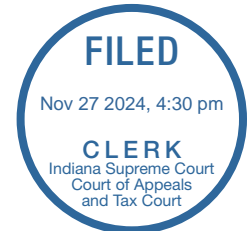


In the
Indiana Supreme Court

In the Matter of the Approval of Local
Rules for St. Joseph County

Supreme Court Case No.
24S-MS-406



Order Approving Amended Local Rules

The Judges of the St. Joseph 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 court reporter services in accordance with Administrative Rule 15, and for criminal case special judge assignment in accordance with Administrative Rule 21. Attached to this Order are the proposed amended local rules.

Upon examination of the proposed rule amendments requested by the St. Joseph Circuit and Superior Courts, this Court finds that the proposed amendments to LR71-AR1-1001 comply with the requirements of Administrative Rules 1(E) and 21, and the amendments to LR71-AR15-1003 comply with Administrative Rule 15, and, accordingly, should be approved.

IT IS, THEREFORE, ORDERED by this Court that amended Local Rules, LR71-AR1-1001 and LR71-AR15-1003, for the St. Joseph Circuit and Superior Courts, set forth as attachments to this Order, are approved effective January 1, 2025.

Done at Indianapolis, Indiana, on 11/27/2024.

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

Loretta H. Rush
Chief Justice of Indiana

LR71-AR1-1001

APPENDIX A TO LOCAL GENERAL AND ADMINISTRATIVE RULES, 1000 SERIES

**Caseload Allocation Plan
For Courts in St. Joseph County, Indiana**

I. Organization of the Courts of St. Joseph County:

As of July 1, 2015, the Courts of St. Joseph County are organized and assigned judicial officers as follows:

1. St. Joseph Circuit Court – one (1) judge and three (3) magistrate judges;
2. St. Joseph Superior Court – eight (8) judges and four (4) magistrate judges; and
3. St. Joseph Probate Court – one (1) judge and three (3) magistrate judges.

II. Designation of Judicial Officers to Hear Civil, Criminal, and Juvenile Cases:

1. Judicial Officers Designated to Hear Civil Cases: Civil Cases (other than small claims matters), shall be heard by the judge and the magistrate judges of the Circuit Court and by the judges and/or magistrate judges of the Superior Court designated by the Chief Judge of the Superior Court to hear civil cases;
2. Judicial Officers Designated to Hear Felony Criminal Cases: Felony criminal cases shall be heard by the judges and/or magistrate judges of the Superior Court designated by the Chief Judge of the Superior Court to hear felony criminal cases;
3. Judicial Officers Designated to Hear Small Claims Cases: Small claims matters shall be heard by the judges and/or magistrate judges of the Superior Court designated by the Chief Judge of the Superior Court to hear small claims matters;
4. Judicial Officers Designated to Hear Traffic and Misdemeanor Cases: Unless otherwise assigned to a felony criminal court for judicial economy because a defendant has pending felony, misdemeanor, and/or probation revocation matters, traffic and misdemeanor matters shall be heard by the judges and/or magistrate judges of the Superior Court designated by the Chief Judge of the Superior Court to hear traffic and misdemeanor matters.
5. Judicial Officers Designated to Hear Paternity (JP), Delinquency, (JD), CHINS (JC), Juvenile Status (JS), Juvenile Guardianship cases (GU), Termination of Parental Rights cases (JT), and Adoption Cases (AD): shall be assigned to the Judge of the Probate Court unless the Judge assigns the matter to be heard by a magistrate judge of the Probate Court. Notwithstanding any other provision of this rule, cases designated ES, EU, GU, and TR may continue to be filed in any of the courts consistent with traditional practice in St. Joseph County.
6. Judicial Officers Designated to Hear Title IV-D Cases: Pursuant to LR71-FL00-430 et seq., Title IV-D Cases may be assigned to the Title IV-D Court and heard by a magistrate judge of the Circuit, Superior, or Probate Court designated to preside over Title IV-D hearings.

