

**STATE OF INDIANA – COUNTY OF PORTER
IN THE PORTER CIRCUIT AND SUPERIOR COURTS**

**Notice of Proposed New Rule or Amendment(s) to Local Court Rule(s)
[October 18, 2022]**

In accordance with Trial Rule 81 of the Indiana Court Rules, the Porter Circuit and Superior Courts hereby give notice to the bar and the public that the Courts propose to amend the Local Rule(s) 6400-SC00-1800, 3000.15, 3000.80 and 3000.85, for the courts of record of Porter County, effective January 1, 2023.

All new text is shown by underlining and deleted text is shown by ~~strike through~~. Supreme Court approval is required for Local Rules concerning case load allocation and special judge assignments will not take effect until approved by the Supreme Court.

Notice has been given to the public by posting on the website of the Porter County Clerk and at the Indiana Judiciary webpage for Local Rules (<https://www.in.gov/courts/publications/local-rules/>), and by furnishing a copy to the officers of the Porter County Bar Association. A paper copy of the proposed amended local rule(s) will be made available for viewing in the office of the Clerk of Porter County, 16 East Lincolnway, Valparaiso, Indiana 46383 during normal business hours.

The time period for the bar and the public to comment shall begin on November 1, 2022, and shall close on November 30, 2022. The proposed amendments to the rule will be adopted, modified, or rejected before December 9, 2022, and, if required, the final version of the rule will be submitted to the Indiana Supreme Court for review and approval not later than December 13, 2022.

Comments by the bar and the public should be made in writing to:

Hon. Mary DeBoer, Judge of the Porter Circuit Court, Attn: Public Comment on Local Rules, Porter County Courthouse, 16 E. Lincolnway, 3rd Floor, Valparaiso, Indiana 46383, Fax (219) 465-3647, or Email: mary.deboer@porterco.org.

DATED this 18th day of October, 2022 on behalf of the Judges of Porter County.

Mary DeBoer/S/
Judge
Porter Circuit Court

LR6400-SC00-1800 VENUE

Local Small Claims (SC) and Evictions - Small Claims (EV) Venue.

When Porter County is the proper venue for a small claims and eviction – small claims actions under Indiana Small Claims Rule 12, said actions shall be filed as follows:

- A. Small claims and Evictions – Small Claims, from Washington, Boone, Pleasant, Center, Union, Porter and Morgan Townships shall be filed in Porter Superior Court #4, sitting in Valparaiso, Indiana.

- B. Small claims and Evictions – Small Claims from Jackson, Liberty, Pine, Portage, and Westchester Townships shall be filed in Porter Superior Court #3 and Porter Superior Court #6, sitting in Portage, Indiana on a tally basis kept by the Clerk of the Court. Where proper venue for small claims and eviction small – claims cases would lie in either Porter Superior Court #3 or Porter Superior Court #6, uncontested collection cases filed in volume by an individual plaintiff or an attorney representing several plaintiffs shall be filed in a group in the Court that would be next available by Clerk tally. The Clerk shall at all times keep the next available cause number confidential.

In the event the filing of cases pursuant to this rule shall result in a disparity of small claims and eviction small – claims filings reflected by the Quarterly Case Status Report (QCSR), the Judges of the Superior Court County Division may jointly direct the Clerk of the Court to assign case filings in the County Division, so as to eliminate the disparity.

3000.15 Case Type Categories PL, CT, TS, TP, EV (civil) and MF. PL, CT, TS, TP, EV (civil) and MF cases are assigned and distributed by the use of Odyssey Case Management Software by the Office of the Clerk and Court Administrator for each case type on an even, random and rotating assignment of cases to the following Courts:

- (A) Superior Court 1
- (B) Superior Court 2
- (C) Superior Court 5

3000.80 Selection of Special Judges Under Trial Rule 79(H) – Superior Division.

(A) For case types CT, EV (Civil), MH, PO, MI, PL, CC, SC, XP, and MF, and any other civil case types as may hereafter be required to be reported on the Quarterly Case Status Report, the Court Administrator shall select a special judge on a rotating basis, excluding the judge for whom a special judge is being selected, from the following list of full-time judicial officers.

- (1) Judge of the Porter Superior Court 1.
- (2) Judge of the Porter Superior Court 2.
- (3) Judge of the Porter Superior Court 3.
- (4) Judge of the Porter Superior Court 4.
- (5) Judge of the Porter Superior Court 5.
- (6) Judge of the Porter Superior Court 6.
- (7) Magistrate #1.
- (8) Magistrate #2.

3000.85 Selection of Special Judges Under Trial Rule 79(H) – County Division.

(A) For cases types EV (Eviction – small claims), CT, MH, PO, MI, PL, CC, SC, XP, and MF and any other civil case types as may hereafter be required to be reported on the Quarterly Case Status Report, the following procedure shall be used to select a special judge:

- (1) For cases in Superior Court 3, the case shall first be assigned to Superior Court 6. If that judge does not qualify, then the case shall be assigned to Superior Court 4.

- (2) For cases in Superior Court 4, the case shall be first assigned to Superior Court 3. If that judge does not qualify, then the case shall be assigned to Superior Court 6.
- (3) For cases in Superior Court 6, the case shall be first assigned to Superior Court 4. If that judge does not qualify, then the case shall be assigned to Superior Court 3.

- (B)** If all County Division judges are disqualified from serving, then the Court Administrator shall select a special judge on a rotating basis from Superior Court 1, Superior Court 2, and Superior Court 5 judges until all judges have been disqualified.

- (C)** If all judicial officers listed in Sections A and B are disqualified from serving, the Court Administrator shall randomly select a special judge from the Porter County Magistrates. If the first Magistrate selected is disqualified from serving, then the other Magistrate shall be assigned.

- (D)** Should none of the judicial officers above qualify as special judge, see Rule 3000.100 below.