FILED
NOV 29 2006
CLERK OF THE
INDIANA SUPREME COURT
COURT OF APPEALS
AND TAX COURT

In the
Indiana Supreme Court

IN THE MATTER OF THE	)	
	)	**Case No. 84 S00-0611-MS-479**
APPROVAL OF LOCAL RULES	)	
	)	
FOR VIGO COUNTY	)	

RECEIVED
Patricia R Mansard
DEC 5 2006
Clerk of the
Vigo Circuit Court

ORDER APPROVING AMENDED LOCAL RULES

The judges of the Vigo Circuit and Superior Courts request the approval of amended local rules for caseload allocation in accordance with Ind. Criminal Rule 2.2 and Ind. Administrative Rule 1(E). Attached to this Order are the proposed amended local rules.

Upon examination of the proposed rule amendments requested by the Vigo Circuit and Superior Courts, this Court finds that the proposed rule amendments, LR84-CR2.2-2 and LR84-AR01-2 comply with the requirements of Ind. Criminal Rule 2.2 and Ind. Administrative Rule 1(E), and, accordingly, should be approved effective thirty (30) days after the rules have been posted in the county clerk's office(s) and on the county clerk's website, if any, and on the Indiana Judicial Website.

IT IS, THEREFORE, ORDERED by this Court that Local Rule LR84-CR2.2-2 and LR84-AR01-2 for Vigo Circuit and Superior Courts, set forth as an attachment to this Order, are approved effective thirty (30) days after the rules have been posted in the county clerk's office(s) and on the county clerk's website, if any, and on the Indiana Judicial Website.

The Clerk of this Court is directed to forward a copy of this Order to the Hon. David R. Bolk, Vigo Circuit Court, 33 South Third Street, Terre Haute, IN 47807-3434; the Hon. Michael H. Eldred, Vigo Superior Court, 33 South Third Street, Terre Haute, IN 47807-3434; the Hon. Phillip I. Adler,

Vigo Superior Court, 33 South Third Street, Terre Haute, IN 47807-3434; the Hon. Christopher A. Newton, Vigo Superior Court, 33 South Third Street, Terre Haute, IN 47807-3434; the Hon. Barbara L. Brugnaux, Vigo Superior Court, 33 South Third Street, Terre Haute, IN 47807-3434; the Hon. James R. Walker, Vigo Superior Court, 33 South Third Street, Terre Haute, In 47807; and to the Clerk of the Vigo Circuit and Superior Courts.

The Clerk of the Vigo Circuit and Superior Courts 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.

DONE at Indianapolis, Indiana, this 29th day of November, 2006.

RT Shepard

Randall T. Shepard
Chief Justice of Indiana

~~Rule 17~~
~~Case Distribution Plan~~

~~Criminal Cases (CR)~~

LR84-CR2.2-2 **Criminal Case Assignments**

(A) Except as provided for in paragraph (B) and (C) below, the following rotation for felony cases is adopted for Superior Court Division 1, Circuit/Superior Court Division 3, and Superior Court Division 6, and is based upon the time of the occurrence of the offense:

(1) Offenses occurring between 12:01 A.M. on the first day of each month through midnight on the 7th day of each month will be assigned to Superior Court, Division 1.

(2) Offenses occurring between 12:01 A.M. on the 8th day of each month through midnight of the 15th day of that month will be assigned to Circuit/Superior Court Division 3.

(3) Offenses occurring between 12:01 A.M. on the 16th day of each month through midnight of the last day of that month will be assigned to Superior Court Division 6.

(4) In the case of multiple offenses, the date of the earliest offense alleged in the charging document shall assign the rotation date and assignment of the court. If a case involves both felony and misdemeanor charges, the case shall be considered a felony for application of this rule.

(B) All criminal misdemeanor and Class D Felonies arising out of domestic relations shall be assigned to Superior Court Division 4.

(C) All criminal misdemeanor and Class D Felonies relating to controlled substances and Class C Felony controlled substance cases which the prosecutor deems appropriate for Drug Court shall be assigned to Superior Court Division 5. All criminal misdemeanor and D felonies relating to the operation of a motor vehicle shall be assigned to Superior Court Division 5. Habitual Traffic Violator charges filed as Class C felonies shall be assigned to Superior Court Division 5.

(D) The following rotation for criminal misdemeanor offenses is adopted for Superior Court Division 4 and Superior Court Division 5:

(1) Misdemeanor offenses occurring between 12:01 A.M. on the first day of each month through midnight on the 15th day of each month will be

Vigo Superior Court Division 4	60%
Vigo Superior Court Division 5	40%

(8) PROTECTIVE ORDERS (PO)

Petitions for protection orders and workplace restraining orders shall be filed in Vigo Superior Court Division 4 except for protection order petitions filed by a party:

1. To a pending marriage dissolution case or to a marriage dissolution case in which a decree has been entered and there are minor children to the parties. These petitions shall be filed in the Court presiding over the dissolution action.

2. To a pending paternity case or who is a juvenile or naming a juvenile as respondent. These cases shall be filed in Juvenile Court.

(9) MENTAL HEALTH CASES (MH)

All mental health cases filed shall be in Vigo Superior Court Division 2.

(10) JUVENILE COURT (JP)

To the extent of its jurisdiction, all juvenile matters shall be filed in the Juvenile Division of the Vigo Circuit Court.

