

STATE OF INDIANA – COUNTY OF HANCOCK
IN THE HANCOCK CIRCUIT AND SUPERIOR COURTS

Notice of Proposed New Rule or Amendment(s) to Local Court Rule(s)
April 1, 2022

In accordance with Trial Rule 81 of the Indiana Court Rules, the Hancock Circuit and Superior Courts hereby give notice to the bar and the public that the Courts propose to amend the Local Rule(s) for the Hancock Circuit and Superior Courts of Hancock County, effective June 1, 2022. All new text is shown by underlining and deleted text is shown by ~~striketrough~~. Supreme Court approval is required for Local Rules concerning the Caseload Allocation Plan contained in LR30-AR00-2.

It is proposed that the following Local Rules for the Hancock Circuit and Superior Courts of Hancock County be amended: LR30-AR00-2; LR30-AR12-3; and, LR30-TR00-8.

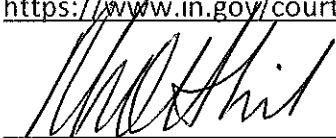
The time period for the bar and the public to comment shall begin on April 1, 2022, and shall close on April 30, 2022. The proposed amendments to the rule will be adopted, modified or rejected before May 10, 2022.

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


Hon. R. Scott Sirk, Judge of the Hancock Circuit Court, Attn: Public Comment on Local Rules, Hancock County Courthouse, 9 E Main St. #302, Greenfield, IN 46140; or ssirk@hancockcoingov.org.

A paper copy of the proposed amended local rule(s) will be made available for viewing in the office of the Clerk of Hancock County, Hancock County Courthouse, 9 E Main St., Greenfield, IN 46140 during normal business hours. Persons with Internet access may view the proposed amended local rule for Caseload Allocation Plan at the following websites:


<https://www.in.gov/courts/local/hancock-county/> or <http://www.courts.IN.gov/rules/local>



R. Scott Sirk, Judge
Hancock Circuit Court



Dan E. Marshall
Hancock Superior Court No. 2



DJ Davis, Judge
Hancock Superior Court No. 1

HANCOCK COUNTY CIRCUIT AND SUPERIOR COURTS

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LR 30-AR15-1 COURT REPORTER SERVICES

Section 1 - Definitions

The definitions contained in Administrative Rule 15(B) are adopted for use in this rule and control any question of interpretation. For the purposes of this rule, the regular hours worked by the court reporting staff shall be Monday through Friday from 8:00 a.m. until 4:00 p.m. with one hour for the noon meal. The workweek shall be a seven-day period commencing with Sunday and ending with the Saturday of each week and contain thirty-five hours for which salaried compensation is paid.

Section 2 - Compensation

A court reporter shall work directly under the control, direction and direct supervision of the court by which they are employed during all hours of employment. Each court reporter shall be paid an annual salary, as set by the court and approved by the county council, for regular hours worked during a workweek. Gap hours shall be separately compensated at a rate equivalent to the hourly rate of the yearly salary and overtime hours shall be separately compensated at a rate equivalent to one and one-half times the hourly rate of the yearly salary.

Section 3 - Duties and Responsibilities

The duties of a court reporter shall include:

- a. reporting the evidence presented in proceedings before the court,
- b. preservation and storage of any physical evidence presented in court proceedings,
- c. preparation of chronological case summary entries at the direction of the court and providing notice thereof as required by the rules of trial procedure,
- d. preparation of written documents to effectuate the rulings, orders and judgments of the court or comply with the rules of the Indiana supreme court,
- e. preparation of transcripts of evidence presented in court proceedings requested pursuant to the rules of trial procedure and
- f. such other functions and responsibilities as required by law or the court for its effective administration.

