

**LOCAL RULES OF PRACTICE AND PROCEDURE
IN THE CIRCUIT AND SUPERIOR
COURTS OF THE 48TH JUDICIAL CIRCUIT
GRANT COUNTY, INDIANA**

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LR – 27 TR 3 – 1
FILING FEES

A. A party commencing an action shall pay to the Clerk of the Court the amount prescribed by law as a filing fee.

B. Persons desiring to commence an action without pre-payment of court costs shall file with the Court their verified petition as prescribed by Indiana Code Section 33-19-3-2. Authorization to commence an action without advance payment of court costs shall be only by order of court.

LR-27 CR 2.2-2
ASSIGNMENT OF CRIMINAL CASES

January 1, 2012 Revision

All felony and misdemeanor (CM) cases [and all infraction (IF) cases and all ordinance (OV) cases] are to be filed in the Courts in Grant County pursuant to this Local Rule (this Rule). The Courts are Gas City Court (27H01), Marion City Court (27H02), Grant Circuit Court (27C01), Grant Superior Court 1 (27D01), Grant Superior Court 2 (27D02), and Grant Superior Court 3 (27D03).

I. Case Assignments When There Are No Pending Cases nor Probation

Cases shall be assigned as set out below when no other criminal proceeding is pending and when the Defendant is not on probation:

A. The following cases shall be filed in 27H01:

- (1) All CM and IF cases that are alleged to have occurred in Grant County, Indiana, outside the corporate limits of the City of Marion, except those assigned to 27D03 pursuant to this Rule.
- (2) All OV cases that are alleged to have occurred within the city limits of Gas City.
- (3) All CM and infraction cases that are alleged to have occurred within the corporate limits of the City of Marion, when the primary law enforcement officer is an officer with the Grant County Sheriff's Department or with the Indiana State Police, except those cases assigned to 27D03 pursuant to this Rule.
- (4) All CM cases in which the crime alleged is compulsory school attendance violation [Ind. Code § 20-33-2], including cases that would otherwise be filed in 27H02.

B. The following cases shall be filed in 27H02:

- (1) All CM and IF cases that are alleged to have occurred within the corporate limits of the City of Marion, Indiana, that are not assigned to 27H01 or 27D03.
- (2) All OV cases that are alleged to have occurred within the city limits of Marion.

C. The following cases shall be filed in 27C01:

- (1) All waivers of jurisdiction over juveniles to adult court.
- (2) All cases designated as Drug Court cases.
- (3) All Class D felony (FD) controlled substance, FD possession of paraphernalia, and FD possession of marijuana cases except cases in which the controlled substance, paraphernalia, or marijuana is alleged to have been in the Defendant's possession while in a motor vehicle. Those cases shall be filed in 27D03.
- (4) All grand jury proceedings, including impaneling the grand jury.

D. The following cases shall be filed in 27D01:

- (1) All Reentry Court cases.

E. The following cases shall be filed in 27D02:

- (1) All juvenile cases except waivers of jurisdiction to adult court.
- (2) All FD domestic battery cases.
- (3) All FD strangulation cases.
- (4) All FD neglect of a dependent cases.

(5) All FD cases in which the Grant County Prosecutor initially determines that domestic violence may be involved, such as a residential entry or intimidation, even if a domestic violence charge is not filed.

F. The following cases shall be filed in 27D03:

(1) All OV cases, other than those assigned to 27H01 or 27H02.

(2) All trial de novo cases from 27H01 or 27H02.

(3) All cases transferred from 27H01 or 27H02 due to a timely jury trial demand.

(4) All cases transferred from 27H01 and 27H02 when the City Court Judge enters an order of disqualification or recusal or grants a motion for change of judge.

(5) All CM cases that include a charge under I.C. § 9-30-5 (Operating a Vehicle While Intoxicated).

(6) All FD traffic cases, even if the Defendant has a prior felony conviction.

(7) All other FD cases, except:

(a) FD cases that are assigned to 27C01 or 27D02 pursuant to this Rule;

(b) And non-traffic FD cases, whenever the Defendant already has a felony conviction.

II. Case Assignments When There Is a Pending Case or Probation

A. If charges are pending against an individual in 27C01, 27D01, or 27D02 or if an individual is on probation in 27C01, 27D01, or 27D02, and a new felony charge is filed, the new felony shall be filed in the Court with the pending charge or probation.

B. If charges are pending against an individual in 27D03, or if an individual is on probation in 27D03, and a new FD case is filed, it shall be filed in 27D03.

C. Otherwise the cases shall be filed as shown in Section I and III of this Rule.

III. Ball Draw for All Other Criminal Cases

All other felony cases, including those filed upon a grand jury indictment, shall be filed by random selection in 27C01, 27D01 and 27D02. Random selection shall be done as follows:

A. The Clerk of the Grant Circuit Court (the Clerk) shall maintain a closed container with three (3) balls of the same size and weight. Each Court shall be represented by one (1) of the three (3) balls.

B. The Clerk shall randomly select a ball from the closed container and the case shall then be filed in the Court that has been designated for that particular ball. The Clerk shall enter the Court so designated on the criminal information and record the date and time the Court was selected.

C. If the case must be transferred from the Court selected on the first draw, the Clerk shall randomly select a ball for one (1) of the two (2) remaining Courts and the case shall then be filed in the Court that has been designated for that particular ball. The Clerk shall enter the Court so designated on the criminal information and record the date and time the Court was selected.

- D. If the case must be transferred from the Court selected on the second draw, the case shall be transferred to the remaining Court. The Clerk shall enter the Court so designated on the criminal information and record the date and time the Court was selected.
- E. If the case must be transferred from the third Court selected, the case shall be transferred to the 27D03. The Clerk shall enter the Court so designated on the criminal information and record the date and time of the Court was selected.
- F. If a case filed in 27D03 must be transferred to another Court, the Clerk is to use the random selection process outlined above.
- G. If 27C01, 27D01, or 27D02 becomes over-burdened with cases from the blind draw system that Court's ball may be removed from further draws in criminal cases upon majority vote of the three (3) Judges of those Courts for whatever length of time and upon such terms and conditions that those Judges agree.
- H. When a change of Judge has been granted, the successor Court shall be selected in accordance with the random selection process outlined above. If all Grant County Judges have declined to exercise jurisdiction or are unable to do so, a special judge will be assigned according to the provisions of Local Rule 79-3(E).

IV. Miscellaneous Provisions

- A. Multiple offenses against the same defendant shall be filed contemporaneously with the other charges using the highest class of charge in determining in which Court the case shall be filed.
- B. When multiple defendants are charged with crimes arising out of the same facts and circumstances, all of the charges shall be filed in the same Court, which shall be selected according to the highest class of the charges filed against any of the defendants.
- C. The Judge of one Court may transfer any case to be redocketed in another Court, if the Judge of the receiving Court consents to the transfer and the receiving Court has jurisdiction over the subject matter of the case.

LR-27 TR 79-3
SELECTION OF SPECIAL JUDGES IN CIVIL CASES

When a change of judge has been granted by a Judge of the Grant Circuit Court, Superior Court 1, Superior Court 2, or Superior Court 3 and a Special Judge is not selected under Trial Rule 79(D), (E) or (F) of the Indiana Rules of Trial Procedure, or if a regular Judge of the Grant Circuit or Superior Court disqualifies under Trial Rule 79(C), then the remaining three (3) courts shall constitute the successor courts from which the Clerk shall select a court for transfer. This shall be done in the following manner:

A. Random selection of the successor courts shall be done by the Clerk of the Courts. The Clerk shall maintain a closed container with four (4) identical balls. Each of the four (4) balls will be designated for one of the four (4) courts of record in Grant County. The Clerk shall remove the ball representing the Court from which there has been a change of judge granted, leaving the other three balls in the box and the Clerk shall then randomly select one of the three balls from the box. The Clerk shall enter the name of the Court that has been drawn on the Chronological Case Summary (CCS) of the case and notify the Judge of the selected Court of the selection of that Court as a successor Court.

B. If the Judge of the first successor Court is not eligible to serve by disqualification or recusal then the balls representing the remaining two Courts shall be placed in the box and the Clerk shall remove one of those two balls and again enter the name of Court on the CCS indicating that the third Court shall be named as the second successor Court.

C. If the Judge of the second successor Court is not eligible to serve by disqualification or recusal then the last remaining Court shall be named as the third successor Court.

D. The successor Judge selected by this random selection method must accept jurisdiction of the case unless the Judge is disqualified, ineligible or excused pursuant to Trial Rule 79(H) of the Indiana Rules of Trial Procedure.

E. If no Judge is selected by the above-described method then the Clerk shall select the name of a Special Judge from the list of Courts in Administrative District 14 outside of Grant County. The named Special Judge shall be selected by numerical sequence by court identifier. For example, the first Judge selected by this method would be from Madison Circuit Court 1. The next Judge would be selected from Madison Circuit Court 2 and so on. The Clerk of Grant County shall keep a list of Judges selected by the method described here and refer to that list should it be necessary to select a Special Judge using this method.

(Amended effective October 1, 2011)

LR-27 AD3-4
ATTORNEYS

(A) The Bars of the Circuit and Superior Courts of the Forty-Eighth (48th) Judicial Circuit, Grant County, Indiana shall consist of those persons who have complied with the Indiana Supreme Court Rules for admission to the Bar of Indiana and are duly admitted to practice law in the State of Indiana.

(B) All attorneys so admitted shall be entitled to practice before any Court of the Forty-Eighth (48th) Judicial Circuit, Grant County, Indiana.

(C) No person shall be permitted to practice before any Court of the Forty-Eighth (48th) Judicial Circuit, or any officer thereof, as an attorney, except in his own behalf when a party, unless he has been duly admitted to practice law in the State of Indiana.

(D) A member of the Bar of another State or territory of the United States, or the District of Columbia, may be allowed to appear in a proceeding for a temporary period as provided by Rule A.D. 3 of the Indiana Rules of Procedure.

LR-27 TR 3.1-5
APPEARANCES

A. Every party shall file a written appearance in the manner and form set forth in Rule Tr 3.1 and Rule Cr. 2.1. The written appearance form shall be served upon all parties of record before or immediately upon filing.

B. When a party to an action appears without an attorney, the party shall give, and the Clerk shall note on the docket of the cause, a name, mailing address and phone number of the party where notices and communications concerning the cause may be forwarded.

C. It shall be the duty of attorneys who have entered their written appearance and of all parties who are not represented by an attorney, to notify the Court of any change of their mailing addresses and phone numbers. Such notification shall be in writing filed separately for each cause to which the change applies and served upon other parties to each cause or their attorneys of record.

D. Proof of Mailing. Certificates of service or proof of mailing of pleadings concerning any cause shall be deemed sufficient proof of service if such pleadings were mailed to the last address of a party or attorney noted upon the docket of a cause.

LR-27 TR 4.11-6
SERVICE OF PROCESS

Any party requesting the Clerk to mail the summons and a copy of the complaint by registered or certified mail shall provide an addressed envelope and shall prepare the return receipt and include the number of the cause of action and mark the "RETURN TO" to the Clerk of Grant County, Courthouse, 101 East Fourth Street, Marion, Indiana, 46952 (Amended May 12, 1997).

LR-27 TR 12-7
FAX FILING

A. Facsimile filing is strongly discouraged and should be used only in cases of genuine emergency.

B. Any facsimile filing must comply with Rule Admin. R. 12. A facsimile filing may not exceed ten (10) pages.

C. The sending party must contact all counsel of record before filing by facsimile and advise them of the filing and make arrangements for immediate delivery of the document filed by facsimile.

D. The sending party shall immediately mail to the Court the original of any document filed by facsimile.

LR-27 TR 11-8
FORM AND STYLE OF PAPERS, NUMBER OF COPIES,
FILING AND SERVICE

R. 11. A. All papers, pleadings and motions presented for filing shall comply with Rule Admin.

B. Every pleading filed, including estates and guardianships, shall clearly identify the name, address and telephone number of the attorney filing the pleading.

C. Any pleading not signed by at least one attorney appearing of record as required by Rule T.R. 11 of the Indiana Rules of Procedure shall not be accepted for filing by the Clerk or if inadvertently accepted for filing, shall, upon discovery of the omission, be promptly corrected.

D. A rubber stamp or facsimile signature on the original copy of any pleading shall not be acceptable.

E. All motions seeking an order of the Court shall be accompanied by a sufficient number of orders for the Court to retain two (2) copies and send one (1) copy to each party of record. The Clerk shall place a copy of any order signed by the Court in the box in the Clerk's Office for any Grant County attorney of record. The party seeking the order shall tender to the Court, with the petition and copies of orders, a sufficient number of envelopes addressed to any party not represented by counsel and to any attorney of record who does not maintain a service box in the Grant County Clerk's Office.

F. All papers required by Rule Tr 5 of the Indiana Rules of Procedure to be served upon the parties affected thereby, if served before filing, shall be filed with the Clerk of the Court no later than three (3) days after service. If the papers are filed before service, proof of service shall be filed with the Clerk of the Court no later than three (3) days after the filing of the papers. Upon failure to comply with this Rule, the Court may, on motion of any party to the action or on its own motion, order the papers to be filed or served forthwith or, if deemed proper, order the papers to be stricken from the files or the service thereof to be of no effect.

G. Proof of service shall be made by (1) acknowledgement of service signed by the party served or his attorney of record if such party is represented by an attorney (2) a certificate of service signed by an attorney of record for the serving party, or (3) an affidavit of service by any other person.

LR-27 TR73-9
MOTIONS

A. The filing of any motion with the Clerk of the Court or with the Court shall be brought to the attention of the Judge by the moving party within five (5) days following the filing of the motion.

B. The time of hearing motions shall be fixed by the Court. Dates of hearings shall not be specified in the notice of hearing of the motion unless prior authorization shall be obtained from the Judge or Court Reporter. Any party may request oral argument upon a motion, but the granting of oral argument is wholly discretionary with the Court. Any party requesting oral argument shall advise the Court Reporter of the estimated time necessary for hearing.

C. Counsel desiring to file a brief in support of or in opposition to any motion must file the brief prior to or at the time of hearing on the motion, unless otherwise ordered.

LR-27 TR 53.5-10
CONTINUANCES

Motions for Continuance are discouraged. Neither side is entitled to an automatic continuance as a matter of right.

A. A Motion for Continuance, unless made during the hearing of the cause, shall be in writing, state whether opposing counsel objects to the motion and whether prior continuances have been requested by the moving party. The Court may require any written Motion for Continuance to be signed by the party requesting the continuance.

B. A Motion for Continuance, whether it is plaintiff's or defendant's motion, shall denominate whether it is the first (1st), second (2nd), third (3rd), etc. Motion for Continuance filed by plaintiff or defendant.

C. The filing of a dispositive motion shall not constitute good cause for a Motion for Continuance of a trial if the time requirements governing such motion will not allow for the resolution of the motion prior to the date of trial.

LR-27 TR 26-11
DISCOVERY

A. Filing of depositions, requests for discovery or responses thereto under Rules Tr. 27 through 36 shall be permitted only as allowed by Rule Tr. 5(D)(2), (3) and (4).

B. Strict compliance with Trial Rules 26 through 37 is required. The discovery process is intended to be largely self-actuating, with minimal court supervision. Therefore, the Court will not rule on requests to extend time to respond to discovery or motions related to discovery disputes unless moving counsel represents that, after personal or telephonic conference in good faith effort to resolve differences, counsel are unable to reach accord. If counsel advises the Court, by way of motion, or response thereto, that opposing counsel has refused or delayed resolution of the discovery dispute, the Court may, after hearing, impose appropriate sanctions.

C. Answers or objections to interrogatories under T.R. 31 or T.R. 33 of the Indiana Rules of Procedure shall set forth in full the interrogatories being answered or objected to immediately preceding the answer or objection.

D. Interrogatories shall be limited in number wherever possible and shall be used solely for the purpose of discovery.

E. Any party to an action or counsel to a party to an action may obtain a photocopy of a deposition on file with the Clerk of the Court upon tender of a receipt of the deposing party showing payment to said deposing party of 50% of the cost of said deposition. In addition, the requesting party or counsel shall tender to the Clerk the Clerk's standard per page copying fee.

LR-27 TR16-12
PRE-TRIAL CONFERENCE

Conferences of attorneys and pre-trial conferences shall be conducted generally in accordance with Rule Tr. 16. However, counsel should contact the Court in which a case is pending for advice on specific procedure required by that Court relative to these conferences.

LR-27 TR 51-13
JURY INSTRUCTIONS

All requests for specific instructions submitted in accordance with Rule Tr. 51 of the Indiana Rules of Procedure shall be submitted to the Court in duplicate not later than the beginning of trial, one set of which shall be a "clean copy" without reference to citations and party tendering. Counsel shall have the right to submit additional instructions during trial on matters which could not reasonably have been anticipated in advance of trial. Instructions shall be exchanged by counsel. Requests for special instructions shall contain citations to supporting authorities.

**LR-27 AP9H-14
TRANSCRIPT FEES**

The attorney requesting a transcript of Court proceedings, for use on appeal or otherwise, shall be personally responsible for payment of the Court Reporter's charges.

LR-27 TR77-15
WITHDRAWAL OF ORIGINAL RECORDS AND PAPERS

No person shall withdraw any original pleading, paper, record, model or exhibit from the custody of the Clerk or other officer of the Court having custody thereof except (1) upon order of a Judge of the Court and (2) upon leaving a proper receipt with the Clerk or officer.

LR-27 AR10-16
CUSTODY AND DISPOSITION OF MODELS AND EXHIBITS IN CIVIL CASES

A. Custody. After being marked for identification, models, diagrams, exhibits, and material offered or admitted in evidence in any cause pending or tried before the Court shall be placed in custody of the Clerk or Court Reporter unless otherwise ordered by the Court.

B. Removal. All models, diagrams, exhibits, or material placed in the custody of the Clerk or Court Reporter shall be removed by the parties offering them in evidence within four (4) months after the case is decided, unless an appeal is taken. In all cases in which an appeal is taken, the exhibits shall be removed within ninety (90) days after the filing of the appeal. At the time of removal, a detailed receipt shall be given to the Clerk or the Court Reporter and filed in the cause.

LR-27 FL00-17
DOMESTIC RELATIONS

The Courts of Grant County desire to promote peaceful settlement of domestic relations disputes and provide for uniformity and consistency in the decision making process. Therefore, whenever practicable, general orders will be entered, similar to those outlined in Exhibit "A" to these Rules, in all domestic relations, dissolution of marriage, separation, paternity, IV-D and family law cases.

Parties may not file a new Domestic Relations case so long as a case involving the same matters between the parties is pending. The aim of this Rule is to avoid unnecessary congestion of court dockets, avoid repetitious work for Grant County Clerk's staff, and minimize filing fee expenses for litigants.

(Amended effective July 6, 2012)

LR-27 PO00-18
GUARDIANSHIPS

A. In all guardianship or protective proceedings seeking to declare an adult incapacitated, either the person alleged to be incapacitated shall be present at the hearing or the petitioner shall present sufficient medical evidence to establish that a Court appearance would result in injury to the person's health or safety.

B. In all guardianship or protective proceedings seeking to declare an adult incapacitated, a physician's report must be completed and presented to the Court at or before the hearing.

C. No guardian of an adult shall be appointed or protective order entered without notice, except upon verified allegations that delay may result in immediate and irreparable injury to the person or loss or damage to property.

D. No guardian of a minor shall be appointed or protective order entered without notice to, or consents from, both natural parents.

E. No surety bond is required where a corporate fiduciary serves as guardian or co-guardian. In all other cases, a bond will be required in an amount equal to the value of the protected person's assets.

F. Biennial accountings will be required in all permanent guardianship of the estate cases, unless otherwise ordered by the Court. Biennial reports will be required in all permanent guardianship of the person cases. Biennial reports filed by guardians of the person shall state the present residence and general welfare of the incapacitated person.

G. In every petition for the appointment of a guardian of the person of a minor child, the following information shall be given:

- (1) The child's birth date and present address;
- (2) The places where the child has lived within the past two (2) years and the names and present addresses of persons with whom the child has lived during that period;
- (3) Whether, to Petitioner's knowledge, any other litigation is pending concerning the custody of the child in this or any other state.
- (4) Whether, to Petitioner's knowledge, any person not a party to the guardianship proceeding has physical custody of the child or claims to have custody or visitation rights with respect to the child.

H. In all cases where the guardian of the estate is not a corporate fiduciary, the guardian shall sign and file with the Court, within five (5) days of the order appointing guardian, the "Written Instructions to Guardians" form attached to these Rules as Exhibit "B".

LR-27 PO00-19
ESTATES

A. All petitions to open an estate shall set forth the probable value of the personal property plus the estimated annual rents and profits to be derived from the property in the estate.

B. In every unsupervised and supervised estate the Personal Representative shall file a corporate surety bond in an amount determined by the Court to be adequate to protect distributees, creditors and taxing authorities, except:

(1) No surety bond is required where a corporate fiduciary serves as Personal Representative or Co-Personal Representative.

(2) No surety bond is required in a solvent estate where the decedent's spouse serves as Personal Representative and is the sole distributee.

(3) Where a Will provides that bond be dispensed with, the Court may fix a bond in an amount adequate to protect creditors and taxing authorities.

(4) Where the Personal Representative is a distributee, the bond may be reduced by the Personal Representative's estimated net distributive share, but the Court will fix a bond adequate to protect other distributees (if any), creditors and taxing authorities.

(5) Where all distributees consent in writing that the Personal Representative serve without bond, the Court may fix a bond in an amount adequate to protect creditors and taxing authorities.

C. In all supervised estates, the Personal Representative shall file an inventory conforming with the requirements of I.C. 29-1-12-1 within two (2) months of appointment.

D. In all unsupervised estates, the Personal Representative shall, within two (2) months of appointment either:

(1) file an inventory conforming with the requirements of I.C. 29-1-7.5-3.2(b); or

(2) file a verified certification that an inventory conforming with the requirements of I.C. 29-1-7.5-3.2 has been prepared and is available to be furnished to distributees on request.

E. Personal Representatives shall comply with I.C. 29-1-16-2, which provides as follows: "Every Personal Representative shall close the estate as promptly as possible. Unless for good cause shown, the time for filing the final account in the estate shall not exceed one (1) year from the appointment of a Personal Representative".

F. Whenever a supervised estate cannot be closed within one (1) year, the Personal Representative shall file an intermediate account with the Court within thirty (30) days after the expiration of one (1) year and each succeeding year thereafter. The accounting:

(1) Shall state facts showing why the estate cannot be closed and an estimated date of closing.

(2) Shall propose partial distribution of the estate to the extent that partial distribution can be made without prejudice to distributees and claimants.

G. In unsupervised estates a closing statement shall be filed within one (1) year after opening the estate. Whenever an unsupervised estate cannot be closed within one (1) year, the Personal Representative shall file a status report indicating why the estate cannot be closed and an estimated date of closing.

H. In estates opened for the sole purpose of prosecuting a wrongful claim the Personal Representative shall annually file a status report as to the progress of the claim or suit.

I. Disputes regarding Personal Representative and attorney fees in estates shall be resolved utilizing the fee guidelines adopted by the Probate Committee of the Indiana Judicial Conference.

**LR-27 CR00-20
CRIMINAL MATTERS**

BAIL / BAIL BOND / 10% CASH BOND SCHEDULE FOR WARRANTLESS ARRESTS EFFECTIVE DECEMBER 8, 2011, FOR ALL COURTS IN GRANT COUNTY, INDIANA [Gas City City Court; Grant Circuit Court; Grant Superior Courts 1, 2 & 3; & Marion City Court]

The **Bail/Surety Bond/10% Cash Bond** for cases filed in Gas City City Court; Grant Circuit Court, Grant Superior Court 1, Grant Superior Court 2, Grant Superior Court 3, and Marion City Court shall be as set out below, **unless otherwise ordered by a judicial officer in a specific case**. The term “bail” means the full amount (100%). The term “cash bond” refers to posting 10% of the amount of the bail. The term “surety bond” refers to paying a non-refundable fee (usually 10% of the bail) to an approved surety company, which in turn posts its guarantee to pay the full amount of the bail, if the Defendant fails to appear and the appropriate revocation procedures were followed. The term “cash” includes a credit card payment.

