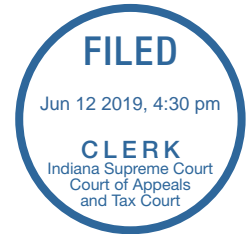


In the
Indiana Supreme Court

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

Supreme Court Case No.
19S-MS-349



ORDER APPROVING AMENDED LOCAL RULES

The judges of the Kosciusko 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. Attached to this Order are the proposed amended local rules.

Upon examination of the proposed rule amendments requested by the Kosciusko Circuit and Superior Courts, this Court finds that the proposed rule amendments, LR43-AR1E-1, LR43-TR79-2, and LR43-CR2.2-2 comply with the requirements of Indiana Administrative Rule 1(E) and Indiana Trial Rule 79, and accordingly, should be approved.

IT IS, THEREFORE, ORDERED by this Court that Kosciusko Circuit and Superior Local Rules, LR43-AR1E-1, LR43-TR79-2, and LR43-CR2.2-2, set forth as an attachment to this Order, are approved effective July 1, 2019.

Done at Indianapolis, Indiana, on 6/12/2019.

A handwritten signature in black ink that reads "Loretta H. Rush".

Loretta H. Rush

Chief Justice of Indiana

LR43-AR1E-1**CIVIL CASE ASSIGNMENT**

- (1) MH, TS, and TP cases shall be filed in the Kosciusko Circuit Court.
- (2) JC, JD, JS, JM and JT cases shall be filed in Kosciusko Superior Court No. 1. JP cases shall be filed in Kosciusko Superior Court No. 4.
- (3) PL and CT cases shall be filed Fifty percent (50%) in the Kosciusko Circuit Court and Fifty percent (50%) in the Kosciusko Superior Court No. 4, on an alternating basis, and any such matters on the active docket of the Kosciusko Superior Court No. 1 as of July 1, 2019, are transferred to the active docket of the Kosciusko Superior Court No. 4 as of that date.
- (4) Seventy-five percent (75%) of MI cases shall be filed in Kosciusko Superior Court No. 3 and Twenty-five percent (25%) shall be filed in either Kosciusko Circuit Court or Kosciusko Superior Court No. 1, on an alternating basis.
- (5) IF cases shall be filed in Kosciusko Superior Court No. 2.
- (6) OV, OE, PO (except PO cases where a JP, DC or DN case is in existence involving the same parties, which shall then be filed in the court having the JP, DC or DN case), and SC cases shall be filed in Kosciusko Superior Court No. 3.
- (7) Sixty percent (60%) of DC and Ninety percent (90%) of DN cases shall be filed in Kosciusko Superior Court No. 4, and any such matters on the active docket of the Kosciusko Circuit Court and the Superior Court No. 3 as of July 1, 2019, are transferred to the active docket of the Kosciusko Superior Court No. 4 as of that date.
- (8) Ten percent (10%) of DN and Forty percent (40%) of DC cases shall be filed in Kosciusko Superior Court No. 1.
- (9) CC cases shall be filed in Kosciusko Superior Court No. 4, and any such matters on the active docket of the Kosciusko Superior Court No. 2 and Kosciusko Superior Court No. 3 as of July 1, 2019, are transferred to the active docket of the Kosciusko Superior Court No. 4 as of that date.
- (10) ES, EM, EU and TR cases and matters not otherwise described herein, shall be filed Fifty percent (50%) in the Kosciusko Circuit Court and Fifty percent (50%) in the Kosciusko Superior Court No. 1.
- (11) AD cases shall be filed Thirty-Three percent (33%) in the Kosciusko Circuit Court and Sixty-Seven percent (67%) in the Kosciusko Superior Court No. 1.
- (12) GU cases shall be filed Twenty percent (20%) in the Kosciusko Circuit Court and Eighty percent (80%) in the Kosciusko Superior Court No. 1.
- (13) MF cases shall be filed Fifty percent (50%) in the Kosciusko Superior Court No. 4 and Fifty percent (50%) in the Kosciusko Superior Court No. 3, on an alternating basis, and any such matters on the active docket of the Kosciusko Circuit Court as of July 1, 2019, are transferred to the active docket of the Kosciusko Superior Court No. 4 as of that date.
- (14) XP cases may be filed in any court.
- (15) RS cases shall be filed Fifty percent (50%) in the Kosciusko Superior Court No. 1 and Fifty percent (50%) in the Kosciusko Superior Court No. 4, and any such matters on the active docket of the Kosciusko Circuit Court as of July 1, 2019,

are transferred to the active docket of the Kosciusko Superior Court No. 4 as of that date.

- (16) All civil cases shall be filed in a random manner and in the percentages as provided by these rules. The Judges of the Kosciusko Circuit Court and the Kosciusko Superior Courts shall periodically review the filing patterns of civil cases and the Judges of such Courts reserve the right to transfer cases in the event of a disproportionate distribution of cases in order to balance the caseload and to expedite dispositions of all pending civil cases.

