



**In the
Indiana Supreme Court**

IN THE MATTER OF)
)
APPROVAL OF LOCAL RULES) **Cause No. 36S00-0602-MS-31**
)
FOR JACKSON COUNTY)

ORDER APPROVING AMENDMENT TO LOCAL RULES

Pursuant to Ind. Trial Rule 81(D), the Hon. William E. Vance, Judge of the Jackson Circuit Court and the Hon. Bruce Markel III, Judge of the Jackson Superior Court, request this Court's approval of amendments to Jackson County Local Rules LR36-TR79(H)(1) and LR36-CR2.2-2. Judges Vance and Markel also request that the amendments become effective immediately.

Upon examination of the proposed rule amendments requested by the Jackson Circuit and Superior Courts, this Court finds that the proposed rule amendments to Local Rules LR36-TR79(H)(1) and LR36-CR2.2-2 comply with the requirements of T.R. 79(H) and Ind. Criminal Rule 2.2 and, accordingly, should be approved effective thirty (30) days after the rules have been posted in the county clerk's office(s) and on the county clerk's website, if any, and on the Indiana Judicial Website.

IT IS, THEREFORE, ORDERED by this Court that Jackson County Local Rules LR36-TR79(H)(1) and LR36-CR2.2-2, set forth as an attachment to this Order, are approved effective thirty (30) days after the rules have been 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. William E. Vance, Jackson Circuit Court, P.O. Box 315, Brownstown, IN 47220-0315; the Hon. Bruce Markel III, Jackson Superior Court, P.O. Box 788, Seymour, IN 47274-0788; and to the Clerk of the Jackson Circuit Court.

The Clerk of the Jackson Circuit Court is directed to enter this Order and attachment in the Record of Judgments and Orders for the Court, 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, this 30th day of January, 2006.

RT Shepard

Randall T. Shepard
Chief Justice of Indiana

IN THE CIRCUIT AND SUPERIOR COURTS OF

JACKSON COUNTY

In the Matter of) Cause No: 36D01-0601-CB-1
County Local Rules)

ORDER FINDING GOOD CAUSE TO AMEND LOCAL RULES AT TIME

OTHER THAN ESTABLISHED SCHEDULE

The judges of the Jackson Circuit Court and the Jackson Superior Court, pursuant to Trial Rule 80(D), now find that good cause exists to deviate from the schedule established by the Division of State Court Administration for posting local rule amendments and that the courts' local rule regarding recusal or disqualification of the Jackson Superior Court judge should be amended. After approval by the Indiana Supreme Court and after publication for 30 days in the county clerk's office and on the Indiana Judicial Website, the courts will enter an effective date for this rule amendment, as follows:

A. LR36-TR79(H)-1. ASSIGNMENT OF CIVIL CASES

In any civil case, when the judge of the Jackson Superior Court enters an order of recusal based upon a conflict of interest arising from any case in which he was involved as counsel prior to assuming the bench on January 1, 2006 or in any case in which he disqualifies himself pursuant to CANON 3E of the Code of Judicial Conduct, the case shall be assigned to Senior Judge James Kleopfer for all further proceedings. Upon recusal or disqualification, an order shall be entered transferring the case to Senior Judge James Kleopfer with an appropriate entry in the Record of Judgements and Orders and Senior Judge Kleopfer shall be notified.

B. LR36-CR2.2-2. ASSIGNMENT OF CRIMINAL CASES

In any criminal case, when the judge of the Jackson Superior Court enters an order of recusal based upon a conflict of interest arising from any case in which he was involved as counsel prior to assuming the bench on January 1, 2006 or in any case in which he disqualifies himself pursuant to CANON 3E of the Code of Judicial Conduct, the case shall be assigned to Senior Judge James Kleopfer for all further proceedings. Upon

recusal or disqualification, an order shall be entered transferring the case to Senior Judge James Kleopfer with an appropriate entry in the Record of Judgements and Orders and Senior Judge Kleopfer shall be notified.

C. LR36-DN-3. ADOPTION OF SECURITY GUIDELINES

In accordance with the Security Guidelines for courthouses adopted by the Indiana Supreme Court, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED:

- (A) All persons entering the Jackson Superior Courthouse consent to an inspection of their person, any package, briefcase, or purse.
- (B) All persons, except those persons noted in paragraph (D), are prohibited from entering the Jackson Superior Courthouse while carrying any of the following:
 - a. a deadly weapon as defined by Indiana Code 35-41-1-8,
 - b. a firearm as defined by Indiana Code 35-47-1-5,
 - c. an electric stun weapon as defined by Indiana Code 35-47-8-1,
 - d. a stun gun as defined by Indiana Code 35-47-8-2,
 - e. a taser as defined by Indiana Code 35-47-8-3
 - f. a knife,
 - g. an explosive device,
 - h. a club, or
 - i. any other material that, in the manner in which it is used, could ordinarily be used or is intended to be used and is readily capable of causing serious bodily injury (as defined by Indiana Code 35-41-1-25) as determined by the Jackson County Sheriff's Officers.
- (C) Any person refusing to comply with this Order will be denied entrance into the Superior Courthouse, and anyone knowingly violating this Order will be subject to contempt of Court pursuant to Indiana Code 34-47-3.
- (D) The following persons are exempt from this order: law enforcement officers under Indiana Code 35-41-1-17, Indiana Department of Corrections Officers, Community Correction officers, judicial officers, and probation officers who are in the courthouse for official business and duly authorized to carry deadly weapons. Employees of the courthouse who carry chemical spray devices for personal protection are also exempt.

The persons described as exempt from this Order *shall not be exempt* if they or any member of their family is a party to any proceeding taking place in court.

These rules shall not take effect until posted for thirty (30) days in the Jackson County clerk's office as well as the Indiana Judicial Website and have been approved by the Chief Justice of the Supreme Court of Indiana.

Pursuant to T.R. 81(B)(1), the courts shall receive comments to this rule.

So ordered this TWELFTH day of JANUARY, 2006.

Bruce Markel III, Judge
Jackson County Superior Court

William E. Vance, Judge
Jackson County Circuit Court