LOCAL COURT RULES

HOWARD COUNTY, INDIANA

Updated January 1, 2017

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LR34-AR81-1
SCOPE OF RULES

Pursuant to Trial Rule 81 of the Indiana Rules of Court, and except as otherwise provided, these rules govern the procedure and practice of the Circuit Court and the Superior Courts of Howard County.

These local rules shall be read and applied in a manner not inconsistent with the Indiana Rules of Trial Procedure.

LR34-AR1-2
ASSIGNMENT OF CASE FILINGS:

A. HOWARD CIRCUIT COURT: All Juvenile Matters, Adoptions, and other cases required by law to be filed in the Circuit Court shall be filed in the Howard Circuit Court.

B. HOWARD SUPERIOR COURTS I, II & IV: Mental Health Matters shall be filed in the Howard Superior Court II or the Howard Superior Court IV. The court of filing shall be determined by random selection, by the Clerk.

C. HOWARD SUPERIOR COURT III: Small Claims, Infractions, Ordinance Violations, and Petitions for specialized Driving Privileges pursuant to IC 9-30-16 shall be filed in The Howard Superior Court III. Howard Superior Court III shall also maintain a Plenary Docket for the purpose of accepting transfer cases. This shall include any civil case transferred from the other Howard County Courts or cases in which the Judge of Howard Superior Court III has been selected a a special judge pursuant to Section (J) of Trial Rule 79. All small claims which are transferred to the Plenary Docket as a result of a jury request or because a party seeks to pursue a claim that exceeds the jurisdictional amount allowed shall be transferred to the Plenary Docket of Hoard Superior Court III.

D. HOWARD SUPERIOR COURT I: Miscellaneous Matters (MI), except for Petitions for Specialized Driving Privileges pursuant to IC 9-30-16, shall be filed in Howard Superior Court I.

D. OTHER CIVIL FILINGS: All other civil cases shall be filed in The Howard Circuit Court, the Howard Superior Court II, or the Howard Superior Court IV. The court of filing shall be determined by random selection, by the Clerk, using a method which will result in thirty percent (30%) being filed in Circuit Court, and thirty-five percent (35%) being filed in Superior Court II, and thirty-five percent (35%) being filed in Superior Court IV.

(Amended effective August 1, 2015)

LR34-TR76-3
TRANSFER OF ACTION

It may, from time to time, be expedient for the Judges of Howard Circuit Court and Superior Courts to transfer cases between those courts. This shall be done with the consent of the two judges involved in the transfers, pursuant to I.C. 35-5-20.1-21 and I.C. 35-5-20.1-22. If such transfer is consummated, the time for taking a change of venue from the Judge shall be extended for a period of ten (10) days from the service of notice of such transfer or until such period expires pursuant to T.R. 76 or other applicable law.

LR34-AR00-4
JUDGES SITTING IN EITHER COURT

It may, from time to time, be expedient for the Judges of Howard Circuit and Superior Courts to hear cases pending in another court.

The Judge of the Howard Circuit Court authorizes the Judges of the Howard Superior Courts to sit as Judge of the Howard Circuit Court, at any time, in any case.

The Judges of the Howard Superior Courts authorize the Judge of the Howard Circuit Court to sit as Judge of the Howard Superior Courts, at any time, in any case.

LR34-TR3.1-5
APPEARANCE AND WITHDRAWAL

A. APPEARANCE: An appearance by counsel, or by a party appearing without an attorney shall be made in writing and filed with either the Clerk or the Court. It shall be in compliance with the Indiana Supreme Court Rules. A copy must be served on other counsel or parties. The Clerk shall note the appearance on the Chronological Case Summary.

WITHDRAWAL: All withdrawals of appearance shall be in writing and by leave of Court. Permission to withdraw shall be given only after the withdrawing attorney has given his client ten (10) days written notice of his intention to withdraw and has filed a copy of the notice with the court, except in the following cases:

(1) when another attorney has already filed an appearance for the same party; or

(2) when the withdrawing attorney files a pleading indicating that he or she has been terminated from the case by the client; or

(3) when the appearance of an attorney is deemed withdrawn upon conclusion of an action or matter.

The court will not grant a request to withdraw an appearance unless the same has been filed with the court at least ten (10) days prior to trial date, except for good cause. A withdrawal of appearance when accompanied by the appearance of other counsel shall constitute a waiver of this requirement. All withdrawals of appearance shall comply fully with the provisions of Rules of Professional Conduct.

LR34-AR11-6
PREPARATION OF PLEADINGS, MOTIONS AND OTHER PAPERS

A. PRODUCTION. Pleading, motions, and other paper shall be on white paper. All pleadings, copies, motions, and documents filed with the court, with the exception of exhibits and existing wills, shall be prepared on 8.5" x 11" paper. The lines shall be double spaced except for quotations, which shall be indented and single spaced.