(Amended effective January 1, 2018; further amended July 1, 2019)

LR43-TR79-2 SPECIAL JUDGE APPOINTMENT IN CIVIL CASES

If a judge in Kosciusko County grants a motion for change of judge under TR 76, or recuses or is disqualified under TR 79(C), and the parties are unable to agree to a judge, or the judge agreed upon does not accept the appointment within the time required by TR 79(D), the following local rule applies:

- a. If the case is in the Kosciusko Circuit Court, it must be transferred to:
 - 1. Kosciusko Superior Court No. 1
 - 2. Kosciusko Superior Court No. 2
 - 3. Kosciusko Superior Court No. 3
 - 4. Kosciusko Superior Court No. 4

- b. If the case is in Kosciusko Superior Court 1, it must be transferred to:
 - 1. Kosciusko Circuit Court
 - 2. Kosciusko Superior Court No. 4
 - 3. Kosciusko Superior Court No. 2
 - 4. Kosciusko Superior Court No. 3

- c. If the case is in Kosciusko Superior Court No. 2, it must be transferred to:
 - 1. Kosciusko Superior Court No. 3
 - 2. Kosciusko Circuit Court
 - 3. Kosciusko Superior Court No. 4
 - 4. Kosciusko Superior Court No. 1

- d. If the case is in Kosciusko Superior Court 3, it must be transferred to:
 - 1. Kosciusko Superior Court No. 4
 - 2. Kosciusko Superior Court No. 1
 - 3. Kosciusko Circuit Court
 - 4. Kosciusko Superior Court No. 2

- e. If the case is in Kosciusko Superior Court No. 4, it must be transferred to:
 - 1. Kosciusko Superior Court No. 2
 - 2. Kosciusko Superior Court No. 3
 - 3. Kosciusko Superior Court No. 1
 - 4. Kosciusko Circuit Court

If none of the judges of the transferee courts are able to hear the case, the Chief Judge of the administrative judicial district of which Kosciusko County is a member must appoint a special judge from the other judges within the district. If the Chief Judge of the administrative judicial district is unable to make the appointment, the district judge, who is not a judicial officer in Kosciusko County, with the most time of judicial service, shall make the appointment. In the event the judge presiding in a civil case concludes that the unique circumstances presented in the proceeding require appointment by the Indiana Supreme Court of a special judge, the presiding judge may request the Indiana Supreme Court for an appointment.

The appointed judge under this local rule must accept the case unless:

- a. Disqualified under the Code of Judicial Conduct;
- b. Ineligible under the Trial Rules; or
- c. Excused by the Indiana Supreme Court.

(Amended effective August 1, 2015; further amended July 1, 2019)

LR43-CR2.2-2 INITIAL CRIMINAL CASE ASSIGNMENT

(1) All D and C Felonies

Thirty percent (30%) of D felonies shall be filed in the Kosciusko Circuit Court and should include cases filed under Title 35, Article 48 (Controlled Substances)

Twenty percent (20%) of D felonies shall be filed in the Kosciusko Superior Court No. 1.

Ten percent (10%) of D felonies shall be filed in the Kosciusko Superior Court No. 2

Forty percent (40%) of D felonies shall be filed in the Kosciusko Superior Court No. 3 and should include cases involving felonies filed under Title 9 (Traffic) and I.C. 35-46-1-5 through and including I.C. 35-46-1-7.

Fifty percent (50%) of C felonies shall be filed in the Kosciusko Circuit Court and should include cases filed under Title 35, Article 48 (Controlled Substances).

Thirty percent (30%) of C felonies shall be filed in the Kosciusko Superior Court No. 1.

Twenty percent (20%) of C felonies shall be filed in the Kosciusko Superior Court No. 3 and should include cases filed under Title 9 (Traffic) and I.C. 35-46-1-5 through and including I.C. 35-46-1-7.

(2) All F6, F5, F4 Felonies

Twenty percent (20%) of F6 and F5 felonies and Fifty percent (50%) of F4 felonies shall be filed in the Kosciusko Circuit Court and should include cases filed under Title 35, Article 48 (Controlled Substances).

Twenty percent (20%) of all F4 felonies and Twenty percent (20%) of all F5 and Twenty percent (20%) of F6 felonies shall be filed in the Kosciusko Superior Court No. 1.

Twenty percent (20%) of all F5 and F6 felonies shall be filed in the Kosciusko Superior Court No. 2.

Thirty percent (30%) of all F4 felonies and Forty percent (40%) of all F5 and F6 felonies shall be filed in the Kosciusko Superior Court No. 3 and should include cases involving felonies filed under Title 9 (Traffic) and I.C. 35-46-1-5 through and including I.C. 35-46-1-7.

(3) Felonies under Title 35-42-1 (Homicide) cases

All felonies filed under Title 35, Article 42, Chapter 1 (Homicide) shall be filed in the Kosciusko Circuit Court.

(4) All other Felony cases

All other felonies shall be assigned on an alternating basis to the Kosciusko Circuit Court and the Kosciusko Superior Court No. 1.

(5) All Misdemeanor cases

All misdemeanors shall be assigned to the Kosciusko Superior Court No. 2.

(6) All I.C. 31-6-4 (Juvenile) cases

All cases filed under Title 31, Article 6, Chapter 4 (Juvenile) of the Indiana Code shall be initially assigned to Kosciusko Superior Court No. 1. In the event a child is waived into adult court, the case shall be reassigned to the appropriate court in accordance with the proceeding provisions of this rule.

(7) Combination of Felony and Misdemeanor cases

In the event the case charges both felony and misdemeanor offenses, the case shall be considered a felony for the application of this rule.

(8) Post-Conviction Relief Cases

PC cases shall be filed in the court in which the related criminal case was filed.

(Amended effective January 1, 2018; further amended July 1, 2019)