In all cases the Defendant must also pay the \$5 special death benefit fee [see Ind. Code § 35-33-8-3.2(d)(1)]

If the Defendant posts a cash bond, a 10% administrative fee not to exceed \$50 will be assessed. [See I.C. § 35-33-8-3.2(a)(2)]

The Defendant and any other person posting cash must execute an agreement authorizing the Court, if the Defendant is convicted, to use all or part of the cash to pay the following: 1) fines; 2) costs; 3) fees; 4) publicly paid costs of representation; and 5) restitution. [See I.C. § 35-33-8-1.5 and I.C. § 35-33-8-3.2(a)] In addition, the agreement must authorize the Defendant to use all or part of the cash to privately employ and pay an attorney to represent the Defendant in the criminal case. [See *State ex rel. Williams v. Ryan*, 490 N.E.2d 1113 (Ind. 1986)]

If the Defendant is a foreign national unlawfully present in the United States under federal immigration law, only a 100% cash bail may be posted.

A Defendant posting bail or the 10% cash bond by means of a credit card must pay the credit card service fee under I.C. § 33-37-6.

If the Defendant is a sexually violent predator defendant, as defined in I.C. § 35-38-1-7.5, or is arrested for or charged with the commission of an offense that would classify the person as a sex or violent offender, as defined in I.C. § 11-8-8-5, the Defendant may not be admitted to bail until a judicial officer has conducted a bail hearing in open court, which should be done within 48 hours after arrest unless exigent circumstances prevent holding the hearing within 48 hours. [See I.C. § 35-33-8-3.5]

If the Defendant has been arrested without a warrant for any of the crimes listed in this paragraph, **the Defendant is to be held without bail** until a judicial officer sets bail: 1) **Domestic Battery, Intimidation, Invasion of Privacy, Sexual Battery, Stalking, or Strangulation**; 2) **False Reporting**, 3) **False Informing**, 4) **Identity Deception**; 5) **Leaving the Scene of an Accident**; or 6) **Resisting Law Enforcement**. If the Defendant is held without bail for one or more of these crimes, a judicial officer is to set bail **within 48 hours of the arrest**. If a judicial officer fails to do so, bail shall be set as shown below.

If the Defendant was arrested for a crime of domestic violence as described in I.C. § 35-41-1-6.3, the judicial officer may not authorize the Defendant to be released until at least 8 hours from the time of the arrest. [See I.C. § 35-33-8-6.5]

When multiple crimes have been charged, use the bail that is listed for the highest level crime.

If the Defendant has been arrested for a violent crime resulting in injury or death as defined in I.C. § 5-2-6.1-8, such as battery with injury, strangulation, domestic battery, etc., the Defendant is automatically prohibited from having any direct or indirect contact with the alleged victim for 10 days from the Defendant's release from custody or until the initial hearing, whichever occurs first. [I.C. § 35-33-8-3.6]

If the Defendant **is on bail or bond or on his or her own recognizance on another pending criminal matter, and it is alleged that the Defendant committed the new crime while on bail, bond, or recognizance**, the Defendant's bail on the new charge shall be the greater of **\$50,000 cash** (no 10% cash bond nor surety bond) or the regular bail, unless otherwise ordered by a judicial officer.

If the Defendant was on probation or parole when the new crime is alleged to have been committed, the Defendant is to be **held for 15 days after arrest on the new charge** to allow the appropriate parole or probation authority time to file a petition to revoke the Defendant's probation or parole, unless otherwise ordered by a judicial officer. [See I.C. § 35-33-8-6]

In columns with two figures, such as “\$4,000 – \$400”, the higher amount is the full amount of the bail and the smaller amount is the 10% cash bond. If only one amount appears in a column, it refers to the full amount of the bail.	Grant County Resident	Grant County Resident	Grant County Resident	Surety bonds may not be used for any person, whose identity cannot be verified and/or for a foreign national unlawfully in the United States. Only cash is accepted.
Class C Misdemeanor: Cash Only	\$4,000 – \$400	\$8,000 – \$800	\$12,000 – \$1,200	\$12,000
Class B Misdemeanor: Cash Only	\$4,500 – \$450	\$9,000 – \$900	\$13,500 – \$1,350	\$13,500
Class A Misdemeanor: Cash Only	\$5,000 – \$500	\$10,000 – \$1,000	\$15,000 – \$1,500	\$15,000
Class D Felony: Cash Only	\$6,000 – \$600	\$12,000 – \$1,200	\$18,000 – \$1,800	\$18,000
Class D Felony Domestic Battery or Strangulation: Cash Only	\$10,000 – \$1,000	\$20,000 – \$2,000	\$30,000 – \$3,000	\$30,000
Class C Felony: Cash Only	\$10,000 – \$1,000	\$20,000 – \$2,000	\$30,000 – \$3,000	\$30,000
Class B Felony: Full cash bail or surety bond	\$20,000	\$40,000	\$60,000	\$60,000
Class A Felony: Full cash bail or surety bond	\$50,000	\$100,000	\$150,000	\$150,000
Murder	None	None	None	None

The foregoing was approved and adopted on **December 8, 2011**, by Steven J. Barker, Judge of Gas City City Court; Mark E. Spitzer, Judge of Grant Circuit Court; Jeff D. Todd, Judge of Grant Superior Court 1; Dana J. Kenworthy, Judge of Grant Superior Court 2; Brian F. McLane, Juvenile Magistrate of Grant Superior Court 2; Warren Haas, Judge of Grant Superior Court 3; and James F. Kocher, Judge of Marion City Court. [See General Order 27C01-1112-CB-000013]

LR-27-AR15-21
GRANT COUNTY COURTS
LOCAL RULE GOVERNING COURT REPORTERS

The undersigned Courts comprise all of the Courts of record of Grant County, Indiana and hereby adopt the following Local Rule by which Court Reporter services shall be governed.

Section One - Definitions. The following definitions shall apply under this Local Rule:

(1) A *Court Reporter* is a person who is specifically designated by a Court to perform the official Court reporting services for the Court including preparing a transcript of the record.