III. Protocol for Assignment of Cases Among the Courts of St. Joseph County:

1. Civil cases shall be assigned randomly among the judges and/or magistrate judges of the Circuit Court and the Superior Court designated to hear civil matters.
2. Exceptions:
 - I. Small claims matters, which includes SC cases and all EV cases filed on the small claims docket;
 - II. JD, JC, JS, JM, AD, JT which are traditionally assigned to the Probate Court as the court with traditional exclusive jurisdiction over juvenile cases; and
 - III. License reinstatement, name changes, health department enforcement cases, TS and TP cases, and RF cases, which are assigned to the Circuit Court
3. Civil cases are assigned as follows:
 - A. Circuit Court shall receive a total of 50% of all civil filings and Superior Court shall receive 50% of all civil filings.
 - B. Four (4) civil judges in Superior Court shall receive as follows: the three Superior judges sitting in South Bend shall each receive approximately 30% of the civil filings in Superior Court, and the judge sitting in Mishawaka shall receive approximately 10% of the civil filings in Superior Court.
 - C. Circuit Court shall have a Mishawaka Division with one (1) Circuit Court magistrate presiding and a South Bend Division with the Circuit Court judge and two (2) magistrates presiding.
 - D. Superior Court shall have a Mishawaka Division with one (1) Superior Court judge presiding and a South Bend Division with three (3) Superior Court judges and four (4) magistrate judges presiding.
 - E. Civil cases (other than small claims cases) may be filed in Circuit Court and Superior Court in South Bend or Mishawaka, Indiana as follows:
 - (a) The City of Mishawaka, the School City of Mishawaka, or a resident of the City of Mishawaka where all defendants are residents of the City of Mishawaka shall designate all of their cases for filing with the Mishawaka Division of Superior and Circuit Courts. The Clerk shall assign these cases on an alternating basis to ensure equal distribution of those filings between the Mishawaka Divisions of those courts.
 - (b) All attorneys and business entities with their principal places of business and all individuals with their principal residences located east of Logan Street but within St. Joseph County may either:

- i. file their civil cases (other than small claims cases) without designation, in which case they will be assigned randomly to the Mishawaka Division of the Superior and Circuit Courts or one (1) of the three (3) judges of the civil division of the Superior Court or the judge of the Circuit Court; or
 - ii. file their civil cases (other than small claims cases) for filing in the Mishawaka Division of Superior and Circuit Courts in which case they will be assigned on an alternating basis to ensure equal distribution of those filings between the Mishawaka Divisions of those courts.
- F. For all civil case filings other than small claims cases not designated for filing in the Mishawaka Divisions of the Circuit and Superior Court, a 20 case assignment rotation cycle shall be utilized with each 20 cases assigned as follows:
 - (a) 10 cases for Circuit Court (approximately 50%)
 - (b) 10 for Superior Court (approximately 50%), with 3 out of 10 going to each of the South Bend Superior Court judges and 1 out of 10 going to the Mishawaka Superior Court judge.
- G. The Superior Court civil judge sitting in Mishawaka is also assigned all:
 - (a) All TR cases designated for filing in Mishawaka;
 - (b) All EU, ES, and EM cases designated for filing in Mishawaka; and
 - (c) All adult GU cases designated for filing in Mishawaka.
4. Circuit Court shall from time to time designate three (3) cases (17.65% of the Circuit cases) or four (4) cases (23.53% of the Circuit cases) of each of the ten (10) Circuit Court cases in each assignment rotation cycle to go to the Circuit Court magistrate judge sitting in Mishawaka to which direct filings will be added to achieve whatever total percentage of cases the Circuit Court judge wants in the Circuit Court Mishawaka Division.
5. The Chief Judge of the Superior Court shall, from time to time, reallocate civil cases from the Mishawaka Division to the South Bend Division to ensure there is an approximate weighted caseload allocation among the four (4) judges of the Superior Court's Civil Division.

Felony Criminal Cases:

