

~~LR45 AR1 01~~ ——— ~~CASELOAD ALLOCATION RULE~~

~~Pursuant to TR81(a), the Lake Circuit/Superior Court adopts this Rule governing the assignment of cases as required by and in accordance with AR 1(E). This rule shall be effective January 1, 2013.~~

~~I. ——— Judicial Reallocation~~

~~To comply with the requirement that the utilization variances between all courts of record in Lake County not exceed forty (40) percentage points, the Court adopted the modifications set forth in Table 1 for the 2011 Caseload Plan. This plan will remain in place for the 2013 Caseload Plan.~~

TABLE 1

<del>COURT</del>	<del>JUDICIAL OFFICERS ASSIGNED UNDER 2011 PLAN</del>
<del>Criminal Division 1 G01</del>	<del>1.5</del>
<del>Criminal Division 2 G02</del>	<del>1.5</del>
<del>Criminal Division 3 G03</del>	<del>1.5</del>
<del>Criminal Division 4 G04</del>	<del>1.5</del>
<del>Circuit Court C01</del>	<del>3.4</del>
<del>Civil Division 1 D01</del>	<del>1.2</del>
<del>Civil Division 2 D02</del>	<del>1.2</del>
<del>Civil Division 3 D03</del>	<del>3</del>
<del>Civil Division 4 D04</del>	<del>1.2</del>
<del>Civil Division 5 D05</del>	<del>1</del>
<del>Civil Division 6 D10</del>	<del>1</del>
<del>Civil Division 7 D11</del>	<del>1</del>
<del>Juvenile Court D06</del>	<del>7.5</del>
<del>County Division 1 D07</del>	<del>2</del>
<del>County Division 2 D08</del>	<del>2.3</del>
<del>County Division 3 D09</del>	<del>2.4</del>
<del>County Division 4 D12</del>	<del>1.3</del>

~~—————~~ **H. Civil and County Division Case Filing**

~~Notwithstanding the enactment of the following statutes, IC 33-28-1-2, IC 33-29-1-1.5, IC 33-29-1.5-2 and IC 33-31-1-9, all of which address jurisdictional issues, the Lake Circuit and Superior Court adopts the following assignment schedule to maintain the efficient administration of justice and to ensure an even distribution of judicial workload among the courts of record in the County of Lake, pursuant to AR1(E).~~

~~The following case types shall be filed as follows:~~

- ~~1. ————— Random filing of PL, CT, MF, and MI cases in the Circuit Court and the Civil Division, Rooms 1, 2, 4, 5, 6 and 7.~~
- ~~2. Random filing of CC and PO cases in the Circuit/Civil Division Courts by court location.~~
- ~~3. The equal distribution amongst the Civil Division of quiet title cases, previously filed exclusively in the Circuit, will allow the Court to meet the .40 objective detailed in AR1(E)(2).~~
- ~~4. With respect to PO cases in Crown Point and Gary, the Circuit Court and Civil Division, Room 3, hear all cases where there is a pending or concluded DR case in those courts involving the same parties. All other PO cases are randomly filed between the Circuit Court and Civil Division Courts at each location.~~
- ~~5. ————— The Superior Court will also continue the practice of assigning CT and PL cases equally amongst the members of the Superior Court, pursuant to the court order of May 7, 2010.~~

~~6. Random filing of FD cases will also continue between the 4 Criminal Division and 4 County Division Courts with the Court maintaining sole discretion over the filing of FD cases in the Superior Court.~~

~~7. The filing of IF and OV cases are addressed in LR45-C.R.2.2-1~~

~~8. There shall be no random filing of civil cases in the County Division.~~

~~9. The County Division shall have exclusive original jurisdiction of all Small Claims Cases, and appeals and/or Trials De Novo of civil cases from City or Town Courts and shall maintain a Plenary Docket, with limited jurisdiction as more fully described below:~~

~~A. The Plenary Docket is limited to cases designated as PL, CT, CC, PO and MI.~~

~~B. Damages for any case filed on the Plenary Docket shall be capped at \$10,000.00 (ten thousand dollars).~~

~~C. The term “damages” shall include attorney fees, but excludes court costs, post judgment interest and any sanctions that a court may impose.~~

~~D. No case seeking equitable relief shall be filed on the Plenary Docket, with the following exceptions:~~

~~a Orders directing the Bureau of Motor Vehicles to issue car titles, car registrations and driver’s licenses~~

~~b Evictions,~~

~~c Replevins, provided the value of the property at issue does not exceed \$10,000.00,~~

~~d~~— Civil proceedings against property related to criminal activities, provided the value of the property does not exceed \$10,000.00;

~~e~~— This rule shall not be construed as limiting the powers of the County Division Courts with respect to collecting judgments, punishing contempts or enforcing its orders.

