FILED
JUL - 1 2011

In the
Indiana Supreme Court

IN THE MATTER OF	)	
	)	
APPROVAL OF LOCAL RULES	)	Cause No. 06S00-1107 -MS- 395
	)	
FOR BOONE COUNTY	)	

ORDER RE-APPROVING CASELOAD ALLOCATION PLAN and APPROVING AMENDED LOCAL RULE

Pursuant to Ind. Administrative Rule 1, the Judges of the Boone Circuit and Superior Courts, request this Court to re-approve their caseload allocation plan based upon their revalidation of the plan. Further, they request the approval of an amended local rule, LR06-TR79-BLR-25, for appointment of special judges in accordance with Ind. Trial Rule 79. Attached to this Order is the proposed amended local rule.

And this Court being duly advised, now finds that the caseload allocation plan for Boone County should be re-approved and the amended local rule for special judge appointments should be approved.

IT IS, THEREFORE, ORDERED by this Court, based upon revalidation by the Boone Circuit and Superior Court Judges, that the Boone County caseload allocation plan is re-approved, effective January 1, 2012.

IT IS FURTHER ORDER by this Court that Boone BooneCounty Local Rule LR06-TR79-BLR-25, set forth as an attachment to this Order, is approved effective July 1, 2011, provided further that the rule 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. J. Jeffrey Edens, Boone Circuit Court, 310 Courthouse Square, Lebanon, IN 46052-2159; the Hon. Matthew C. Kincaid, Boone Superior Court 1, 307 Courthouse Square, Lebanon, IN 46052-2159; the Hon. Rebecca McClure, Boone Superior Court 2, 112 Courthouse Square, Lebanon, IN 46052-2159; to the Clerk of the Boone BooneCircuit and Superior Courts; and to the Division of State Court Administration. The Clerk is also directed to post this Order on the Court's website.

State Court Administration. The Clerk is also directed to post this Order on the Court's website.

The Clerk of the BooneBoone Circuit and Superior Courts 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 1st day of July, 2011.

RT Shepard

Randall T. Shepard
Chief Justice of Indiana

209.60 If a special judge is required to be selected under Trial Rule 79(H) then the special judge shall be selected on a rotating basis from the following list:

a. Judge of the Boone Circuit Court
b. Judge of the Clinton Circuit Court
c. Judge of the Hamilton Circuit Court
d. Judge of the Tipton Circuit Court
e. Judge of the Boone Superior Court No. 1
f. Judge of the Boone Superior Court No. 2
g. Judge of the Clinton Superior Court No. 1
h. Judge of the Hamilton Superior Court No. 1
i. Judge of the Hamilton Superior Court No. 2
j. Judge of the Hamilton Superior Court No. 3
k. Judge of the Hamilton Superior Court No. 4
l. Judge of the Hamilton Superior Court No. 5
m. Judge of the Hamilton Superior Court No. 6

209.70 A special judge selected under 209.60 must accept jurisdiction unless disqualified pursuant to *The Code of Judicial Conduct* or excused from service by the Indiana Supreme Court but shall not be eligible to be named again as a special judge under 209.60 until every person on the list has served. The Administrator of Courts for Hamilton County shall maintain a copy of the above list and shall be notified each time a judge is selected from it. The Administrator of Courts shall be responsible to keep the list updated with those who have served, and to be able to provide on request the name of the next judicial officer on the list.

209.80 In the event that no judicial officer within Administrative District 12 is eligible to serve as special judge or the particular circumstance of the 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.

LR06-TR79-BLR -25 - COORDINATED LOCAL RULE OF THE COURTS OF BOONE COUNTY, ENACTED IN COMPLIANCE WITH T.R. 79 (H)

209.10 Pursuant to Trial Rule 79(H) of the Indiana Rules of Trial Procedure, the Circuit and Superior Courts of Boone County, in conjunction with the other Judges of Administrative District 12, i.e., Clinton County, Hamilton County and Tipton County, Indiana, have adopted the following rule to establish procedures for the selection of special judges in civil cases. Said rule, as approved by the Supreme Court of Indiana, is as follows:

209.20 This rule shall be subject to any previous standing orders of the Supreme Court of Indiana for the appointment of judges which may be in effect or which may become effective subsequent to the entry of this rule. Such standing orders shall preempt this rule and shall take precedence over it.

209.30 Pursuant to Trial Rule 79(D), parties to a civil action may agree (with concurrence of the judge selected) to any particular special judge.

209.40 In the absence of an agreement as to a particular special judge, the parties, pursuant to Trial Rule 79(E), may consent to have the regular sitting judge appoint a special judge from a list of local judges, magistrates, or senior judges.

209.50 In the event a special judge is not selected as provided in the paragraphs above, and excepting where the judge has disqualified and recused himself or herself under Trial Rule 79(C) the judge before whom the case is pending shall submit a panel of three eligible persons to the parties for striking constituted as set forth below. To avoid any unnecessary application of TR 79(H), the judges of the District agree that a special judge selected from such panels shall accept jurisdiction unless disqualified pursuant to *The Code of Judicial Conduct* or excused from service by the Indiana Supreme Court if:

a. each member of the panel has agreed to serve prior to being named to the panel;

b. the case is filed in a Hamilton County court and the panel consists of three sitting judges or magistrates serving within the county;

c. the case is filed in a Boone County court and the panel consists of the two remaining Boone County judges and one sitting judge serving in either Clinton or Tipton counties who shall be appointed on a rotating basis;

d. the case is filed in a Clinton County court and the panel consists of the remaining Clinton County judge and two sitting judges serving in either Boone or Tipton counties who shall be appointed to the panel on a rotating basis; or,

e. the case is filed in the Tipton County Circuit Court and the panel consists of a combination of three judges sitting in Boone, Clinton or Tipton counties who shall be appointed to the panel on a rotating basis.

Where the appointment to a panel under this section is on a rotating basis, it will be the responsibility of the county making the appointment to properly record and rotate appointments to the panel.