

LOCAL COURT RULES FOR THE JEFFERSON CIRCUIT & SUPERIOR COURTS INDIANA

**BLAINE S. GOODE, JUDGE
JEFFERSON SUPERIOR COURT**

**DONALD J. MOTE, JUDGE
JEFFERSON CIRCUIT COURT**

Effective January 1, 2024

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LR39-AR00-1

Conduct, Dress and Courthouse Policies

A. Professional Conduct. It is intended that the business of the Courts of the Jefferson County will be conducted by the Judges in an atmosphere that is safe and secure, with a decorum that is appropriate to the fair and just resolution of the legal conflicts the Court is called upon to decide.

B. Behavior in the Courthouse. While in the courthouse within Jefferson County, the following behavior is required:

- (1) All persons within the courthouse shall refrain from loud, vulgar, disruptive, or abusive behavior;
- (2) Lawyers, litigants, and spectators shall refrain from unnecessary conversation in the courtroom that would disturb the proceedings. Any necessary conversation in the courthouse or in the courtroom shall be conducted at a sufficiently low voice level as not to interfere with the conduct of trials, hearings, or other proceedings before the court;
- (3) Litigants and spectators shall not enter the courtroom with food or beverages without prior approval of the Court;
- (4) Lawyers, litigants, or any other person within the courthouse shall not smoke or chew tobacco while in the courthouse. Chewing gum is not permitted in the courtrooms.

C. Appearance and Dress. Every person who enters a courtroom in Jefferson County should be appropriately dressed. Lawyers should appear for court proceedings in professional attire. Litigants, witnesses, and spectators to court proceedings should appear in appropriate attire.

D. Prohibited Items. To ensure compliance with state law and to promote public safety, the following rules apply to the presence or use of specific items in and around the courthouse within Jefferson County:

(1) **Weapons.** No person may possess firearms, knives, or other deadly weapons while in or around the courthouse within Jefferson County without the prior written authorization of the Judges of the Circuit or Superior Courts. However, a law enforcement officer who is not a litigant in a pending matter and who is appearing as a witness or for other official purposes, may retain possession of his or her issued firearm while in the courthouse, so long as he or she advises and receives the permission of courthouse security staff upon entering the courthouse.

(2) **Cameras, Telephones, and Other Items.**

To further compliance with Rule 2.17 of the Indiana Code of Judicial Conduct, the possession of any device capable of broadcasting, recording or capturing audio, video or still images is hereby prohibited in the Jefferson Circuit Court, the Jefferson Superior Court, the offices of each court and the areas immediately adjacent thereto, which encompasses the entirety of the second and third floors of the Jefferson County Courthouse. Examples of the types of devices prohibited

under this rule include, but are not limited to, cameras of any type, smart devices, such as phones, tablets, watches, and digital devices capable of broadcasting, recording or capturing audio, video or still images. This list is provided for example only and is not an exhaustive list of prohibited devices.

This prohibition does not apply to:

- (i) Employees of the Jefferson Circuit Court, Jefferson Superior Court or the office of the Clerk of Courts.
- (ii) Attorneys who are present at court for official business and who present a current Certificate of Good Standing card issued by the Indiana Supreme Court or an equivalent credential from another state.
- (iii) Other government employees who are present at court for official business and who present official identification or credentials to courthouse security at the time of entry into the courthouse.
- (iv) Social service providers, including volunteers, who present official identification or credentials to courthouse security at the time of entry into the courthouse.
- (v) Law enforcement, corrections, and security officers who are present at court for official business.
- (vi) Members of the press, with prior authorization from the sitting judge, in a manner consistent with Rule 2.17 of the Indiana Code of Judicial Conduct.

E. Enforcement. The Sheriff of Jefferson County (hereinafter “Sheriff”) and his appointed deputies are authorized to monitor and enforce compliance with these Rules. Any person violating the rules regarding weapons, cameras, cellular telephones, or other electronic devices may be subject to applicable criminal or civil penalties.

F. Consent to Search. All persons entering the courthouse within Jefferson County, except those previously exempted by the Judges thereof, are required to pass through a magnetometer/x-ray screening point and to comply with all reasonable requests of courthouse security personnel. The Sheriff, law enforcement officers, or court security personnel may detain any person who they have reason to believe possesses any weapon or other prohibited item in violation of this Rule for a period of time sufficient to obtain name, address, date of birth, social security number, and/or to seize any weapon or other prohibited item and to take any other action authorized by law.

