STATE OF INDIANA – COUNTY OF ST. JOSEPH
IN THE ST. JOSEPH CIRCUIT, SUPERIOR, AND PROBATE COURTS

Notice of Proposed New Rule or Amendment(s) to Local Court Rule(s)
June 3, 2016

In accordance with Trial Rule 81 of the Indiana Court Rules, the St. Joseph Circuit, Superior, and Probate Courts hereby give notice to the bar and the public that the Courts propose to amend the Local Rule(s) for the courts of record of St. Joseph County, effective August 3, 2016. All new text is shown by underlining and deleted text is shown by ~~strikethrough~~. Supreme Court approval is required for Local Rules concerning Caseload Allocation Plan and may not take effect until approved by the Supreme Court.

The time period for the bar and the public to comment shall begin on June 3, 2016, and shall close on July 5, 2016. The proposed amendments to the rule will be adopted, modified or rejected before July 29, 2016, and, if required, the final version of the rule will be submitted to the Indiana Supreme Court for review and approval not later than August 1, 2016.

Comments by the bar and the public should be made in writing and mailed, or emailed, to:

Lisa A. Plencner, Court Administrator of the St. Joseph Circuit Court, Attn: Public Comment on Local Rules, St. Joseph County Courthouse, 101 S. Main Street, Room 223, South Bend, Indiana, 46601; or lplencne@co.st-joseph.in.us.

A paper copy of the proposed amended local rule(s) will be made available for viewing in the office of the Clerk of St. Joseph County, St. Joseph County Courthouse, 101 S. Main Street, South Bend, Indiana during normal business hours. Persons with Internet access may view the proposed amended local rules at the following websites:

http://www.stjoebar.org or http://www.courts.IN.gov/rules/local

Hon. Michael G. Gotsch
Judge, St. Joseph Circuit Court

Hon. Jenny Pitts Manier
Chief Judge, St. Joseph Superior Court

Hon. James Fox
Judge, St. Joseph Probate Court

201.5.3 ~~Distribution~~. Method of Service Counsel or an unrepresented party submitting a motion, petition, notice, pleading or proposed order shall indicate the method of distribution desired on the Clerk's CCS entry form. The Clerk will not return or distribute copies of motions, petitions, pleadings, notices or proposed orders, other than those originated by the Court, by mail unless the Clerk is provided with stamped, addressed envelopes. As a matter of convenience to attorneys, each court provides a mailbox for the distribution filings and orders generated by the Court, and it is the responsibility of each attorney to periodically check these mailboxes for service and distribution of court-generated filings and orders.

201.5.6 Distribution of Copies Unless service by Sheriff or United States Mail, Return Receipt Requested is designated, the party required to serve one of the documents listed above in this subsection shall affirmatively demonstrate that service was effected by the manner most likely to ensure actual notice to the person or entity to be served.

210.3 Continuances of Trial Settings. All motions for continuances shall be in writing and shall set forth specifically the grounds asserted for such motion. Unless otherwise directed or excused by the Court, all attorneys of record and parties proceeding *pro se* shall appear before the Court on the date of the trial setting. The Court may assign a new trial setting on the date of the original trial setting, or on the date a continuance is granted, or as otherwise directed by the Court.

210.4 Imposition of Costs for Late Settlement. If a civil case is settled less than forty-eight (48) hours prior to the time it is scheduled for trial, or is settled after 10:00 a.m. on the Friday prior to a Monday trial setting (or a Tuesday setting if the intervening Monday is a legal holiday), any costs incurred by the Court as a result of the late settlement may be assessed against the parties in a manner the Court deems appropriate.

216.3 Failure of Special Judge to Accept or to Qualify; Failure to Meet Selection Deadlines; Random Selection. In the event :

(a) a special judge who was selected by agreement fails to accept after being selected or is otherwise disqualified or excused from the case, or

(b) the striking conference is not conducted in a timely manner or fails to produce a special judge, or

(c) the parties stipulate to the random selection of a special judge, or

(d) the judge before whom the case was pending has recused or disqualified,

the regularly presiding judge shall direct the Clerk to randomly select a ~~successor~~ special judge from a list of eligible judicial officers, which may include Judges, Magistrate Judges or Senior Judges.