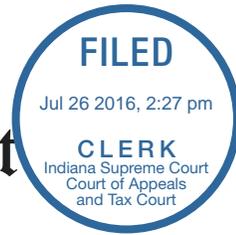


In the  
**Indiana Supreme Court**



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

Supreme Court Case No.  
64S00-1607-MS-396

**Order Approving Local Rules**

The judges of the Porter County Circuit and Superior Courts request the approval of amended local rules for caseload allocation in accordance with Indiana Administrative Rule 1(E) and appointment of special judges in accordance with Indiana Trial Rule 79 and Indiana Criminal Rule 13. Attached to this Order are the proposed amended local rules.

Upon examination of the proposed rule amendments requested by the Porter Circuit and Superior Courts, this Court finds that the proposed rule amendments, LR64-ARO1-3000, LR64-CR2.2-4000 and LR64-CR00-4100, comply with the requirements of Indiana Administrative Rule 1(E), Indiana Trial Rule 79, and Indiana Criminal Rule 13, and accordingly, should be approved.

IT IS, THEREFORE, ORDERED by this Court that Porter Circuit and Superior Courts Local Rules, LR64-ARO1-3000, LR64-CR2.2-4000 and LR64-CR00-4100, set forth as an attachment to this Order, are approved effective January 1, 2017.

Done at Indianapolis, Indiana, on 7/26/2016.

A handwritten signature in black ink that reads "Robert D. Rucker".

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Robert D. Rucker  
Acting Chief Justice of Indiana

## **CIVIL CASES**

### **LR64-ARO1-3000 CASE ASSIGNMENT**

**3000.10** For purposes of these rules:

- (A) The Judge of the Porter Circuit Court shall also serve as Judge of the court designated as Porter Superior Court 5. (See, IC 33-33-64-20)
- (B) Porter Superior Courts 1, 2, and 5 shall comprise the Porter Superior Division.
- (C) Porter Superior Courts 3, 4, and 6 shall comprise the Porter County Division.
- (D) The Magistrate of the Porter Superior Court 1 shall be known as Magistrate #1 and the Magistrate of the Porter Superior Court 2 shall be known as Magistrate #2.

**3000.15 Case Type Categories PL, CT, and MF.** PL, CT and MF cases are assigned and distributed by the use of Odyssey Case Management Software by the Office of the Clerk and Court Administrator for each case type on an even, random and rotating assignment of cases to the following Courts:

- (A) Superior Court 1
- (B) Superior Court 2
- (C) Superior Court 5

**3000.20 Case Type Category CC.** CC cases are assigned in increments of twenty (20) cases per Superior Division Courtroom beginning with filings for Superior Court 1, thereafter Superior Court 2, thereafter Superior Court 5 and subsequently reverting to the same order.

**3000.30 Case Type MH and PO.** Except for Transport Orders issued by the Judge of Superior Courts 3 or 6, the Clerk of Court shall assign a mental health case to the judicial officer who issued the verbal Order for Transport to Mental Health Facility. If the Transport Order was issued by the Judge of Superior Courts 3 or 6, the MH case shall be assigned to Superior Court 1. For other Superior Courts issuing the Transport Order, the case shall remain in that Superior Court until final disposition. The Clerk of Court shall assign cases involving Orders for Protection to any available judicial officer, subject to transfer. If any party involved in an Order for Protection has a pending DR or JP related case, the Clerk shall attempt to assign the PO case to that Court.

**3000.40 Case Type Categories DR, RS, ES, EU, EM, GU, and TR.** DR, RS, ES, EU, EM, GU, and TR cases are assigned and distributed by the use of Odyssey Case Management Software on an alternating, rotating, even and random distribution of cases to the following Courts:

- (A) Superior Court 1, Magistrate
- (B) Superior Court 2, Magistrate

**3000.50 Transfer of Civil Cases.** In the event the filing of cases pursuant to paragraphs 3000.15 through 3000.40 of this rule shall result in a disparity of civil filings reflected by the Quarterly Case Status Report (QCSR), the Judges of the Superior Division may jointly direct the Clerk of the Court to assign case filings so as to eliminate the disparity.

