

**LOCAL RULES OF PRACTICE FOR THE DUBOIS CIRCUIT COURT  
AND DUBOIS SUPERIOR COURT**

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## **LR19-AR1 CASELOAD ALLOCATION**

In order to ensure an even distribution of judicial workload between the two Courts in Dubois County, pursuant to Administrative Rule 1, the Courts are adopting the local rule as follows:

1. Dubois Circuit Court shall have exclusive jurisdiction of all probate and juvenile matters;
2. Dubois Superior Court shall have exclusive jurisdiction of all traffic and small claims cases;
3. Both Courts shall have concurrent jurisdiction for all other civil matters.
4. Criminal cases shall be assigned to the Dubois Circuit Court or the Dubois Superior Court pursuant to LR19-AR1-2.

**ADDITIONAL JUDICIAL RESOURCES:** Additional judicial resources may be needed from time to time to ensure the efficient adjudication of cases in Dubois County. At such times, a judicial officer of a court of record in District 25 may serve as acting Judge in Dubois County upon mutual agreement of the Judges. The authority to sit as acting judge in Dubois County Courts is granted even when the sitting judge is present and available.

## **LR19-TR79(H)-1 APPOINTMENT OF SPECIAL JUDGE IN CIVIL CASES**

If a motion for change of judge is granted or an order of disqualification is entered in a civil case, and a special judge is not appointed and qualified as provided in Indiana Trial Rule 79(D), pursuant to Indiana Trial Rule 79(H), the presiding judge shall reassign the case to the other judge in Dubois County, and if that judge is ineligible to serve, then the presiding judge shall reassign the case by selecting the next judge in sequence from the list of judges of the following courts:

Daviess Circuit Court  
Daviess Superior Court  
Knox Circuit Court  
Knox Superior Court I  
Knox Superior Court II  
Knox Circuit and Superior Courts Magistrate  
Martin Circuit Court  
Perry Circuit Court  
Perry Circuit Court Magistrate  
Pike Circuit Court  
Spencer Circuit Court

In the event no judge from the list set forth above is available for appointment, or the particular circumstances in a case warrant selection of a special judge by the Indiana Supreme Court, the presiding judge may request, pursuant to Indiana Trial Rule 79(H)(3), that the Indiana Supreme Court appoint a special judge.

**LR19-AR00-6      SCHEDULE OF FEES FOR - PROBLEM SOLVING COURT SERVICES**

The schedule of fees set forth Indiana Code Section 33-23-16 and the Problem-Solving Court Rules shall be applicable in all Drug Court cases.

The Dubois County Drug Court shall require eligible individuals to pay a problem-solving court services fee of Fifty Dollars (\$50.00) per month per referral to the problem-solving court.

## **LR19-AR15-2 COURT REPORTER SERVICES**

The undersigned courts comprise all of the courts of record of Dubois 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, storing, and transcribing electronic data.
3. Workspace 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 Rules of Appellate Procedure.
5. Recording means the electronic, mechanical, stenographic, or other recording made as required by Indiana Rules of Trial Procedure 74.
6. Regular hours worked means those hours which the court is regularly scheduled to work during any given 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 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 Dubois 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 and Per Page Fees:**

1. Court reporters shall be paid an annual salary for time spent working under the control, direction, and direct supervision of their supervising court during any regular work hours, gap hours or overtime hours. The supervising court shall enter a written agreement with the court reporters which outlines the manner in which the court reporter is to be compensated for gap and overtime hours; i.e., monetary compensation or compensatory time off regular work hours.
2. The maximum per page fee for a court reporter for the preparation of a county indigent transcript shall be \$3.50 per page. However, if the transcript is prepared for appeal purposes, the maximum per page fee shall be \$4.00. The court reporter shall submit a claim directly to the county for the preparation of any county indigent transcripts.
3. The maximum per page fee for a court reporter for the preparation of a state indigent transcript shall be \$3.50 per page. However, if the transcript is to be prepared for appeal purposes, the maximum per page fee shall be \$4.00.
4. The maximum per page fee a court reporter may charge for the preparation of a private transcript shall be \$3.50 per page. However, if the transcript is to be prepared for appeal purposes, the maximum per page fee shall be \$4.00.
5. An additional labor charge approximating the hourly rate based upon the court reporter's annual court compensation may be charged for the time spent in binding a transcript and exhibit binders for appeal purposes.
6. Each court reporter shall report, at least on an annual basis, all transcript fees received for the preparation of either county indigent, state indigent, or private transcripts to the Indiana Supreme Court Division of State Court Administration. The reporting shall be made on forms prescribed by the Division of State Court Administration.