LR39-CF-2.2-CR-2

Assignment & Reassignment of Criminal Cases

- A. Except as herein set forth, all misdemeanor cases shall be filed in the Jefferson Superior Court.
- B. Any Title 35 offenses where the defendant is under the age of eighteen shall be filed in the Jefferson Circuit Court. All Level 5 and Level 6 felony non-support cases shall be filed in the Jefferson Circuit Court.
- C. All other Level 6 and Level 5 felonies shall be filed in the Jefferson Superior Court.
- D. All murder and Level 1, Level 2, Level 3 and Level 4 felony cases shall be filed in the Jefferson Circuit Court.
- E. Any criminal charge based upon the issuance of a protective order issued by either Court shall be filed in the Court that issued the protective order. Any criminal case against a person who has a pending petition to revoke probation case in either Court shall be filed in the Court where the probation revocation is pending, except murder and Level 1 felony charges which shall be filed in the Jefferson Circuit Court.
- F. Any cases which may be joined by statutes shall be treated as one case for purposes of determining which Court shall be selected. The highest charge filed shall determine selection.
- G. The judges of the two courts shall retain authority to reassign cases between the courts whenever the work load of each Court, or convenience in handling the case, makes such a reassignment judicially desirable. When a motion for a change of Judge has been granted pursuant to Criminal Rule 12(B), or an order of disqualification or recusal has been entered, the Clerk shall assign a judge randomly from the following list:
 - 1. Judge of the Scott Circuit Court
 - 2. Judge of the Scott Superior Court
 - 3. Magistrate of the Scott Circuit & Superior Courts
 - 4. Judge of the Switzerland Circuit Court
 - 5. Judge of the Jennings Circuit Court
 - 6. Judge of the Jennings Superior Court
 - 7. Magistrate of the Jennings Circuit & Superior Courts
 - 8. Judge of the Ripley Circuit Court
 - 9. Judge of the Ripley Superior Court
 - 10. Judge of the Clark Circuit Court 1
 - 11. Judge of the Clark Circuit Court 2
 - 12. Magistrate of the Clark Circuit Court 2 and Superior Court 6
 - 13. Judge of the Clark Circuit Court 3
 - 14. Magistrate of the Clark Circuit Court 3
 - 15. Judge of the Clark Circuit Court 4
 - 16. Magistrate of the Clark Circuit Court 4
 - 17. Judge of the Clark Superior Court 5

18. Magistrate of the Clark Superior Court 5
19. Judge of the Clark Superior Court 6
20. Judge of the Dearborn/Ohio Circuit Court
21. Magistrate of the Dearborn Circuit Court
22. Judge of the Dearborn Superior Court 1
23. Judge of the Dearborn Superior Court 2

LR-39-CF-2.2-CR-2.3

DISCOVERY IN CRIMINAL CASES

Purpose: To facilitate the timely exchange of essential, non-protected case information between the State of Indiana and the defendant without the necessity of motions or court orders.

General Provisions:

- a. Within thirty (30) days from the date of this order, the State shall disclose and provide to the Defendant all relevant items and information under this Order to the defendant. The Defendant shall disclose and provide to the State all relevant items and information under this Order to the State within ten (10) days after the State's disclosure.
- b. Written Motions for discovery or compliance with Ind. Evidence Rule 404(B) are unnecessary and disfavored. No written motion is required, except to compel compliance with this order, for additional discovery not covered under this order, for a protective order, or for an extension of time.
- c. All parties have a *corresponding duty to seek out discovery*. Motions for specific discovery are permitted. Failure to file a Motion to Compel may result in the waiver of this right; failure to comply with providing discovery may result in sanctions, including the exclusion of evidence.
- d. The State shall file a Notice of Intended Witnesses & Exhibits no later than fifteen (15) days after providing initial discovery to the Defendant. The Defendant shall file a Notice of Intended Witnesses & Exhibits within five (5) days after receipt of the State's Notice.
- e. Matters not subject to Disclosure.
 - i. Work Product: Disclosure hereunder shall not be required of any records to the extent that they contain the opinions, theories, or conclusions of the State or members of its legal or investigative staff, or of Defense counsel or counsel's legal or investigative staff.
 - ii. Informants: Disclosure of an informant's identity shall not be required where there is a paramount interest of non-disclosure and where a failure to disclose will not infringe upon the Constitutional rights of the accused. Disclosure shall not be denied hereunder of the identity of witnesses to be physically produced at trial or hearing.