As in the past, Vigo County Judges shall continue to cooperate with one another to insure the effective and efficient administration of justice by assisting one another with hearings, should they be available to do so.

~~Effective Date: February 6, 2006~~

assigned to Vigo Superior Court Division 4.

(2) Misdemeanor offenses occurring between 12:01 A.M. on the ~~15th~~ 16th day of each month until midnight on the last day of that month will be assigned to Vigo Superior Court Division 5.

(3) In the case of multiple offenses, the date of the earliest offense alleged in the charging document shall assign the rotation date and assignment of the court. If a case involves both felony and misdemeanor charges, the case shall be considered a felony for application of this rule.

(E) A judge of the Circuit or Superior Courts, by appropriate order entered in the record of judgments and orders, may transfer and reassign a case to any other court of record in the county with jurisdiction to hear the charged offense subject to acceptance by the receiving court.

(F) 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.

(G) In the event additional charges are filed against a criminal defendant subsequent to the assignment of the case, all such additional charges shall be assigned to the court of initial assignment.

(H) (1) In the event a change of judge is granted or it becomes necessary to assign another judge in any criminal proceeding in Superior Court Division 1, the case shall be reassigned to either Superior Court Division 3 or Superior Court Division 6 on a rotating basis. If the receiving judge cannot accept jurisdiction the case shall be reassigned to the alternative court. If the judges of Superior Court Division 3 and Superior Court Division 6 cannot accept jurisdiction, the case will then be reassigned to either Superior Court Division 4 or Superior Court Division 5, on a rotating basis.

(2) In the event a change of judge is granted or it becomes necessary to assign another judge in any criminal proceeding in Superior Court Division 3, the case shall be reassigned to either Superior Court Division 1 or Superior Court Division 6 on a rotating basis. If the receiving judge cannot accept jurisdiction the case shall be reassigned to the alternative court. If the judges of Superior Court 1 and Superior Court Division 6 cannot accept jurisdiction, the case will then be reassigned to either Superior Court Division 4 or Superior Court Division 5, on a rotating basis.

(3) In the event a change of judge is granted or it becomes necessary to assign another judge in any criminal proceeding in Superior Court Division 4, the case shall be reassigned, first, to the judge of Superior Court Division 5. If the judge of Superior Court Division 5 cannot accept jurisdiction, the case will then be reassigned to either Superior Court Division 1, Superior

Court Division 3 or Superior Court Division 6 on a rotating basis.

(4) In the event a change of judge is granted or it becomes necessary to assign another judge in any criminal proceeding in Superior Court Division 5, the case shall be reassigned, first, to the judge of Superior Court Division 4. If the judge of Superior Court Division 4 cannot accept jurisdiction, the case will then be reassigned to either Superior Court Division 1, Superior Court Division 3 or Superior Court Division 6 on a rotating basis.

(5) In the event a change of judge is granted or it becomes necessary to assign another judge in any criminal proceeding in Superior Court Division 6, the case shall be reassigned to either Superior Court Division 1 or Superior Court Division 3 on a rotating basis. If the receiving judge cannot accept jurisdiction the case shall be reassigned to the alternative court. If the judges of Superior Court 1 and Superior Court Division 3 cannot accept jurisdiction, the case will then be reassigned to either Superior Court Division 4 or Superior Court Division 5, on a rotating basis.

(I) 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 appointment of a Special Judge. In the event the judge presiding in a felony or misdemeanor case concludes that special 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 make such appointment.

(J) This rule does not prohibit the filing of appropriate criminal offenses in the Terre Haute City Court to the extent of its jurisdiction.

LR84-AR01-2 CASE ASSIGNMENTS

(A) CRIMINAL CASES shall be filed pursuant to LR84-CR2.2-2.

(B) CIVIL CASES

(1) DISSOLUTION ACTIONS (DR)

The filing of dissolution actions shall be filed in the following proportionate rotation:

Vigo Superior Court Division Two	50%
Vigo Superior Court Division One	16.66%
Vigo Superior Court Division Three	16.66%
Vigo Superior Court Division Six	16.66%

(2) PROBATE

The filing of probate matters shall be filed in the following proportionate rotation:

Vigo Superior Court Division One	33.33%
Vigo Superior Court Division Two	33.33%
Vigo Superior Court Division Three	33.33%

(3) CIVIL TORT (CT)

The filing of civil tort actions shall be filed in the following proportionate rotation:

Vigo Superior Court Division Six	50%
Vigo Superior Court Division One	16.66%
Vigo Superior Court Division Two	16.66%
Vigo Superior Court Division Three	16.66%

(4) CIVIL PLENARY (PL)

The filing of civil plenary actions shall be filed in the following proportionate rotation:

Vigo Superior Court Division One	40%
Vigo Superior Court Division Two	20%
Vigo Superior Court Division Three	20%
Vigo Superior Court Division Four	20%

(5) CIVIL COLLECTIONS (CC)

The filing of civil collection actions shall be divided equally among all Vigo Superior Courts on a random rotation basis.

(6) MORTGAGE FORECLOSURES (MF)

The filing of mortgage foreclosures shall be filed in the following proportionate rotation:

Vigo Superior Court Division Three	33.33%
Vigo Superior Court Division One	16.66%
Vigo Superior Court Division Two	16.66%
Vigo Superior Court Division Four	16.66%
Vigo Superior Court Division Six	16.66%

(7) SMALL CLAIMS (SC)

The filing of small claims actions shall be in the following proportionate rotation: