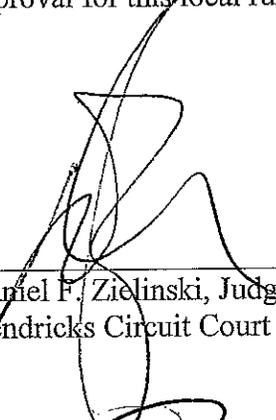


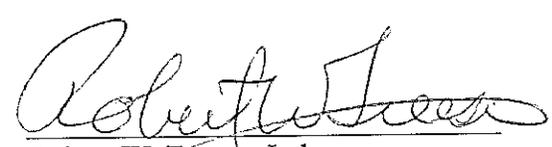
8. Pursuant to Trial Rule 81(D), there is good cause to deviate from the schedule for local rules established by the Division of State Court Administration.

WHEREFORE, the Hendricks County Courts respectfully request that the county clerk post this notice and attached, proposed amendments to local rules in the county clerk's office and on the county clerk's website, if any. The Hendricks County Courts further request that the Division of State Court Administration post the proposal on the Indiana Judicial website for public inspection and comment. The Hendricks County Courts further request Supreme Court approval for this local rule for special judge selection in civil cases pursuant to TR 79(H).

Respectfully submitted,



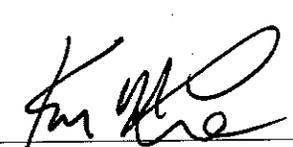
Daniel F. Zielinski, Judge
Hendricks Circuit Court



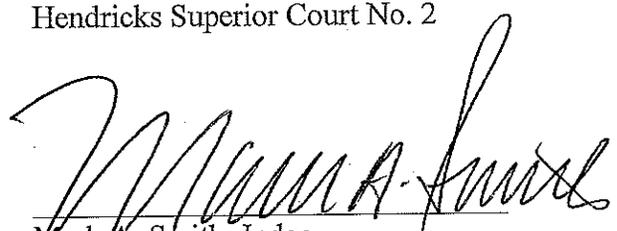
Robert W. Freese, Judge
Hendricks Superior Court No. 1



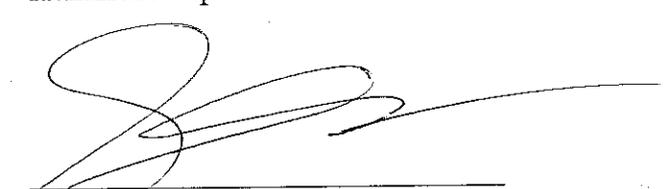
Rhett M. Stuard, Judge
Hendricks Superior Court No. 2



Karen M. Love, Judge
Hendricks Superior Court No. 3



Mark A. Smith, Judge
Hendricks Superior Court No. 4



Stephenie LeMay-Luken, Judge
Hendricks Superior Court No. 5

- A. ~~Pursuant to TR 79(C), a judge shall disqualify and recuse him or herself whenever the judge, the judge's spouse, a person within the third degree of relationship to either of them, the spouse of such a person, or a person residing in the judge's household:~~
- ~~1. is a party to the proceeding, or an officer, director, or trustee of a party;~~
 - ~~2. is acting as a lawyer in the proceeding;~~
 - ~~3. is known by the judge to have an interest that could be substantially affected by the proceeding; or~~
 - ~~4. is associated with the pending litigation in such a fashion as to require disqualification under the Indiana Code of Judicial Conduct or otherwise.~~

~~Upon disqualification or recusal under this section, a special judge shall be selected from a list of the current Circuit Court Judge, Superior Court Judges and Magistrates of the other county.~~

- B. ~~Pursuant to TR 79(D), within seven (7) days of the notation in the Chronological Case Summary of the order granting a change of judge or an order of disqualification, the parties may agree to an eligible special judge. The agreement of the parties shall be in writing and shall be filed in the court where the case is pending. Upon the filing of the agreement, the court shall enter an order appointing such individual as the special judge in the case and provide notice pursuant to TR 72(D) to the special judge and all parties or appoint a special judge under TR 72(H). A judge appointed under this section shall have fifteen (15) days to decide whether to accept the case and enter his or her decision. The filing of the acceptance vests jurisdiction in the special judge. An oath or additional evidence of acceptance of jurisdiction is not required.~~

- C. ~~The Morgan County and Hendricks County Clerks shall maintain separate lists of all Circuit Court Judges, Superior Court Judges, and Magistrates of Morgan County and Hendricks County respectively to be used to randomly select a special judge in all cases in which the parties do not agree to a special judge as set forth in this rule.~~

- D. ~~If the parties fail to agree to the selection of a special judge, the clerk of the county in which the case is filed shall randomly select a special judge from the judges of that county and notify the Court, the selected special judge, and the parties of the random selection.~~

- E. ~~If either Morgan or Hendricks County does not have a sufficient number of regular sitting judges from which to select a judge from the county in which the case is filed, the clerk of that county shall randomly select from a list of the current Circuit Court Judge, Superior Court Judges, and Magistrates of the other county.~~

- F. ~~The sitting judge may forego the requirements set forth in this rule and certify immediately to the Indiana Supreme Court for the appointment of a special judge if the particular circumstances of a case warrant selection of a special judge by the Indiana Supreme Court.~~

(Amended effective May 1, 2013)

- A. If a special judge is required to be selected under TR 79(H) then the special judge shall be selected as follows:
1. If the case was originally filed in a court of record in Hendricks County, then the judge will be selected randomly from among the judicial officers of Hendricks County.
 2. If the case was originally filed in a court of record in Morgan County, then the judge will be selected randomly from among the judicial officers of Morgan County.
 3. If for any reason a judge cannot be selected by the above methods then the special judge shall be selected on a random basis from among the judicial officers of the other county within the District.
- B. If a special judge is required to be selected under TR 79(H) the clerk of the county in which the case is filed shall randomly select a special judge and notify the judge of the court in which the case is pending, the selected special judge, and the parties of the random selection. The clerk of each county shall maintain a list of the judges eligible for selection under this rule.
- C. In the event that no judicial officer within Administrative District 16 is eligible to serve as a special judge or the particular circumstance of a case warrants selection of a special judge by the Indiana Supreme Court, the judge of the court in which the case is pending shall certify the matter to the Indiana Supreme Court for appointment of a special judge.
- D. If a judge within Administrative District 16, the judge's spouse, a person within the third degree of relationship to either of them, the spouse of such a person, or a person residing in the judge's household is a party to a proceeding, or an officer, director, or trustee of a party, the judge of the court in which the case is pending shall certify the matter to the Indiana Supreme Court for appointment of a special judge.