

**In the
Indiana Supreme Court**

IN THE MATTER OF)
)
REQUEST FOR APPROVAL)
) Case No.
OF AMENDED LOCAL RULES)
)
FOR COURTS OF RECORD IN)
)
ORANGE COUNTY)

REQUEST FOR APPROVAL OF AMENDED LOCAL RULES

The judges of the Courts of record of Orange County have decided to amend the local rules indicated below and request Supreme Court approval for the following amended local rules for which Supreme Court approval is required:

1. Reassignment of criminal cases pursuant to Criminal Rule 2.2 (LR59-CR 2.2-1).
2. Special judge selection rule pursuant to Trial Rule 79(H) (LR59-TR 79-1).

The amended local rules indicated above are proposed for adoption without first being published for comment because good cause exists for the Courts to deviate from the schedule established pursuant to T.R. 81. Upon approval by the Supreme Court, these amended local rules shall be published as required by T.R. 81(D) and shall not be effective until so published for comment. The requested effective date shall be August 1, 2015.

Accordingly, the judges of record of Orange County request approval of the above noted amended local rules.

Submitted this 30th day of June, 2015.

For the Courts of Record of Orange County:

_____/s/_____
Larry R. Blanton, Judge
Orange Circuit Court

_____/s/_____
R. Michael Cloud, Judge
Orange Superior Court

LR59-CR 2.2-1
ASSIGNMENT OF CRIMINAL CASES

The Courts of Orange County, Indiana adopt the following local rule in regard to assignment of criminal cases, and pursuant to Rule 2.2 of the Indiana Rules of Criminal Procedure.

1. All ~~m~~Misdemeanors and ~~Class-D Level 6 f~~Felonies shall be assigned to, and filed in the Orange Superior Court (subject to the exceptions provided in LR59-AR 00-1).
2. All other ~~f~~Felonies shall be assigned to, and filed in the Orange Circuit Court.
3. This rule does not preclude the following filings in the Orange Circuit Court:
 - a. Criminal ~~Class-D Level 6~~ Felonies and Misdemeanors filed as counts to a more serious criminal charge filed in the Orange Circuit Court (~~“MR”, “FA”, “FB”, and “FC” cause numbers~~) (“MR”, “F1”, “F2”, “F3”, “F4”, and “F5” cause numbers), and
 - b. Criminal ~~Class-D Level 6~~ Felonies (~~“FD F6”~~ cause numbers) and Criminal Misdemeanors (~~“CM”~~ cause numbers) filed when the same Defendant has more serious criminal charges pending in the Orange Circuit Court.
4. The Judge of the Orange Circuit Court or Superior Court, by appropriate order entered in the Record of Judgments and Orders, may transfer and reassign to the other court a pending ~~Class-D Level 6~~ Felony or Misdemeanor case, provided the receiving Court accepts jurisdiction of such matter.
5. Because this assignment rule provides for all ~~m~~Misdemeanors and ~~Class-D Level 6 f~~Felonies to be filed in the Orange Superior Court, and for all other ~~f~~Felonies to be filed in the Orange Circuit Court, with the only exceptions being those outlined in Sections 3 & 4 of this rule, so long as the regular ~~j~~Judge of the Orange Circuit or Superior Court is presiding on the case at the time of dismissal, it is not necessary to make further provisions for continued assignment of a ~~j~~Judge in the event of dismissal. In those circumstances, continued assignment in the event of dismissal shall occur as the inevitable result of compliance with this rule.
6. If a ~~s~~Special ~~j~~Judge is presiding on a case in either the Orange Circuit or Orange Superior Court, and a dismissal occurs, all ~~f~~Felony or ~~m~~Misdemeanor charges filed against the same defendant within the next six months which are based upon the same facts and circumstances, shall be assigned to the ~~s~~Special ~~j~~Judge from whom the dismissal was taken.
7. In the event of disqualification, recusal, or other change of ~~j~~Judge, a ~~pending felony or misdemeanor criminal, infraction, ordinance violation, or post-conviction relief case shall be reassigned in the eCourt where pending to the judge from the other court in the County. In the event neither the Judge of the Orange Circuit or Orange Superior Court~~