B. TITLES. Titles on all pleadings shall delineate each topic included in the pleading, e.g. where a pleading contains and Answer, a Motion to Strike or Dismiss, or a Jury Request, each shall be set forth in the title.

LR34-TR5-7
FILINGS

A. PLEADINGS. The entry of appearance and the filing of pleadings or other matters not requiring immediate Court action shall be filed with the Clerk. The Judge may, however, permit papers to be filed with the Court, in which event the filing date shall be noted thereon.

B. CHRONOLOGICAL CASE SUMMARY ENTRIES. Written pleadings presented for filing shall be accompanied by a proposed entry for the Chronological Case Summary. It shall contain the title and number of the case, the date, and exact entry to appear on the Chronological Case Summary. The proposed entry shall be signed by counsel.

C. COPIES TO SPECIAL JUDGES. When a Special Judge is selected, copies of all pleadings, motions, or briefs filed shall be mailed or delivered to the office of the Special Judge with certificate of forwarding same made a part of the original papers.

LR 34-TR79-8
CHANGE OF JUDGE

Purpose of Rule

This rule is adopted to comply with the requirements of Trial Rule 79(H) of the Indiana Rules of Trial Procedure. It is intended to provide a means of selection of special judges ensuring the effective use of all judicial resources within Administrative District 8 (which is comprised of Cass County, Fulton County, Howard County, and Miami County) and includes each person eligible for appointment under Section (J) of Trial Rule 79.

Central Office Established

There is established a Central Office for the keeping of records of appointment and selection of special judges for this District. The Central Office of this District shall be the Howard Superior Court 4.

The Courts of this County shall hereafter refer to the Central Office of this District whenever selection of a special judge is required under this rule. Each of the Courts of this County shall accept from the Central Administrator the name of the individual to then be appointed as special judge for a given case.

The person serving as the Central Administrator shall have the following responsibilities:

1. To maintain a list of persons qualified to serve as special judge under Section (J) of Trial Rule 79.
2. To take referrals from the several courts of this District, requesting appointment of a special judge.

3. To alternately and on a rotating basis appoint qualified judges from the list maintained for that purpose.
4. To notify the referring court of the individual to be appointed under this rule.

Current Rotation Schedule
The following shall be the rotation schedule used by the Central Administrator:

1. The Judge of the Cass Superior Court I
2. The Judge of the Howard Superior Court III
3. The Judge of the Fulton Superior Court
4. The Judge of the Howard Superior Court II
5. The Judge of the Fulton Circuit Court
6. The Judge of the Howard Circuit Court
7. The Judge of the Miami Superior Court I
8. The Judge of the Howard Superior Court I
9. The Judge of the Cass Circuit Court
10. The Judge of the Miami Circuit Court
11. The Judge of the Cass Superior Court II
12. The Judge of the Howard Superior Court IV
13. The Judge of the Miami Superior Court II

Administrative Fee
Each of the Courts participating under this rule shall pay each year the sum of Fifty Dollars ($50.00) to the Central Administrator, payable directly to the Administrator by the 15th day of September of each year.

Certification to the Supreme Court
In cases in which no judge is eligible to serve as special judge in a particular case or where the circumstances of a case require it, the Court shall certify those circumstances to the Supreme Court and that Court shall make the appointment.

Credit for Voluntary Acceptance of Certain Special Judge Cases
If, outside the normal rotation schedule, a judge voluntarily accepts a Cass County, Fulton County, Howard County, or Miami County civil case at the request of the parties to the case or at the request of the Court in which the case is pending, that judge may then receive credit for taking that case, with the Central Administrator skipping over that judge the next time that judge's name comes up for appointment for a case under the above-described rotation schedule. In order to receive such credit, the judge shall notify the Central Administrator of his or her voluntary acceptance of such a civil case no later than seven (7) days after his or her formal qualification and assumption of jurisdiction in that case. At the time that such notification is provided to the Central Administrator, the notifying judge shall also provide the Central Administrator the cause number of the civil case that he or she has voluntarily accepted.

(Effective January 1, 2017)

LR34-AR00-9
PROPOSED ORDERS

Prior to entry by the court of Orders granting motions, applications or setting hearing dates, the moving party or applicant shall, unless the court directs otherwise, furnish the court with proposed Orders in the following matters:

1. Enlargement of Time
2. Continuance
3. Default Judgment
4. Compel Discovery
5. Dismissal
6. Appointment of Receiver
7. Appointment of Guardian
8. Restraining Order, Temporary or Permanent Injunction
9. Immediate Possession of Real Estate
10. Immediate Possession of Personal Property
11. Findings of Fact and Conclusions of Law
12. Foreclosure of a Mortgage or other Lien
13. Setting Hearing Dates
14. Such other Order, Judgments or Decrees as the Court may direct.

All proposed Orders left with the Clerk or Court shall be submitted in sufficient numbers so that distribution may be made to all affected parties.