Section 4 - Transcript Preparation

A reporter shall prepare transcripts of evidence only during regular hours unless requested or ordered to do so by the court, the Indiana Court of Appeals or the Indiana Supreme Court. If a transcript cannot be completed during regular hours due to applicable appellate deadlines, the reporter shall receive additional salary as follows: gap hours shall be paid in the amount equal to the hourly rate of the annual salary, overtime hours shall be paid in the amount of one and one-half times the hourly rate of the annual salary; or compensatory time off shall be given weighted in the same manner. The manner of the provision of such additional salary or time off shall be determined by a written agreement to be freely negotiated and executed between the court and the reporter.

Section 5 - Private Practice

A reporter may elect to engage in the private practice of court reporting, i.e., the recording of and preparation of deposition transcripts; but such activity, regardless of whether the deposition concerns a cause pending before the court, shall be conducted outside of regular hours. If a reporter, in exercise of such private practice, utilizes, with the consent of the court, its facilities, equipment and/or supplies, the reporter shall reimburse the court for such usage pursuant to a written agreement between the court and reporter.

Such agreement shall establish the:

- a. reasonable market rate for the use of the equipment, facilities and supplies,
- b. method by which records are kept for the use of the same and
- c. method by which the reporter shall reimburse the court for such usage.

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Section 6 - Maximum per Page Fees*

The reporter shall not charge more than the following rates per page:

- A. Private practice work:
 - 1. Depositions taken by private counsel:
 - a. \$4.00 for originals; and,
 - b. \$2.75 for copies.
 - 2. Depositions taken by pauper counsel:
 - a. \$4.00 for originals; and,
 - b. \$2.50 for copies.
- B. Private transcripts of evidence
 - 1. Cases with private counsel:
 - a. \$5.50 for originals; and,
 - b. \$3.35 for copies.
 - 2. Cases with pauper counsel:
 - a. \$5.50 for originals; and,
 - b. \$2.50 for copies

Section 7 - Annual Report

A court reporter shall annually report all transcript and deposition fees received to the Office of State Court Administration on such forms as may be prescribed.

**As amended and approved effective October 1, 2018.*

LR30-AR00-2

CASELOAD ALLOCATION PLAN

Plan Concepts

The Local Plan shall be premised upon a review and evaluation of:

1. Weighted Caseload Measures (WCLM) information for the courts;
2. Resources and needs of individual courts within the Circuit as well as available judicial resources,
3. Measures which would facilitate as well as impede implementation of the Plan; and,
4. Mechanics for the implementation of the Plan.

Judicial Circuit Plan

Case types shall be docketed in the courts of the Circuit only as indicated:

a. **Circuit Court and Superior Court No. 1**

MR, F1, F2, F3, F4, F5, MC, JC, JD, JS, JM, JT, PL, CC, MF, CT, DN, DC, RS, MH, AD, AH, EM, ES, EU, EV, GU, FM, TR, ~~and MI, and XP.~~

- b. **PO cases** are to be filed in Superior Court No. 1. They may be transferred to Circuit Court or Superior Court 2 if there is a DR case or other case involving the parties in that court.

c. **Superior Court No. 2**

All F6, CM, MC, IF, OV, SC

All cases filed in the civil docket of the Hancock Circuit and Superior Court No. 1 shall be filed on a random basis by the Clerk pursuant to a method approved by the courts, with the exception that a manual assignment will occur if there is a related case in another court.

Plan Impact

Based upon WCLM information for 2016, implementation of the Local Plan will result in the WCLM of each court within the Circuit being approximately equal.

LR30-CR2.2-1 ASSIGNMENT OF FELONY AND MISDEMEANOR CASES

Section 1 – Definitions

A misdemeanor case may include a charged infraction but not a felony.

A felony case may include both misdemeanors and infractions in addition to the charged felony. A felony case shall be deemed to be a felony case of the highest class alleged in the information or indictment.

Section 2 – Case Assignment upon Filing

Immediately upon the filing a case the Prosecuting Attorney shall deliver the file to the appropriate court and advise the court as to whether the defendant is in custody.