(2) *Equipment* means all physical items owned by the Court or other governmental entity and used by a Court Reporter in performing Court reporting services. Equipment shall include, but not be limited to, telephones, computer hardware, software programs, disks, tapes, and any other device used for recording and storing and transcribing electronic data.

(3) *Work space* means that portion of the Court=s facilities dedicated to each Court Reporter, including but not limited to actual space in the Courtroom and any designated office space.

(4) *Page* means the page unit of transcript which results when a recording is transcribed in the form required by Indiana Rule of Appellate Procedure 7.2.

(5) *Recording* means the electronic, mechanical, stenographic or other recording made as required by Indiana Rule of Trial Procedure 74.

(6) *Regular hours worked* means those hours which the Court is regularly scheduled to work during any given work week. Depending on the particular Court, these hours may vary from Court to Court within the County but remain the same for each work week.

(7) *Gap hours worked* means those hours worked that are in excess of the regular hours worked but hours not in excess of forty (40) hours per work week.

(8) *Overtime hours worked* means those hours worked in excess of forty (40) hours per work week.

(9) *Work week* means a seven (7) consecutive day week that consistently begins and ends on the same days throughout the year, i.e., Sunday through Saturday, Wednesday through Tuesday, Friday through Thursday.

(10) *Court* means the particular Court for which the Court Reporter performs services. Court may also mean all of the Courts in Grant County.

(11) *County indigent transcript* means a transcript that is paid for from County funds and is for the use on behalf of a litigant who has been declared indigent by a Court.

(12) *State indigent transcript* means a transcript that is paid for from state funds and is for the use on behalf of a litigant who has been declared indigent by a Court.

(13) *Private transcript* means a transcript, including but not limited to a deposition transcript, that is paid for by a private party.

Section Two: Salaries, Per Page Fees and Private Practice

1. The Court Reporter shall be paid an annual salary for time spent working under the control, direction and direct supervision of the Court during all regular work hours, gap hours or overtime. The Judge of the supervising Court and Court Reporter(s) shall enter into a separate written agreement addressing gap hours and overtime.
2. Effective January 1, 2001, the Court Reporter shall charge as follows:
 - A. A per page fee of Four Dollars and Fifty Cents (\$4.50) for indigent county transcripts, state indigent transcripts and private practice transcripts,
 - B. a minimum fee of \$35.00 per transcript, and
 - C. additional labor charge for time spent binding the transcript and exhibit binders (this is to be an hourly rate based upon Court reporter's paid salary/35 hour work week)

A claim for all county indigent transcripts shall be submitted to the Grant County Auditor for payment. Depositions shall remain at Four Dollars (\$4.00) per page.

3. Pursuant to Administrative Rule 15 all Court Reporters will report, on an annual basis, to the Indiana Supreme Court Division of State Court Administration on forms prescribed by the Division.
4. If the Court Reporter elects to engage in the private practice of recording a deposition and/or preparation of a deposition and the Court Reporter desires to utilize the Court=s equipment, work space and supplies, and the Court agrees to the use of Court=s equipment for such purpose, the Court Reporter agrees to the following:
 - (a) Record and transcribe the deposition on the Court Reporter=s own time and keep a record of such on employee time sheets.
 - (b) Reimburse the County at the rate of ten cents (\$.10) per page for use of equipment, work space and supplies.

(1) The Court Reporter shall submit a claim to the Grant County Auditor for payment of an indigent deposition, however, said claim shall include the deduction for use of equipment, work space and supplies.

(2) The Court Reporter shall remit payment to the Grant County Auditor annually, by December 15th, for use of equipment, work space and supplies in conjunction with a non-indigent deposition.

(Adopted January 9, 2002)

LR-27 JR4-22
JURY RULES

- A. This local rule shall govern petit and grand jury assembly, selection and management in the Grant Superior and Circuit Courts of Grant, Indiana. It is the intention of these rules to implement the Indiana Jury Rules adopted by the Indiana Supreme Court, effective January 1, 2003.
- B. The Grant Circuit and Superior Courts of Grant County, Indiana, shall each have a jury administrator. The jury administrator's position for each court shall be filled by that Court's bailiff. The positions of jury commissioners and the use of a jury selection box are abolished.
- C. The jury administrators shall meet annually in the Grant County Voter's Registration office during the last week of October to compile a jury pool for each of the courts of Grant County for the succeeding year.
- D. At this annual meeting each court's jury administrator shall, with the aid of the Voter's Registration computer system, randomly draw names for each court's jury pool in a number in accordance with the order to be entered by each Court annually prior to the jury administrator's annual meeting.
- E. The names for the jury pool shall be drawn by the jury administrators from the Grant County, Indiana, Voter's Registration list supplemented by the Grant County, Indiana, real estate property tax payers list. These draws shall be accomplished in such a way as to avoid, as nearly as possible, duplication of names within each Court's jury pool and between the jury pools of the various Courts of Grant County. The list generated for each Court's jury pool shall be printed in the order selected randomly by the jury administrators with the aid of the Voter's Registration computer system.
- F. The random lists of names representing the annual jury pools for each Court of Grant County shall be divided by each Court's jury administrator into jury panels according to whatever period of service is ordered by that Court.
- G. Pursuant to Rule 4 of the Indiana Jury Rules adopted by the Indiana Supreme Court the Circuit and Superior Courts of Grant County, Indiana, adopt the two-tier notice and summons as described within Indiana Jury Rule 4 effective January 1, 2003. The Courts of this County shall, from time to time, develop, and revise, forms necessary to implement the two-tiered notice system and such other forms as are necessary to implement the intent of the Indiana Jury Rules.

(Adopted October 25, 2002)

LR 27-CR00-23
GRANT COUNTY COURT PROGRAMS- SCHEDULE OF FEES

GRANT COUNTY ALCOHOL & DRUG PROGRAM

All individuals ordered to enroll in the Grant County Court Alcohol and Drug Program shall be charged a program fee of \$400.00. Those clients that are referred for transfer and/or monitoring services shall be charged a \$100.00 fee.

