

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 civil caseload allocation in accordance with Indiana Administrative Rule 1(E) and for special judge appointments in accordance with Indiana Trial Rule 79(H). 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-TR3-200 complies with the requirements of Indiana Administrative Rules 1(E) and LR49-TR79-224 complies with Trial Rule 79(H), and, accordingly, should be approved.

IT IS, THEREFORE, ORDERED by this Court that amended Local Rule LR49-TR3-200, for Marion Circuit and Superior Courts, set forth as an attachment to this Order, is approved effective November 15, 2020, noting some subsections are effective January 1, 2021, and amended Local Rule LR49-TR79-224, for Marion Circuit and Superior Courts, set forth as an attachment to this Order, is approved effective January 1, 2021.

Done at Indianapolis, Indiana, on 10/19/2020.

Loretta H. Rush
Chief Justice of Indiana

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 G16. (*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 G16.

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.

(Effective January 1, 2021.)

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. *(Effective January 1, 2021.)*

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 G16. *(Effective November 15, 2020.)*

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 D12 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.

Amended effective November 15, 2020

LR49-TR79-224. SPECIAL JUDGE APPOINTMENT BY CLERK

The appointment of an eligible special judge shall be made by means of the Marion County Clerk selecting a name of the next judge from lists of judges from Marion County maintained by the Clerk. A separate list shall be kept for domestic and juvenile cases that will include the following case types: DR, DC, DN, RS, GU, AD, JC, JD, JS, JP, JM JQ, JT, and POs that are domestic in nature (those that involve a relationship as defined by IC 35-31.5-2-128).

All judges of the Marion Circuit and Superior Court Civil Division are eligible persons under this rule except as follows:

1. The judge of the Marion Circuit Court shall not be named on the list for domestic relation cases.
2. The judges of the Juvenile Division shall not be named on any list.
3. The judge of the Probate Division shall be named only on the lists for domestic relations and juvenile cases.
4. The judges in Marion Superior Courts D10, D14, and D16 shall only be named on the lists for domestic relations and juvenile cases.
5. The judges in Marion Superior Courts D01, D02, D03, D04, D05, D06, D07, D11, D12, and D13 shall not be named on the lists for domestic relations and juvenile cases.

Should the next judge on the list be disqualified pursuant to the *Code of Judicial Conduct*, ineligible for service under this rule, or excused from service by the Indiana Supreme Court, the clerk shall continue down the list until all judges on the list have been exhausted. Upon exhaustion of the list, the judge from whom the change of judge was taken, or who is ineligible or disqualified, shall certify the case to the Indiana Supreme Court for the

appointment of a special judge by the Court. Further, the judge may certify a case directly to the Indiana Supreme Court where the particular circumstances of the case warrant selection by the Court without reference to the clerk for selection from a list.

(Amended effective January 1, 2021)