STATE OF INDIANA)
) SS:
COUNTY OF GRANT)

IN THE GRANT CIRCUIT AND SUPERIOR COURTS

FILED
JUL 2 0 2016
CLERK GCC

IN RE LR-27 TR 63-1

CASE NO. 27C01-1607-CB-000031

Notice of Proposed New Local Rule

The Circuit and Superior Courts of Grant County, Indiana ("the Courts") give notice of their intention to add LR-27 TR 63-1 to the Local Rules of Practice and Procedure in the Circuit and Superior Courts of the 48th Judicial Circuit Grant County, Indiana ("the Local Rules") as required by Ind. Trial Rule 81(B).

Pursuant to T.R. 81(D) the Courts find that there is good cause to deviate from the schedule established by the Division of State Court Administration ("STAD") for the adoption of new local rules.

The Clerk of Grant Circuit Court ("the Clerk") is directed: 1) to post the proposed rule in the Clerk's office; 2) to post the proposed rule on the Clerk's website; 3) to issue a copy of the proposed rule to each member of the Grant County Bar Association; and 4) to forward a digital copy and a paper copy of the proposed rule to STAD for publication on the Indiana Judicial Website.

Comments regarding the proposed rule may be submitted to the Clerk and/or to STAD for at least thirty (30) days after the proposed rule has been posted. The comment period for the proposed rule will end on August 26, 2016.

The Courts will approve the final version of the proposed rule on or after August 26, 2016, at which time the Clerk will be directed: 1) to file the final version in the Record of Judgments and Orders; 2) to publish the final version on the Clerk's website; and 3) to transmit the final version in digital and paper format to STAD for posting on the Indiana Judicial Website.

The proposed new rule is intended to formalize the long standing practice of judicial officers of the Courts of assisting one another as well as the Gas City City Court and the Marion City Court. We believe this practice is consistent with: 1) Ind. Trial Rule 63(A); 2) Ind. Code § 33-33-27.3-11, which applies to Grant Superior Court 3; 3) I.C. § 33-29-1-10, which applies to counties with standard superior courts; 4) I.C. § 34-26-1-3, which deals with restraining orders and injunctions; and 5) with S.E.A. 81, P.L. 22 – 2016, effective July 1, 2016, which allows a senior judge or a judge pro tempore serving in a county that has a probate court, a circuit court, or a superior court judge to, with the consent of the judge of the probate court, circuit court, or a superior court in the county, sit as the judge of the consenting judge's court in any manner as if the senior judge or judge pro tempore were the elected judge of the court regardless of whether the appointed or elected judge of the court is present and available in the building that contains the court. [See I.C. § 33-23-3-3(b) for the provisions concerning senior judges and see I.C. § 33-38-15.2 for the provisions concerning judges pro tempore.]

The Courts intend to seek the formal or informal approval of this proposed new rule from the Office of Judicial Administration. This might not be required because the proposed rule will not be submitted to the Indiana Supreme Court for approval since the proposed new rule does not affect the selection of special judges in civil cases; nor the assignment of criminal cases and the selection of successor judges; nor court reporter services; nor case reallocation plans.

The effective date for the final version of the new rule is expected to be effective on September 1, 2016.

Signed on July 6, 2016, by:

Mark E. Spitzer, Judge Grant Circuit Court

Jeffrey D. Todd, Judge Grant Sup. Court 1

Dana J. Kenworthy, Judge Grant Sup. Court 2

Brian McLane, Magis. Grant Juv. & IV-D Ct.

Warren Haas, Judge Grant Sup. Court 3

Consent of City Courts

The undersigned have reviewed the proposed new rule. They consent to the application of the proposed new rule to matters filed or to be filed in their respective Courts.

Signed on 7/12/2016, by:

Steven J. Barker, Judge
Gas City City Court
211 E Main St
Gas City IN 46933-1457
Phone: 765.677.3081
Fax: 765.677.4762

Signed on 7/6/16, by:

Jason D. McVicker, Judge
Marion City Court – Marion Municipal Bldg
301 S Branson St Ste 210
Marion IN 46952-4104
Phone: 765.668.4425
Fax: 765.651.4297

LR-27 TR 63-1 Authority to Sit in Other Courts

A. The judge of Grant Circuit Court ("the Circuit judge"), with the consent of:

1. the judge of Grant Superior Court 1 ("the Superior 1 judge");
2. the judge of Grant Superior Court 2 ("the Superior 2 judge");
3. the judge of Grant Superior Court 3 ("the Superior 3 judge");
4. the judge of Gas City City Court ("the Gas City judge"); and
5. the judge of Marion City Court ("the Marion judge");

may sit as judge of those courts in any matter as if the Circuit judge were the elected or appointed judge of such courts. Consent to sit as judge is presumed, absent clear and convincing evidence to the contrary.

B. The Superior 1 judge, with the consent of the Circuit judge, the Superior 2 judge, the Superior 3 judge, the Gas City judge, and the Marion judge; may sit as judge of those courts in any matter as if the Superior 1 judge were the elected or appointed judge of such courts. Consent to sit as judge is presumed, absent clear and convincing evidence to the contrary.

C. The Superior 2 judge, with the consent of the Circuit judge, the Superior 1 judge, the Superior 3 judge, the Gas City judge, and the Marion judge; may sit as judge of those courts in any matter as if the Superior 2 judge were the elected or appointed judge of such courts. Consent to sit as judge is presumed, absent clear and convincing evidence to the contrary.

D. The full-time juvenile magistrate ("the magistrate") appointed by the Superior 2 judge, may with the consent of the Circuit judge, the Superior 1 judge, the Superior 2 judge, the Superior 3 judge, the Gas City judge, and the Marion judge; sit as judge of those courts in any matter as if the magistrate were the elected or appointed judge of such courts. Consent to sit as judge is presumed, absent clear and convincing evidence to the contrary.

E. The Superior 3 judge, with the consent of the Circuit judge, the Superior 1 judge, the Superior 2 judge, the Gas City judge, and the Marion judge; may sit as judge of those courts in any matter as if the Superior 3 judge were the elected or appointed judge of such courts. Consent to sit as judge is presumed, absent clear and convincing evidence to the contrary.

F. During a senior judge's or judge pro tempore's appointment, the senior judge or judge pro tempore has the same authority to act in the other courts as the appointing judge has, absent clear and convincing evidence to the contrary.

G. The authority to act in the other courts is present even when the appointed or elected judge of the other court is present and available in the building that contains the court.