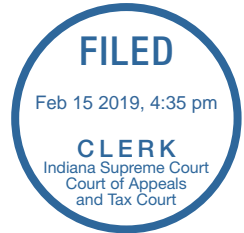


# In the Indiana Supreme Court

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

Supreme Court Case No.  
19S-MS-88



## Order Approving Amended Local Rule

The Judges of the Shelby Circuit and Superior Courts request the approval of an amended local rule for caseload allocation in accordance with Indiana Administrative Rule 1(E). Attached to this Order is the proposed amended local rule.

Upon examination of the proposed rule amendment requested by the Shelby Circuit and Superior Courts, this Court finds that the proposed rule amendment, LR73-AR1(E) Rule 2 complies with the requirements of Indiana Administrative Rule 1(E), and, accordingly, should be approved.

IT IS, THEREFORE, ORDERED by this Court that amended Local Rule LR73-AR1(E) Rule 2 for Shelby Circuit and Superior Courts, set forth as an attachment to this Order, is approved effective on the date of this Order.

Done at Indianapolis, Indiana, on 2/15/2019.

A handwritten signature in black ink, appearing to read "Loretta H. Rush", written over a horizontal line.

Loretta H. Rush

Chief Justice of Indiana

## **LR73-AR1(E) RULE 2 LOCAL CASELOAD PLAN**

### **2.1 Evaluation of Caseload Allocation**

- 2.1.1 The Allocation of Judicial Resources described herein should place the Shelby County Courts in compliance with guidelines issued by the Indiana Supreme Court's Order for Development of Local Caseload Plans. No later than March 1 of each year, the judges of the courts of record in Shelby County shall meet and evaluate the caseload data as reported to the Indiana Supreme Court Administration.
- 2.1.2 The caseload evaluation shall factor in the allocation of administrative duties among the judges as well as any special circumstances such as death penalty cases.
- 2.1.3 Special service by Shelby County judges outside their own courts or special, senior judges or transfer judges serving in the Shelby County Courts shall also be considered. Such service shall be calculated in accordance with the weighted caseload worksheet and criteria established by the Indiana Supreme Court Division of State Court Administration.
- 2.1.4 Modification or changes necessary for the Shelby County Courts to remain in compliance with the Order for Development of Local Caseload Plans shall be developed and approved by a majority vote of the judges and shall become effective on April 1 of each year.

### **2.2 Caseload Allocation**

#### **2.2.1 Criminal Cases**

All A, B & C and Level 1-5 felonies and murder as defined in Local Rule 73-CR2.2-1, shall be filed in the respective courts in the following percentages:

45% in Shelby Circuit Court

45% in Shelby Superior Court No. 1

10% in Shelby Superior Court No. 2

All D and Level 6 felonies shall be filed in the respective courts in the following percentages:

45% in Shelby Circuit Court

10% in Shelby Superior Court 1

45% in Shelby Superior Court 2

All misdemeanor, (CM) infraction (IF), and ordinance violation (OV) cases shall be filed in Superior Court 2.

All XP cases shall be filed as per statute.

All search warrants issued outside of normal hours by the Shelby County Magistrate Shall be filed in Superior Court 2.

All Miscellaneous criminal cases shall be filed as directed by the initiating party.

#### **2.2.2 Civil Cases**

2.2.2.1. *Juvenile Cases.* The following Juvenile case types (JC, JT, JD, JS, and JM,) shall be filed in Shelby Superior Court No. 1

2.2.2.2 *Remaining Civil Cases*

- 2.2.2.2.1 All Plenary (PL) cases shall be filed 50/50 on a random basis in Shelby Circuit Court and Shelby Superior Court No. 1
- 2.2.2.2.2 All Domestic Relations (DR) (DC) (DN) (JP) cases shall be filed 50/50 on a random basis in Shelby Circuit Court and Shelby Superior Court No. 1. If a series of JP cases involve siblings are filed, the first filing shall decide the court and the remaining siblings cases shall be filed in the court of the first filing.
- 2.2.2.2.3 All Reciprocal Support (RS) cases shall be filed in Shelby Circuit Court.
- 2.2.2.2.4 All Protective Orders (PO) and Juvenile Protective order (JQ) cases shall be filed in Shelby Superior Court I.
- 2.2.2.2.6 All Guardianship (GU) cases shall be files in Shelby Circuit Court.
- 2.2.2.2.7 All Mortgage Foreclosure (MF) Cases shall be filed in Shelby Circuit Court.
- 2.2.2.2.8 All Small Claims (SC) shall be filed in Shelby Superior Court No. 2
- 2.2.2.2.9 All Tax Sale (TS) and Tax Deed Petitions (TP) shall be filed in Shelby Superior Court 1.
- 2.2.2.2.10 All CC cases shall be filed in Shelby Circuit Court.
- 2.2.2.2.11 All remaining types of civil cases (AD, AH, CT, ES, EU, EM, MH, MI, CC and TR) shall be filed as requested by the initiating party. If no request is made by the initiating party, the remaining cases shall be assigned 50/50 on a random basis in Shelby Circuit Court and Shelby Superior Court 1.
- 2.2.2.2.12 All 72 hour (MH) holds issued outside of normal hours by the Shelby County Magistrate shall be filed in Superior Court 1.

*Adopted as local Rule 1991-1, September 8, 1999, effective November 1, 1999. Amended and renumbered as Rule 3, September 30, 2005, effective October 11, 2005. Amended and renumbered as LR73-AR00 Rule 2 effective Sept 1, 2011. Amended April 18, 2017. Amended May 1, 2018. Effective January 1, 2019. Amended January 7, 2019-Effective immediately upon adoption by the Supreme Court.*