

**FILED**

AUG 27 2009

*Cindy Spence*  
CLERK HENDRICKS CIRCUIT COURT  
SUPERIOR

In the  
**Indiana Supreme Court**

**FILED**  
AUG 21 2009  
*Kevin Adair*

IN THE MATTER OF THE )  
 )  
APPROVAL OF LOCAL RULES )  
 )  
FOR HENDRICKS COUNTY )

Case No. 32S00-0908-MS- **389**

ORDER APPROVING AMENDED LOCAL RULES

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

Upon examination of the proposed rule amendments requested by the Hendricks Circuit and Superior Courts, this Court finds that the proposed rule amendments, LR32-AR1-1 and LR32-CR2.2-1, comply with the requirements of Ind. Administrative Rule 1(E), and Ind. Criminal Rule 13, and accordingly, should be approved.

IT IS, THEREFORE, ORDERED by this Court that Hendricks County Local Rules, LR32-AR1-1 and LR32-CR2.2-1, set forth as an attachment to this Order, are approved effective January 1, 2010, provided further that the rules shall be posted in the county clerk's office(s) and on the county clerk's website, if any, and on the Indiana Judicial Website not less than thirty (30) days prior to the effective date.

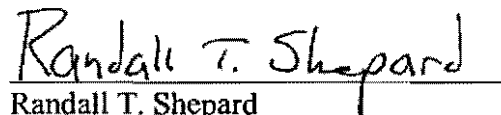
IT IS FURTHER ORDERED by this Court that in approving the Local Rule concerning the caseload allocation plan, the Court transfers the judges of the Hendricks Circuit Court and the several judges of the Hendricks Superior Courts for service in each of the courts of Hendricks County, in accordance with IC 33-24-6-10, for such period as the caseload plan is in effect.

The Clerk of this Court is directed to forward a copy of this Order to the Hon. Jeffrey V. Boles, Hendricks Circuit Court, P.O. Box 349, Danville, IN 46122-0349; the Hon. David H. Coleman, Hendricks Superior Court 2, One Courthouse Square, Suite 107, Danville, IN 46122; the Hon. Robert W. Freese, Hendricks Superior Court 1, One Courthouse Square, Suite 106, Danville, IN 46122; the Hon. Stephenie LeMay-Luken, Hendricks Superior Court, One Courthouse Square,

Danville, IN 46122; the Hon. Karen M. Love, Hendricks Superior Court 3, One Courthouse Square, Suite 108, Danville, IN 46122-0243; the Hon. Mark Smith, Hendricks Superior Court, One Courthouse Square, Danville, IN 46122; and to the Clerk of the Hendricks Circuit Court. The Clerk is also directed to post this Order on the Court's website.

The Clerk of the Hendricks Circuit Court is directed to enter this Order and attachment in the Record of Judgments and Orders for the Courts, to post this Order and attachment for examination by the Bar and the general public, and if available, to publish this Order and attachment on the county clerk's website not less than thirty (30) days prior to the effective date.

DONE at Indianapolis, Indiana, this 21<sup>st</sup> day of August, 2009.