1. Except for criminal cases that must be assigned to the Circuit Court by L71-CR2.2-303.1 or -303.2, felony criminal cases shall be assigned randomly and equally among the four (4) Superior Court criminal judges.
 - A. All felony Superior Court judges may refer a level 5 or 6 felony drug cause for Drug Court assessment upon the filing of a Drug Court preliminary approval checklist by the Prosecutor's Office. Upon successful completion of the assessment process as determined by the Drug Court team, acceptance to the Drug Court Program, and the e-filing of a signed Drug Court plea, the cause shall be transferred to the Superior Court judge assigned to Drug Court and given that judge's cause number designation.
 - B. All felony Superior Court judges may refer a case for Veteran's Court assessment upon the request of the State or the Defendant. Upon successful completion of the assessment process as determined by the Veteran's Court team, acceptance to the Veteran's Court Program, and the e-filing of a signed Veteran's Court plea, the cause shall be transferred to the Superior Court judge assigned to Veteran's Court and given that judge's cause number designation.
 - C. In felony cases involving intimate partner domestic violence, all felony Superior Court judges may transfer the case if the Defendant has been approved by the Prosecutor's Office and Adult Probation for participation in the Domestic Violence Court Supervised Recidivism Reduction Program ("DVCSRRP"). Transfer will occur only after a signed DVCSRRP plea has been e-filed. The cause shall be transferred to the Superior Court judge assigned to DVCSRRP and given that judge's cause number designation.
2. At the request of a Superior Court criminal judge, a magistrate judge of the Superior Court may preside over a felony trial or felony hearing(s).
3. However, and notwithstanding this method of random assignment, in all felony criminal cases, except MR cases, where co-defendants are charged, cases shall be reassigned to a single judge or magistrate judge, as follows:
 - I. where co-defendants have been equally assigned to different judges, the judge having the lowest assigned cause number shall be assigned/reassigned all co-defendant cases; or
 - II. if co-defendants have been unequally assigned to different judges, the judge having the greatest number of co-defendants shall be assigned/reassigned all co-defendant cases.
4. Additional case reassignment may occur pursuant to Local Rule 303.3(7). The Chief Judge of the Superior Court may reassign MR cases or other felony cases where such reassignment is in the interest of judicial economy or dictated by the weighted caseload balancing requirements.

5. Any dismissed felony charges shall, if re-filed, be assigned to the original Judge, notwithstanding paragraph 4 above.
6. Upon granting a change of judge under Ind. Crim. Rule 2.4, or the disqualification or recusal of a judge in a criminal case, post-conviction proceeding, infraction, or ordinance violation, a successor judge shall be assigned in the same manner as the initial judge as set forth in this Plan. Where this process does not result in the selection of a successor judge, the Chief Judge shall reassign the case as follows:
 - A. For a felony case or a post-conviction case concerning a felony conviction, the case shall be reassigned to another felony judge. If the other felony judges cannot accept the case, the Chief Judge shall then assign the case to a Superior Court magistrate or a Superior Court civil judge.
 - B. If no Superior Court judicial officer can accept the case, the Chief Judge shall reassign the case to a Circuit Court judge or magistrate, or a Probate Court judge or magistrate, or a Senior Judge. If no St. Joseph County judicial officer or Senior Judge can accept the case, the Chief Judge shall select a successor judge from Elkhart, Laporte, or Marshall County.
 - C. For a misdemeanor, infraction, or ordinance violation case, the matter shall be heard by one of the remaining Superior Court magistrate judges. If none of the magistrate judges can accept the case, the Chief Judge shall reassign the case as detailed above.
 - D. A person appointed to serve as special judge must accept jurisdiction in the case unless the appointed special judge is disqualified pursuant to the Code of Judicial Conduct, ineligible for service under Administrative Rule 21, or excused from service by the Indiana Supreme Court.
 - E. All other provisions of Ind. Administrative Rule 21 shall apply to the reassignment of criminal cases.

Small Claims Cases:

1. Superior Court has a Small Claims Division with two (2) locations: South Bend and Mishawaka. All small claims cases shall be assigned to the Small Claims Division in South Bend and assigned to that Division at the South Bend location, except for the following:
 - A. All small claims cases filed by the City of Mishawaka, the School City of Mishawaka, or a resident of the City of Mishawaka where all defendants are residents of the City of Mishawaka, shall be designated for filing in Mishawaka and shall be assigned to the Small Claims Division of Superior Court in Mishawaka.

- B. All small claims cases filed by attorneys and business entities with their principal places of business and individuals with their principal residences located east of Logan Street but within St. Joseph County may, at the filer's discretion:
- (a) File their small claims cases without designation, in which case they will be assigned to the South Bend Small Claims Division; or
 - (b) Designate their small claims cases for filing in the Mishawaka Division, in which case they will be assigned to the Small Claims Division's Mishawaka location.

The four (4) Superior Court magistrates work equally for each one of the eight (8) Superior Court judges; therefore, for case allocation reporting purposes: each Superior Court judge is assigned: 1/8th of all small claims cases assigned to the Small Claims Division's South Bend location.

Traffic and Misdemeanor Cases:

1. Superior Court has a Traffic and Misdemeanor Division located in South Bend. All TM, CM, IF, and OV cases shall be assigned to the Traffic and Misdemeanor Division.
2. The four (4) Superior Court magistrates work equally for each one of the eight (8) Superior Court judges; therefore, their handling of all traffic and misdemeanor cases shall be assigned as follows for case allocation reporting purposes: 1/8th of all CM, IF, and OV cases, 1/8th of all CM, IF, and OV cases will be assigned equally to each of the eight (8) Superior Court judges.