~~can exercise jurisdiction, the case shall be reassigned in the court where pending in seriatim order to one of the following judges from contiguous counties: the Judge of the Crawford Circuit Court, and the Judge of the Martin Circuit Court. to a Special Judge selected by the Administrative Judge of District 24 pursuant to the District 24 Governance Plan. The selection shall take into account the Indiana Supreme Court's policy that Special Judges in these kinds of cases should first be selected from within Orange County, and the requirement of Indiana Criminal Rule 13 that Special Judges in these kinds of cases if not from Orange County must be from a county that is contiguous to Orange County or from within District 24. The selection shall also take into account the intent of the District 24 Governance Plan that each Judge receive one (1) appointment for every case from which that Judge disqualifies, recuses, or grants a change of Judge.~~

8. In the event these rules fail to assign a case or unique circumstances presented in a particular proceeding preclude local assignment, the Judge before whom the case is pending may request the Indiana Supreme Court to appoint a Special Judge for the case.

LR59-TR 79-1

APPOINTMENT SELECTION OF SPECIAL JUDGES IN CIVIL CASES

1. In the event of disqualification, recusal, or other change of Judge in a civil case, and the parties do not reach an agreement as to a Special Judge pursuant to Indiana Trial Rule 79(D) or an agreed upon Special Judge does not accept the case, and it becomes necessary to appoint a Special Judge under Indiana Trial Rule 79(H), a Special Judge shall be selected by the Administrative Judge of District 24 pursuant to the District 24 Governance Plan. The selection shall take into account the intent of the District 24 Governance Plan that each Judge receive one (1) appointment for every case from which that Judge disqualifies, recuses, or grants a change of Judge.
 2. In the event that these rules fail to produce a Special Judge who is eligible to serve, or unique circumstances presented in a particular case preclude Special Judge selection locally, the Judge before whom the case is pending may request the Indiana Supreme Court to appoint a Special Judge for the case.
- ~~**A. Selection of Administrative Judge.** On or before October 1st of each year, (or as soon thereafter as possible) the Judge of the Circuit or Superior Court of Orange County shall meet in person or electronically with the presiding judges of Administrative District 24 for the purpose of selecting a judge who is designated as the Administrative Judge. The Administrative Judge shall serve for a period of twelve (12) months, ending December 31 or until a replacement is selected after December 31.~~
- ~~**B. Section H Appointments.** In the event it becomes necessary to appoint a special judge under Section H of Trial Rule 79 of the Indiana Rules of Trial Procedure or Indiana Rules of Criminal Procedure, the judge before whom the case is pending shall send notice of the need to appoint a special judge to the District's administrative judge who shall then make such assignment within five (5) days of receiving said notice.~~

~~C. **Method of Assignment.** The Administrative District's assignment Judge shall select special Judges from a roster of the available Judges in the Administrative District. The assignments shall be in a sequential order beginning with the name of the Judge following the last Judge so assigned. A Judge who disqualifies is expected to take the next case assigned by the Administrative Judge. This will, in effect, require a Judge to take the same number of Special Judge cases as he/she disqualifies in. If a Judge is otherwise disqualified to hear a particular case, that Judge shall be deemed to be next in sequence until assigned a case. The assignment Judge shall maintain a record of all assignments and shall issue a summary report of the assignments on a quarterly basis.~~

~~D. **Roster of Available Judges.** The roster of available judges in Administrative District 24 shall be maintained by Court designation in the following sequential order and shall include senior Judges as available:~~

- | | |
|-----------------------------------|---|
| (1) Harrison Circuit | (2) Harrison Superior |
| (3) Orange Circuit | (4) Orange Superior |
| (5) Washington Circuit | (6) Washington Superior |
| (7) Crawford Circuit | (8) Senior Judges approved for the requesting Court. |

~~Appointment Order.~~ Upon selecting a special judge, the assignment Judge shall prepare an Order of Appointment and forward said Order to the Judge before whom the case is pending who shall then sign and enter the Order of Appointment and forward a copy of the Order to the special judge and the attorneys of record.

~~E. **Acceptance of Jurisdiction.** The Order of Appointment, when entered by the judge before whom the case is pending, shall constitute acceptance of jurisdiction by the appointed special judge unless the judge is otherwise disqualified, and no special appearance, oath or additional evidence of acceptance shall be required.~~

~~F. **Form of Order.** The Order of Appointment shall be in the following form:~~