  
Randall T. Shepard  
Chief Justice of Indiana

**LR32-AR1-1**

**PLAN FOR ALLOCATION OF JUDICIAL SERVICES**

1. As used herein, the term *WEEK* for case filing shall mean the following:
  - 1.1 Circuit Court **WEEK 6**
  - 1.2 Superior Court No. 1 **WEEK 1**
  - 1.3 Superior Court No. 2 **WEEK 2**
  - 1.4 Superior Court No. 3 **WEEK 3**
  - 1.5 Superior Court No. 4 **WEEK 4**
  - 1.6 Superior Court No. 5 **WEEK 5**
2. Criminal cases (**MR, FA, FB, FC, FD, CM**) filed with the Hendricks County Clerk shall be assigned by the Clerk according to the LR32-CR2.2-1.
3. All cases with a case designation of **JC, JP, JT, JD, JS, JM, and RS** and all criminal cases in which the defendant was less than eighteen years of age on the date of the alleged offense shall be filed in Hendricks Circuit Court.
4. All cases with a case designation of **AD, ES, EU, EM, GU, MH, and TR** shall be filed in Hendricks Superior Court No. 1.
5. All cases with a case designation of **OV** shall be filed in Hendricks Superior Court No. 5.
6. All cases within an **IF** case designation from the Police Department of the Town of Danville filed with the Clerk of Hendricks County (unless filed as an additional count in a criminal filing) shall be filed in Hendricks Superior Court No. 5. All other infractions shall be filed in one of the Town Courts(unless filed as an additional count in a criminal filing).
7. All cases with an **SC** case designation shall be filed in Hendricks Superior Court No.1, Hendricks Superior Court No.2, Hendricks Superior Court No. 3, Hendricks Superior Court No. 4, and Hendricks Superior Court No.5 subject to the case load limitations schedule set out herein in **APPENDIX A.**
8. All cases with a **PC** case designation shall be filed in the Court having jurisdiction of the original criminal case or in the Court with the criminal filings week if out of county original case.
9. All cases with a **CC, CT, DR, MC, MI, MF, and, PL** case designation shall be filed in Circuit Court and each of the 5 Superior Courts subject to the case load limitations schedule set out herein in **APPENDIX A.**

10. All cases with a **PO** designation shall be filed based on the **WEEK** rotation on the day in which the case was filed, unless the parties have previously filed a protective order case, a dissolution case or paternity case. If a protective order case, a dissolution case or paternity case has been previously filed (and not dismissed), the protective order case shall be filed in the same court as the prior protective order case, dissolution case or the paternity case subject to the case load limitations schedule set out herein in **APPENDIX A**.
- 10 If a **PO** case has been filed and is pending or an Order of Protection has been issued, then the **DR** case involving the same parties must be filed in the same Court as the **PO** case unless that Court has reached its **DR** case limits. In such case the **DR** may be filed in any Court that has not reached its case limit.
- 11 Cases in which the parties have not requested a particular court shall be randomly assigned to a court with that case type local jurisdiction subject to the case load limitations schedule set out herein in **APPENDIX A**.
- 12 An initiating party's request for a particular court shall be granted by the Clerk until that court has reached its case limit or as may be restricted by other sections of this rule. Once a court's annual case limit has been reached, the Clerk shall deny the request for that court and file the case in rotation among the other remaining courts with that case type local jurisdiction subject to the case load limitations schedule set out herein in **APPENDIX A**. The Clerk shall thereafter limit the filing in this manner until all six (6) courts have reached their case limit.
- 13 The Clerk of Hendricks County shall not include cases transferred from one court to another in determining case limits as set out in **APPENDIX A**.
- 14 When all six (6) courts have reached their case limit, the Clerk shall rotate the filing equally among the five Superior Courts [Circuit Court shall receive no cases in excess of the case limits] until the end of the calendar year at which time the process shall start anew.
- 15 The Clerk of Hendricks County shall notify all courts when any court has reached a case limit and shall post the notice in the Clerk's office to inform the Bar and public.
- 16 The Judges of the Hendricks Circuit Court and each of the Hendricks Superior Courts shall, without further

order or appointment, be able to sign orders and conduct hearings for each other in the interest of justice and judicial economy.

- 17 As necessary to affect compliance with the orders of the Indiana Supreme Court the case limit for any court may be changed by an order issued by a majority of the judges of the Hendricks County Courts.