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The following offenses shall be filed only in **Hancock Superior Court No. 2:**

Ordinance Violations,

Infractions,

Misdemeanors,

Level 6 felonies.

Offenses shall be filed in the Hancock Circuit Court and Hancock Superior Court No. 1 on an alternate basis within each year according to the date of the earliest offense alleged to have been committed on odd days of the month shall be filed in the Hancock Circuit Court and alleging the commission of offense on an even day of the month shall be filed in Hancock Superior Court No. 1.

If an information or indictment alleges a period of time for the commission of an offense rather than a single specific date, the case shall be filed according to the earliest month alleged. Cases involving offenses alleged to have been committed during odd months shall be filed in the Hancock Circuit Court and those alleging the commission of an offense during an even month shall be filed in Hancock Superior Court No. 1. An information or indictment involving both specific alleged dates and period of time shall be filed as though it alleged specific dates only. The same shall apply if only a year for commission is alleged.

Cases filed against other defendants arising out of the same fact situation which are joinable by law shall be filed in the same court. Juvenile Delinquency cases will be filed as civil cases, however if a juvenile has a pending or open case, a new case shall be filed in the same court as the existing case.

Section 3 – Refiling and/or Subsequent Filing

If the State of Indiana dismisses an information or indictment filed against a defendant, any subsequent refiling of such information or indictment charging the same and/or other offenses, arising out of the same underlying factual situation, shall be filed in the same court from which the dismissal was obtained.

Section 4 – Reassignment of Cases Due to Disqualification of the Judge

If the judge before whom a case is pending becomes disqualified from jurisdiction of a case pursuant to the Indiana Rules of Criminal Procedure, Rules of Procedure for Post-Conviction Remedies, Recusal or the Code of Judicial Conduct, the procedures of Indiana Judicial Administrative District Rule DR17-CR-00003 will be followed. **As amended and approved effective May 1, 2013.*

Adopted June 2014; Amended effective July 1, 2017.

LR30-AR12-3 FILING BY FACSIMILE TRANSMISSION

Pleading by Fax may only be allowed by the permission of the Judge in the appropriate case as an exception to Indiana Trial Rule 86. Pursuant to Administrative Rule 12 of the Indiana Supreme Court the Clerk of the Hancock Circuit Court and Superior Courts is hereby authorized and directed to accept filings of pleading on existing cases by electronic facsimile transmission in all cases pending before such courts if received in compliance with such rule and the requirements hereinafter specified.

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A. Cover Sheet

Any pleading or proposed order sent to the Clerk for filing or execution pursuant to this rule shall be accompanied by a cover sheet. The cover sheet shall:

1. Identify the sending party and its voice and facsimile telephone numbers;
2. State the title of the pleading or proposed order being sent, the number of pages, the case number to which the pleading or order applies and provide any necessary instructions for filing and;
3. Contain the signature of the ~~attorney or~~ pro se party authorizing the filing.

B. Limitation on Length of Pleadings

The Clerk shall not accept any pleading for filing under this rule greater than nine (9) pages in length. Multiple pleadings or documents per transmission will be accepted as long as the total number of pages received including the cover sheet does not exceed ten (10) pages.

C. Date of Filing

Pleadings received by the Clerk pursuant to this rule shall be filed of record on the date received if they are produced in the Clerk's Office between 8:00 a.m. and 4:00 p.m. Monday through Friday. Pleadings received at any other time of day or other days of the week, holidays, or other days the Clerk's Office is closed shall be shown filed of record on the next normal business day such office is open.

D. Copies for Service and Proposed Orders

In the event a pleading is received for filing which is required to be served upon the adverse party, other than per Trial Rule 5, or which requires the execution of an order, the filer need only transmit a single copy to the Clerk. The Clerk shall produce duplicate copies for service.

(Amended effective July 1, 2017)

LR30-AR3-4 HANCOCK COUNTY ALCOHOL AND DRUG PROGRAM FEES

The following fees will be assessed for participants in the Hancock County Alcohol and Drug Program (ADAP): Not to exceed Four Hundred Dollars (\$400.00) in all cases.