LR34-TR73-10
MOTIONS

A. ORAL ARGUMENTS. The Court shall not hear oral arguments on motions unless required by the Indiana Rules of Procedure, requested by a party and allowed by the Court in its discretion, or at the request of the Court.

B. BRIEFS AND MEMORANDA REGARDING MOTIONS. If a party desires to file a brief and memorandum in support of any motion, such brief or memorandum shall accompany or be filed simultaneously with the motion, and a copy served on the adverse party. If the adverse party desires to file a brief or memorandum, the adverse party shall file it as ordered by the Court.

C. ENLARGEMENT OF TIME. An initial written motion for enlargement of time pursuant to Trial Rule 6(B)(1) to respond to a claim shall be automatically allowed for an additional 30 days from the date of filing by a written order of the Court except in matters denominated in the pleadings as emergency in nature. Any motion filed pursuant to this rule shall state the date when such response is due and the date to which time is enlarged. The motion must be filed on or before the original due date, or this rule is inapplicable.

LR34-TR53.5-11
CONTINUANCES

A motion for a continuance, unless made during the hearing of the cause, shall be for cause, in writing and verified. A motion for continuance shall be filed as soon after the cause for continuance is discovered by the moving party. The attorney's signature on a request for a continuance is considered a certification that the client has been notified of the request.

The motion shall contain a statement concerning notification to opposing counsel or to *pro se* party:

1. That other counsel/party has been contacted and has no objection.
2. That other counsel/party has been contacted and does object.
3. That other counsel/party has not been contacted after diligent effort.

LR34-TR47-12
VOIR DIRE

A. EXAMINATION OF PANEL AS A WHOLE BY COURT: Unless otherwise directed, the entire panel of prospective jurors shall be sworn by the court. The court may conduct its own voir dire examination of the entire panel with a view primarily of establishing a basis for challenge for cause.

B. JURY QUESTIONNAIRES: Jury questionnaires shall be on file with the Bailiff or Security Officer and copies shall be made available to counsel, but it shall be the responsibility of counsel to obtain such copies from the Bailiff or Security Officer, and to review the same before the voir dire begins.

C. SUPPLEMENTAL EXAMINATION BY COUNSEL: Following examination by the court, counsel shall be permitted to supplement the court's examination on subjects not expressly covered by the court or the jury questionnaires. Questions shall be, so far as possible, directed to the entire panel seated in the jury box. The side with the burden of proof shall proceed first with such examination and the opposing side will then proceed.

D. PEREMPTORY CHALLENGES: After each side has completed its supplementary examination, peremptory challenges must then be made. Such challenges will be made in writing and submitted to the court. After submission to the court, the court will then advise the prospective jurors so challenged.

E. PEREMPTORY CHALLENGES OF SAME JUROR: A peremptory challenge of the same juror by both sides shall count against the number of challenges for each side.

LR34-TR51-13
JURY INSTRUCTIONS

All requests for instructions tendered in accordance with Trial Rule 51 shall be in writing with citations on the Court's copy, to applicable authority. Reasonably anticipated final instructions shall be exchanged and filed with the Court as directed. Proposed preliminary instructions shall be exchanged and filed. The plaintiff in a civil matter shall prepare and exchange with opposing counsel a proposed preliminary instruction on the issues, which shall be included in the Pre-Trial Order. The Court shall, in the interest of justice, permit the tender of additional instructions during the trial on matters which could not have been reasonably anticipated in advance of trial. Such proposed instructions shall be no more than ten (10) in number from each party or in the case of multiple parties no more than fifteen (15) total.

LR34-TR16-14
PRE-TRIAL CONFERENCE

A. WHEN. There shall be a pre-trial conference in every civil case scheduled for jury trial. In other cases, upon motions of any party or upon motion of the Court, a pre-trial conference may be held.

B. CERTIFICATE OF READINESS. Any party may request that a pre-trial conference be held or that the cause be set for trial if no pre-trial conference is required by filing a Certificate of Readiness, certifying to the Court that the cause is at issue; that discovery is completed or that discovery will be completed by the time of the pre-trial conference; that the cause is ready to be assigned for pre-trial conference or that a pretrial conference should be waived and the matter assigned for trial. If any party should oppose any matter contained in the Certificate of Readiness, he shall, within 10 days following receipt of a copy of the Certificate of Readiness, file with the Court, with service to all counsel of record, his verified objections citing in particular why the cause is not ready for pre-trial conference and trial. The Court may summarily rule on any verified objections or, upon written request, set the matter for hearing. If no objections are filed within the time prescribed or allowed, the Court will set the cause for pre-trial conference. Following a pre-trial conference and entry of a pre-trial order in a cause, if required, the cause shall be placed on the Court's calendar for trial.

C. PRE-PRETRIAL CONFERENCE. At least 10 days prior to the date set for pre-trial conference, the attorneys for all parties shall meet and/or confer for the purposes set forth in Trial Rule 16(C).