- f. Protective Orders: Either the State or defense may apply for a protective order for non-disclosure of discovery required hereunder or any additional requested discovery. Ind. Trial Rule 26(C).
- g. All parties are under a continuing duty to supplement the discovery disclosures required hereunder. Supplementation of disclosures shall be made within a reasonable time after the obligation to supplement arises.
- h. Failure of a party to comply with either the disclosure requirements or the time limits required by this Order may result in the imposition of sanctions against the noncompliant party. These sanctions may include, but are not limited to, the exclusion of evidence at a trial or hearing.
- i. The parties may perform these disclosure obligations in any manner mutually agreeable, including by EFM Service, email, or other means. Compliance may include a notification to the defendant or defense counsel that material and information being disclosed may be inspected, obtained, tested, copied, or photographed at a specified reasonable time and place.
- j. Any disputes among the parties concerning discovery shall be resolved in accordance with Ind. Trial Rule 26(F).

State Disclosures:

- k. The State shall disclose the following materials and information within its possession or control:
 - i. The names and last known addresses of persons whom the State intends to call as witnesses along with copies of their relevant written and/or recorded statements.
 - ii. Any written, oral, or recorded statements made by the accused or by a co-defendant, and a list of witnesses to the making and acknowledgment of such statements.
 - iii. If applicable, the State shall disclose the existence of grand jury testimony of any person whom the prosecuting attorney may call as a witness at any trial or hearing in the case.
 - iv. Any reports or statements of experts, made in connection with the particular case, including results of physical or mental examinations and of scientific tests, experiments or comparisons.

- v. Any books, papers, documents, photographs, or tangible objects that the prosecuting attorney intends to use in the hearing or trial or which were obtained from or belong to the accused.
 - vi. Any criminal history information of the Defendant and of any witness the State intends to call at hearing or trial.
 - vii. Any character or credibility evidence under Ind. Evidence Rules 404, 405, 608 and/or 609, as to the Defendant or any witness. This Order shall be construed as a request for the same by a Defendant under Evid.R. 404(b)(2).
 - viii. Any material or information within the State's possession or control that tends to negate the guilt of the accused as to the offenses charged or would tend to reduce the punishment for such offenses.
- l. The State may refrain from providing a witness' address or other contact information under this rule if the State in good faith believes this disclosure may jeopardize the safety of the witness or the witness' immediate family. In such cases, the State shall make the witness available to the defense counsel upon reasonable notice.

Defendant's Disclosures:

- m. The Defendant shall furnish the State with the following material and information within his or her possession or control:
- i. The names and last known addresses of persons whom the Defendant intends to call as witnesses along with copies of their relevant written and recorded statements.
 - ii. Any books, papers, documents, photographs, or tangible objects Defendant intends to use as evidence at any trial or hearing.
 - iii. Any medical, scientific, or expert witness evaluations, statements, reports, or testimony which may be used at any trial or hearing.
 - iv. Any defense, procedural or substantive, which the defendant intends to make at any hearing or trial.
 - v. Any record of prior criminal convictions known to the defendant or defense counsel that may be used for impeachment of the persons whom the defense intends to call or cross examine at any hearing or trial.

- vi. Any character or credibility evidence under Ind. Evidence Rules 404, 405, 608 and/or 609, as to the Defendant or any witness. *Garland v. State*, 788 N.E.2d 425, 428-430 (Ind. 2003).

- n. The Court may deny disclosure required by this Order upon a finding that there is substantial risk to any person of physical harm, intimidation, bribery, economic reprisals, or unnecessary annoyance or embarrassment resulting from such disclosure to defendant or counsel.

Indiana Rules of Trial Procedure, Statutory & Case Law:

This Local Rule shall not be interpreted as a limitation of any Rule promulgated by the Indiana Supreme Court, Indiana statute or binding case law; nor shall it be interpreted as alleviating a party's legal and ethical responsibilities regarding discovery. This Local Rule does not preclude either party from utilizing the provisions governing requests for discovery provided for in the Indiana Rules of Trial Procedure, Indiana statute or binding case law to the full extent permitted by said rules. Additionally, the parties may utilize all remedies available in the Indiana Rules of Trial Procedure, Indiana statute or binding case law to enforce, modify, or extend the time within which to comply with this reciprocal discovery Local Rule.