~~LR30-CR2.2-1—ASSIGNMENT OF FELONY AND MISDEMEANOR CASES~~

~~Section 1—Definitions~~

~~—A misdemeanor case may include a charged infraction but not a felony.~~

~~—A felony case may include both misdemeanors and infractions in addition to the charged felony. A felony case shall be deemed to be a felony case of the highest class alleged in the information or indictment.~~

~~Section 2—Case Assignment upon Filing~~

~~Immediately upon the filing a case the Prosecuting Attorney shall deliver the file to the appropriate court and advise the court as to whether the defendant is in custody.~~

~~The following offenses shall be filed only in Hancock Superior Court No. 2:~~

~~—Ordinance Violations;~~

~~Infractions;~~

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Misdemeanors;

Level 6 felonies defined by IC 9 [OWI OR HTO felonies];

Level 6 felonies defined by IC 35-46-1-4 [Neglect of a Dependent] if joined with a violation of IC 9-30-5-1 through IC 9-30-5-5 [OWI as a misdemeanor or felony]

Level 6 felonies defined by IC 35-46-1-5 [Non-Support of a Dependent];

Violations of IC 35-44-1-3-3(b)(1) [Resisting Law Enforcement as a Level 6 felony] and Level 6 felonies joinable with a filed criminal offense under IC 9 arising out of the same fact situation.

Level 6 felonies filed against other defendants arising out of the same fact situation as any of the above mentioned cases joinable by law shall also be filed in Hancock Superior Court No. 2. All other felony offenses shall be filed in either the Hancock Circuit Court or Hancock Superior Court No. 1 as hereinafter prescribed except Escape charged pursuant to IC 35-44-1-3-4(b) or (c) shall be filed in the same court which had sentenced or ordered the defendant held.

Offenses shall be filed in the Hancock Circuit Court and Hancock Superior Court No. 1 on an alternate basis within each year according to the date of the earliest offense alleged to have been committed on odd days of the month shall be filed in the Hancock Circuit Court and alleging the commission of offense on an even day of the month shall be filed in Hancock Superior Court No. 1.

— If an information or indictment alleges a period of time for the commission of an offense rather than a single specific date, the case shall be filed according to the earliest month alleged. Cases involving offenses alleged to have been committed during odd months shall be filed in the Hancock Circuit Court and those alleging the commission of an offense during an even month shall be filed in Hancock Superior Court No. 1. An information or indictment involving both specific alleged dates and period of time shall be filed as though it alleged specific dates only. The same shall apply if only a year for commission is alleged.

— Cases filed against other defendants arising out of the same fact situation which are joinable by law shall be filed in the same court. Juvenile Delinquency cases will be filed as civil cases, however if a juvenile has a pending or open case, a new case shall be filed in the same court as the existing case.

~~Section 3— Refiling and/or Subsequent Filing~~

If the State of Indiana dismisses an information or indictment filed against a defendant, any subsequent refiling of such information or indictment charging the same and/or other offenses, arising out of the same underlying factual situation, shall be filed in the same court from which the dismissal was obtained.

~~Section 4— Reassignment of Cases Due to Disqualification of the Judge~~

If the judge before whom a case is pending becomes disqualified from jurisdiction of a case pursuant to the Indiana Rules of Criminal Procedure, Rules of Procedure for Post Conviction Remedies, Recusal or the Code of Judicial Conduct, the procedures of Indiana Judicial Administrative District Rule DR17-CR-00003 will be followed. **As amended and approved effective May 1, 2013.*

Adopted June 2014; Amended effective July 1, 2014.

LR30-TR76-2 SELECTION OF A SPECIAL JUDGE PURSUANT TO TRIAL RULE 79(H)

Section 1- Change of Judge in Civil Cases.