**3000.60 Case Type Categories AD or MI.** Except as set forth below, a party filing a new action of the case type categories AD or MI, may file with any judge of a Court who is available. However, the Clerk of Court shall assign the following types of MI cases as set forth below:

- (A) Grandparent Visitation: In the DR or JP Court which has heard the underlying action.
- (B) Name Change: Adult Name Change Petitions shall be assigned to Superior Court 1, 2, or 5, as selected by the filer. Minor Name Change Petitions shall be assigned to Circuit Court, only.
- (C) Marriage License Issues: In Superior Court 1, 2, 4, or 5 as selected by the filer.
- (D) Any Other MI Designated Case: As selected by the filer.
- (E) Venue for Specialized Driving Privilege Permits (MI Designated and as part of Criminal Case.)

(1) Petitions Brought Under IC 9-30-16-4. A Petition for Specialized Driving Privilege Permit under IC 9-30-16-4 shall be filed with the Clerk of Court obtaining an MI case designation in the following court:

- (a) In the Court which suspended the driving privileges or if multiple suspensions, where the most recent suspension was ordered;
- (b) If a Habitual Traffic Violator, in the Court whose conviction resulted in the Habitual Traffic Violator designation and if multiple offenses, in the most recent conviction;
- (c) Where the Petitioner resides in Porter County and suspensions are ordered in counties other than Porter County, the case shall be filed by the venue requirements established under the Small Claims Local Rules.

(2) Petitions Brought Under IC 9-30-16-3. A Petition for Specialized Driving Privileges Permit under IC 9-30-16-3 shall be filed under the same cause number as the case related to the license suspension.

(3) Any action to modify or clarify the terms of a Specialized Driving Privileges Permit and any criminal charge involving the violation of the Permit shall be filed in the same courtroom that issued the permit.

**3000.70 Judicial Action before Filing.** If a case being filed requires some action by a judge before filing, e.g., waiver of filing fees, the party filing the action must go to the Clerk's Office to determine case assignment before taking the case to the Judge. In such cases, no cause number will be assigned until the parties return to the Clerk after action by the Judge.

**3000.80 Selection of Special Judges Under Trial Rule 79(H) – Superior Division.**

(A) For case types CT, MH, PO, MI, PL, CC, SC, XP, and MF, and any other civil case types as may hereafter be required to be reported on the Quarterly Case Status Report, the Court Administrator shall select a special judge on a rotating basis, excluding the judge for whom a special judge is being selected, from the following list of full-time judicial officers.

- (1) Judge of the Porter Superior Court 1.
- (2) Judge of the Porter Superior Court 2.
- (3) Judge of the Porter Superior Court 3.
- (4) Judge of the Porter Superior Court 4.
- (5) Judge of the Porter Superior Court 5.
- (6) Judge of the Porter Superior Court 6.
- (7) Magistrate #1.
- (8) Magistrate #2.

(B) Should none of the judges above qualify as special judge, see Rule 3000.100 below.

**3000.85 Selection of Special Judges Under Trial Rule 79(H) – County Division.**

(A) For cases types CT, MH, PO, MI, PL, CC, SC, XP, and MF and any other civil case types as may hereafter be required to be reported on the Quarterly Case Status Report, the following procedure shall be used to select a special judge:

- (1) For cases in Superior Court 3, the case shall first be assigned to Superior Court 6. If that judge does not qualify, then the case shall be assigned to Superior Court 4.
- (2) For cases in Superior Court 4, the case shall be first assigned to Superior Court 3. If that judge does not qualify, then the case shall be assigned to Superior Court 6.
- (3) For cases in Superior Court 6, the case shall be first assigned to Superior Court 4. If that judge does not qualify, then the case shall be assigned to Superior Court 3.

