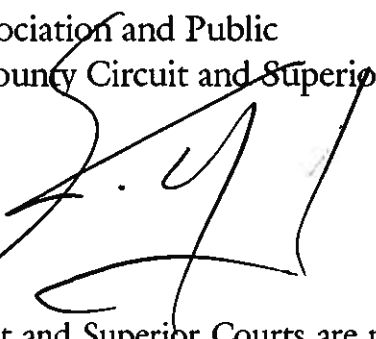


MEMORANDUM

TO: Johnson County Bar Association and Public
FROM: Judges of the Johnson County Circuit and Superior Courts
RE: Changes in Local Rules
DATE: December 6, 2011



Background:

The Judges of the Johnson County Circuit and Superior Courts are modifying the Johnson County Criminal Rules and the Johnson County Domestic Relations Rules to clarify local practice. In addition, new Rules Supplementing Indiana Rules of Trial Procedure are being implemented to define expectations regarding motions practice in civil cases and the maintenance of exhibits in all case types.

Rule Language:

The language of the amendments is set forth fully in the Rule Change Notice Addendum. As a result of the length of the Addendum, it has been circulated to Bar Association members via electronic mail. It is also available on the Johnson County website (co.johnson.in.us) and is available for review in the Law Library.

Summary of Changes in Criminal Rules:

Recently, the Caseload Allocation Rules were modified to more evenly distribute the caseload across the Circuit and Superior Courts with regard to the Miscellaneous Criminal (MC) cases. This change requires slight modification in the Criminal Rules so that they accurately reflect local practice by specifying the courts to which criminal cases can be re-assigned and the distribution of Criminal Misdemeanor (CM) and Miscellaneous Criminal (MC) cases.

Civil Motions Practice Rules:

A number of new civil motions practice rules are being implemented to streamline and unify motions practice in civil cases in Johnson County. These rules address the procedures for withdrawing appearance, specify the form and attachments required with a civil summons, standard response times, proposed orders, electronic submission of proposed orders, document formatting, citation, continuances, special notice in CC cases, and repleading Small Claims cases to the plenary docket.

Additional Miscellaneous Rules:

A few additional miscellaneous rules are also being implemented. The rules outline the

priority for application of partial payments to court ordered fees and costs. In addition schedule for exhibits has been implemented. This schedule permits the destruction of exhibits if they are not removed by the parties within a specific period of time following disposition or the resolution of all appeals. The time period varies with the type of case.

Domestic Relations Rules:

The Domestic Relations Rules have been amended to clarify the mediation requirement. Unless an exception is granted, mediation is required prior to hearing on all contested petitions for dissolution, modification, and / or to determine paternity. Mediation is required on contested contempt proceedings which are expected to take longer than one (1) hour to try.

Comments:

Comments regarding these proposed changes may be submitted via electronic mail to the Court Administrator at dsipe@co.johnson.in.us until January 6, 2012.

Effective Date:

The Judges of the Johnson Circuit and Superior Courts have found that good cause for deviation from the schedule establish by Indiana Trial Rule 81 for implementation of these rules. For that reason, these rules become effective upon approval of the Indiana Supreme Court, on or about January 7, 2012.

Johnson County Circuit and Superior Courts Rule Change Notice Addendum

Johnson County Local Criminal Rules:

LR41 - CR2.2 - 085: Authority and Scope.

These rules are hereby promulgated pursuant to the authority of the Indiana ~~Rules of Court~~, Criminal Rules ~~2.2~~. ~~These rules~~ and shall govern the practice and procedure for the filing assignment of all felony and misdemeanor cases in the Johnson County Circuit and Superior Courts.

LR41 - CR2.2 - 086: Random Case Assignment.

