STATE OF INDIANA – COUNTY OF HOWARD
IN THE HOWARD CIRCUIT AND SUPERIOR COURTS

Notice of Proposed Local Rule Amendments and Finding Good Cause to Deviate From Established Schedule
November 8, 2016

The judges of the Howard Circuit and Superior Courts, pursuant to Trial Rule 81(B), give notice of amendments to the Local Rule pertaining to the appointment of special judges in civil cases (LR34-TR79-8) and find good cause to deviate from the schedule for amending said Local Rules under Trial Rule 81(D). All new text is shown by underlining, and deleted text is shown by ~~strikethrough~~.

Notice has been given to the public by posting in the Office of the Howard County Clerk and on the Clerk's website and on the Indiana Judicial Website, and by furnishing a copy to the officers of the Howard County Bar Association. Comments may be made until December 15, 2016, to:

> Hon. Lynn H. Murray, Judge of the Howard Circuit Court, Attn.: Public Comment on Local Rules, 104 North Buckeye Street, #310, Kokomo, IN 46901-9004; or judgeLHM@aol.com.

These rule amendments will be effective on January 1, 2017.

Dated this 8 day of November, 2016.

LYNN H. MURRAY, JUDGE
HOWARD CIRCUIT COURT

WILLIAM C. MENGES, JR., JUDGE
HOWARD SUPERIOR COURT I

BRANT J. PARRY, JUDGE
HOWARD SUPERIOR COURT II

DOUGLAS A. TATE, JUDGE
HOWARD SUPERIOR COURT III

GEORGE A. HOPKINS, JUDGE
HOWARD SUPERIOR COURT IV

LR34-TR79-8
CHANGE OF JUDGE

Purpose of Rule

This rule is adopted to comply with the requirements of Trial Rule 79(H) of the Indiana Rules of Trial Procedure. It is intended to provide a means of selection of special judges ensuring the effective use of all judicial resources within Administrative District 8 (which is comprised of Cass County, Fulton County, Howard County, and Miami County) and includes each person eligible for appointment under Section (J) of Trial Rule 79.

Central Office Established

There is established a Central Office for the keeping of records of appointment and selection of special judges for this District. The Central Office of this District shall be the Howard Superior Court 4.

The Courts of this County shall hereafter refer to the Central Office of this District whenever selection of a special judge is required under this rule. Each of the Courts of this County shall accept from the Central Administrator the name of the individual to then be appointed as special judge for a given case.

The person serving as the Central Administrator shall have the following responsibilities:

1. To maintain a list of persons qualified to serve as special judge under Section (J) of Trial Rule 79.
2. To take referrals from the several courts of this District, requesting appointment of a special judge.
3. To alternately and on a rotating basis appoint qualified judges from the list maintained for that purpose.
4. To notify the referring court of the individual to be appointed under this rule.

Current Rotation Schedule

The following shall be the rotation schedule used by the Central Administrator:

1. The Judge of the Cass Superior Court I
2. The Judge of the Howard Superior Court III
3. The Judge of the Fulton Superior Court
4. The Judge of the Howard Superior Court II
5. The Judge of the Fulton Circuit Court
6. The Judge of the Howard Circuit Court
7. The Judge of the Miami Superior Court I
8. The Judge of the Howard Superior Court I
9. The Judge of the Cass Circuit Court
10. The Judge of the Miami Circuit Court

11. The Judge of the Cass Superior Court II
12. The Judge of the Howard Superior Court IV
13. The Judge of the Miami Superior Court II

Administrative Fee

Each of the Courts participating under this rule shall pay each year the sum of Fifty Dollars ($50.00) to the Central Administrator, payable directly to the Administrator by the 15th day of September of each year.

Certification to the Supreme Court

In cases in which no judge is eligible to serve as special judge in a particular case or where the circumstances of a case require it, the Court shall certify those circumstances to the Supreme Court and that Court shall make the appointment.

Credit for Voluntary Acceptance of Certain Special Judge Cases

If, outside the normal rotation schedule, a judge voluntarily accepts a Cass County, Fulton County, Howard County, or Miami County civil case at the request of the parties to the case or at the request of the Court in which the case is pending, that judge may then receive credit for taking that case, with the Central Administrator skipping over that judge the next time that judge's name comes up for appointment for a case under the above-described rotation schedule. In order to receive such credit, the judge shall notify the Central Administrator of his or her voluntary acceptance of such a civil case no later than seven (7) days after his or her formal qualification and assumption of jurisdiction in that case. At the time that such notification is provided to the Central Administrator, the notifying judge shall also provide the Central Administrator the cause number of the civil case that he or she has voluntarily accepted.

~~**LR34-TR79-8**~~
~~**CHANGE OF JUDGE**~~

~~**Purpose of Rule:**~~
~~This rule is adopted to comply with the requirements of Trial Rule 79(H) of the Indiana Rules of Trial Procedure. It is intended to provide a means of selection of special judges insuring the effective use of all judicial resources within Administrative District 8, and includes each person eligible for appointment under Section (J) of Trial Rule 79.~~

~~**Central Office Established:**~~
~~There is established a Central Office for keeping of records of appointment and selection of special judges for this District. The Central Office of this District shall be Howard Superior Court 4.~~

~~The Howard County Courts shall hereafter refer to the Central Office of this District whenever selection of a special judge is required under this rule. The particular Court shall accept from the Central Administrator the name of the individual to then be appointed as special judge.~~

~~The person serving as Administrator of the Central Office shall have the following responsibilities:~~

1. ~~To maintain a list of persons qualified to serve as special judge under Section (J) of Trial Rule 79.~~
2. ~~To take referrals from the several courts of this District, requesting appointment of a special judge.~~
3. ~~To alternately and on a rotating basis appoint qualified judges from the list maintained for that purpose.~~
4. ~~To notify the referring Court of the individual to be appointed under this Rule.~~

~~Rotation Schedule:~~

~~The following shall be the rotation schedule used by the Central Administrator.~~

1. ~~The Judge of Cass Superior Court I~~
2. ~~The Judge of the Howard Superior Court III~~
3. ~~The Judge of the Fulton Superior Court~~
4. ~~The Judge of the Howard Superior Court II~~
5. ~~The Judge of the Fulton Circuit Court~~
6. ~~The Judge of the Howard Circuit Court~~
7. ~~The Judge of the Miami Superior Court I~~
8. ~~The Judge of the Howard Superior Court I~~
9. ~~The Judge of the Cass Circuit Court~~
10. ~~The Judge of the Miami Circuit Court~~
11. ~~The Judge of the Cass Superior Court II~~
12. ~~The Judge of the Howard Superior Court IV~~
13. ~~The Judge of Miami Superior Court II~~

~~Administrative Fee:~~

~~Each court participating under this Rule shall pay each year the sum of Fifty Dollars ($50.00) to the Central Administrator, payable directly to the Administrator by the 15th of September of each year.~~

~~Certification to Supreme Court:~~

~~In cases in which no judge is eligible to serve as special judge in a particular case, or where the circumstances of a case require it, the Court shall certify those circumstances to the Supreme Court, and that Court shall make appointment.~~