

NOTICE OF PROPOSED AMENDMENTS
TO LOCAL RULE ON ASSIGNMENT OF CIVIL CASES

Notice is hereby given that the Courts of Howard County propose to amend Local Court Rule LR34-AR1-2, and Local Court Rule LR34-CR2.2-29, concerning assignment of civil cases. These amendments are necessary in order to comply with the requirements of Administrative Rule 1 and the limitations on weighted caseload variances. The Howard County Judges filed on May 28, 2008 a request for Supreme Court approval to readopt the existing caseload plan but changes were needed to meet the variance requirements.

Comments will be received from the bar and the public until May 15, 2009. All comments should be in writing, and addressed to William C. Menges, Jr., Judge, Howard Superior Court I, Courthouse, 104 North Buckeye Street, Room 216, Kokomo, Indiana 46901.

The proposals shall be adopted, modified, or rejected by May 31, 2009, and will be effective on June 1, 2009.

The Clerk of the Circuit Court is directed to post this Notice in her office, and on the website maintained by her.

Dated this 14 day of April, 2009.



LYNN MURRAY, JUDGE
HOWARD CIRCUIT COURT



WILLIAM C. MENGES, JR., JUDGE
HOWARD SUPERIOR COURT I



STEPHEN M. JESSUP, JUDGE
HOWARD SUPERIOR COURT II



DOUGLAS A. TATE, JUDGE
HOWARD SUPERIOR COURT III



GEORGE A. HOPKINS, JUDGE
HOWARD SUPERIOR COURT 4

LR34-AR1-2

ASSIGNMENT OF CASE FILINGS:

- A. HOWARD CIRCUIT COURT: All Juvenile Matters, Adoptions and other cases required by law to be filed in the Circuit Court shall be filed in the Howard Circuit Court.
 - B. HOWARD SUPERIOR COURTS II, & IV: Mental Health Matters shall be filed in the the Howard Superior Court II or the Howard superior Court IV. The court of filing shall be determined by random selection, by the clerk.
 - C. HOWARD SUPERIOR COURT III: Small Claims, Infractions, and Ordinance Violations shall be filed in the Howard Superior Court III.
 - D. HOWARD SUPERIOR COURT I: Miscellaneous Matters (MI) shall be filed in Howard Superior Court I.
- B. E. OTHER CIVIL FILINGS: All other civil cases shall be filed in the Howard Circuit Court, the Howard Superior Court II, or the Howard Superior Court IV. The court of filing shall be determined by random selection, by the Clerk, using a method which will result in thirty percent (30%) being filed in Circuit Court, and thirty-five percent (35%) being filed in Superior Court II, and thirty-five percent (35%) being filed in Superior Court IV.

FILING CRIMINAL CASES

A. WEEKLY ROTATION: Beginning January 2, 2006, weekly rotation will be as follows:

1. Week # 1 - Circuit Court
2. Week # 2 - Superior Court II
3. Week # 3 - Superior Court IV

Weekly rotation thereafter will be from 12:01 a.m. Monday until twelve o'clock midnight Sunday each week.

The Clerk shall maintain a projected calendar for one year in advance showing the weekly rotation and shall in retrospect project a calendar for the previous one year and beyond if necessary for weekly rotation.

The weekly rotation calendar shall be public and posted in the Clerk's office and in each court participating in the weekly rotation.

B. FILING FELONIES: The court in which criminal charges shall be filed, other than as hereafter provided, will be the court on weekly rotation on the day on which the offense alleged in the charging document occurred with the following guidelines:

1. Where multiple offenses are filed, the date of the earliest offense alleged in the charging document shall control the rotation date.

2. In other cases where the date of the case is ambiguous, or covers a period of time, or is not otherwise specifically alleged, the controlling date will be the date that the Prosecutor's Office logged in the original complaint, case, report, or other notification of the alleged offense. The Prosecutor shall maintain a system of logging in cases which shall be open for reasonable inspection by the courts and members of the Bar.

3. In cases where the charges are drawn under IC 35-48, the cases shall be filed in Superior Court I. In the event of multiple counts, with charges drawn under IC 35-48, and other criminal statutes, the case shall be filed in the court which would otherwise be proper for the highest charged class of felony. Provided, however, in cases where the highest felonies are of the same class, the cases shall be filed in Superior Court I.

4. In cases where the charges are drawn under IC 35-46-1-15.1, IC 35-42-2-1.3, or, if the victim is or was the spouse of the accused, is or was living as the spouse of the accused, or has a child in common with the accused, under IC 35-43-1-2, 35-43-2-1.5, 35-

43-2-2, 35-45-2-1, 35-45-2-2, 35-45-2-5 or 35-45-10-5 (all hereinafter collectively referred to as "domestic or family violence"), the cases shall be filed in Superior Court I. In the event of multiple counts, with charges involving domestic or family violence and other criminal statutes, the case shall be filed in the court which would otherwise be proper for the highest charged class of felony. Provided, however, in cases where the highest felonies are of the same class, the cases shall be filed in Superior Court I.

5. In case where the accused has a previously filed and pending felony charge(s), and is charged with subsequent felony, the subsequent case shall be filed in the court in which the previously filed case is pending.

6. All cases involving the transfer of probation to Howard County shall be filed in Howard Superior Court I.

C. SUPERIOR COURT III: This court will be the court in which misdemeanors, other than those referred to in B(3) or B(4) hereof, and Class D felonies involving the operation of a motor vehicle are filed, with the following qualifications:

1. A misdemeanor charge which is filed contemporaneous with a felony charge against the same individual will be filed in the court where the felony charge is filed.

2. Where a defendant has a pending felony charge, a subsequent misdemeanor charge will be filed in the court in which the felony charge is pending.

3. Where a defendant has a pending misdemeanor charge and a subsequent felony charge is filed, the misdemeanor charge will remain in Superior Court III, or with the consent of the accused, the Prosecutor, and the Judge of the Superior Court III, may be transferred to the court having the felony case under Transfer of Action, Local Civil Rule 3.

D. CHANGE OF JUDGE: Where there has been a change of venue granted, the Clerk shall select the new court by random selection from the other four (4) Howard County Courts.

After selection, the cause may then be reassigned to the new court by transfer under LR-TR76-3.