- A. Felonies. In conjunction with the Amended Johnson County Plan for Allocation of Judicial Resources, and subject to the provisions of LR41 - CR2.2 - 087 and LR41 - CR2.2 - 88, all cases involving Felonies shall assigned on a random and equal basis among the Johnson Circuit Court, Johnson Superior Court No. 2, and Johnson Superior Court No. 3.
- B. Misdemeanors, Infractions, and Ordinance Violations.
1. All Criminal Misdemeanors (CM) filed for the purposes of a trial *de novo* from the Franklin City Court or the Greenwood City Court shall be filed and heard in the Johnson Circuit Court.
 2. In conjunction with the Amended Johnson County Plan for Allocation of Judicial Resources, and subject to the provisions of LR41 - CR2.2 - 086 and LR41 - CR2.2 -87, all other Criminal Misdemeanors- (CM), Infraction (IF), and Ordinance Violation (OV) cases shall be assigned on a random basis among the Johnson Circuit Court, the Johnson Superior Court No. 1, the Johnson Superior Court No. 2, and the Johnson Superior Court No. 3. The distribution between these courts shall be:
 - a. -1. One quarter (25%) of such cases shall be filed in the Johnson Circuit Court, the Johnson Superior Court No. 1, and the Johnson Superior Court No. 2 on an random and even basis;
 - b. 2. ~~—~~The remaining three-quarters (75%) of such cases shall be filed in the Johnson Superior Court No. 3;
 - c. 3. Infraction and Ordinance Violation cases shall be heard by the Magistrate of the Johnson County Circuit and Superior Courts; and,
 - d. 4. Unless set forth otherwise herein, Criminal Misdemeanor cases filed in the Johnson Circuit Court, the Superior Court No. 1, and the Johnson Superior Court No. 2, shall be heard by the Magistrate of the Johnson County Circuit and Superior Courts.
- C. Miscellaneous Criminal (MC) Cases.
1. Search Warrants. Miscellaneous Criminal cases opened for Search Warrants shall be assigned among the Johnson Circuit Court, Johnson Superior Court No. 1, Johnson Superior Court No. 2, and Johnson Superior Court No. 3 based upon the annual Judges' On-Call Schedule.
 2. Grand Jury. Miscellaneous Criminal cases opened for Grand Jury proceedings shall be opened in the court of the supervising Judge, pursuant to Rule LR41-CR00-091.
 3. General.
 - a. Miscellaneous Criminal cases opened for rights advisements shall be assigned among the Johnson Circuit Court, Johnson Superior Court No. 1, Johnson Superior Court No. 2, and Johnson Superior Court No. 3 on a random and even basis;
 - b. Miscellaneous Criminal cases opened for rights advisements shall be heard by the Magistrate of the Johnson County Circuit and Superior Courts;
 - c. Miscellaneous Criminal cases opened for probation transfers shall be assigned to the Johnson Circuit Court; and,

- d. Miscellaneous Criminal cases opened for all other reasons shall be assigned among the Johnson Circuit Court, Johnson Superior Court No. 1, Johnson Superior Court No. 2, and Johnson Superior Court No. 3 on a random and even basis.

LR41 - CR2.2 - 087: Re-filings and Subsequent Filings.

- A. Subsequent to Dismissals.
 1. In the event the State of Indiana dismisses a case or charge, any subsequent case or charge filed against the named defendant shall be assigned to the Court from which the dismissal was taken.
 2. It shall be the duty of the Prosecuting Attorney to bring this fact to the attention of the Clerk's Office when charges are re-filed.
- B. New Causes of Action, Generally.
 1. Subject to the provision of subsection (c) below, in the event of the origination of a new cause of action against a defendant with an existing felony or misdemeanor proceeding, the new cause of action shall be assigned to the Court administering the existing cause(s) of action.
 2. It shall be the duty of the Prosecuting Attorney to bring this fact to the attention of the Clerk's Office when the new charges are filed.
- C. New Causes of Action, Probation Revocation.
 1. If the new felony or misdemeanor cause of action filed against a defendant is supported by the same facts upon which a petition revoke probation or direct commitment to a Community Corrections program could be based, the new cause of action shall be assigned to the Circuit or Superior Court in which the related probation or commitment is being supervised.
 2. It shall be the duty of the Prosecuting Attorney to bring this fact to the attention of the Clerk's Office when such new charges are filed.

LR41 - CR2.2 - 089: Reassignment.

- A. In the event a change of Judge is granted, or it becomes necessary to assign another Judge in any felony or misdemeanor proceeding, the case shall be returned to the Clerk's office for random selection as follows:
 1. Murder and Felony cases (MR, FA, FB, FC, and FD) shall be re-assigned among the Johnson Circuit Court, Johnson Superior Court No. 2, and Johnson Superior Court No. 3, excluding any court in which the case has previously been assigned.
 2. Criminal Misdemeanors (CM), Infractions (IF), and Ordinance Violations (OV) shall be re-assigned among the Johnson Circuit Court, Johnson Superior Court No. 1, Johnson Superior Court No. 2, and Johnson Superior Court No. 3, excluding any court in which the case has previously been assigned.~~between the Johnson Circuit Court, Johnson Superior Court No. 1, Johnson Superior Court No. 2, or the Johnson Superior Court No. 3, except that no Misdemeanors shall be assigned, without written order, to Johnson Superior Court No. 2.~~
- B. Upon selection, the case shall be reassigned and transferred to the selected Court.
- C. Misdemeanors reassigned to the Johnson Circuit Court, Johnson Superior Court No. 1, or Johnson Superior Court No. 2 in this manner shall be heard by the Magistrate of the Johnson County Circuit and Superior Courts.
- D. This rule ~~is not intended to~~ does not limit the authority of the Judges to transfer cases between the Courts by agreement of the Judges.

LR41 - CR13 - 090: Appointment of Special Judge.

