

In the
Indiana Supreme Court

IN RE THE MARRIAGE OF)
)
Suzanne Herbert HAMILTON)
Petitioner,)
)
and)
)
Richard Wayne HAMILTON)
Respondent.)

Supreme Court No. 82S00-0707-SJ-274

Case No. 82D04-0605-DR-516

in the Vanderburgh Superior Court



ORDER APPOINTING SPECIAL JUDGE

Comes now the Honorable Wayne S. Trockman, Judge of the Vanderburgh Superior Court, and on behalf of the Judges of the Vanderburgh Superior Court, remands this cause to the Court for appointment of a special judge.

And this Court, being duly advised, now finds that a special judge should be appointed to hear this matter in the Vanderburgh Superior Court pursuant to Ind.Trial Rule 79(H)(3). Respondent in this proceeding is the son of a Vanderburgh County magistrate. At the outset of this case, petitioner, who obviously knew of the potential for a conflict of interest, was ordered to file a written consent waiving any conflict, if she wished to proceed before a regular Judge of the Vanderburgh Superior Court. For about one year petitioner prosecuted her claim before Judge Pigman, but upon being dissatisfied with the course of the proceedings, chose to complain about the alleged conflict to the local media. Petitioner acquiesced in having this case heard by Judge Pigman until she felt a new judge was to her advantage. We do not reward petitioner's forum shopping, but to preserve the public's confidence in the judicial process we will appoint a special judge.

IT IS, THEREFORE, ORDERED that the Honorable Jeffrey L. Biesterveld is appointed as special judge to hear this matter in the Vanderburgh Superior Court. This order vests jurisdiction in Judge Biesterveld. Pursuant to Ind.Trial Rule 79(K), an oath of office is not required.

The Clerk of this Court is directed to forward notice of this Order to the Hon. Wayne S. Trockman, Vanderburgh Superior Court, 825 Sycamore, #116, Evansville, IN 47708-1885; to the Hon. Jeffrey L. Biesterveld, Pike Circuit Court, P.O. Box 407, Petersburg, IN 47567-0407; to the Hon. Robert J. Pigman, Vanderburgh Superior Court, 825 Sycamore, #122, Evansville, IN 47708-1885; and to the Clerk of the Vanderburgh Superior Court.

The Clerk of the Vanderburgh Superior Court is directed to forward notice of this Order to all parties of record in the case below.

DONE at Indianapolis, Indiana, this 31st day of August, 2007.

Randall T. Shepard
Randall T. Shepard
Chief Justice of Indiana