~~E.~~— These rules should not be construed to exclude a County Division Judicial Officer from adjudicating a case, via transfer or special judge assignment, that would otherwise exceed the jurisdictional parameters set forth for the County Division Courts.

~~F.~~— By filing suit on the Plenary Docket or by filing a counterclaim or cross claim, a party waives any right to relief that is beyond the County Division’s jurisdictional parameters. However, if a party can establish that the claim was mandatory or that due diligence would not have disclosed the need to request such relief prior to filing their suit, or that transfer is appropriate pursuant to T.R. 75(B), upon motion, the case shall be transferred to a court of general jurisdiction. Upon such transfer, the case shall no longer be constrained by the jurisdictional parameters laid out in this rule.

~~10. This rule shall apply to all cases pending in the County Division upon its adoption~~\_\_\_\_\_

~~III.~~ **Case Movement**

~~County Division 1~~ **D07** will receive ~~60%~~ of all IF cases filed in the Superior Court.

~~County Division 2~~ **D08** will not have new IF cases filed.

~~County Division 3 – D09 will receive 25% of all IF cases filed in the Superior Court.~~

~~County Division 4 – D12 will receive 15% of all IF cases filed in the Superior Court.~~

~~———— To address the utilization disparities in the least intrusive manner, the 2013 Caseload Allocation plan focuses mainly on the movement of cases rather than judicial officers whenever possible. The 2011 Caseload Allocation plan returned all SC cases filed in Hammond to County Division 4. As such, these cases are no longer assigned to Civil Division 5 in Hammond.~~

~~———— The current filing pattern in the County Division, which calls for an additional 350 CM cases be filed in County Division 1, will be maintained.~~

~~———— To maintain parity and allowable utilization figures in the Civil Division of the Superior Court, additional PL and CT cases will be assigned, as needed, to Civil Division 4 and Civil Division 5 as part of the normal distribution of cases for equalization purposes. The majority of these cases would have normally been assigned to Civil Division 2, but given the large CC caseload in Civil Division 2 and the nature of batch filing CC cases, PL and CT cases will be reduced in that court, bringing the utilization figures in Civil Divisions 4 and 5 closer to the other courts in the Civil Division.~~

~~———— Finally, to close the gap and achieve the .40 variance threshold, the quiet title cases that had been exclusively filed in the Circuit Court, will be equally distributed amongst the 8 Civil Courts. In 2011, there were 74 such cases filed. By equally dividing the quiet title PL caseload, the gap between the court with the~~

highest utilization figure, Circuit Court, would drop from 1.33 to 1.30 and the court with the lowest utilization figure, Civil Division Room 5, would rise from .88 to .90, thus meeting the requirements set forth in AR1(E)(2). The projected 2013 utilization figures for the Lake Superior and Circuit Courts are portrayed below in Table 3. The Courts with the highest utilization figure under this plan will be the Circuit Court, with projected utilization figures of 1.30. The Court with the lowest projected utilization figure is Civil Division 5 at .90. This .40 difference again meets the requirements of Administrative Rule 1(E).

**TABLE 3**

<b>COURT</b>	<b>CURRENT 2011 UTILIZATION</b>	<b>2013 PROJECTED UTILIZATION</b>
Criminal Division 1 G01	1.11	1.11
Criminal Division 2 G02	1.06	1.06
Criminal Division 3 G03	1.09	1.09
Criminal Division 4 G04	1.08	1.08
Circuit Court C01	1.33	1.30
Civil Division 1 D01	.89	.90
Civil Division 2 D02	1.09	1.10
Civil Division 3 D03	1.01	1.10
Civil Division 4 D04	.89	.90
Civil Division 5 D05	.88	.90
Civil Division 6 D10	.91	.92
Civil Division 7 D11	.91	.92
Juvenile Court D06	1.17	1.17
County Division 1 D07	1.15	1.15
County Division 2 D08	1.21	1.21
County Division 3 D09	1.10	1.10
County Division 4 D12	1.23	1.23
	<b>CURRENT UTILIZATION DIFFERENCE</b> <b><u>.45</u></b>	<b>PROJECTED UTILIZATION DIFFERENCE</b> <b><u>.40</u></b>