D. PRE-TRIAL ORDER. Following the pre-trial conference, a pre-trial order shall be prepared, signed, and filed as directed by the Court at the pre-trial conference. When signed by the Court and entered of record, the pre-trial order shall control the course of trial, and the pleadings will be deemed merged therein.

LR34-TR40-15
TRIAL SETTINGS

Unless otherwise ordered by the court at the pre-trial conference, when more than one case is set for trial on a given date, the case set second shall be required to stand for trial if counsel is given five (5) days notice, excluding Saturday and Sunday, that the case first set will not be heard. Counsel for all other subsequent settings are required to communicate with each other and counsel for the first and second settings to determine priorities.

Counsel shall inform the court at least fourteen (14) days before the trial is scheduled to commence, excluding Saturday and Sunday, of the need to call a jury.

LR34-FL-16
DOMESTIC RELATIONS

A. WORKSHEET - CHILD SUPPORT OBLIGATION. A copy of the worksheet provided in the Indiana Child Support Guidelines shall be submitted to the Court in each case in which the Court is asked to determine support, including cases in which agreed orders are submitted. A worksheet shall be signed by a party under penalties of perjury.

B. SCHEDULE OF ASSETS AND LIABILITIES. A schedule of assets and liabilities, together with copies of any and all inventories and appraisals, may be submitted to the Court prior to the beginning of a contested trial and copies served upon opposing counsel.

LR34-FL-17
PARENTING TIME

1. PARENTING TIME. It is the express preference of the Howard Circuit and Superior Courts that parenting time be defined simply as occurring "at all reasonable times and places". Such parenting time means that parties take into consideration the schedules and economic and geographic circumstances of each other as well as the schedules and activities of the children.

2. PARENTING TIME GUIDELINES. The Indiana Supreme Court has adopted Parenting Time Guidelines. These guidelines are designed for those situations when the parties are unable to resolve "parenting time" without having specific guidelines. Consequently, if the parties cannot agree on parenting time, the Parenting Time Guidelines will be adopted unless the Court orders otherwise.

LR34-TR16-18
EXHIBITS

Exhibits shall be presented to the reporter for marking prior to the beginning of the trial or during recess, to ensure that the trial is not delayed for the marking of exhibits.

The exhibits of plaintiffs, petitioners, or any other party who initiates an action shall be marked numerically as 1, 2, 3 etc. The exhibits of defendants, respondents, or any other party who responds to an action initiated by another shall be marked alphabetically as A, B, C etc. Where alphabetically marked exhibits exceed the letters in the alphabet, exhibits shall then be marked as AA, BB, CC, etc.

After being marked for identification and offered in evidence, all exhibits and proposed exhibits shall be placed in the custody of the reporter, who is responsible for their safekeeping unless otherwise ordered by the trial judge.

After a case has been decided and no appeal has been taken, or after all appeals are completed, if there has been no request for the return of such items within 90 says of final judgment, they may be disposed of by the reporter as the Court may direct.

Copies of all documentary exhibits shall be provided as follows: one for the Court: one for each party and one for each Juror.

LR34-AR00-19
DOCUMENTS, FILES AND DEPOSITIONS

A. REMOVAL OF ORIGINAL PLEADINGS, PAPERS AND RECORDS. No person shall withdraw any original pleading, paper, or record from the custody of the clerk or other officer of the Court except after giving proper receipt.

LR34-AR00-20
LIBRARY

The books and electronic devices in the law library shall be in the custody of the Judges of the Courts of Howard County. No person shall remove any book or electronic device from the law library until he signs out the same. Any item removed from the law library shall not be retained more than ten consecutive days.

LR34-AP9-21
APPELLATE RECORD

When an appeal is initiated by the filing of a Notice of Appeal pursuant to Appellate Rule 9, and a transcript of all or any part of the evidence is sought for the record on appeal, counsel filing the Notice of Appeal shall deliver, contemporaneously and personally, a copy of the Notice of Appeal to the Court Reporter, advise the Court Reporter of the deadline for preparation of the records, and then make arrangements to pay the Court Reporter for preparation of the records.

LR34-AR00-22
TRANSCRIPTS

Persons requesting transcripts shall make a deposit with the Court Reporter sufficient to cover the cost of the transcript at the time of the request unless other arrangements are made with the Court Reporter who is preparing the transcript.

LR34-AR00-23
COURTROOM SECURITY

No person shall enter the courtroom or the court's chambers or environs in possession of a firearm or any type of knife, club, bomb, or explosive device or any other offensive weapon. This order does not apply to law enforcement officers in uniform or law enforcement officers in plain clothes, who publicly display identification.

Violators will be found in contempt of court and punished according to applicable law.