- (B) If all County Division judges are disqualified from serving, then the Court Administrator shall select a special judge on a rotating basis from Superior Court 1, Superior Court 2, and Superior Court 5 judges until all judges have been disqualified.
- (C) If all judicial officers listed in Sections A and B are disqualified from serving, the Court Administrator shall randomly select a special judge from the Porter County Magistrates. If the first Magistrate selected is disqualified from serving, then the other Magistrate shall be assigned.
- (D) Should none of the judicial officers above qualify as special judge, see Rule 3000.100 below.

**3000.90 Change of Judge in DR, RS, ES, EU, GU, TR, JP, JT, JS, EM, JD and JC Under Trial Rule 79(H).**

- (A) For case type categories DR, RS, ES, EU, GU, TR, JP, JT, JS, EM, JD AND JC, and any other domestic relations or estate related civil case designations as may hereafter be required to be reported on the Quarterly Case Status Report (QCSR), if a special judge is needed in Circuit Court or Superior Courts 1, 3, or 5, Magistrate #2 shall be appointed as special judge. If a special judge is needed in Superior Courts 2, 4 or 6, Magistrate #1 shall be appointed as special judge.
- (B) If the respective Magistrate does not qualify as special judge the Court Administrator shall select a special judge on a rotating basis, excluding the judge for whom a special judge is being selected, from the following list of full-time judicial officers.
  - (1) Judge of the Porter Circuit Court.
  - (2) Judge of the Porter Superior Court 1.
  - (3) Judge of the Porter Superior Court 2.
  - (4) Judge of the Porter Superior Court 3.
  - (5) Judge of the Porter Superior Court 4.
  - (6) Judge of the Porter Superior Court 6.
- (C) Should none of the judges above qualify as special judge, see Rule 3000.100 below.

**3000.100 Further Special Judge Selection Rules in Civil Cases.**

- (A) Should none of the judges under Rules 3000.80, 3000.85 or 3000.90 qualify as special judge, then the Court Administrator shall select a special judge on a rotating basis from the following list of full-time judicial officers.

- (1) Judge of the Jasper Superior Court.
- (2) Judge of the Jasper Circuit Court.
- (3) Judge of the Newton Circuit Court.
- (4) Judge of the Newton Superior Court.
- (5) Judge of the Benton Circuit Court.

**(B)** Should none of the judges in Section A qualify as special judge, then the case shall be certified to the Indiana Supreme Court as provided in Indiana Trial Rule 79(H)(3).

**(C)** Notwithstanding any of the rules above, a judge may directly request the Indiana Supreme Court to appoint a special judge when:

- (A)** No judge under the local rule is qualified for appointment, or
- (B)** The particular circumstances of the case warrant selection of a special judge by the Indiana Supreme Court.

## **CRIMINAL CASES**

### **LR64-CR2.2-4000 CASE ASSIGNMENT AND ALLOCATIONS**

#### **4000.10 Superior Division.**

**(A)** The following Superior Courts receive Murder, and Level 1-6 Felonies, except as set forth in Rule 4000.15:

- (1) Superior Court 1
- (2) Superior Court 2
- (3) Superior Court 5

**(B)** Murder, Level 1-5 Felonies and designated Level 6 Felonies are assigned and distributed by the use of Odyssey Case Management Software by the Office of the Clerk and Court Administrator on an even, random, and rotating assignment of cases.

#### **4000.15 Level 6 Felonies.**

- (A) The following Level 6 Felonies shall be distributed to the Superior Court, County Division:
- (1) Title 9 Violations
  - (2) Domestic Battery and Strangulation
  - (3) Battery Level 6 Felony which also include a charge for Domestic Battery or Strangulation.
- (B) All other Level 6 Felonies shall be assigned to the Superior Court, Superior Division by random assignment through Odyssey Case Management.

