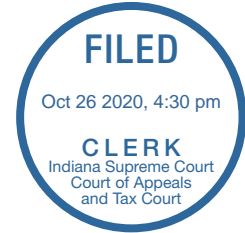


In the
Indiana Supreme Court

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

Supreme Court Case No.
20S-MS-615



Order Approving Amended Local Rule

The Judges of the Whitley 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 Rule 2.2. Attached to this Order are the proposed amended local rules.

Upon examination of the proposed rule amendments requested by the Whitley Circuit and Superior Courts, this Court finds that the proposed rule amendments at LR92-AR1-1 comply with the requirements of Indiana Administrative Rules 1(E) and LR32-CR2.2-2 through 5 complies with Criminal Rule 2.2, and, accordingly, should be approved.

IT IS, THEREFORE, ORDERED by this Court that amended Local Rule LR92-AR1-1, for Whitley Circuit and Superior Courts, set forth as an attachment to this Order, is approved effective November 1, 2020 and amended Local Rules LR32-CR2.2-2 through 5, for Whitley Circuit and Superior Courts, set forth as an attachment to this Order, are approved effective January 1, 2021.

Done at Indianapolis, Indiana, on 10/26/2020.

A handwritten signature in black ink, appearing to read "Loretta H. Rush".

Loretta H. Rush
Chief Justice of Indiana

LR92-AR1-1 LOCAL CASELOAD PLAN

1. The judge of the Whitley County Circuit Court may, with the consent of the judge of the Whitley Superior Court, transfer any action or proceeding from the Circuit Court to the Superior Court. The judge of the Whitley Superior Court may, with the consent of the judge of the Whitley Circuit Court, transfer any action or proceeding from the Whitley Superior Court to the Whitley Circuit Court. Other Local Rules previously filed with the Clerk of the Indiana Supreme Court establish rules for the filing of criminal cases in the courts of Whitley County. The judges of Whitley County shall meet at least as often as annually to review the workload and caseload of each judge and court and then transfer, if necessary, such cases or judges between the courts as shall substantially equalize the workload of each of the judges of Whitley County.
2. Beginning July 1, 2017, to improve a discrepancy in the caseload, the courts and clerk shall require that all Civil Collections and Mortgage Foreclosure cases be filed in the Whitley Superior Court.
3. Beginning on Supreme Court approval, to improve a discrepancy in the caseload, the courts and clerk shall require that all Divorces with Children be filed in the Whitley Circuit Court.

LR92-CR2.2-2 REFILING AND SUBSEQUENT FILINGS

When the State of Indiana dismisses a case and chooses to refile that case, the case shall be assigned to the court from which the dismissal was taken.

LR92-CR2.2-3 TRANSFER

A judge of Whitley Circuit or Superior Court, by appropriate order entered in the Record of Judgments and Orders, may transfer and reassign to the other court of record in the county with jurisdiction to hear the charged offense in any pending case, subject to acceptance by the receiving court.

LR92-CR2.2-4 JUDGES ASSISTING OTHER JUDGES

Pursuant to the authority conferred upon Judges to make Local Rules and pursuant to Indiana Code 33-29-1-10 and for the purpose of each of the Judges being able to assist the other:

- A. The Judge of the Whitley Circuit Court may, with the consent of the Judge of Superior Court, sit as a Judge of the Whitley Superior Court in any matter as if the Circuit Court Judge were an elected Judge of the Whitley Superior Court.
- B. The Judge of the Whitley Superior Court may, with the consent of the Judge of the Whitley Circuit Court, sit as the Judge of the Whitley Circuit Court in any matter as if the Judge of Whitley Superior Court were the elected Judge of the Whitley Circuit Court.

LR92-CR2.2-5 REASSIGNMENT AND APPOINTMENT OF SPECIAL JUDGE IN CRIMINAL CASE

In any case in which a change of judge is necessary or appropriate involving a felony, misdemeanor, infraction, or ordinance violation, the procedure mandated by Indiana Rules of Criminal Procedure 2.2, 12, and 13, and Indiana Procedure for Post-Conviction Remedies 1(4)(B) shall apply.

If a judge in Whitley County grants a motion for a change of judge, or the judge recuses or is disqualified, the court may assign a senior judge to handle the matter as a special judge. If a senior judge is not assigned, or does not accept assignment, the following local rule applies:

- a. If the case originated in the Whitley Circuit Court, the case must be reassigned to the judge of the Whitley Superior Court as successor.
- b. If the case originated in the Whitley Superior Court, the case must be reassigned to the judge of the Whitley Circuit Court as successor.

In the event a reassignment cannot be accomplished pursuant to the rules set forth above, then the case will be reassigned on a rotating basis from the following Judges: Whitley Circuit Court Judge, and the Judges of contiguous counties and counties within the Judicial Administrative District of which Whitley County is a member.

Pursuant to Ind. Criminal Rule 13(D), in the event no Judge is available for assignment or reassignment of a felony or misdemeanor case, such case shall be certified to the Indiana Supreme Court for the appointment of Special Judge. In the event the Judge presiding in a felony or misdemeanor case concludes that the unique circumstances presented in such proceeding require appointment by the Indiana Supreme Court of a Special Judge, this presiding Judge may request the Indiana Supreme Court for such appointment.