GRANT COUNTY DRUG COURT AND VETERAN'S TREATMENT COURT

All individuals ordered to enroll in the Grant County Drug Court Program or the Veteran's Treatment Court Program shall be charged a program fee of the lesser of \$500.00 or \$50 per month while in the Program. A fee of \$7 per urine screen will be assessed, with a fee of \$20 for confirmatory screens, unless confirmation is necessary for an atypical substance, in which case the actual cost to the Program of the screen will be imposed. Screens for Veteran's Treatment Court participants may be administered by the Veterans Administration and, if so, the veteran shall pay any costs associated with such screens as billed by the Veterans Administration.

GRANT COUNTY RE-ENTRY COURT

All individuals ordered to enroll in the Grant County Re-Entry Court Program shall be charged a program fee of the lesser of \$400.00 or \$100 initial fee and \$50 per month while in the Program. A fee of \$25 shall be assessed for any positive drug screen that must be confirmed due to a participant denying use.

TRANSFERS FROM PROBLEM-SOLVING COURTS IN OTHER JURISDICTIONS

If the judge of Drug Court or Re-entry Court accepts a transfer of a case from another jurisdiction, the participant shall be charged a transfer fee of \$25.

These program fees cover maintenance and operating costs and are separate from the costs of referral services for education, counseling, or other treatment costs (including urine drug screens as required). The costs of referral services will be the client's responsibility.

(Amended effective July 10, 2013)

LR-27 AR01-24
ASSIGNMENT OF CIVIL CASES

- A) Civil cases for the following case types shall be filed as follows:
- 1) All MH cases shall be filed in Circuit Court.
 - 2) All cases related to tax sales shall be filed in Superior Court 1
 - 3) All PO and AD cases shall be filed in Superior Court 2.
 - 4) All IV-D cases for the collection of support shall be filed in Superior Court 2.
 - 5) All JP, JC, JT, and JM cases shall be filed in Superior Court 2
 - 6) All IF and OV cases that are not designated to be filed in the Gas City City Court or the Marion City Court shall be filed in Superior Court 3.
 - 7) All SC cases shall be filed in Superior Court 3.
- B) Except as set forth above, and any statutory limitations on subject matter jurisdiction, civil cases may be filed in any court.

(Effective January 1, 2012)

LR-27-RPC 1.3-25

PREAMBLE

It is intended that the business of the Courts in Grant County will be conducted by the Judges and Magistrate Judge in a manner consistent with the Indiana Code of Judicial Conduct and that the attorneys and litigants shall conduct themselves consistent with the requirements of the Indiana Rules of Professional Conduct and other rules of court. The conduct of proceedings in all Courts within Grant County is appropriately described by the following quotation:

“[L]itigation provides an opportunity for private parties to dispose of disputes in orderly and disciplined fashion. But the open forum which our courts provide for conflict resolution is not, nor can it ever be, a license to slander and abuse one’s adversary. Such conduct diminishes the integrity of an institution whose usefulness depends upon the respect in which it is held by the public and by the lawyers who practice in it.”

Van Iderstine v. RGJ Contracting Co., Inc., 480 F.2d 454 (2nd Cir. 1973)

As noted by former Chief Justice Warren E. Burger, “fixed rules of etiquette and manners are the lubricant to keep the focus of the courtroom contest on issues and facts and away from distracting personal clashes and irrelevancies.” Burger, ABA Journal 2, 74 Vol. 60, p.171 (1974)

With this in mind, lawyers and litigants are reminded of their continuing obligation to comply with the rules of court and to maintain an atmosphere of civility within the courtrooms in Grant County.

Prompt Appearance at Hearings and Trials. Counsel and parties are expected to appear on time for all hearings and trials. Should an occasion arise when counsel or a party proceeding pro se is detained in another court or an emergency has arisen, and he or she will be tardy for a scheduled hearing, counsel or the party shall notify the Court immediately.

Readiness to Proceed. Counsel must be present, fully prepared, and ready to present his or her case whenever a hearing or trial is scheduled to commence. It is expected that all settlement negotiations will be completed before the time the case is set to be heard by the court.

Penalties for Failure to Comply. Unless good cause is shown, the failure of counsel or pro se litigants to comply with this rule or to appear for a scheduled hearing or trial may result in a finding of direct contempt of court, and **WILL** result in a monetary fine. Fines shall accrue on a yearly basis and shall be levied as follows:

	<u>Sanction</u>
A. First violation	\$1.00
B. Second violation	\$2.00
C. Third violation	\$4.00
D. Fourth violation	\$8.00
E. Fifth or more violation	Amount to be determined by Court

All fines shall be paid to the Court and thereafter forwarded to District 6 Access to Justice.

(Effective April 8, 2012)

LR-27-JC 2.8-26
COURTROOM DRESS CODE

- A) In order to protect the decorum and dignity of the Courts and judicial process, all persons entering the courtrooms of the five Grant County courts, whether as spectators or participants, shall refrain from wearing the following inappropriate clothing:
- 1) Short-shorts, micro-mini skirts
 - 2) Tank tops, muscle shirts, halter tops, tube tops
 - 3) See-through clothing, low-cut tops
 - 4) Clothing that exposes bare midriff and/or undergarments
 - 5) Hats, head coverings (except those worn for religious purposes)
 - 6) Pajamas, slippers
 - 7) Clothing that depicts or promotes illegal activity, drug/alcohol use, violence, sex acts or profanity
- B) Any law enforcement officer and/or Court staff member may enforce this Order as follows:
- 1) If the person is a party, prospective juror or witness, the Court is to be notified so the decision can be made to: Turn the person away with a requirement to obtain suitable clothing and return within the time they are given (which will vary depending on where the person has to go) or at the Court's direction, to allow them to attend the hearing as dressed.
 - 2) If the person is a spectator: Turn the person away with notice of the dress code and instruction that they will be welcome in the courtroom when they dress appropriately.