Mental Health Cases:

All MH cases will be divided equally among the four (4) Superior Court civil judges.

Paternity, CHINS, Delinquency, Dependency, and Adoption Cases:

All paternity, CHINS, delinquency, dependency, and adoption cases shall be filed in Probate Court.

Specialized Driving Cases:

Separate petitions for specialized driving privileges shall be filed in the St. Joseph Circuit Court; however, petitions for post-conviction relief (PCR) or requests for relief from suspensions entered in a pending criminal cause of action shall be filed before the court that issued the judgment of sentence or interlocutory suspension.

Protective Order (PO) Cases:

1. Petitions for civil orders of protection alleging domestic violence (DV), sexual assault, stalking, or harassment shall be filed in the Circuit Court and assigned to the Civil Protective Order Court, except for the following matters:
 - A. Cases filed directly with a Court that has already assumed jurisdiction over a dissolution of marriage, paternity, child in need of services (CHINS), or delinquency proceeding involving the parties;
 - B. Cases filed as plenary cases in South Bend. Plenary cases shall be randomly assigned based on subparagraph (1) *supra*.
2. PO cases may be filed at Courthouse 1, Mishawaka Courthouse, and Probate Court in St. Joseph County, the Family Justice Center, and any other place designated by the Judicial Executive Committee (as defined in DR04-AR00-3).
3. PO hearings shall be set according to a written schedule that shall be developed by the Judicial Executive Committee or by the regularly presiding judge of the applicable court.

Workplace violence cases shall be randomly assigned based on subparagraph (1) *supra*.

IV. Exceptions to the Protocol for Assignment of Cases:

1. Mass Filing of Collection Cases (other than small claims): Upon request and designation by the Judge of the Circuit Court and the Chief Judge of the Superior Court, a lawyer or law firm may be approved to make mass filing of collection cases (other than small claims). Unless otherwise directed by the Judge of the Circuit Court or the Chief Judge of the Superior Court based on weighted caseload balancing requirements or otherwise, cases filed by a lawyer or law firm approved for mass filing shall be assigned to the Circuit Court.
2. Special Judge of Transfer: Nothing in these local rules shall be interpreted to prevent a party from taking a change of judge or requesting transfer of a case as otherwise authorized by statute or rule of court.
3. Temporary or Permanent Assignment of Cases: Nothing in these local rules shall be interpreted to prevent the regularly presiding judge of a Court from assigning a case on a temporary or permanent basis to a Magistrate Judge, Special Judge, Senior Judge, Temporary Judge, Judge Pro Tem, Referee, or another duly appointed judicial officer.
4. Caseload Balancing: Nothing in these local rules shall be interpreted to prevent the Judge of the Circuit Court, the Chief Judge of the Superior Court, or the Judge of the Probate Court, from reassigning a case for the purpose of caseload balancing based on the weighted caseload criteria or other caseload criteria.
5. Emergency or Exigent Circumstances: Nothing in these local rules shall be interpreted to prevent the Judge of the Circuit Court, the Chief Judge of the Superior Court, or the

Judge of the Probate Court, either jointly or individually, from assigning a case based on an emergency or exigent circumstances.

V. Authority and Effective Date:

1. This Caseload Allocation Plan is adopted pursuant to the requirements of A.R. 1 (E) and LR71-AR1-1001.1.
2. The effective date of this amended Caseload Allocation Plan is January 1, 2025.

RULE LR71-AR15-1003. COURT REPORTER SERVICES.

1003.1 Definitions.

1003.1.1 Court Reporter (Official Court Reporter).

A Court Reporter is a person who is specifically designated by a Court to perform the official court reporting services for the Court including preparing a transcript of the record.

1003.1.2 Equipment.

Equipment means all physical items owned by the Court or other governmental entity and used by a court in performing court reporter services. Equipment shall include, but not be limited to, telephones, computer hardware, software programs, disks, tapes, and any other device used for recording, storing, and transcribing electronic data.

1003.1.3 Workspace.

Workspace means that portion of the Court's facilities dedicated to each court reporter, including but not limited to actual space in the courtroom and any designated office space.

1003.1.4 Page.

Page means the page unit of a transcript that results when a recording is transcribed in the form required by Indiana Rule of Appellate Procedure 7.2.