In the event ~~that no a~~-local Judge is unavailable to accept reassignment of a case pursuant to LR41 - CR2.2 - 089, or the particular circumstance warrants selection of a special judge by the Indiana Supreme Court

~~circumstances arise requiring the Judge to disqualify subsequent to reassignment; such case shall be certified to the Indiana Supreme Court for appointment of a Special Judge.~~

LR41 - CR00 - 091: Grand Jury Supervision.

- A. The November 16, 2001 Standing Order Regarding Grand Jury Proceedings in the Johnson Circuit and Superior Courts is hereby **VACATED**.
- B. Grand Jury supervision shall rotate among the Johnson Circuit Court, Johnson Superior Court No. 2, and Johnson Superior Court No. 3 in the following manner:
 - 1. Requests for a Grand Jury filed between January 1 and April 30 shall be supervised by the Johnson Circuit Court.
 - 2. Requests for a Grand Jury filed between May 1 and August 31 shall be supervised by the Johnson Superior Court No. 2.
 - 3. Requests for a Grand Jury filed between September 1 and December 31 shall be supervised by the Johnson Superior Court No. 3.
- C. The Court's Jury Administrator shall, at the time of the creation of the Quarterly Venire List pursuant to the Amended Local Rules Regarding Selection Of Procedures For Juror Selection, randomly draw the names of twelve (12) Grand Jurors to serve as such.
- D. Any new criminal case filings which result from Grand Jury Proceedings shall be filed in the Court in which the Grand Jury Proceedings were held, as an exception to LR41 - CR2.2 - 086.

~~**LR41 - CR2.2 - 092: Effective Date.**~~

~~Pursuant to T.R. 81(D), there is good cause to deviate from the schedule for approval of local rules. Subject to the approval of the Indiana Supreme Court, these amended rules shall become effective immediately.~~

Civil Motions Practice Rules

LR41-AR00-144: Applicability and Citation of Rules

- A. **Scope.** The following rules shall apply to all cases filed on the plenary dockets in the Johnson Circuit and Superior Courts, and shall not apply to Small Claim, Juvenile, Criminal , or Domestic Relations cases.
- B. **Citation.** These rules may be cited as LR41-_____.

LR41-TR3.1-145: Leave to Withdraw Appearance

- A. **Motion to Withdraw.** All withdrawals of an appearance must be made in the form of a motion filed with the Court.
- B. **Form of Motion.** Motions for leave to withdraw appearance must indicate the client's current mailing address in the Certificate of Service and Proposed Order.
- C. **Client Notification.** An attorney must give the attorney's client ten (10) days written notice of the attorney's intention to withdraw unless:
 - (1) another attorney has filed an appearance for the same party; or
 - (2) the withdrawing attorney indicates in the motion that he or she has been terminated by the client.Failure to conform to this rule may result in the denial of the motion to withdraw as counsel.
- D. **Contents of Client Letter**
 - 1. The letter of withdrawal shall explain to the client that failure to secure the assistance of new counsel may result in dismissal of the client's case or a default judgment may be entered against the client, whichever is appropriate.

2. The letter of withdrawal shall clearly indicate any pending motions, response dates, hearing dates, scheduling orders, or trial dates.

LR41-TR4-146: Summons

- A. Form of Summons.** In addition to the information required under Trial Rule 4(C), the form of the Summons must include the following information:-
- (1) The Answer or response of the Defending or Responding Party must be in writing, signed by the party, and filed with the Court within the time period allowed for a response.
 - (2) The response must dispute the allegations of the Complaint or Petition by including the Defending or Responding Party's response(s) or defense(s) to each claim contained within the Plaintiff's or Moving Party's Complaint in short and plain terms.
 - (3) If a response is required and does not deny the allegations of the Complaint or Petition, the allegations in the Complaint or are admitted, and the moving party will be entitled to the relief requested .
 - (4) Responses are not required in Domestic Relations cases.
- B. Material Submitted with Summons.** At the time of submission of the Summons, the party shall also submit such material to assist the Clerk in causing service to be affected, along with a stamped, return envelope to the Clerk for the return of service. If service by certified mail, registered mail, express mail, or via third-party commercial carrier is requested, the party shall submit any forms or materials required by the United States Postal Service or the Clerk's third party commercial carrier. If service is requested by the Johnson County Sheriff, the party shall submit the fee(s) required. If service is required by a Sheriff from another County,, the party shall submit an envelope addressed to the sheriff along with all such fees required for service by the sheriff.