(Effective July 6, 2012)

LR-27 11-USC-362-27
BANKRUPTCY NOTIFICATION REQUIREMENTS

- A) When a local court proceeding is stayed by federal bankruptcy law, such as when a party to the local court proceeding files a bankruptcy proceeding, that party shall promptly file with the local court and serve on every other party to the local proceeding a notice reciting:
- 1) the filing of a bankruptcy petition by the party;
 - 2) the bankruptcy case number;
 - 3) the date the bankruptcy proceeding was filed;
 - 4) the name and address of the bankruptcy court; and
 - 5) the name, address, and phone number of the attorney representing the party in the bankruptcy proceeding, if any.
- B) The party shall also promptly file with the local court and serve on every other party to the local proceeding a copy of the bankruptcy court order setting out any of the following:
- 1) the order closing the case;
 - 2) the order dismissing the case;
 - 3) the order granting or denying the discharge.
- C) If the party to the local court proceeding is represented by an attorney in the local court proceeding, the attorney shall comply with the foregoing on behalf of his or her client. If the party is not represented by an attorney in the local court proceeding, the party is personally responsible to comply with the foregoing.

(Effective July 6, 2012)

LR-27-AR00-28
COURT BUILDING SECURITY

Pursuant to the inherent power of the Courts to provide for the orderly operation of the Courts and for the safety of litigants, witnesses, court staff, and the public, the judges of the Grant Circuit and Superior Courts (“the Courts”) adopt the following local court rule on Court Building Security Order:

1. Everyone entering the Grant County Courthouse and any other location where a judicial officer of any of the Courts maintains an office or conducts court proceedings (collectively “the courtroom buildings”) must consent to a search of their person, including any package, briefcase, or purse.
2. Unless exempt under Paragraph 5, below, everyone entering a location listed in Paragraph 1, above, is prohibited from having any of the following in their possession when in any of the courtroom buildings:
 - (a) an audiovisual recording device as defined by I.C. § 35-31.5-2-23 and I.C. § 35-46-8-2,
 - (b) body armor as defined by I.C. § 35-31.5-2-28 and I.C. § 35-47-5-13(a)
 - (c) a bomb as defined by I.C. § 35-31.5-2-31,
 - (d) a camera as defined by I.C. § 35-31.5-2-33 and I.C. § 35-45-4-5(a)(1),
 - (e) a cell phone or similar communication device,
 - (f) a Chinese throwing star as defined by I.C. § 35-31.5-2-41 and I.C. § 35-47-5-12,
 - (g) a dangerous device as defined by I.C. § 35-31.5-2-82 and I.C. § 35-47-6-1.1(a),
 - (h) a dangerous gas as defined by I.C. § 35-31.5-2-83,
 - (i) a deadly weapon as defined by Ind. Code § 35-31.5-2-86,
 - (j) a destructive device as defined by I.C. § 35-31.5-2-92 and I.C. § 35-47.5-2-4,
 - (k) a detonator as defined by I.C. § 35-31.5-2-93 and I.C. § 35-47.5-2-5
 - (l) an electronic stun weapon as defined by I.C. § 35-47-8-1,
 - (m) an explosive as defined by I.C. § 35-31.5-2-125 and I.C. § 35-47.5-2-7,
 - (n) a firearm as defined by I.C. § 35-31.5-2-133, I.C. § 35-47-1-5, and I.C. § 35-47-15-1,
 - (o) a handgun as defined by I.C. § 35-31.5-2-148 and I.C. § 35-47-1-6,
 - (p) a knife as defined by I.C. § 35-31.5-2-180 and I.C. § 35-47-5-2.5(a) and (b),
 - (q) a stun gun as defined by I.C. § 35-31.5-2-112 and I.C. § 35-47-8-1,
 - (r) a taser as defined by I.C. § 35-31.5-2-324 and I.C. § 35-47-8-3,
 - (s) and any other material that, in the manner in which it is used, could ordinarily be used or is

intended to be used and is readily capable of causing serious bodily injury (as defined by I.C. § 35-31.5-2-292) as initially determined by the Grant County Sheriff's Officers and as approved by any of the Judges.

3. Anyone refusing to comply with this Order is to be denied entrance to the courtroom buildings.
4. Anyone violating this Order may be found to be:
 - (a) in direct contempt of court under I.C. § 34-47-2, if the violation occurs in the presence of a judicial officer; or
 - (b) in indirect contempt of court under I.C. § 34-47-3, if the violation is willful and occurs out of the presence of a judicial officer.
5. The following individuals are exempt from this order:
 - (a) Any law enforcement officer appearing at any of the courtroom buildings on official duty is exempt. The term "law enforcement officer" is defined in I.C. § 35-31.5-2-185 as follows:
 - (1) a police officer (including a correctional police officer), sheriff, constable, marshal, prosecuting attorney, special prosecuting attorney, special deputy prosecuting attorney, the securities commissioner, or the inspector general,
 - (2) a deputy of the people listed in Paragraph 5(a)(1),
 - (3) an investigator for a prosecuting attorney or for the inspector general,
 - (4) a conservation officer,
 - (5) an enforcement officer of the alcohol and tobacco commission, and
 - (6) an enforcement officer of the securities division of the office of the Secretary of State.
 - (b) Any federal enforcement officer as defined in I.C. § 35-31.5-2-129 is a "law enforcement officer". This includes a Federal Bureau of Investigation special agent, a United States Marshals Service marshal or deputy, a United States Secret Service special agent, a United States Fish and Wildlife Service special agent, a United States Drug Enforcement Agency agent, a Bureau of Alcohol, Tobacco, Firearms and Explosives agent, a United States Forest Service law enforcement officer, a United States Department of Defense police officer or criminal investigator, a United States Customs Service agent, a United States Postal Service investigator, a National Park Service law enforcement commissioned ranger, a United States Department of Agriculture–Office of Inspector General special agent, a United States Citizenship and Immigration Services special agent, and any individual who is an employee of a federal agency and is authorized to make arrests and carry a firearm in the performance of the individual's official duties;
 - (c) Indiana Department of Correction Officers,
 - (d) Community Correction officers,
 - (e) judicial officers,

- (f) probation officers, and
 - (g) employees of the courtroom buildings, who carry chemical spray devices for personal protection are also exempt.
6. Any person listed in Paragraph 5, above SHALL NOT BE EXEMPT whenever they or any member of their family is a party to any proceeding taking place. This does not include appearing in the individual's official capacity.
 7. The statutes cited above may change from time to time. This local court rule shall automatically refer to the relevant statute in effect at any given time.

(Adopted effective September 10, 2013)