1003.1.5 Recording.

Recording means the electronic, mechanical, stenographic, or other recording made as required by Indiana Rule of Trial Procedure 74.

1003.1.6 Regular Hours Worked.

Regular hours worked means those hours during which the Court is regularly scheduled to work during any given workweek. Depending on the particular Court, these hours may vary from court to court within the County but remain the same for each workweek.

1003.1.7 Gap Hours Worked.

Gap hours worked means those hours worked that are more than the regular hours worked but hours not over forty (40) hours per workweek.

1003.1.8 Overtime Hours Worked.

Overtime hours worked means those hours worked more than forty (40) hours per workweek.

1003.1.9 Workweek.

Workweek means a five (5) consecutive day week that consistently begins on Monday and ends on Friday.

1003.1.10 Court.

Court means the particular court for which the court reporter performs services.

1003.1.11 County Indigent Transcript.

County indigent transcript means a transcript that is paid for from County funds and is for the use on behalf of a litigant who has been declared indigent by a Court.

1003.1.12 State Indigent Transcript.

State indigent transcript means a transcript that is paid for from State funds and is for the use on behalf of a litigant who has been declared indigent by a Court.

1003.1.13 Private Transcript.

Private transcript means a transcript, including but not limited to, a deposition transcript that is paid for by a private party.

1003.2 Salaries and Per-Page Fees.

1003.2.1 Annual Salary.

A court reporter shall be paid an annual salary for time spent working under the control, direction, and direct supervision of the Court during any regular work hours, gap hours, or overtime hours.

- (1) That the court reporter is to be compensated for gap and overtime hours by compensatory time off regular work hours only when the judge to whom the court reporter is assigned is not performing duties requiring the court reporter's presence;
- (2) it shall be the responsibility of the court reporter to keep accurate time records of regular work hours, gap, and overtime hours to justify their compensatory hours. Hours spent in transcript preparation are not to be counted toward regular hours worked;

1003.2.2 Non-expedited County Indigent Transcript.

The per page fee for one original non-expedited County indigent transcript preparation shall be \$5.00 with a minimum fee of thirty-five dollars (\$35.00).

1003.2.3 Claim for Preparation.

The court reporter shall submit directly to the County a claim for the preparation of a County indigent transcript.

1003.2.4 Non-expedited State Indigent Transcript.

The maximum per page fee that a court reporter may charge for one original non-expedited State indigent transcript shall be \$5.00 with a minimum fee of thirty-five dollars (\$35.00).

1003.2.5 Non-expedited Private Transcript.

The maximum per page fee that a court reporter may charge for one original and one additional copy of a non-expedited private transcript shall be \$5.00 with a minimum fee of thirty-five dollars (\$35.00). Re-orders of an existing transcript shall be \$1.50 per page.

1003.2.6 Expedited Transcript.

The maximum per page fee that a court reporter may charge for an expedited transcript shall be as follows:

- (1) Within seven working days: \$6.00 per page

1003.2.7 Reporting of Transcript Fees.

Each court reporter shall report at least on an annual basis to the Indiana Supreme Court, Office of Judicial Administration, on forms prescribed by the Office of Judicial Administration, all transcript fees (either County indigent, State indigent, or private) received by the court reporter.

1003.2.8 Transcript preparation.

The preparation of any transcript for payment shall not be performed during regular work hours, including but not limited to transcribing, copying, or other functions related to the compilation of the transcript.

1003.2.9 Transcript copies.

An electronic or digital copy of any County or State indigent transcript that has already been prepared will not be assessed a fee unless the court reporter is supplying the disk or other medium, in which case a fee of \$5.00 will be charged.

1003.3 Private Practice.

If a court reporter elects to engage in private practice through recording of a deposition and/or preparing of a deposition transcript and desires to utilize the Court's equipment and workspace, and the Court agrees to the use of the Court equipment and workspace for such purpose, the Court and the court reporter shall enter into a written agreement which must, at a minimum, designate the following:

- (1) The court reporter shall at their own expense supply paper and covers for the preparation of such deposition transcript;
- (2) The reasonable market rate for the use of equipment, workspace, and supplies and the method by which the court reporter is to reimburse the court for the use of said equipment, workspace, and supplies;
- (3) That if a court reporter elects to engage in private practice through recording of a deposition and/or the preparing of a deposition transcript, that such private practice shall be conducted outside of regular working hours, unless the time is considered as compensatory time off from regular work hours.