LR39-TR-79-TR-3
Special Judge Assignment in Civil Cases

Whenever a special judge is to be selected pursuant to Trial Rule 79(H), the following method shall be used:

- A. The Jefferson County Clerk shall select a Special Judge by making a random selection from the following list, excluding the then presiding judge of the Court and the judge before whom the cases then pending:
 1. Judge of the Jefferson Circuit Court
 2. Judge of the Jefferson Superior Court
 3. Judge of the Dearborn and Ohio Circuit Courts
 4. Judge of the Dearborn Superior Court – No. 1
 5. Judge of the Dearborn Superior Court – No. 2
 6. Magistrate of the Dearborn Circuit Court
 7. Judge of the Switzerland Circuit Court
 8. Judge of the Ripley Circuit Court
 9. Judge of the Ripley Superior Court

- B. In the event no judge listed above is eligible to serve as a special judge or the particular circumstances of a case warrant selection of a special judge by the Indiana Supreme Court, that situation shall be certified to the Indiana Supreme Court for selection of a special judge.

LR39-DR-00-DR-5
Parenting Seminar Requirement

In any dissolution, paternity, or separation proceeding involving children under the age of eighteen, where custody or visitation is at issue, both parties shall attend and complete a four hour co-parenting seminar through The Center for Divorce Education at divorce.education.com. In any post-dissolution proceeding where custody is an issue, both parents shall attend and complete the seminar unless a parent has attended the seminar within the past two years. The parties are responsible for the payment of all fees required for attendance.

Failure to attend and complete the seminar may constitute cause for the denial of the granting of the dissolution or the custodial or visitation relief requested. Action may also be continued until attendance is accomplished. A party, with leave of Court, may attend a similar seminar or program. A party, with leave of Court, upon motion and for cause shown, may be excused from attending such seminar. The Court may, in its discretion, require parties to also attend an eight hour High Conflict Solutions Parenting Class instead of or in addition to the four hour required course.

At the time of the filing of the dissolution, paternity, or separation proceeding or a post-dissolution proceeding where custody is an issue, the moving party shall serve a notice upon the opposing party of this requirement.

LR39-AR-15-AD-6
Court Reporter Services

1. Court Reporters shall be paid an annual salary.
2. Court Reporters shall do all transcripts on their own time using their own equipment.
3. Court Reporters may charge \$5.00 per page for appellate transcripts including table of contents pages and the volume cover pages. Court Reporters may charge \$5.00 per page for other transcripts and \$2.50 per page for copies of transcripts. If the Court Reporter is requested to prepare an expedited transcript, the maximum per page fee shall be \$8.00 per page where the transcript must be prepared within 24 hours or less and \$6.50 Per page where the transcript us be prepared within 3 working days. A minimum fee of \$50.00 may be charged for transcripts of ten pages or less. An hourly rate of \$22.00 per hour may be charged for time spent binding the transcript and exhibit volumes.
4. Court Reporters shall submit directly to the county claims for indigent transcripts.
5. Court Reporters on a form prescribed by the state, shall on an annual basis report income for transcripts to the Indiana Supreme Court Division of State Court Administration.
6. Court Reporters shall not engage in the private practice of recording depositions or of typing deposition transcripts.
7. The Court can also contract transcript preparation to non-employees at the prices heretofore stated.
8. The Court and the Court Reporter shall enter into a separate written agreement that will regulate the terms and conditions by which gap and overtime hours are governed.

LR39-AR-1-AD-7
Caseload Allocation

Pursuant to AR1, the Courts of Jefferson County, Indiana adopt the following local rules as to caseload allocation:

1. All Child in Need of Services (CHINS), juvenile, mental health, probate, paternity and cases for which the Prosecuting Attorney's IV-D office has entered an appearance shall be filed in Circuit Court.
2. Any DR, DC, or RS case, in which the Prosecuting Attorney's IV-D office enters an appearance subsequent to the initial filing, shall be transferred to the Jefferson Circuit Court upon the entry of appearance by the Prosecuting Attorney's IV-D office.
3. All small claims cases and evictions where the damages alleged are less than ten thousand dollars (\$10,000.00) shall be filed in the Jefferson Superior Court.
4. All criminal cases shall be filed pursuant to LR 39-CF-2.2-CR-2.
5. All other cases may be filed in either Court.
6. The Judges of the Circuit and Superior Courts retain authority to reassign all types of cases between the courts whenever the workload of each court or convenience in the handling the case makes such a reassignment judicially desirable.