ASSIGNMENT OF CRIMINAL CASES

1. As used herein, the term WEEK for criminal case filing shall mean the following:
  - 1.1. Circuit Court WEEK 6
  - 1.2. Superior Court No. 1 WEEK 1
  - 1.3. Superior Court No. 2 WEEK 2
  - 1.4. Superior Court No. 3 WEEK 3
  - 1.5. Superior Court No. 4 WEEK 4
  - 1.6. Superior Court No. 5 WEEK 5
2. The first week of January 2010 shall be deemed WEEK 5.
3. The weekly rotation will be from 12:01 a.m. Friday until 12:00 a.m. on the following Friday. All misdemeanor and felony cases except as set forth in this Rule will be assigned in a weekly rotation on the day on which the offense alleged in the charging document (including Grand Jury Indictments) occurred. In the event of multiple offenses the date of the earliest offense alleged in the charging document shall control the rotation date and assignment of court. Filing of multiple offenses shall comply with Indiana Supreme Court Administrative Rule 1 (B).
4. Any criminal case filing that does not set forth a specific date that the offense is alleged to have been committed shall be filed in Circuit or one of the Superior Courts by the Clerk selecting at random one of the Courts with local jurisdiction of that type of case. The method of the selection shall be in manner that each Court has the possibility of being selected each time.
5. When the State of Indiana dismisses a case and chooses to re-file that case, the case shall be assigned to the court from which the dismissal was taken.
6. In the event additional charges are filed against a criminal defendant subsequent to the assignment of the case, all such additional charges to be resolved in conjunction with the pending case shall be assigned to the court of initial assignment.
7. All cases with an FA, FB, FC, FD, and CM designation filed under I.C. TITLE 9 shall be filed in Hendricks Superior Court No. 2, Hendricks Superior

- Court No. 3, Hendricks Superior Court No. 4, and Hendricks Superior Court No. 5 by the WEEK assigned to that Court. Such cases filed during WEEK 1 and WEEK 6 shall be randomly assigned by the Clerk.
8. All cases filed under I.C. 35-42-2-1.3 and I.C. 35-46-1-15.1 shall be filed in Hendricks Superior Court No. 1.
  9. All other cases with an MR, FA, FB, FC, or FD designation shall be filed by the WEEK assigned to that Court.
  10. All other cases with a CM designation except as set forth otherwise in these rules and except as set forth herein to be filed in one of the Town Courts shall be filed by the WEEK assigned for that Court.
  11. All cases with a CM designation except those filed under I.C.35-42-2-1.3, I.C. 35-46-1-15.1, I.C. 9-30-5-1, and I.C.9-30-5-2 that occur in the town limits of Brownsburg and all case filed under I.C. 35-43-5-5 shall be filed in the Brownsburg Town Court. All cases with a CM designation except those filed under I.C.35-42-2-1.3, I.C. 35-46-1-15.1, I.C. 9-30-5-1, and I.C.9-30-5-2 that occur in the town limits of Plainfield shall be filed in the Plainfield Town Court. This section shall not apply to cases that are an additional count to a case that is required to be filed in one of the Courts of Record.
  12. The Prosecuting Attorney or the defendant may move to transfer a case and, upon good cause shown, a case may be transferred to any of the other courts for consolidation with a companion case, or with other cases pending in that court against the defendant provided the Judge of the receiving court accepts the transfer.
  13. A judge of Hendricks Circuit or a Superior Court, by appropriate order entered in the Record of Judgments and Orders may transfer and reassign to any 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.
  14. The Judges of the Hendricks Circuit Court and each of the Hendricks Superior Courts shall, without further order or appointment, be able to sign orders and conduct hearings for each other in the interest of justice and judicial economy.

15. In the event a motion for change of Judge is filed and granted pursuant to Criminal Rule 12 or a Judge recuses, the Clerk shall randomly select one of the other courts with local jurisdiction and the case shall be reassigned to the Court.
16. 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 a 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, the presiding judge may request the Indiana Supreme Court for such appointment.
17. Notwithstanding all of the above, if a Defendant is on probation in one or more of the Hendricks Circuit or Superior Courts or has a pending criminal case in one or more of the Hendricks Circuit or Superior Courts and a new charge is filed against the Defendant pursuant to these rules, the Judges of the Courts in which the defendant is on probation and/or has charges pending and Judge of the Court where the new case was filed shall confer and determine in the best interests of justice into which Court all the cases should be transferred. If the Judges cannot agree as to which Court the cases shall be heard, the Clerk shall randomly select a court from those interested in the cases. If a case is filed in one of the Courts of Record and the defendant has a pending case in one of the Town Courts, the Town Court case shall be transferred to the Court of Record in which the defendant has a pending criminal case.