LR41-TR5-147: General Provisions Regarding Filing of Pleadings, Motions, and Other Papers

- A. Appearance & Signature Required for Filing.** No pleading, motion, or other paper specified in Indiana Trial Rule 5, will be accepted for filing unless such pleading, motion, or other paper has been signed in accordance with Indiana Trial Rule 11 by the attorney of record or a self-represented party. If it is later discovered that a nonconforming pleading or motion has inadvertently been filed the pleading, motion, or paper may be stricken from the record.
- B. Supporting Briefs & Memoranda.**
1. If a party desires to file a brief or memorandum in support of a motion, such brief or memorandum must be filed with the motion.
 2. A supporting brief or memorandum shall be filed with all motions filed under Trial Rules 12 and Trial Rule 56.
 3. Unless accompanied by a Motion for Leave to File a Brief in Excess of Page Limits, Memoranda in support of or in opposition to motions filed under Trial 12 or Trial Rule 56 shall not exceed fifteen (15) pages in length and any reply or surreply briefs thereon shall not exceed eight (8) pages in length.
- C. Responses & Memoranda.**
1. Responses shall be filed within ten (10) days following the date the motion was filed.
 2. Unless otherwise ordered, responses and supporting memoranda to motions filed under Trial Rule 12 and Trial Rule 56 shall be filed thirty (30) days following the date the motion was filed.
 3. The Court may consider those Motions identified in paragraph (E) without a response.
- D. Replies.** Replies are only permitted pursuant to advance Court approval. Petition to file the reply, accompanied by the tendered proposed reply, must be filed within seven (7) days of the response.
- E. Motions Subject To Consideration Without Response.** The Court may consider motions of routine and procedural nature without necessity of a response. Such motions include, those for enlargement of time, for continuance, to withdraw appearance, to dismiss or to withdraw motion by the moving

party, for entry of an Order setting hearing, amend pleadings, compel discovery, for default judgment, and other matters of a routine, non-adversarial nature without necessity of a response.

F. Hearing. Except as provided by rule or statute, motions will be subject to consideration by the Court without hearing. A praecipe for hearing shall be included in a separate rhetorical paragraph within the motion or shall be filed in a separate written motion no later than five (5) days after the response.

G. Tender of Proposed Orders.

1. All motions seeking an order of the Court shall be accompanied by a sufficient number of proposed orders to ensure copies for two (2) copies for the Court and sufficient additional copies for service, if necessary.
2. The party shall also submit stamped, addressed envelopes addressed to all parties, agencies, and third parties involved in the case.
3. Proposed Orders shall include a full distribution list of attorneys, parties, agencies, and third parties involved in the case, including names and addresses, to whom the orders should be sent.
4. Failure to comply with these procedures may delay official processing of proposed orders.

H. Proposed Orders In Contested Hearing.

1. Unless the Court establishes a different period of time, each party in a contested hearing shall submit proposed Orders to the Court for consideration within ten (10) days of the close of evidence in any contested hearing or trial.
2. The Orders shall be provided in both paper and modifiable electronic format.

I. Preparation of Orders. If the Court assigns the preparation of an Order to a party, the party shall prepare and submit the proposed Order to the Court within ten (10) days of the date on which the Court assigns preparation of the Order, unless the Court establishes a different period of time. The party shall submit a copy of the proposed Order to an opposing party for review prior to submission to the Court and include a certification to the Court that a copy has been provided to an opposing party.

J. Providing Digital Copies to Court.

1. This provision applies only to proposed order and / or other documents required by these rules to be provided to the Court in electronic format.
2. Proposed orders in modifiable electronic format shall be provided on Compact Disc, Digital Video Disc, flash drive, or by the Court's specific Proposed Order electronic mail address.
3. The following electronic mail addresses constitute the exclusive list for the purposes of providing digital copies to the Court.
 - A. C01ElectronicCopy@co.johnson.in.us
 - B. D01ElectronicCopy@co.johnson.in.us
 - C. D02ElectronicCopy@co.johnson.in.us
 - D. D03ElectronicCopy@co.johnson.in.us
 - E. MagistrateElectronicCopy@co.johnson.in.us
 - F. JuvenileElectronicCopy@co.johnson.in.us
4. Messages sent to the staff address do not satisfy this requirement.
5. Identifying Submission.
 1. Electronic mail messages providing proposed orders through the Court's specific Proposed Order electronic mail address shall include the Case Name and Case Number in the Subject Line.
 2. Electronic mail messages related to filings made within five (5) days of a hearing shall include the hearing date and time in the Subject Line and the Case Name and Number in the body of the message.

LR41-TR5-148: Special Provisions Regarding Filing of Pleadings, Motions, and Other Papers

A. Special Judge. When a special judge is selected, a copy of all pending pleadings, motions, and other papers must be mailed or delivered to the office of the special judge by the party who sought the change

of venue from the judge. The copies shall be provided with a certificate of forwarding attached, a copy of which shall be made a part of the case file. Any proposed orders must be forwarded to the special judge as well.