LR34-AR12-24
FACSIMILE TRANSMISSIONS

A. FILING BY ELECTRONIC FACSIMILE TRANSMISSION. Howard Circuit and Superior Courts authorizes the filing of pleadings, motions and other papers by electronic facsimile transmission, provided:

(1.) such matter does not exceed ten (10) pages, including the cover sheet;

(2.) such matter does not require the payment of fees

(3.) The sending party creates at the time of transmission a machine generated log for such transmission; and

(4.) the original document and the transmission log are maintained by the sending party for the duration of the litigation.

B. TIME OF FILING. During normal, posted business hours, the time of filing shall be the time the duplicate document is produced in the office of the Court of Clerk of the Circuit and Superior Courts. Duplicate documents received at all other times shall be filed as of the next normal business day.

If the receiving FAX machine endorses its own time and date stamp upon the transmitted documents and the receiving machine produces a delivery receipt which is electronically created and transmitted to the sending party, the time of filing shall be the date and time recorded on the transmitted document by the receiving FAX machine.

C. COVER SHEET. Any document sent to the Clerk or Court by electronic facsimile transmission shall be accompanied by a cover sheet which states the title of the document, case number, number of pages, identify and voice telephone number of the sending party and instructions for filing. The cover sheet shall contain the instructions for filing. The cover sheet shall contain the signature of the attorney or party, pro se, authorizing the filing.

D. DESIGNATED TELEPHONE NUMBER. The designated telephone number to receive electronic facsimile are as follows:

Howard Circuit Court	(765) 456-2016
Howard Superior Court I	(765) 456-2327
Howard Superior Court II	(765) 456-2936
Howard Superior Court III	(765) 456-7003
Howard Superior Court IV	(765) 456-2901

LR34-AR15-25
COURT REPORTER

Section One. Definitions. The following definitions shall apply under this local rule:

(1) A *Court Reporter* is a person who is specifically designated by a court to perform the official court reporting services for the court including preparing a transcript of the record.

(2) *Equipment* means all physical items owned by the court or other governmental entity and used by a court reporter in performing court reporting services. Equipment shall include, but not be limited to telephones, computer hardware, software programs, disks, tapes, and any other device used for recording and storing, and transcribing electronic data.

(3) *Work Space* means that portion of the court's facilities dedicated to each court reporter including but not limited to actual space in the courtroom and any designated office space.

(4) *Page* means the page unit of transcript which results when a recording is transcribed in the form required by Indiana Rule of Appellate Procedure 28.

(5) *Recording* means the electronic, mechanical, stenographic or other recording made as required by Indiana Rule of Trial Procedure 74.

(6) *Regular hours worked* means those hours which the court is regularly scheduled to work during any given work week. Depending on the particular court, these hours may vary from court to court within the county but remain the same for each work week.

(7) *Gap hours worked* means those hours worked that are in excess of the regular hours worked not in excess of forty (40) hours per work week.

(8) *Overtime hours worked* means those hours worked that are in excess of the regular hours worked and are in excess of forty (40) hours per work week.

(9) *Work Week* means a seven (7) consecutive day week that consistently begins and ends on the same days throughout the year, e.g. Sunday through Saturday, Wednesday through Tuesday, or Friday through Thursday.

(10) *Court* means the particular court for which the court reporter performs services. Court may also mean all of the courts in Howard County.

(11) *County indigent transcript* means a transcript that is paid for from county funds and is for the use on behalf of a litigant who has been declared indigent by a court.

(12) *State indigent transcript* means a transcript that is paid for from state funds and is for the use on behalf of a litigant who has been declared indigent by a court.

(13) *Private transcript* means a transcript, including but not limited to a deposition transcript that is paid for by a private party.

Section Two. Salaries and Per Page Fees.

(1) Court Reporters shall be paid an annual salary for time spent working under the control, direction and direct supervision of their supervising court during any regular work hours, gap hours, or overtime hours. The supervising court shall enter into a written agreement with the court reporters which outlines the manner in which the court reporter is to be compensated for gap and overtime hours, i.e. Monetary compensation or compensatory time off regular work hours.

(2) The maximum per page fee a court reporter may charge for the preparation of a county indigent transcript shall be $4.00; the court reporter shall submit a claim directly to the county for the preparation of any county indigent transcript.

(3) The maximum per page fee a court reporter may charge for the preparation of a state indigent transcript shall be $4.00.

(4) The maximum per page fee a court reporter may charge for the preparation of a private transcript shall be $4.00.

(5) That preparation of all transcripts shall be done outside of the work space and after regular work hours.

(6) Each court reporter shall report, at least on an annual basis, all transcripts fees received for the preparation of either county indigent, state indigent or private transcripts to the Indian Supreme Court Division of State Court Administration. The reporting shall be made on forms prescribed by the division of State Court Administration.

(7) A minimum fee up to $35.00 may be charged by the court reporter per transcript.

(8) Index and Table of Contents pages should be charged by the court reporter at the per page rate being charged for the balance of the transcript.