### **Section Three — Private Practice:**

1. If a court reporter elects to engage in private practice through the recording of a deposition and/or preparing of a deposition transcript, and the court reporter desires to utilize the court's equipment, workspace and supplies, and the court agrees to the use of the court equipment for such purpose, the court and the court reporter shall enter into an agreement which must, at the minimum, designate the following:

- (a) The reasonable market rate for the use of equipment, workspace, and supplies;
  - (b) The method by which records are to be kept for the use of equipment, workspace, and supplies; and
  - (c) The method by which the court reporter is to reimburse the court for the use of the equipment, workspace, and supplies.
2. If a court reporter elects to engage in private practice through the recording of a deposition and/or preparing of a deposition transcript, all such private practice work shall be conducted outside of regular working hours.

The Judges of the Dubois County Circuit and Superior Courts (“the Courts”) have promulgated this local court rule as required by Indiana Trial Rule 81. It is intended to provide for the orderly operation of the Courts, the safety of the public, the litigants, the witnesses, and the Court staff.

1. Anyone entering the locations listed below (collectively “the courtroom facilities”) must consent to search of their person, including any package, briefcase, or purse:
  - (a) The Dubois County Courthouse;
  - (b) The Dubois County Annex.
2. If a courtroom facility has more than one entrance/exit, the Courts may designate one or more of the entrances/exits to be used for restricted purposes.
3. Unless exempt under Paragraph 6, below, anyone entering a courtroom facility is prohibited from having any of the following in his/her possession while in the courtroom facility:
  - (a) A loaded or unloaded firearm; or
  - (b) A weapon, device, taser (as defined in I.C. § 35-47-8-3) or electronic stun weapon (as defined by I.C. § 35-47-8-1), equipment, chemical substance, or other material, including a knife, razor, box-cutter, and switchblade, that in the manner it is used, or could ordinarily be used, is readily capable of causing serious bodily injury.
4. Anyone refusing to comply with this Order is to be denied entrance to the courtroom facilities.
5. Anyone violating this Order may be found to be in contempt of court and punished for that contempt pursuant to the inherent power of the Courts and/or pursuant to I.C. § 34-47, I.C. §34-47-2 and/or I.C. § 34-47-3.
6. The following individuals are exempt from this Order:
  - (a) A law enforcement officer, as defined in I.C. § 35-31.5-2-185;
  - (b) A judicial officer, as defined in I.C. § 35-31.5-2-177.7;
  - (c) A probation officer appointed pursuant to I.C. § 11-13-1-1 who has satisfied all of the conditions listed in I.C. § 11-13-1-3.5;
  - (d) An employee of a locally or regionally operated Community Corrections Program, who is authorized to carry a firearm by his or her supervisor.
7. Any person listed in this paragraph 6 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.
8. The statute cited above may change from time to time. This local court rule shall automatically refer to the relevant statutes in effect at any given time.



If the judge before whom a case is pending in the Dubois Circuit Court or Dubois Superior Court becomes disqualified from jurisdiction of a case pursuant to the Administrative Rules, Rules for Post-Conviction Remedies, 1 or the Code of Judicial Conduct, then the presiding judge shall reassign the case to the other judge in Dubois County, and if that judge is ineligible to serve, then the presiding judge shall reassign the case by selecting the next judge in sequence from the list of judges of the following courts:

Daviess Circuit Court  
Daviess Superior Court  
Knox Circuit Court  
Knox Superior Court I  
Knox Superior Court II  
Knox Circuit and Superior Courts Magistrate  
Martin Circuit Court  
Perry Circuit Court  
Perry Circuit Court Magistrate  
Pike Circuit Court  
Spencer Circuit Court  
Orange Circuit Court  
Orange Superior Court  
Crawford Circuit Court  
Warrick Circuit Court  
Warrick Superior Court I  
Warrick Superior Court Magistrate

In the event a judge is ineligible for assignment from the list or the particular circumstances of the case warrant selection of a special judge by the Indiana Supreme Court, the presiding judge shall certify the case to the Indiana Supreme Court for the appointment of a special judge pursuant to Administrative Rule 21(B).

**LR19-AR1-2 ASSIGNMENT OF CRIMINAL CASES**

Pursuant to Administrative Rule 1(E), the following categories of charges shall be filed in the Dubois Circuit Court and Dubois Superior Court respectively:

**CIRCUIT COURT**

Homicide  
Mischief  
Burglary  
Trespass  
Forgery  
Battery  
Kidnapping  
Sex Crimes  
Robbery  
Crimes against Public Administration  
Bribery and other Official Misconduct  
Perjury  
Interference with Governmental Operation  
Article 46 – Miscellaneous Offenses  
Weapons and Violence  
Check Deception  
Domestic Violence  
Red Flag

**SUPERIOR COURT**

Arson  
Theft  
Home Improvement Fraud  
Offenses against Public Health, Order and Decency  
Public Order  
Communications  
Pollution  
Public Indecency  
Prostitution  
Gambling  
Racketeering  
Loan sharking  
Gang Control  
Stalking  
Controlled Substances  
Alcohol related offenses  
Obscenity and Pornography  
Traffic related offenses  
Conservation violations

The most serious level of charge filed determines where the case is filed.