- B. Filing by Mail.** When pleadings, motions, or other papers filed via mail or third party commercial carrier, the filing attorney or party must include a self-addressed, stamped envelope for the return of file-stamped documents to the attorney or party. Unless an addressed envelope is provided, file-stamped copies will not returned by any method other than Courthouse Mail.
- C. Filing by Facsimile Transmission.** Pleadings, motions, or other papers may not be filed by facsimile transmission.
- D. Case Numbers.** Except for the initial pleading (Complaint, etc.), no pleading or motion should be filed unless it has a Case Number placed prominently on the face thereof.
- E. Documents Filed Which Affect Hearings.** Any document filed pursuant to Indiana Trial Rule 5(F)(3) within five (5) days of a scheduled hearing which is relevant to, pertains to, or involves the subject matter of the hearing should also be provided to the Court through electronic mail, as set forth above in LR41-TR5-147(J).

LR41-TR 149: Filings Requiring Immediate Action

If a motion, pleading, or paper requires immediate action, the moving party shall bring the emergency nature of the filing to the Court's attention. The mere inclusion of the word "Emergency" in the caption is insufficient.

LR41-TR10-150: General Rules for the Format of Pleadings, Motions, & Other Papers.

- A. Paper Size, Line Spacing, and Margins.** All pleadings, motions, and other papers filed with the Court by attorneys shall follow the format requirements of Indiana Appellate Rule 43(B) - (G).
- B. File Stamp Space.** All pleadings, motions, and papers filed should allow sufficient blank space to the right of the case title to allow space for the file mark without covering the caption or case number. The space shall be a minimum of three (3) inches in width and two and one-half (2 ½) inches in height.
- C. Citation.** Citations to cases, statutes, or other authority should follow that provided in Indiana Appellate Rule 22 and the Uniform System of Citation (Bluebook) and should provide specific pinpoint page citations.
- D. Binding.** All pleadings, motions, and other papers filed with the Court shall be stapled or otherwise bound in the upper left-hand corner so that the pages appear in numerical order.
- E. Non-Conforming Pleadings.** Pleadings, motions, and other papers that do not comply with the foregoing provisions may either be accepted by the Court or returned to the filing party for compliance

LR41-TR10-151: Special Rules for the Format of Pleadings with Special Judge Presiding.

If the case is before a special judge, all pleadings, motions, and other papers shall contain the following to the right of the case title: "BEFORE SPECIAL JUDGE _____."

LR41-TR40-152: Assigning Cases for Trial.

- A.** A case shall be assigned for trial and placed upon the trial calendar by the Court upon written request of a party and notice to all other parties. Except in Small Claims, such request must:
 - 1. contain the type of trial or hearing requested (e.g. jury trial, bench trial);
 - 2. contain a good-faith estimate of the time needed for the trial or hearing;
 - 3. state when it is expected that all parties will be prepared for trial; and
 - 4. reasonably anticipated dates on which the attorney or party is not available.
- B.** In all cases in which trial is expected to exceed one (1) day, the Court will first conduct a scheduling conference and conference under Trial Rule 16, prior to setting a case for trial.

LR41-TR40-153: Settlement and Removing the Case from the Docket.

Counsel for the parties shall be responsible for notifying the appropriate Court immediately upon settlement of a case so that the docket can be cleared and a new case set therein. The appropriate agreed entry, agreed judgment or motion to dismiss shall be filed.

LR41-TR53.5-154: General Requirements for Motions for a Continuance.

- A. Scheduling Conflicts** When counsel for a party requests a continuance because he or she has a conflicting trial scheduled in another court, the motion for a continuance must be filed within twenty-one (21) days after the case in this Court is set for trial or hearing. The motion must also state the name and case number of the other case, as well as the date that the other court set the conflicting case for trial. Failure to timely file may result in a denial of the motion for a continuance.
- B. Time.** With the exception of an emergency, a motion for a continuance must be filed:
 - 1. at least seven (7) days before the court trial or hearing to which the motion pertains, or
 - 2. at least 10 (10) days before the jury trial to which the motion pertains; or
 - 3. as controlled by a pretrial conference order.
- C. Information in Motion.** Motions for a continuance shall contain the following information:
 - 1. The date and time of the hearing or trial for which a continuance is being sought;
 - 2. The reason for the continuance;
 - 3. A good-faith estimate of the time needed for such hearing or trial when rescheduled;
 - 4. The date and time the opposing counsel or opposing party was notified that the party would be seeking a continuance;
 - 5. Whether opposing counsel or opposing party agrees with or objects to the request; and
 - 6. Proposed date(s) and time(s) on which the parties would be available for the rescheduled hearing or trial
- D. Resetting Hearings and Trials -- Civil Plenary (PL) Cases.** In Civil Plenary (CP / PL) cases, for the purpose of determining a date on which a rescheduled hearing or trial may be reset, the moving party shall contact the assistant court reporter who is responsible for the specific case type and shall determine dates and times on which the Court is available to hearing the matter. The party shall then determine the availability of the opposing party or parties.
- E. Scope.** This provisions of this rule apply regardless of whether the parties are self-represented or are represented by counsel.

LR41-TR56-155. Notice at Time of Filing Motion for Summary Judgment in Civil Collection Cases.