#### **4000.20 COUNTY DIVISION CASE ASSIGNMENT AND ALLOCATION**

- (A) The County Division of the Court shall maintain a felony docket, a misdemeanor docket an ordinance docket and a traffic infractions docket. Filings on the dockets shall be done in accordance with this rule as follows:
- (1) **Porter Superior Court #3:** Porter Superior Court #3 shall receive misdemeanor, ordinance, Level 6 felony and infraction filings from the following police departments: Indiana Department of Natural Resources; Beverly Shores Police Department, Northern Indiana Commuter Transit Department; Porter County Sheriff's Department;
  - (2) **Porter Superior Court #4:** Porter Superior Court #4 shall receive ordinance, infraction, misdemeanor and Level 6 felony filings from the following police departments: City of Valparaiso; Town of Kouts; Town of Hebron; Valparaiso University Police Department; Chesterton Police Department; Burns Harbor Police Department; CN Railroad Infractions; and Town of Porter Police Department.
  - (3) **Porter Superior Court #6:** Porter Superior Court #6 shall receive ordinance, misdemeanor, Level 6 felony and infraction filings from the following police departments: Portage Police Department; Indiana State Police District 13 and District 21, and Ogden Dunes Police Department.
  - (4) Narcotics Unit filings are treated as being filed by the police agency making the arrest under the above rules.
  - (5) Nothing in this section shall prevent the County Division Courts from directing filing between the Courts in order to equalize workloads of the several respective courts.

- (6) Any arrest made by Court Security shall be assigned as follows:
  - (a) Portage Courthouse Security and Juvenile Courthouse Security arrests shall be assigned to Porter Superior Court #3.
  - (b) Valparaiso Courthouse Security arrests shall be assigned to Porter Superior Court #4.
- (7) Any arrest charging a violation of the terms and restrictions of a Specialized Driving Permit pursuant to IC 9-30-16-5 shall be assigned to the courtroom that issued the Specialized Driving Privilege Permit.

#### **4000.30 Transfers.**

- (A) It shall be the policy of the Porter Superior Courts, that whenever possible consistent with good case management principles, misdemeanor and felony cases involving the same defendant may be transferred into one court for resolution of all of the pending cases. However, A County Division Court may not accept transfer of a Murder or a Level 1-5 Felony case. A new Misdemeanor or Level 6 Felony may be transferred to a Court having the Defendant on probation or having a pending misdemeanor or Level 6 Felony case older than the new charge, with prior approval of the transferee Court.
- (B) If accepted in the Porter County Problem Solving Court, qualifying cases shall be transferred in accordance with the designated Problem-Solving Court's policies and procedures to the Superior Court designated as the Problem-Solving Court.
- (C) Prior to transferring a case, the transferor shall notify the Defendant in open court of the transfer, the new assigned court, and the next court date.

#### **LR64-CR00-4100 CHANGE OF VENUE FROM THE JUDGE, DISQUALIFICATION AND RECUSAL**

##### **4100.10 Superior Division**

- (A) In the event that any judge of the Superior Division of the Porter Superior Court grants a change of venue from the judge under Rule 12 of the Indiana Rules of Criminal Procedure, or recuses or disqualifies, a successor judge shall be assigned in the same manner as the initial judge. Should the judge selected by this process

recuse, then the Court Administrator shall assign the case to the remaining Superior Division judge as special judge

**(B)** Should none of the Superior Division judges qualify as special judge then the Court Administrator shall appoint a special judge on a rotating basis from the following list of full-time judicial officers:

- (1) Superior Court 3
- (2) Superior Court 4
- (3) Superior Court 6

**(C)** Should none of the judges under Section B qualify as special judge, then the Court Administrator shall select a special judge on a rotating basis from the following list of full-time judicial officers:

- (1) Magistrate #1
- (2) Magistrate #2
- (3) Porter County Title IV-D Commissioner

**(D)** Should none of the judges under Sections A, B, or C qualify as special judge, then the Court Administrator shall select a special judge on a rotating basis from the following list of full-time judicial officers:

