

# In the Indiana Supreme Court

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

Supreme Court Case No.  
24S-MS-401



## Order Approving Amended Local Rules

The Judges of the Steuben Circuit and Superior Courts request the approval of amended local rules for caseload allocation and criminal case assignment in accordance with Administrative Rule 1(E), for criminal case special judge assignment in accordance with Administrative Rule 21, and for civil case special judge assignments in accordance with Trial Rule 79. Attached to this Order are the proposed amended local rules.

Upon examination of the proposed rule amendments requested by the Steuben Circuit and Superior Courts, this Court finds that the proposed amendments to LR76-AR00-3 and LR76-AR1-4 comply with the requirements of Administrative Rule 1(E), the proposed amendments to LR76-AR(1)(E)-5 comply with Administrative Rules 1(E) and 21, and the proposed amendments to LR76-TR79-5 comply with Trial Rule 79, and, accordingly, should be approved.

IT IS, THEREFORE, ORDERED by this Court that amended Local Rules, LR76-AR00-3, LR76-AR1-4, LR76-AR(1)(E)-5, and LR76-TR79-5 for the Steuben Circuit and Superior Courts, set forth as attachments to this Order, are approved effective December 1, 2024.

Done at Indianapolis, Indiana, on 11/26/2024 .

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

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Loretta H. Rush  
Chief Justice of Indiana

**LR76-AR00-3****Case Filings**

By mutual agreement between the Courts the following cases shall be filed in the Steuben Circuit Court as designated:

- A. All probate, estate, adoption or juvenile cases not involving the appointment of a prosecutor shall be filed in the Steuben Circuit Court.
- B. All other civil cases of any type including domestic relations, mental health, and protective orders.
- C. All small claim and EV cases shall be filed in the Steuben Circuit Court. All EV cases shall be filed in the Steuben Circuit Court.
- D. To the extent permitted by law, all new cases not set forth above shall be assigned a Court by the Clerk through the Odyssey system on a random draw basis.
- E. The presiding judge in advance of the filing of any case in the Circuit or Superior Court may consent to the filing of that case only in his Court upon good cause shown.
- F. In the event that an existing criminal case exists in either the Circuit or Superior Court, subsequent cases shall be filed in the same court.

**LR76-AR1-4****Caseload Allocation Plan**

- A. **Criminal, Infraction and Ordinance Violation Cases.** Criminal cases shall be filed pursuant to LR76-AR(1)(E)-5. All infraction and ordinance violation cases shall be assigned to the Steuben Superior Court.
- B. **Probate and Related Cases.** Estate, Guardianship, Adoption and Trust cases shall be assigned to the Steuben Circuit Court.
- C. **Juvenile Cases.** juvenile cases shall be assigned to the Steuben Circuit Court with the exception of JD, JS, JM and JP cases.
- D. **Small Claims Cases.** All small claims cases shall be filed to the Steuben Circuit Court.
- E. **Civil Case Types.** Nothing in this rule shall prohibit a judge of said court from transferring a case from that Court to the other as allowed by statute, or rule of trial procedure, or to ensure an even distribution of judicial workload between the courts of record in the county.

On or before May 1 of each year the Judge of the Circuit Court and the Judge of the Superior Court shall meet to review the Weighted Caseload Measures statistics as calculated by the Office of Judicial Administration for the preceding calendar year. The utilization of the two Courts shall be compared and adjustments made as necessary.

- F. **Refiled Cases.** Except when a change of venue is necessary or when a conflict exists, whenever a case is dismissed by action of the originating party, the case, if re-filed, must be assigned to the same court that received the original case.

In cases in which no judge is eligible to serve as special judge or the particular circumstances of a case warrants selection of a special judge by the Indiana Supreme Court, the regular sitting judge may certify the case to the Supreme Court for appointment of a special judge.

- G. **Consent to Hear Cases.** The judge of the Steuben Circuit Court may serve as judge of the Steuben Superior Court and vice versa, with consent of the presiding judge of each respective court.

**LR76-AR(1)(E)-5 Criminal Case Filings and Special Judge Appointments**

- A.** All criminal cases shall be filed in the Steuben Superior Court. Where a conflict of interest exists, or other good cause is shown, the presiding judge of either court may permit the filing of that case so as to avoid the conflict.
- B.** All cases requiring the appearance of a prosecuting attorney shall be filed exclusively in the Steuben Superior Court (examples: Title IV-D, RD, JD).
- C.** Pursuant to Ind. Administrative Rule 1(E)(6) and Ind. Administrative Rule 21, in the event a change of judge is granted or a disqualification or recusal is entered, the case shall be reassigned as follows:
  - (1) **Circuit Court:** In the event a change of Judge is granted where it becomes necessary to assign another Judge in any felony or misdemeanor proceeding in the Steuben Circuit Court, the case shall be reassigned to the Steuben Superior Court.
  - (2) **Superior Court:** In the event a change of Judge is granted where it becomes necessary to assign another Judge in any felony or misdemeanor proceeding in the Steuben Superior Court, the case shall be reassigned to the Steuben Circuit Court.
  - (3) **Alternative:** 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 to a Judge or Magistrate in District 6.
- D.** Pursuant to Ind. Administrative Rule 21, 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.

**LR76-TR79-5 Civil Case Special Judge Appointments**

- A.** Whenever selection of a special judge is required under Ind. Trial Rule 76 or Ind. Trial Rule 79(H), the following shall be the exclusive method for selecting the special judge.
- B.** Counsel shall within seven (7) days attempt to agree upon the special judge to be appointed. Counsel shall advise the Court in writing of the special judge agreed upon, or, of their inability to reach agreement.
- C.** If counsel should be unable to agree upon the appointment of a special judge, the Clerk of the Court shall appoint the special judge from a rotating panel. The panel shall consist of judges and magistrates sitting in Steuben, DeKalb, LaGrange, Noble, and Whitley Counties.
- D.** In the event no judge is available for assignment or reassignment under this rule, such case shall be certified to the Indiana Supreme Court for the appointment of a Special Judge.