LR45-AR1-01 PLAN FOR ALLOCATION OF JUDICIAL RESOURCES -

PROPOSED

I. Pursuant to TR81(a), the Lake Circuit/Superior Court adopt this Rule, effective January 1, 2015, governing the assignment of all cases filed in the Lake Circuit or Superior Courts as required by and in accordance with AR 1(E). Unless changed by the court through addition, deletion and/or amendment, these rules shall remain in effect until December 31, 2016. Notwithstanding the enactment of the following statutes, IC 33-28-1-2, IC 33-29-1-1.5, IC 33-29-1.5-2 and IC 33-31-1-9, all of which address jurisdictional issues, the Lake Circuit and Superior Courts adopt the following case assignment schedule:

1. All MR, FA, FB, FC (Murder and Felony Levels 1,2 3,4 and 5 after June 30, 2014) shall be filed in the Criminal Division pursuant to L.R. 45 C.R. 2.2.1
  
2. FD (Level 6 cases after June 30, 2014) cases shall be assigned amongst the 4 Criminal Division and 4 County Division Courts pursuant to the requirements of L.R. C.R.-2.2.1 in such a manner so as to insure the equal distribution of said cases. The Superior Court maintains sole discretion over the filing of FD (Level 6 cases after June 30, 2014) cases.
  
3. PC, CM, and MC cases shall be filed pursuant to the requirements of L.R. 45 C.R. 2.2.1 with the following exception:
  - A. an additional 350 CM cases are to be filed in County Division 1 to meet caseload utilization requirements.
  
4. The filing of IF and OV cases is addressed in LR45-C.R.2.2.1 and as modified below:
  - A. County Division 1 – D07 will receive 60% of all IF cases filed in the Superior Court.
  - B. County Division 2 – D08 will not have new IF cases filed.

- C. County Division 3 – D09 will receive 25% of all IF cases filed in the Superior Court.
- D. County Division 4 - D12 will receive 15% of all IF cases filed in the Superior Court.
5. All JC, JD, JS, JP, JM, and JT cases shall be filed in the Superior Court, Juvenile Division.
6. All CT and PL cases shall be filed in the Clerk’s Office in Crown Point. CT and PL cases shall be distributed throughout the Circuit Court and Superior Court, Civil Division in such a manner as to insure utilization variances are met.
7. All MF and MI cases shall be randomly filed in the Circuit Court and Civil Division, Rooms 1, 2, 4, 5, 6 and 7 and shall be filed in the Clerk’s Office in Crown Point. However, MI cases seeking a name change may be filed in the Clerk’s Office in Crown Point, Gary, Hammond or East Chicago. Such cases shall be randomly assigned by the Clerk at each location in such a manner so as to ensure an equal division of them to the Circuit and Civil Division Courts at each location.
8. CC cases may be filed in the Circuit Court and Superior Court, Civil Division Courts by court location with the following exception:
- A. During any calendar year, no more than 400 CC cases shall be filed in Superior Court, Civil Division, Room 2.
9. Protective Order (PO) cases may be filed in the Circuit Court, Superior Court, Civil Division and Juvenile Division Courts by court location in the following manner:

A. In PO cases filed in Crown Point, where the parties are married with children and have a pending or previous dissolution case, the PO shall be assigned to the Court having jurisdiction over the previous or pending case.

B. In PO cases filed in Crown Point, where the parties are married with children but no dissolution case has been filed, the PO shall be assigned to the Circuit Court.

C. In PO cases filed in Crown Point, where the parties are not married but have children, the PO shall be assigned to the Juvenile Division.

D. In PO cases filed in Crown Point, where the parties are not married but have children and have a pending paternity case, the PO shall be assigned to the Juvenile Division.

E. Notwithstanding the above listed paragraphs A through D, in the event there is an emergency, serious injury, and/or threat of serious injury to the Petitioner, the PO filed in Crown Point shall be assigned to the Circuit Court, Superior Court, Civil Division or Juvenile Division. After due consideration and determination of the Petition for Protective Order, said court shall transfer any further action on the Protective Order to the Court having jurisdiction over the companion case (dissolution or paternity).