- (1) Judge of the Jasper Superior Court.
- (2) Judge of the Jasper Circuit Court.
- (3) Judge of the Newton Circuit Court.
- (4) Judge of the Newton Superior Court.
- (5) Judge of the Benton Circuit Court.
- (6) Judge of the Starke Circuit Court.
- (7) Judge of the LaPorte Circuit Court.
- (8) Judge of the LaPorte Superior Court 1.
- (9) Judge of the LaPorte Superior Court 2.
- (10) Judge of the LaPorte Superior Court 3.
- (11) Judge of the LaPorte Superior Court 4.
- (12) Judge of the Lake Superior Court, Criminal Division 1.
- (13) Judge of the Lake Superior Court, Criminal Division 2.
- (14) Judge of the Lake Superior Court, Criminal Division 3.
- (15) Judge of the Lake Superior Court, Criminal Division 4.
- (16) Judge of the Lake Superior Court, County Division 1.
- (17) Judge of the Lake Superior Court, County Division 2.
- (18) Judge of the Lake Superior Court, County Division 3.

(19) Judge of the Lake Superior Court, County Division 4.

- (4) Should none of the judges in Sections A, B, C, and D qualify as special judge, then the case shall be certified to the Indiana Supreme Court as provided in Indiana Criminal Rule 13(D).

#### **4100.20 County Division**

- (A) In the event that any judge of the County Division of the Porter Superior Court grants a change of venue from the judge under Rule 12 of the Indiana Rules of Criminal Procedure or recuses, the following procedure shall be used:

- (1) A Superior Court 3 file shall be reassigned to Superior Court 6. If that judge does not qualify, then the case shall be assigned to Superior Court 4;
- (2) A Superior Court 4 file shall be reassigned to Superior Court 3. If that judge does not qualify, then the case shall be assigned to Superior Court 6;
- (3) A Superior Court 6 file shall be reassigned to Superior Court 4. If that judge does not qualify, then the case shall be assigned to Superior Court 3;

- (B) If all County Division judges are disqualified from serving, then the Court Administrator shall select a special judge on a rotating basis from the following list until all judges have been disqualified:

- (1) Superior Court 1.
- (2) Superior Court 2.
- (3) Superior Court 5.

- (C) If all judges listed in Section B are disqualified from serving, the Court Administrator shall randomly select a special judge from the Porter County Magistrates. If the first Magistrate selected is disqualified from serving, then the other Magistrate shall be assigned. If both Magistrates are disqualified, then the Court Administrator shall assign the Porter County Title IV-D Commissioner.

- (D) Should none of the judges under Sections A, B, or C qualify as special judge, then the Court Administrator shall select a special judge on a rotating basis from the following list of full-time judicial officers:

- (1) Judge of the Jasper Superior Court.
- (2) Judge of the Jasper Circuit Court.
- (3) Judge of the Newton Circuit Court.
- (4) Judge of the Newton Superior Court.
- (5) Judge of the Benton Circuit Court.

- (6) Judge of the Starke Circuit Court.
- (7) Judge of the LaPorte Circuit Court.
- (8) Judge of the LaPorte Superior Court 1.
- (9) Judge of the LaPorte Superior Court 2.
- (10) Judge of the LaPorte Superior Court 3.
- (11) Judge of the LaPorte Superior Court 4.
- (12) Judge of the Lake Superior Court, Criminal Division 1.
- (13) Judge of the Lake Superior Court, Criminal Division 2.
- (14) Judge of the Lake Superior Court, Criminal Division 3.
- (15) Judge of the Lake Superior Court, Criminal Division 4.
- (16) Judge of the Lake Superior Court, County Division 1.
- (17) Judge of the Lake Superior Court, County Division 2.
- (18) Judge of the Lake Superior Court, County Division 3.
- (19) Judge of the Lake Superior Court, County Division 4.

(E) Should none of the judges in Sections A, B, C, and D qualify as special judge, then the case shall be certified to the Indiana Supreme Court as provided in Indiana Criminal Rule 13(D).

**4100.30 Further Special Judge Selection Rules in Criminal Cases.** Notwithstanding any of the rules above, a judge may directly request the Indiana Supreme Court to appoint a special judge when:

- (A) No judge under the local rule is qualified for appointment, or
- (B) The particular circumstances of the case warrant selection of a special judge by the Indiana Supreme Court.