

**IN THE CIRCUIT AND SUPERIOR COURTS OF LAGRANGE COUNTY**

**In the Matter of LaGrange    )**  
**County Local Court Rules    )**

**NOTICE OF PROPOSED CASELOAD ALLOCATION PLAN AMENDMENT,**  
**FINDING GOOD CAUSE TO DEVIATE FROM ESTABLISHED SCHEDULE,**  
**REQUEST FOR COMMENTS AND SUPREME COURT APPROVAL**

The judges of the LaGrange Circuit Court and LaGrange Superior Court give Notice under Trial Rule 81(B), and find good cause under Trial Rule 81(D) to deviate from the schedule established by the Division of State Court Administration for amending local rules. The courts propose amendments to their caseload allocation plan at **LR44-AR1-9** and **LR44-CR2.2-10**. We request Supreme Court approval for these amendments.

All new language is shown by underlining and all deleted language is shown by ~~striking through~~.

Comments may be made on these proposals until **March 26, 2015** to Hon. J. Scott Vanderbeck, LaGrange Circuit Court 105 North Detroit Street, Lagrange, IN 46761, or by email at: [judgev@lagrangecounty.org](mailto:judgev@lagrangecounty.org).

The **effective date** for the amended rule will be upon approval of the Supreme Court.

DATED this 23rd day of February, 2015.

\_\_\_\_\_/S/\_\_\_\_\_  
Lisa M. Bowen-Slaven, Judge,  
LaGrange Superior Court

\_\_\_\_\_/S/\_\_\_\_\_  
J. Scott Vanderbeck, Judge  
LaGrange Circuit Court

## **LR44-AR1-9 Caseload Allocation Plan**

### **A. Criminal, Infraction and Ordinance Violation Cases**

Criminal cases shall be filed pursuant to LR44-CR2.2-10. All infraction and ordinance violation cases shall be assigned to the Superior Court.

### **B. Probate and Related Cases**

Estate, Guardianship, ~~Adoption~~ and Trust cases shall be assigned to the LaGrange Circuit Court. Adoption cases shall be equally divided between the LaGrange Circuit and Superior Courts.

### **C. Juvenile Cases**

Paternity and Child in Need of Services cases shall be equally divided between the two Courts.

All other juvenile cases, ~~including paternity cases,~~ shall be assigned to the LaGrange Circuit Court.

### **D. Small Claims Cases**

All small claims cases shall be assigned to the LaGrange Superior Court.

### **E. Reciprocal Support Cases**

All reciprocal support cases shall be assigned to the LaGrange Circuit Court.

### **F. All Other Civil Case Types**

Cases other than those mentioned in the preceding paragraphs may be filed in either Circuit Court or Superior Court, at the discretion of the filing party. However, 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.

### **G. Re-filed Cases**

Except when a change of venue is necessary, 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.

### **H. Caseload Review**

The Judges of the LaGrange Circuit and Superior Court shall meet during the months of July and January, of each year to review the caseloads of the Courts. They shall, at those meetings, make and transfer of cases which they deem necessary to provide for the more expeditious handling of cases in LaGrange County and to help to alleviate any disparity in the Courts' caseload.

Further, the Judges shall meet to discuss caseloads and make transfers at such other times as either Judge may deem necessary.

## **LR44-CR2.2-10 Criminal Case Assignment**

### **A. Initial Case Assignment**

(1) All cases arising under Indiana Code Title 9, or in the instance of cases containing multiple counts, where any of the counts arises under Indiana Code Title 9, shall be filed in the LaGrange Superior Court.

(2) All cases arising under Indiana Code 35-46-1-5 shall be filed in the LaGrange Circuit Court.

(3) 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.

(4) All other criminal cases shall be filed first with the Clerk of the Court. The Clerk shall docket cases with each court by using a system of "lot" or random selection while ensuring that an equal division of the felony and misdemeanor cases exist between the Courts.

(5) In the event a cause is dismissed, it may later be re-filed in the same court.