

In the
Indiana Supreme Court



IN THE MATTER OF THE)

APPROVAL OF LOCAL RULES)

FOR DAVIESS COUNTY)

Case No. 14S00-1410-MS-029

ORDER APPROVING AMENDED LOCAL RULES

The judges of the Daviess 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 13. Attached to this Order are the proposed amended local rules.

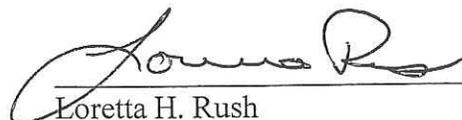
Upon examination of the proposed rule amendments requested by the Daviess Circuit and Superior Courts, this Court finds that the proposed rule amendments, LR14-TR791.0 and LR14-CR2.2-2.0 comply with the requirements of Ind. Trial Rule 79 and Ind. Criminal Rule 13, and accordingly, should be approved.

IT IS, THEREFORE, ORDERED by this Court that Daviess Circuit and Superior Local Rules, LR14-TR791.0 and LR14-CR2.2-2.0, set forth as an attachment to this Order, are approved effective retroactive to September 1, 2014, provided further that the rules shall be posted in the county clerk's office(s) and on the county clerk's website.

The Clerk of this Court is directed to forward a copy of this Order to the Hon. Gregory Smith, Daviess Circuit Court, 200 East Walnut Street, Washington, IN 47501-2759; to the Hon. Dean A. Sobecki, Daviess Superior Court, 200 East Walnut Street, Washington, IN 47501-2759; to the Clerk of the Daviess Circuit and Superior Courts; and to the Division of State Court Administration.

The Clerk of the Daviess 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 October 9, 2014.


Loretta H. Rush
Chief Justice of Indiana

DAVIESS CIRCUIT COURT: This provision is adopted by the Court due to the recusals that will be necessitated by the filing of an appearance by Brandon Smith, attorney at law, the son of the regular Judge of this Court.

1. In all cases where Brandon Smith, or any associate or partner in a firm where he practices law, enters an appearance, the parties may agree to an eligible special judge as provided in Trial Rule 79 (D). If the parties do not reach agreement or the agreed upon judge does not accept the case, then Martin Circuit Court Judge Lynne Ellis shall automatically qualify and serve as Special Judge therein.

2. In the event the Special Judge selected under paragraph 1 above disqualifies for any reason, a successor Judge shall be chosen as set forth in paragraph (4) below.

3. In all other cases where a special judge must be selected under Trial Rule 76 or due to the recusal or disqualification of the presiding judge, and the parties cannot agree to an eligible special judge or the agreed upon judge does not accept the case, then the case shall first be assigned to the other judge in Daviess County.

4. If a judge under paragraphs (2) or (3) above cannot serve, then the Daviess County Clerk shall appoint a judge from one of the following courts:

- Dubois Circuit Court
- Dubois Superior Court
- Pike Circuit Court
- Knox Circuit Court
- Knox Superior Court I
- Knox Superior Court II

The Daviess County Clerk shall select the judge to be appointed, on a rotating basis, from the above list of judges, each judge shall be appointed on an equal number of cases.

In the event no judge listed above is eligible to serve as a special judge or the particular circumstances of a case would warrant, the case shall be certified to the Supreme Court for appointment of a special judge.

LR14-CR13-1.0

Special Judge (Criminal Matters)

DAVIESS CIRCUIT COURT: This provision is adopted by the Court due to the recusals that will be necessitated by the filing of an appearance by Brandon Smith, attorney at law, the son of the regular Judge of this Court.

1. In all cases where Brandon Smith, or any associate or partner in a firm where he practices law, enters an appearance, then Martin Circuit Court Judge Lynne Ellis shall automatically qualify and serve as Special Judge therein.

2. In all other cases where a special judge must be selected under Criminal Rule 13, then the case shall first be assigned to the other judge in Daviess County.

3. If a judge cannot serve under paragraphs (1) or (2) above, then the Daviess County Clerk shall appoint a judge from one of the following courts:

- Dubois Circuit Court
- Dubois Superior Court
- Pike Circuit Court
- Knox Circuit Court
- Knox Superior Court I
- Knox Superior Court II
- Greene Circuit Court
- Greene Superior Court

The Daviess County Clerk shall select the judge to be appointed, on a rotating basis, from the above list of judges, each judge shall be appointed on an equal number of cases.

In the event no judge listed above is eligible to serve as a special judge or the particular circumstances of a case would warrant, the case shall be certified to the Supreme Court for appointment of a special judge.