(9) An additional labor charge of $5.00 to $10.00 may be charged for the time spent binding the transcript and exhibits depending on size.

(10) A reasonable charge for the office supplies required and utilized for the binding and electronic transmission of the transcript, pursuant to Indiana Rules of Appellate Procedure 28 and 29, is permissible; the costs for these supplies should be determined pursuant to a Schedule of Transcript Supplies which should be established and published annually by the judge or judges of the county.

Section Three. Private Practice.

(1) If a court reporter elects to engage in private practice through the recording of a deposition transcript, and the court reporter desires to utilize the court's equipment, work space and supplies, and the court agrees to the use of the court equipment for such purpose, the court and court reporter shall enter into a written agreement which must, at a minimum, designate the following:

(a) The reasonable market rate for the use of equipment, work space and supplies;

(b) The method by which records are to be kept for the use of equipment, work space and supplies, and;

(c) The method by which the court reporter is to reimburse the court for the use of the equipment, work space and supplies.

(2) If a court reporter elects to engage in private practice through the recording of a deposition and/or preparing of a deposition transcript, all such private practice work shall be conducted outside of regular working hours.

LR34-CR00-26
INITIAL HEARING

Any defendant held in custody by reason of warrant or civil attachment shall be brought before the court for initial hearing upon order of the court following the arrest. This rule shall not prohibit the release of any defendant on bond as per order of the court.

LR34-CR00-27
WITHDRAWAL OF APPEARANCE

In criminal cases, withdrawal of representation of a defendant will be in compliance with I.C. 35-36-8-2. It will be considered after a hearing is conducted in open court, on record, in the presence of the defendant, unless another attorney has entered an appearance for the defendant. Withdrawal of appearance may be allowed without compliance with the requirements of this rule, if the reason for withdrawal is the inability to locate and communicate with the defendant. In such event a warrant may be issued for the arrest of the defendant. Notice of withdrawal is required pursuant to LR34-TR3.1-5.

LR34-CR00-28
WARRANTLESS ARRESTS

Any defendant held in custody by reason of a warrantless arrest, shall be brought before a judge for probable cause determination within forty-eight (48) hours following arrest. The probable cause determination may be made either by hearing or by affidavit(s).

When the judge has authorized release on bond before probable cause determination, the Sheriff shall give notice to the defendant of a court appearance date on the Report of Bonding form with a copy delivered to the court and prosecutor.

After determination of probable cause, the prosecutor shall file appropriate charges with the court within forty-eight (48) hours.

LR34-CR2.2-29
FILING CRIMINAL CASES

A. WEEKLY ROTATION: Beginning January 2, 2006, weekly rotation will be as follows:

1. Week # 1 - Circuit Court
2. Week # 2 - Superior Court II
3. Week # 3 - Superior Court IV

Weekly rotation thereafter will be from 12:01 a.m. Monday until twelve o'clock midnight Sunday each week.

The Clerk shall maintain a projected calendar for one year in advance showing the weekly rotation and shall in retrospect project a calendar for the previous one year and beyond if necessary for weekly rotation.

The weekly rotation calendar shall be public and posted in the Clerk's office and in each court participating in the weekly rotation.

B. FILING FELONIES: The court in which criminal charges shall be filed, other than as hereafter provided, will be the court on weekly rotation on the day on which the offense alleged in the charging document occurred with the following guidelines:

1. Where multiple offenses are filed, the date of the earliest offense alleged in the charging document shall control the rotation date.

2. In other cases where the date of the case is ambiguous, or covers a period of time, or is not otherwise specifically alleged, the controlling date will be the date that the Prosecutor's Office logged in the original complaint, case, report, or other notification of the alleged offense. The Prosecutor shall maintain a system of logging in cases which shall be open for reasonable inspection by the courts and members of the Bar.

3. In cases where the charges are drawn under IC 35-48, or IC 16-42-19 (The Indiana Legend Drug Act) the cases shall be filed in Superior Court I. In the event of multiple counts, with charges drawn under IC 35-48, and other criminal statutes, the case shall be filed in the court which would otherwise be proper for the highest charged class of felony. Provided, however, in cases where the highest felonies are of the same class, the cases shall be filed in superior Court I.

4. In cases where the charges are drawn under IC 35-46-1-15.1, IC 35-42-2-1.3, or, if the victim is or was the spouse of the accused, is or was living as the spouse of the accused, or has a child in common with the accused, under IC 35-43-1-2, 35-43-2-1.5, 35-43-2-2, 35-45-2-1, 35-45-2-2, 35-45-2-5 or 35-45-10-5 (all hereinafter collectively referred to as "domestic or family violence"), the cases shall be filed in Superior Court I. In the event of multiple counts, with charges involving domestic or family violence and other criminal statutes, the case shall be filed in the court which would otherwise be proper for the highest charged class of felony. Provided, however, in cases where the highest felonies are of the same class, the cases shall be filed in Superior Court I.

