

In the
Indiana Supreme Court



CAUSE NUMBER: 94S00-1301-MS-30

ORDER AMENDING INDIANA RULES OF CRIMINAL PROCEDURE

Under the authority vested in this Court to provide by rule for the procedure employed in all courts of this state and this Court's inherent authority to supervise the administration of all courts of this state, Indiana Criminal Rule 13 is amended as follows (deletions shown by ~~striking~~ and new text shown by underlining):

Rules of Criminal Procedure

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Rule 13. Case reassignment and special judges; selection

(A) Application of Rule. This rule shall apply to the reassignment of the case and the selection of special judges in felony and misdemeanor cases where a change of judge is granted pursuant to Ind.Crim.Rule 12(B) or an order of disqualification or recusal is entered in the case. The reassignment procedure set forth in this rule also shall apply where a change of judge is granted pursuant to Ind.Post-Conviction Remedy Rule 1(4)(b) and in proceedings to enforce a statute defining an infraction and ordinance violation cases where a change of judge is granted for cause pursuant to Crim.R. 12(C).

(B) Duty to Notify Court. It shall be the duty of the parties to promptly advise the court of an application or motion for change of judge.

(C) Selection under Local Rule Adopted by Counties. Upon the granting of a change of judge or the disqualification or recusal of a judge, a successor judge shall be assigned in the same

manner as the initial judge. Where this process does not result in the selection of a successor judge, selection shall be made by local rule. The local rule required by Ind.Crim.Rule 2.2 shall include an alternative assignment list of full-time judicial officers from contiguous counties and counties within the administrative district of the court as set forth in Administrative Rule 3(A) and senior judges. The local rule shall take into account the effective use of all judicial resources within an administrative district. Except for those serving pursuant to Criminal Rule 12(G)(4), judges previously assigned to the case are ineligible for reassignment.

A person appointed to serve as special judge under this subsection must accept jurisdiction in the case unless the appointed special judge is disqualified pursuant to the Code of Judicial Conduct, ineligible for service under this Rule, or excused from service by the Indiana Supreme Court.

(D) Appointment by Indiana Supreme Court. A trial court may request the Indiana Supreme Court to appoint a special judge in the following circumstances:

(1) No judge under the local rule is available for appointment: or

(2) The particular circumstance warrants selection of a special judge by the Indiana Supreme Court.

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This amendment shall take effect upon signing.

The Clerk of this Court is directed to forward a copy of this Order to the clerk of each circuit court in the state of Indiana; Attorney General of Indiana; Legislative Services Agency and its Office of Code Revision; Administrator, Indiana Supreme Court; Administrator, Indiana Court of Appeals; Administrator, Indiana Tax Court; Public Defender of Indiana; Prosecuting Attorney's Council; Public Defender's Council; Indiana Supreme Court Disciplinary Commission; Indiana Supreme Court Commission for Continuing Legal Education; Indiana

Board of Law Examiners; Indiana Judicial Center; Division of State Court Administration; Indiana Judges and Lawyers Assistance Program; the libraries of all law schools in this state; the Michie Company; and Thomson Reuters. The Clerk is also directed to post this Order to the Court's website.

Thomson Reuters is directed to publish this Order in the advance sheets of this Court.

The Clerks of the Circuit and Superior Courts are directed to bring this Order to the attention of all judges within their respective counties and to post this Order for examination by the Bar and general public.

DONE at Indianapolis, on April 22, 2013.

/s/Brent E. Dickson
Brent E. Dickson
Chief Justice of Indiana

All Justices concur.