In all Civil Collection (CC) cases, the moving party shall submit a Notice to the opposing party in a form substantially similar to Johnson County General Pleading Form 1 at the time of filing of a Motion for Summary Judgment against a self-represented party,

LR41-TR76-156. Transfer or Consolidation of Cases.

Aside from those matters which are transferred or consolidated under the Family Court Rules, requests to transfer cases to the Johnson Circuit or Superior Court shall be made in writing, accompanied by written order for the signature of the forwarding Court. No transfer or consolidation shall be approved, unless such order is consented to in writing by the Judge of the receiving Court.

LR41-TR77-157: Costs for Obtaining Copies of any Pleading, Order, or Recording.

- A. Pleadings and Orders.** On the request of any person, the Clerk of the Court shall make copies of any non-confidential pleading or order at the expense of the person making the request, pursuant to the Clerk's fee schedule. Only parties are entitled to copies to papers or cases deemed Not for Public Access or Confidential.
- B. Recordings.** Audio recordings of hearings are not subject to release.

- C. **Payment in Advance.** All copy costs shall be paid in advance or at the time of receipt of the copied papers.

LR41-TR77-158: Removal of Original Pleadings, Papers, and Records.

No person shall withdraw any original pleading, paper, or record from the custody of the Court or the Clerk of the Court except upon the order of the judge of the Court.

LR41-TR79.1-159. Repleading upon Transfer of Small Claims Cases to Plenary Docket.

- A. **Issues.** A Small Claim case which comes to the Johnson Circuit Court or Johnson Superior Courts from the Magistrate Court through transfer to the plenary docket shall be repleaded in its entirety by the filing a new Complaint and Answer(s) or responsive pleading in compliance with the Indiana Rules of Trial Procedure.
1. The new Complaint shall be filed within twenty (20) days of the date the case is docketed and filed in the Johnson Circuit Court or Johnson Superior Courts or as otherwise ordered by the said Court.
 2. Failure to comply with this Rule may result in the Court not setting the case for trial until the case is repleaded or imposing sanctions which may include dismissal.
 3. At the time of filing the repleaded Complaint, the Plaintiff shall also file a Summons. The Summons and repleaded Complaint shall be served on the opposing party as required by law.
- B. **Answer or Responsive Pleadings.** The opposing party must file an Answer or responsive pleading to the repleaded Complaint as provided by the Indiana Rules of Trial Procedure.
- C. **Procedure and Evidence.** Once transferred to the plenary docket of the Circuit or Superior Courts, the rules and informal procedures of Small Claims cases are not longer applicable to the matter. For that reason, any pleadings, motions, or other procedural matters which are filed after the new Complaint is filed will be governed by the Indiana Rules of Trial Procedure and the Indiana Rules of Evidence.

LR41-TR00-TR-160: Responsibilities of Self-Represented Litigants.

- A. **Choice to Represent Yourself.** Any person may choose to represent herself or himself in any civil case pending in the Johnson Circuit and Superior Courts. Such persons are known as "Self-represented Litigants."
- B. **Standards to Which You Will Be Held.** Self-represented Litigants must present their case using the same procedural rules as do attorneys.
1. The Court cannot treat Self-represented Litigants differently than those represented by an attorney.
 2. The Court and its staff cannot assist Self-represented Litigants in a way that would put the other party / parties at a disadvantage. The Court cannot talk to any litigants about the case without the other party being present.
 3. The Court cannot teach Self-Represented Litigants the Indiana Rules of Evidence or the Indiana Rules of Trial Procedure because that would put the other party at a disadvantage.
 4. Self-represented Litigants must follow the rules of evidence and trial procedure in the presentation of their claims and / or defenses and will generally be held to the same standards as are attorneys.
 5. Self-represented Litigants must provide notice about all court hearings to all other parties.
 6. Self-represented Litigants must provide copies of all papers or documents filed in the case to all other parties.
 7. Self-represented Litigants are responsible for making certain that any witnesses they want to testify are notified of your hearing.
- C. **Correspondence to the Court.**

1. Any letter filed with the Court must: contain the parties' names, the name of the court where the case is filed, and the case number on it.
2. You must provide a copy of any letter you file to the Court to all the other parties in the case.
3. In some circumstances, the Court cannot take action based upon a letter from a litigant.

D. Role of the Court.

1. The Court's job is to consider the testimony and evidence presented during any hearings to determine the facts of the case from any such testimony and evidence, and then to apply the law to those facts.
2. The Court may only consider testimony and evidence that is submitted and actually admitted into evidence according to the Indiana Rules of Evidence and the Indiana Rules of Trial Procedure.

JOHNSON COUNTY GENERAL PLEADING FORM 1

STATE OF INDIANA)		IN THE JOHNSON _____ COURT
) SS:		
COUNTY OF JOHNSON)	41 ____ - _____ - CC - _____	
PLAINTIFF NAME,)		
v.)		
DEFENDANT NAME.)		

