

In the
Indiana Supreme Court



IN THE MATTER OF THE)
)
APPROVAL OF LOCAL RULES) Case No. 36S00-1001-MS- 13
)
FOR JACKSON COUNTY)

ORDER APPROVING AMENDED LOCAL RULES

The judges of the Jackson Circuit and Superior Courts request the approval of amended local rules for appointment of special judges in accordance with Ind. Trial Rule 79 and Ind. Criminal Rule 2.2. Attached to this Order are the proposed amended local rules.

Upon examination of the proposed rule amendments requested by the Jackson Circuit and Superior Courts, this Court finds that the proposed rule amendments, LR36-TR79-1 and LR36-CR2.2-1, comply with the requirements of Ind. Trial Rule 79 and Ind. Criminal Rule 2.2, and accordingly, should be approved.

IT IS, THEREFORE, ORDERED by this Court that Jackson County Local Rules, LR36-TR79-1 and LR36-CR2.2-1, set forth as an attachment to this Order, are approved effective retroactive to January 1, 2010, provided further that the rules shall be posted in the county clerk's office(s) and on the county clerk's website, if any, and on the Indiana Judicial Website.

The Clerk of this Court is directed to forward a copy of this Order to the Hon. William E. Vance, Jackson Circuit Court, P.O. Box 315, Brownstown, IN 47220-0315; the Hon. Bruce Markel III, Jackson Superior Court 1, P.O. Box 788, Seymour, IN 47274-0788; the Hon. Bruce MacTavish, Jackson Superior Court 2, 220 East Walnut Street, Brownstown, IN 47220; and to the Clerk of the Jackson Circuit Court. The Clerk is also directed to post this Order on the Court's website.

The Clerk of the Jackson Circuit Court is directed to enter this Order and attachment in the Record of Judgments and Orders for the Courts, to post this Order and attachment for examination

by the Bar and the general public, and if available, to publish this Order and attachment on the county clerk's website.

DONE at Indianapolis, Indiana, this 6th day of Jan., 2010.

RT Shepard

Randall T. Shepard
Chief Justice of Indiana

LR36-TR79-1 Special Judge Selection in Civil Cases

A. Selection of special judges in cases involving changes of judge or disqualifications or recusals.

1. Pursuant to T.R. 79(D), parties to a civil action may agree (with concurrence with the judge selected) to any particular special judge.
2. Pursuant to T.R. 79(E), in absence of an agreement as to a particular special judge, the parties may agree to have the regular sitting judge appoint a special judge.

B. Additional procedures for selection of special judges in cases involving changes of judge.

1. In the absence of an agreement as to a particular special judge, pursuant to A (1) above, or an agreement to have the regular sitting judge appoint a special judge, pursuant to A (2) above, then pursuant to T.R. 79(F), the regular sitting judge shall name a panel of three judges from the contiguous counties or eligible Senior Judges. Each regular sitting judge shall maintain a list of all eligible special judges.

C. Selection of special judges in cases involving disqualifications or recusals.

1. In the absence of an agreement as to a particular special judge, pursuant to A (1) above, or an agreement to have the regular sitting judge appoint a special judge, pursuant to A (2) above, then the sitting judge will appoint a special judge from the contiguous counties or an eligible Senior Judge. Each regular sitting judge shall maintain a list of all eligible special judges.
2. A person appointed to serve as special judge under section (C) must accept jurisdiction unless disqualified under the *Code of Judicial Conduct*, ineligible for service under Trial Rule 79, or excused by the Indiana Supreme Court.

D. Certification to the Indiana Supreme Court.

1. If no Special Judge accepts using any of the methods recited hereinabove, the regular sitting judge shall certify to the Supreme Court for the naming of a special judge.
2. The sitting judge may forego the requirements set forth herein 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.

LR36-CR2.2-1 Criminal Case Reassignment

In any criminal proceeding in the Jackson Circuit or Superior Courts when a change of judge is granted, or it becomes necessary to assign another judge, the case shall be reassigned to a judge from a contiguous county or an eligible Senior Judge. Each regular sitting judge shall maintain a list of all eligible special judges.