LR39-AR-1-AD-7.5
Domestic Relations Cases

- A. All Domestic Relations With Children cases (DC) shall alternate between Circuit and Superior Court.
- B. All Domestic Relations No Children (DN) shall alternate between Circuit and Superior Court.
- C. The method of assigning alternating domestic relations actions shall be by blind random draw done by the Clerk or one of the Clerk's deputies.

LR39-CR-2-8

Jefferson County Problem-Solving Court

1. A “Problem-Solving Court” is established to provide specialized services, including: clinical assessment, education, referral for treatment, and service coordination in case management for eligible defendants as determined by its written policy and procedures.
2. The day-to-day operation and management of the Problem-Solving Court shall be assigned to the Jefferson Superior Court.
3. All criminal charges shall be filed as otherwise provided in this rule. However, after a charge has been filed, a judge may refer the defendant to Problem-Solving Court, and if accepted by the Problem-Solving Court Team, transfer the defendant’s case to the Problem-Solving Court for services in accordance with the Problem-Solving Court Policy and Procedures Manual.

LR39-CR-2-9

Jefferson County Problem-Solving Court Fees

Pursuant to Ind. Code §33-23-16-23, participants in the Jefferson County Problem-Solving Court Program shall pay program fee of \$50 per month, as well as any additional costs associated with the recommended treatment. The clerk of the court shall collect and transmit the program fee within thirty (30) days after the fees are collected, for deposit by the auditor or fiscal officer in the appropriate user fee fund established for that purpose.

LR39-AR-00-10

District 22 Southeastern Indiana Veterans Treatment Court

The Dearborn Superior Court No. 1 Veterans Treatment Court, hereinafter named the Southeastern Indiana Veterans Treatment Court, shall be available for all other courts in District 22 to refer cases to. If any referring district court identifies a potential United States Veteran with a pending felony or misdemeanor criminal charge, and the referring judge, prosecuting attorney, and defense attorney agree to the referral for potential placement in Veterans Court, then the referring judge, prosecuting attorney, or defense attorney shall contact the Veterans Court Coordinator to arrange assessments to determine eligibility and appropriateness.

If a participant is accepted into the Veterans Treatment Court, the referring court shall maintain jurisdiction of the case, and hold a guilty plea and potential sentencing hearing. All court costs, fines, restitution, and probation fees shall be collected and received by the referring court. If a participant is accepted into the Southeastern Indiana Veterans Treatment Court, the Judge of the Dearborn Superior Court No. 1 shall oversee all the participant's Veterans Treatment Court proceedings, hearings, incentives, sanctions, potential termination hearing and potential graduation hearing.

The Judge of the Dearborn Superior Court No. 1 shall have authority to issue arrest warrants when necessary for a sanction or termination. Sanctions involving incarceration shall be served inside the Dearborn County Law Enforcement Center. The schedule of fees set forth under Indiana Code 33-23-16-23 shall be applicable in the Southeastern Indiana Veterans Treatment Court and procedures of assessment and collection of fees pursuant to Problem Solving Court Rules Section 16 shall be followed and received by the Southeastern Indiana Veterans Treatment Court.

All guilty plea and sentencing hearings shall be held in the courtroom of the referring court. All other Veterans Treatment Court hearings shall be held in the Dearborn Superior Court No. 1 courtroom. If a participant is terminated from Veterans Treatment Court, then the referring court shall maintain jurisdiction over the case and shall be responsible for sentencing. If the participant graduates from Veterans Treatment Court, then the referring court shall ensure that any appropriate dismissal of charges or imposition of the appropriate plea agreement terms of the sentence are imposed.

LR39-JR-4-JR-5

Jury Pool Selection Summoning Procedures

In accordance with Jury Rule 4, the Jefferson Circuit and Superior Courts will use a two- tier procedure for summoning jurors and obtaining juror qualification forms as set forth in Jury Rule 4(b).