The prosecuting attorney or defense attorney may seek to transfer a case, and upon good cause shown, a case may be transferred to the other court for consolidation with a companion case, or other cases pending in that court against the same defendant with the acceptance of the judges of the receiving and sending court.

In the event of dismissal and re-filing of a criminal case, it shall be re-filed in the same court in which it was originally filed.

Pursuant to Administrative Rule 21, in the event a change of judge is granted the case shall be reassigned pursuant to Local Rule

## **LR19-CR00-3 CRIMINAL DISCOVERY AND PRETRIAL PROCEDURE**

In all criminal cases, pretrial discovery shall be conducted as follows:

### **I. INFORMATION TO BE PROVIDED BY THE STATE WITHIN FORTY (40) DAYS.**

The State of Indiana shall provide to the defendant, in written form, within forty (40) days of the initial hearing, the following discovery information:

1. The names and last known addresses of all persons whom the State of Indiana intends to use as witness in the prosecution of this case.
2. A list of names and last known addresses of those persons that the State believes to have knowledge pertinent to this cause, but who may not be called as a witness in the trial of this cause.
3. A copy of all written statements, transcripts of recorded statements, memoranda, and summaries of oral statements of persons whom the prosecuting attorney intends to call as witnesses in the prosecution of this case.
4. A list of criminal convictions, if any, of all witnesses whom the State plans to call to testify at trial. Also, a list of crimes, wrongs, or acts, if any, of the defendant which the State intends to offer into evidence, pursuant to Indiana Evidence Rule 404(b), and the general nature of such evidence.
5. Any and all written or recorded statements and the substances of any oral statements made by the defendant to agents of the State of Indiana or to private individuals assisting the aforesaid authorities, including any warnings of rights read to or alleged waivers obtained from the defendant, and a list of witnesses to the making and/or acknowledgment of such statements.
6. State whether or not the use of an informant is in any way involved in the State's case, and if so, upon motion by the defendant, make available for deposition.
7. State the name and address of each and every person who was present and/or who took part in or witnessed the criminal act which the defendant is accused of committing.
8. All written reports, notes, memorandum, maps, drawings, or diagrams written, drawn, or otherwise prepared by any law enforcement agency or individual in connection with or pertaining to the investigation of the crimes charged against the defendant.
9. Copies of all photographs which the State of Indiana intends to or may offer into evidence at the trial of this case, and all other photographs relevant to the subject matter of this case, including any photographs of physical evidence in the State's possession.

10. All tangible or demonstrative objects, books, papers or documents which the State of Indiana will use in the trial or which were obtained from or belong to the accused, including that evidence which was seized at the time of the apprehension of the defendant, as a result of execution of search warrants, or if such search was based on any alleged consent by defendant, the circumstances in which such alleged consent was obtained.
11. Any and all reports, laboratory or otherwise, or statements of experts made in connection with this particular case, including results of physical examinations and of scientific tests, experiments, or comparisons by any agents of the State of Indiana, or private individuals, and on which the prosecution intends to rely at trial.
12. The name, address, and area of expertise of any expert witness that the defendant intends to call as a witness in this cause; the subject on which the expert is expected to testify, the substance of the facts and opinions which said expert is expected to testify.
13. Any promises of leniency or immunity made to any witnesses, any implied promises made to any witnesses, or any promises of leniency or immunity that will be made in the future to any witness by a prosecuting attorney, deputy prosecuting attorney, or any law enforcement officer or employee.
14. That the State of Indiana provide counsel for the defendant access to the scene of the alleged crime at a time and place convenient to the parties, and the right to inspect, measure, and/or photograph said premises.
15. Pursuant to *Brady v. U.S.*, the State shall produce all exculpatory evidence as it becomes available.

## **II. NOTICE OF COMPLIANCE BY STATE.**

The State shall provide the Court, in writing, with notice of its compliance with the foregoing provisions of this discovery order.

## **III. INFORMATION TO BE PROVIDED BY THE DEFENDANT WITHIN SIXTY (60) DAYS.**

Counsel for the defendant shall provide to the State, in written form, within sixty (60) days of the initial hearing, the following discovery information:

1. Inform the State and permit it to inspect and copy or photograph any report or result, or testimony relative thereto, of physical or mental examinations or of scientific tests, experiments or comparisons, or any other reports or statements of experts which defense counsel has in his possession or control, except those parts which defendant does not intend to use.