5. In case where the accused has a previously filed and pending felony charge(s), and is charged with one or more subsequent felony charge(s), the subsequent case shall be filed in the court in which the previously filed case is pending. If the previous charge(s) is no longer pending at the time the subsequent charge(s) is filed, the subsequent charge(s) shall be filed in the court as designated by the weekly rotation schedule in section A. The previous charge(s) will be considered pending if the State filed the charge(s) and the court has not entered a dismissal or judgment of conviction or acquittal of the pending charge(s)

C. SUPERIOR COURT III: This court will be the court in which misdemeanors, other than those referred to in B(3)or B(4) hereof, and felonies involving the operation of a motor vehicle are filed, with the following qualifications:

1. A misdemeanor charge which is filed contemporaneous with a felony charge against the same individual will be filed in the court where the felony charge is filed.

2. Where a defendant has a pending misdemeanor charge and a subsequent felony charge is filed, the misdemeanor charge will remain in Superior Court III, or with the consent of the accused, the Prosecutor, and the Judge of the Superior Court III, may be transferred to the court having the felony case under Transfer of Action, Local Civil Rule 3.

D. CHANGE OF JUDGE: Where there has been a change of venue granted, or an order of disqualification or recusal entered, the Clerk shall select a successor judge by random selection from the other four (4) Howard County Courts.

If this process does not result in the selection of a Special Judge, the Clerk shall select a Special Judge in rotating order from the Judges of the following Courts, comprising courts contiguous to, or with the same administrative district as, Howard County:

Miami Circuit
Miami Superior 1
Miami Superior 2
Cass Circuit
Cass Superior 1
Cass Superior 2
Carroll Circuit
Carroll Superior
Clinton Circuit
Clinton Superior
Tipton Circuit
Grant Circuit
Grant Superior 1
Grant Superior 2
Grant Superior 3
Fulton Circuit
Fulton Superior

The Clerk shall maintain the list of Special Judges, and shall select from the list on a rotating basis when appointment under this local rule is required. If a judge is skipped in the rotation because of ineligibility or disqualification, he or she shall be selected first for the next eligible case.

E. TIME FOR OBJECTION: Any party may file a written objection to an alleged violation of this rule. Upon a finding that the charge(s) were improperly filed, the court where the charge(s) were originally filed shall transfer the charge(s) to the proper court without the necessity of obtaining consent from the receiving court. Any such objection shall be deemed waived unless filed on or before thirty (30) days after the Omnibus Date; however, upon a showing of good cause and in the interest of justice, the court may permit the filing of the objection any time before the commencement of trial.

(Amended effective August 1, 2015)

LR34-CR00-30
BAIL SCHEDULE

A. AMOUNTS: The following amounts shall be the amounts set for bail bonds in those courts which authorize the use of the schedule, unless otherwise ordered by the Court:

CLASS OF OFFENSE	BAIL AMOUNT
A. Murder	None
B. Habitual Offender	$50,000.00
C. Class A Felony	$75,000.00
D. Class B Felony	$30,000.00
E. Class C Felony	$15,000.00
F. Class D Felony	$10,000.00
G. Class A Misdemeanor	$8,000.00
H. Class B Misdemeanor	$6,500.00
I. Class C Misdemeanor	$5,000.00

EXCEPTIONS TO SCHEDULE

B. MULTIPLE CHARGES: If an arrest is made on more than one charge and there has been no prior judicial determination of bail, bail must be posted as to each charge. The amounts may be varied or determination stayed until court appearance by oral order of the judge, which order may be made by telephone.

C. RELEASE ON PROMISE TO APPEAR: The bail schedule shall not apply to cases in which a person may be released upon written promise to appear or the posting of other appropriate security including, but not limited to the following:

1. TRAFFIC OFFENSES: Pursuant to IC 9-4-1-131, a resident of Indiana charged with a **misdemeanor** regulating the use and operation of a motor vehicle other than one listed in IC 9-4-130.1 shall be released upon signing a promise to appear. The offenses excepted from this rule by IC 9-4-2-130.1 are as follows: (a) an offense causing or contributing to an accident involving injury or death to any person; (b) a violation of IC 9-11-2; and (c) failure to stop in the event of an accident causing death, personal injuries, or damage to property. Residents of states which are members of the nonresident violator agreement, IC 9-5-1.1-1 *et seq.*, shall be treated in the same manner as residents of Indiana. Resident of other states shall be required to provide security as provided in IC 9-4-1-131(b) or, failing to do so, they shall post bail in the amount provided above.

Any person refusing to sign a promise to appear shall post bond.

2. CONSERVATION OFFENSES: Pursuant to IC 14-2-9-3 case of violation of snowmobile and fish and game laws may be dealt with by summons rather than arrest.

