count based upon or involving Indiana Code Title 13/ Environment or Title 14/ Natural and Cultural Resources;
3. Any civil action requiring judicial review from final agency action involving an environmental matter;
4. Department of Revenue UST and solid waste fee tax warrants;
5. Common law theories of recovery such as toxic torts, property contamination cases alleging nuisance, trespass, negligence and environmental cleanup and contribution actions;
6. Open Door and Public Record suits or appeals related to IDEM, DNR, ISHD, State Fire Marshall or the Fire Prevention and Building Safety Commission; and
7. Contract or other disputes involving a substantive environmental issue.

E. Civil cases involving judicial review of a zoning decision pursuant to IC 36-7-4-1601 et seq. shall be assigned to Court D07.

F. Civil cases requiring judicial review of a final State Agency decision under Article 21.5 of the Indiana Administrative Orders and Procedures Act (I.C. 4-21.5 et seq.) shall be randomly assigned.

G. Civil cases requiring judicial review of an administrative decision of the Bureau of Motor Vehicles pursuant to I.C. § 9-30-10 shall be filed in the Marion Circuit Court.

H. Civil cases requiring judicial review of an administrative decision of the Bureau of Motor Vehicles pursuant to I.C. § 9-24-2 shall be filed in Courts D09 and D15 of the Marion Superior Court.

I. Cases involving a petition for change of name filed under I.C. § 34-28-2 shall be filed in the Marion Circuit Court.

All civil cases other than those listed above filed with the Marion County Clerk's Office for the Marion Superior Court shall be assigned to an individual courtroom on a random basis. The process for the random assignment shall be done through the Court and Clerk's automated case management system.