NOTICE REGARDING SUMMARY JUDGMENT MOTION

**READ THIS NOTICE AND THE ENCLOSED PAPERS -
A MOTION FOR SUMMARY JUDGMENT HAS BEEN FILED AND,
IF UNOPPOSED, THIS MOTION MAY RESULT IN JUDGMENT BEING ENTERED AGAINST
YOU WITHOUT A HEARING OR TRIAL.**

The Courts of Johnson County, Indiana require that this notice be sent to you about the motion for summary judgment that was filed by the opposing party. This notice does not contain legal advice, but does provide important information about your legal options. Please read it carefully.

The opposing party has filed a motion for summary judgment pursuant to Indiana Trial Rule 56(C). The motion alleges that the facts are not in dispute and the Court can rule as a matter of law. The motion asks the Court to enter judgment in favor of the opposing party without a trial.

As you are not represented by counsel, you are hereby advised of your obligation to respond to the summary judgment motion. Your previous answer, denial or even counter-claim in response to the original complaint is not sufficient to defend a motion for summary judgment. Unless you submit your own affidavits (or other documentary evidence) or a response that specifically identifies information within the existing court records that contradict the factual assertions of the evidence designated in the motion for summary judgment and supporting materials, any factual assertions in our motion and supporting documentation will be accepted by the Court as true. In essence, your failure to respond to the pending motion for summary judgment would be equivalent to failing to present any evidence in your favor at a trial.

If you wish to file a response to the motion, the Court must receive your response within thirty-three (33) days after your opponent's motion was mailed to you. Failure to meet this time frame will result in the Court being unable to consider your response or any attachments thereto.

Either party may request a court hearing on the summary judgment motion. A written request for a hearing must be received by the Court no later than ten (10) days after the response was filed or is due. The hearing will not be a trial, and neither party will be able to present evidence at the hearing. However, either party may make legal argument and refer to the evidence designated with the summary judgment motion or with any response. If no

request for a hearing is filed with the Court, the Court may decide the motion without a hearing based on the affidavits and documents filed by the parties.

Any response or request for hearing must be served (or mailed) on the attorney for the opposing party. A response (or other pleading) filed with the Court must include a statement that you have complied with this requirement. Your statement may be in the following form: "I delivered a copy of this response to (Attorney Name) by United States Mail on this ___ day of _____, 20 ____."

As with any legal matter, you may wish to consult with and/or retain an attorney to represent you in this lawsuit and to assist you in responding to our motion for summary judgment.

[If appropriate under the Federal Fair Debt Collection Act, the following identifying information should be included:

Notice:

Notice Provided by:

Attorney Name, Law Firm (if any), Address, Telephone Number

Our Law Firm is a debt collector. This Notice is provided as part of an attempt to collect a debt, and any information obtained by us will be used for that purpose. As we represent an opposing party, we cannot provide you with legal advice.]

Miscellaneous New Rules

LR41-TR81-161. Scope of Local Rules of the Johnson Circuit and Superior Courts.

Unless otherwise noted by a specific provision, and absent specific court order, these rules apply to proceedings originating in or transferred to the Johnson Circuit and Superior Courts.

LR41-CR00-162. Priority of Fee Payment.

A. Criminal Cases.

1. In the absence of specific court order, the fees and costs ordered in Criminal Cases shall be collected and / or the payments applied in the following order of priority.
 - a. Probation Administrative fee
 - b. Probation User fee
 - c. Alcohol and Drug Service fee (33-37-5-8)
 - d. Supplemental Public Defender Fee or Public Defender Reimbursement * (35-33-7-6)
 - e. Court Costs (I.C. 33-37-4-1)
 - f. Restitution (35-50-5-3)
 - g. Safe School fee (I.C. 33-37-5-18)
 - h. Child Abuse Prevention fee (I.C. 33-37-5-12)
 - i. Drug Interdiction fee (I.C. 33-37-5-9)
 - j. Alcohol Countermeasures fee (I.C. 33-37-5-10)
 - k. Domestic Violence fee (33-37-5-13)
2. In the event that these specific fees, or any other court ordered fees, are not paid, the Court may enter judgment against the individual and may seek appropriate steps to collect the judgment owed.

B. Juvenile Cases.

1. In the absence of specific court order, the fees and costs ordered in Juvenile Cases shall be collected and / or the payments applied in the following order of priority.
 - a. Supplemental Public Defender Fee.
 - b. Probation Administrative Fee
 - c. Probation User Fee
 - d. Community Corrections Programming Fees.

- e. Alcohol and Drug Service Fee.
 - f. Restitution
 - g. Public Defenders Fee
 - h. Juvenile Detention Fees / Costs.
 - i. Court Costs
2. In the event that these specific fees, or any other court ordered fees, are not paid, the Court may enter judgment against the individual, or the parent or guardian of a juvenile, and may seek appropriate steps to collect the judgment owed.