2. Furnish the State with the names and last known addresses of persons the defense intends to call as witnesses, together with their relevant written or recorded statements, including memoranda reporting or summarizing their oral statements, and any record known of prior criminal convictions of said witnesses.
3. Furnish the State with all books, papers, documents, photographs, or tangible objects the defendant intends to use as evidence or for impeachment at a hearing or trial.
4. A list of names and last known addresses of those persons that the defendant believes to have knowledge pertinent to this cause, but who may not be called as a witness in the trial of this cause.
5. Inform the Court and State of any objection to evidence which the State has given notice of intent to offer, pursuant to Evidence Rule 404(b), by filing of a motion in limine.
6. True, accurate and complete copies of any exhibits that the defendants intends to introduce at the trial of this cause.
7. The name, address, and area of expertise of any expert witness that the defendant intends to call as a witness in this cause; the subject on which the expert is expected to testify, the substance of the facts and opinions which said expert is expected to testify.
8. Any evidence which the defendant intends to offer pursuant to Evidence Rule 702, including true, accurate and complete copies of any reports, examination results, test results or experiment results compiled or prepared by an expert at the request of the defendant, and disclose any objection he or she may have pursuant to Evidence Rule 702(b) to the State's experts.

#### **IV. NOTICE OF COMPLIANCE BY DEFENDANT.**

Within sixty (60) days of the initial hearing, counsel for the defendant shall provide the Court, in writing, with notice of defendant's compliance with the foregoing provisions of this discovery order.

#### **V. FINAL WITNESS AND EXHIBIT LIST.**

Final witness and exhibit lists shall be exchanged by the parties and filed with the Court no later than ten (10) days following the final pretrial conference in this cause.

#### **VI. SUPPLEMENTATION OF DISCOVERY RESPONSES.**

Should either party find at any time additional information, facts, objects, or persons which would be subject to or covered by this discovery order, that party shall promptly notify the other party, in writing, of the finding.

#### **VII. DISCOVERY DEADLINE.**

All depositions and discovery shall be completed at least twenty-one (21) days prior to the scheduled trial date in this cause. Additional time for depositions and discovery may be obtained only by leave of this Court for good cause shown.

**VIII. DISCOVERY MATTER IN CONTROVERSY.**

Any discovery matters in controversy between the parties shall be brought to the Court's attention in such time and manner to allow a hearing to be conducted to resolve the matter without compromising the scheduled trial date.

**IX. PRETRIAL MOTIONS.**

All substantive motions, including motions to suppress, motions to dismiss, 404(b) requests and notices which are not controlled by statutory deadlines shall be filed no later than ten (10) days following the final pretrial conference.

**X. JURY INSTRUCTIONS.**

Within ten (10) days of the final pretrial conference in this cause, each party may submit to the Court proposed pattern jury instructions and up to ten (10) nonpattern jury instructions to be considered by the Court for reading to the petit jury at the trial of this cause.

**XI. PLEA NEGOTIATIONS.**

All plea negotiations shall be completed and finalized at least ten (10) days prior to the scheduled trial date in this cause.

**XII. CONTINUANCE.**

A continuance may not be granted, absent extenuating, unforeseeable circumstances of no fault of the movant, within ten (10) days of the scheduled trial date.

**LR19-JR4-1            SUMMONING JURORS**

Pursuant to Jury Rule 4, the Dubois Circuit and Superior Courts choose, by local rule, "The Two Tier notice and summons" procedure, as its procedure for summoning jurors. (Jury Rule 4b)

**LR19-FL-1 ALTERNATIVE DISPUTE RESOLUTION (ADR) IN DOMESTIC RELATIONS**

**MEDIATION REQUIRED**

All domestic relations litigants with custody and/or visitation disputes reasonably expected to take one hour or more of court time to litigate their custody and/or visitation dispute shall be required to participate in mediation and, when eligible, may be referred to participate in the Domestic Relations Alternative Dispute Resolution Fund Plan of the Circuit and Superior Courts of Dubois County.



**REQUIRED PARENTING CLASS IN DISSOLUTION OF  
MARRIAGE CASES**

In all marriage cases involving minor children or cases involving children born out of wedlock, each party shall, at their own expense, attend and complete a parenting class provided through the Purdue Extension Office or other comparable program approved by the court prior to entry of a final order being entered. Upon application, the Court may, at its discretion, waive this requirement or allow participation in an equivalent program. Each party shall be individually responsible for complying with this requirement and provide proof of compliance with the Court.