F. In PO cases filed in Crown Point, where there is alleged domestic violence and the parties are not married and have no children, the PO shall be assigned to the Circuit Court or Superior Court, Civil Division.

G. In PO cases filed in Crown Point, where stalking is alleged, the PO shall be assigned to the Circuit Court or Superior Court, Civil Division.

H. In PO cases filed in Crown Point, where there has been domestic violence and one of the parties is in custody or criminal charges have been filed, the PO shall be assigned to the Circuit Court or Superior Court, Civil Division.

I. In PO cases filed in Crown Point, where there has been sexual abuse of a minor alleged, the case shall be assigned to the Juvenile Division.

J. In PO cases filed in Gary, where the parties are married with children and have a pending or previous dissolution case in the Superior Court, Civil Division, Room Three, the PO shall be assigned to Superior Court, Civil Division, Room Three.

K. Notwithstanding the above assignment parameters established for PO cases, all other Protective Orders filed in Crown Point, Gary and Hammond shall be assigned by the Clerk of the Circuit Court, Superior Court, Civil Division and Juvenile Division as to insure equal case distribution.

L. The Clerk of the Circuit Court, Superior Court, Civil Division and Juvenile Division shall process all PO filings and have them assigned and delivered to the proper Court consistent with these rules no later than 3:30P.M. unless there has been serious bodily injury or threat of bodily injury.

10. All DR and RS cases shall be filed in either the Circuit Court in Crown Point or in the Superior Court, Civil Division - Room 3 in Gary.

11. All MH, ES, EU and TR cases shall be filed in either the Circuit Court or in the Superior Court, Civil Division Rooms 2, 4 and 5.

12. Petitions for the appointment of a guardian over the person of a minor shall be filed in the Circuit Court or Superior Court, Civil Division, Rooms 2, 3, and 5.

13. Petitions for adoption shall be randomly filed in the Civil Division courts located in Hammond and Gary and in the Circuit Courts and Civil Division courts located in Crown Point. Petitions for Adoption may also be filed in the Lake Superior Court, Civil Division, Room 2, sitting in East Chicago.

14. Petitions for adoption which are reasonably anticipated to be opposed by any person shall be filed either in the Circuit Court or in Superior Court, Civil Division Room 3.

15. The County Division shall have exclusive original jurisdiction of all Small Claims Cases, and appeals and/or Trials De Novo of civil cases from City or Town Courts and shall maintain a Plenary Docket, with limited jurisdiction as more fully described below:

A. There shall be no random filing of civil cases in the County Division.

B. The Plenary Docket is limited to cases designated as PL, CT, CC, PO and MI.

C. Damages for any case filed on the Plenary Docket shall be capped at \$10,000.00 (ten-thousand dollars).

D. The term “damages” shall include attorney fees, but excludes court costs, post judgment interest and any sanctions that a court may impose.

16. No case seeking equitable relief shall be filed on the Plenary Docket, with the following exceptions:

- A. Orders directing the Bureau of Motor Vehicles to issue car titles, car registrations and driver's licenses.
- B. Evictions.
- C. Replevins, provided the value of the property at issue does not exceed \$10,000.00.
- D. Civil proceedings against property related to criminal activities, provided the value of the property does not exceed \$10,000.00.

17. This rule shall not be construed as limiting the powers of the County Division Courts with respect to collecting judgments, punishing contempts or enforcing its orders.

18. These rules should not be construed to exclude a County Division Judicial Officer from adjudicating a case, via transfer or special judge assignment, that would otherwise exceed the jurisdictional parameters set forth for the County Division Courts.

19. By filing suit on the Plenary Docket or by filing a counterclaim or cross claim, a party waives any right to relief that is beyond the County Division's jurisdictional parameters. However, if a party can establish that the claim was mandatory or that due diligence would not have disclosed the need to request such relief prior to filing their suit, or that transfer is appropriate pursuant to T.R. 75(B), upon motion, the case shall be transferred to the Circuit or Civil Division Courts. Upon such transfer, the case shall no longer be constrained by the jurisdictional parameters laid out in this rule.

20. This rule shall apply to all cases pending in the County Division upon its adoption.