D. INTOXICATED PERSONS: If any person is arrested or charged involving intoxication or use of drugs and, in the opinion of the Sheriff or his department, cannot safely be released because of such condition, that person shall be held until the Sheriff or his department determines that the person would not constitute a danger to himself or others. This provision is subject to the rule that all persons arrested who remain in jail shall be brought into court no later than the next day court is in session.

E. ARREST IN CIVIL PROCESS: The bail schedule applies only to arrest on criminal charges. On civil arrests (body attachments), the bond applicable is the amount stated by the court on the Body Attachment. Such bail is to be accepted in cash, or, where applicable, by credit card. The court will consider the cash bail posed to be the property of the person arrested and subject to attachment.

F. TEN PERCENT CASH: In all cases, unless a specific order to the contrary is made by the court when setting bail, the person, if a resident of the State of Indiana, may post cash in the amount ten percent (10%) of the bail. The court approved bond form must be used. If ten percent (10%) is posted, the paid sum shall be returned to the payer at the close of the case with the following deductions:

(a) administrative fee as per statute;

(b) fine, fees, and costs;

c) restitution ordered by the court;

(d) alcohol or drug program fees;

(e) reimbursement to the Howard County Public Defender Supplemental fund;

(f) costs of extradition;

(g) cost of housing in jail or other facility outside Howard County;

(h) Probation User fees.

LR34-SC00-31
SMALL CLAIMS RULE

In Small Claims cases, attorneys of record are responsible for providing a proposed Order on all matters submitted where an Order is appropriate. The proposed Order may be at the bottom of the document submitted.

LR34-SC9-32
CONTINUANCES IN SMALL CLAIMS CASES

Motions to Continue will normally be granted only if the request indicates the position of the adverse party in regard to the continuance.

LR34-SC8-33
SMALL CLAIMS HEARINGS

The first hearing date, as shown on the Notice of Claim, will generally be set for trial. If the Defendant fails to appear at this first setting, a default judgment may be requested.

LR34-AR00-34
DRUG COURT FEES

Those persons directed to participate in the Howard County Circuit Court Juvenile Drug Court Program or the Howard County Superior Court I Drug Court Program shall pay a program fee of fifty dollars ($50.00) per month, not to exceed five hundred dollar ($500.00). Any or all of said fee may be waived, by the respective Drug Court, in its sole discretion, as an "incentive award" for an individual participant.

LR34-AR00-35
ALCOHOL AND DRUG SERVICES FEES

Those persons directed to participate in the Howard County Courts Alcohol and Drug Services program shall fees in accordance with the following schedule:

Whole program	$400.00
Transfer fee (to another county, no evaluation)	$ 50.00
Evaluation only	$100.00
Transfer in (no evaluation, Level I education)	$100.00
Instant Urine Drug Screen	$ 10.00
Laboratory Urine Drug Screen	$ 25.00
Confirmatory test of Instant UDS	$ 35.00

LR34-TR32-36
DEPOSITIONS

A. VIDEO TAPE DEPOSITIONS:

A transcript of the video tape testimony shall be tendered to the Court when the deposition is offered into evidence. Any party may view a video taped deposition in the custody of the Court only upon order of the Court.

B. DEPOSITIONS OF EXPERTS:

All depositions of experts shall be admissible at trial unless objection to the admissibility be given in writing five (5) days prior to the taking of said deposition or within ten (10) days subsequent to notice of the deposition, whichever deadline occurs first. A copy of the notice shall be tendered to the reporter at the time of taking the deposition for inclusion with the deposition. In the absence of such written notification, the deposition of an expert may be admitted by stipulation. The presence of the expert within the limits of the subpoena area shall not be grounds, in and of itself, for the inadmissibility of the deposition at trial. Notwithstanding the above, either party may subpoena such expert for the trial.

C. COPY OF DEPOSITION:

Any party or counsel to an action may obtain a copy of a deposition on file with the Clerk of the Court upon tender of a receipt showing payment to the deposing party of 50% of the cost of said deposition. In addition, the requesting party of counsel shall tender to the Clerk the present statutory rate per page for the copying service.

LR34-AR00-37
RE-ENTRY PROGRAM FEES

Those persons directed to participate in the Howard County Superior Court 1 Re-Entry Program shall pay Fees as follows:

1. For Supervision: Fees in accordance with the current In-Home Detention or CTP supervision fee schedule.

2. For Participating in the Program, Fifty dollars ($50.00) per month, not to exceed Five hundred Dollars ($500.00) covering program fees, including but not limited to:

   a. Offender assessment.

   b. Judicial involvement.

   c. Case management.

   d. Program evaluation.

3. For Confirmatory test of Instant UDS, thirty-five dollars ($35.00).

4. For services provided by affiliated treatment and service providers, in accordance with their respective fee schedules.

Any or all of said fees may be waived, by the Re-entry Program in its sole discretion, as an “incentive award” for an individual participant.