

In the  
Indiana Supreme Court



IN THE MATTER OF THE )  
 )  
APPROVAL OF LOCAL RULES )  
 )  
FOR BLACKFORD COUNTY )

Case No. 05S00-1308-MS-541

ORDER APPROVING AMENDED LOCAL RULE

The judges of the Blackford Circuit and Superior Courts request the approval of an amended local rule for special judge selection in accordance with Ind. Trial Rule 79. Attached to this Order is the proposed amended local rule.

Upon examination of the proposed rule amendment requested by the Blackford Circuit and Superior Courts, this Court finds that the proposed rule amendment, LR05-TR79-101 complies with the requirements of Ind. Trial Rule 79, and accordingly, should be approved.

IT IS, THEREFORE, ORDERED by this Court that Blackford County Local Rule, LR05-TR79-101, set forth as an attachment to this Order, is approved effective August 15, 2013, 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. John N. Barry, Blackford Superior Court, 110 West Washington Street, Hartford City, IN 47348-2251; the Hon. Dean Young, Blackford Circuit Court, 110 West Washington Street, Hartford City, IN 47348-2251; to the Clerk of the Blackford Circuit 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.

The Clerk of the Blackford 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, on August 19, 2013.

A handwritten signature in black ink, appearing to read 'Brent E. Dickson'.

Brent E. Dickson  
Chief Justice of Indiana

**LR05-TR79-101**  
**Selection of Special Judge in Civil Proceedings**

The following local rule regarding selection of special judges where a special judge does not accept a civil case under TR 79(D), is now adopted by the undersigned judges of the Blackford Circuit and Superior Courts, in conjunction with the other Courts of Administrative District 15.

**A. Assignment – Civil**

In civil cases where the appointment of a special judge is required under TR 76, or the presiding judge has disqualified or recused under TR 79(C), and parties do not agree to a particular special judge pursuant to TR 79(D), the regular sitting judge shall direct the Clerk of Blackford County to select (on a rotating basis) one of the judges from the following available panel of judges (omitting the judge from whom the change of venue is being taken):

- a. Presiding Judge, Delaware Circuit Court No. 1;
- b. Presiding Judge, Delaware Circuit Court No. 2;
- c. Presiding Judge, Delaware Circuit Court No. 3;
- d. Presiding Judge, Delaware Circuit Court No. 4;
- e. Presiding Judge, Delaware Circuit Court No. 5;
- f. Presiding Judge, Blackford Circuit Court;
- g. Presiding Judge, Blackford Superior Court;
- h. Presiding Judge, Henry Circuit Court No. 1;
- i. Presiding Judge, Henry Circuit Court No. 2;
- j. Presiding Judge, Henry Circuit Court No. 3;
- k. Presiding Judge, Jay Circuit Court;
- l. Presiding Judge, Jay Superior Court;
- m. Presiding Judge, Randolph Circuit Court; and
- n. Presiding Judge, Randolph Superior Court.

If a special judge selected from the rotating list is ineligible for, disqualified from, or excused from appointment, then the regular sitting judge shall direct the Blackford County Clerk to select (on a rotating basis) the next judge on the list.

In the event that no judicial officer within the above list is eligible to serve as special judge, or if the particular circumstances of the case warrant 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 to appoint a special judge.

**B. Assignment – Juvenile (JP, JM, JC)**

In juvenile cases where the appointment of a special judge is required under TR 76, or the presiding judge has disqualified or recused under TR 79(C), and parties do not agree to a particular special judge pursuant to TR 79(D); the regular sitting judge of Blackford Circuit Court shall request the Clerk of Blackford County to select (on a rotating basis) one of the following available judges; omitting the judge from whom the change of venue is being taken:

- a. Presiding Judge, Delaware Circuit Court No. 2;
- b. Presiding Judge, Henry Circuit Court No. 1;
- c. Presiding Judge, Henry Superior Court No. 2;
- d. Presiding Judge, Jay Circuit Court; and
- e. Presiding Judge, Randolph Circuit Court.

If a special judge selected from the rotating list is ineligible for, disqualified from, or excused from appointment, then the regular sitting judge shall direct the Blackford County Clerk to select (on a rotating basis) the next judge on the list.

In the event that no judicial officer within the above list is eligible to serve as special judge, or if the particular circumstances of the case warrant 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 to appoint a special judge.

**C. Maintaining Separate Lists.**

The Blackford County Clerk shall maintain separate civil and juvenile lists, in the rotation order as set forth in this Rule, from which the clerk may determine the appropriate appointment in civil and juvenile cases.

*(Amended effective August 15, 2013)*

**FOR THE BLACKFORD  
CIRCUIT AND SUPERIOR COURTS**

---

**NOTICE OF PROPOSED AMENDED LOCAL RULE ON  
SPECIAL JUDGE SELECTION IN CIVIL PROCEEDINGS**

---

Notice is hereby given to the bar and the public pursuant to Trial Rule 81 that the Blackford Circuit and Superior Courts are amending their local rule on special judge selection in civil proceedings at **LR05-TR79-101**, effective **August 15, 2013**. We find good cause to deviate from the schedule for amending local court rules pursuant to Trial Rule 81(D). We request Supreme Court approval for this local rule amendment.

All new text is shown by underlining and deleted text is shown by ~~strikethrough~~.

In accordance with Trial Rule 81(B), the time period for the bar and the public to comment shall begin on **July 9, 2013**, and shall close on **August 10, 2013**.

Comments by the bar and the public should be made in writing and mailed to the: Blackford Circuit Court at 110 West Washington Street, Hartford City, Indiana 47348; or emailed to Hon. Dean A. Young at: [DYoung@blackfordcounty.com](mailto:DYoung@blackfordcounty.com), or Hon. John N. Barry at: [jbarry@blackfordcounty.com](mailto:jbarry@blackfordcounty.com).

A copy of the proposed amended rule may be viewed or obtained in the office of the Clerk of Blackford County located at 110 West Washington Street, Hartford City, Indiana 47348. A copy may also be viewed on the Indiana Judicial website at: <http://www.in.gov/judiciary/2966.htm>.

Dated this 8th day of July, 2013.

\_\_\_\_\_/S/\_\_\_\_\_  
Dean A. Young, Judge  
Blackford Circuit Court

\_\_\_\_\_/S/\_\_\_\_\_  
John N. Barry, Judge  
Blackford Superior Court