LR41-AR7-00163: Evidence Handling, Retention and Destruction

A. Preamble.

- 1. The retention and maintenance of exhibits shall proceed pursuant to these rules, unless the Court directs a longer retention period on its own motion or after motion by any party.
- 2. These procedures will become effective immediately and will be applied to any cases previously disposed which meet the criteria set forth fully below.

B. Provisions Applicable to All Cases.

- 1. The Court Reporter will photograph as much non-documentary or oversized evidence as practical.
- 2. All Child Support Obligation Worksheets and Financial Declarations shall be permanently archived with the case file.
- 3. At the time of removal, the party shall present a signed receipt to the Court Reporter, which shall be filed in the case.
- 4. After the lapse of time described below, the Court Reporter may dispose of the exhibits (i.e., diagrams, models, depositions, and documents) and / or trial material without further notice to the parties.
- 5. The Court Reporter shall retain the mechanical or electronic records or tapes, shorthand, stenographic, or electronic notes as provided in Indiana Administrative Rule 7.
- 6. Court Reporters should maintain a log of retained evidence and scheduled disposition date and evidence should be held in a secure area.
- 7. Parties and Counsel are reminded of the requirements of Appellate Rule 29(B).

Non-documentary and Oversized Exhibits. Non-documentary and oversized exhibits shall not be sent to the Appellate level Court, but shall remain in the custody of the trial court or Administrative Agency during the appeal. Such exhibits shall be briefly identified in the Transcript where they were admitted into evidence. Photographs of any exhibit may be included in the volume of documentary exhibits. Under no circumstances should drugs, currency, or other dangerous or valuable items be included in appellate records.

C. Civil Cases.

- 1. No Appeal. All exhibits, including, but not limited to models, diagrams, documents, depositions, or other material admitted into evidence or pertaining to the case as exhibits shall be removed by the party offering them in evidence, except as otherwise ordered by the Court, 121 days after entry of a final, appealable order, unless an appeal is taken.
- 2. Following Appeal. If an appeal is taken, original exhibits shall be removed by the party offering them no less than 121 days after all appellate procedural options are resolved.
- 3. Destruction if Not Removed. If exhibits are not removed after 180 days, the Court Reporter may dispose of all exhibits without notice.

D. Post-Conviction Relief, Criminal Misdemeanors, Class D Felonies, and Class C Felonies.

1. No Appeal. All exhibits, including, but not limited to models, diagrams, documents, depositions, or other material admitted into evidence or pertaining to the case as exhibits shall be removed by the party offering them in evidence, except as otherwise ordered by the Court two (2) years after the entry of a final, appealable order, unless an appeal is taken.
2. Following Appeal. If an appeal is taken, all such exhibits shall be retained by the court reporter for one (1) year from termination of the appeal, retrial, or subsequent appeal and termination, whichever is later, unless an action challenging the conviction or sentence, or post-conviction action, is pending.
3. Destruction If Not Removed. If exhibits are not removed, the Court Reporter may dispose of all exhibits without notice.

E. Class B Felonies, Class A Felonies, and Murder.

1. No Appeal. All exhibits, including, but not limited to models, diagrams, documents, depositions, or other material admitted into evidence or pertaining to the case as exhibits shall be removed by the party offering them in evidence shall be removed by the parties offering them in evidence, except as otherwise ordered by the Court, five (5) years after the case is dismissed, the defendant found not guilty, or the defendant is sentenced, unless an appeal is taken.
2. Following Appeal. If an appeal is taken, all such exhibits shall be retained by the court reporter for five (5) years from termination of the appeal, retrial, or subsequent appeal and termination, whichever is later, unless an action challenging the conviction or sentence, or post-conviction action, is pending.
3. Destruction If Not Removed. If exhibits are not removed, the Court Reporter may dispose of all exhibits without notice.

F. Biologically Contaminated Evidence.

1. A party who intends to offer biologically contaminated evidence must file a pretrial notice with the trial court and serve all the parties so that the Court can consider the issue and rule appropriately before trial.
2. A party can show contaminated evidence or pass photographs of it to jurors, but no such evidence, however contained, shall be handled or passed to jurors or sent to the Jury Room unless specifically ordered by the Court.

Domestic Relations Rules

LR41 - FL00 - 100: Mediation.

- A. General Rule. Mediation shall be required prior to final hearing on any contested issue on Petitions for Dissolution of Marriage, Petitions to Establish Paternity, and Petitions to Modify, Petitions to Establish Paternity without regard to the anticipated length of trial, ~~and Petitions to Show Cause that will take longer than one (1) hour to try.~~
- B. Contempt Proceedings. Mediation shall be required on Contempt Proceedings (i.e., Petitions for Order to Show Cause, etc.) that will take longer than one (1) hour to try.
- ~~C.B:~~ Scope. This Rule shall not apply to those issues in which the State of Indiana represents a Party.