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Appointment of Special Judges in Civil Cases shall be conducted pursuant to Indiana Judicial Administrative District Rule DR17 - TR79 - 00002.

Section 2- Reserved.

**As amended and approved effective May 1, 2013.*

LR30-JR4-3 SUMMONING JURORS

Pursuant to Indiana Jury Rule 4, the judges of Hancock County have selected the two-tier system of subparagraph b of Indiana Jury Rule 4 as the method for summoning jurors in Hancock County.

LR30-TR00-4 CONTINUANCES

Motion for Continuance. Unless made during trial, a motion for continuance shall be in writing and verified, and state with particularity the grounds and that all opposing parties have been contacted and whether they consent or object to the continuance or if counsel or the party have not been contacted the reasons therefore must be fully set forth. When practical, counsel shall contact the Court with a date for the rescheduling of the case which is acceptable to opposing counsel. (It is helpful to advise the Court of the anticipated time needed for the hearing.)

Time for filing. Motions or Stipulations for Continuance shall be filed as soon after the cause for continuance or delay is discovered by the party seeking same.

LR30-TR00-5 DISCOVERY

Civil Cases

In all cases triable by jury, final lists of witnesses and exhibits shall be exchanged at least sixty days before trial and discovery shall be completed thirty days prior to the trial unless otherwise agreed by the parties or ordered by the Court. Independent medical examinations shall be completed at least one hundred twenty days before trial and reports thereon within forty-five days of the examination.

In cases triable to the Court, final lists of witnesses and exhibits shall be exchanged at least thirty days before trial and discovery shall be completed fifteen days prior to the trial unless otherwise agreed by the parties or ordered by the Court.

Extension of Time

For good cause shown, time may be extended for completion of discovery.

Criminal Cases

The State of Indiana and the Defendant shall provide reciprocal discovery as permitted by applicable case law. Each side shall have an ongoing duty to seek and obtain relevant information and promptly supplement the discovery it has provided. Disclosure deadlines may be modified by a filed written agreement of counsel or by leave of court. The State of Indiana and the Defendant shall file written statements detailing the discovery provided.

Upon the entry of an appearance by an attorney for a defendant, the State shall disclose and furnish all relevant items and information in their possession under this rule to the defendant within thirty days from the date of the appearance, subject to Constitutional limitations and such other limitation as the court may specifically provide by separate order. The defendant shall disclose and furnish all relevant items and information under this rule to the State within ten days after the State's disclosure. A written motion is not required, except:

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1. to compel compliance under this rule;
2. for additional discovery not covered under this rule, such as Rule 404 (b) items;
3. for a protective order seeking exemption from the provisions of this rule; or,
4. for an extension of time to comply with this rule.

The State shall disclose the following materials and information within its possession or control:

1. the names and last known addresses of persons whom the State intends to call as witnesses along with copies of their relevant written and recorded statements;
2. any written, oral, or recorded statements made by the accused or by a co-defendant, and a list of witnesses to the making and acknowledgement of such statements;
3. if applicable, the State shall disclose the existence of grand jury testimony of any person whom the prosecuting attorney may call as a witness at any trial or hearing in this case. In addition, the State shall provide a copy of those portions of any transcript of grand jury minutes, within the State's possession, which contain the testimony of such witness or witnesses. If such transcripts do not exist, the defendant may apply to the court for an order requiring their preparation;
4. any reports or statements of experts, made in connection with the particular case, including results of physical or mental examinations and of scientific tests, experiments or comparisons;
5. any books, papers, documents, photographs, or tangible objects that the prosecuting attorney intends to use in the hearing or trial or which were obtained from or belong to the accused;
6. any record of prior criminal convictions that may be used for impeachment of the persons whom the State intends to call as witnesses at any hearing or trial; and
7. any material or information within its possession or control that tends to negate the guilt of the accused as to the offenses charged or would tend to reduce the punishment for such offenses.

Defendant's counsel (or defendant where defendant is proceeding pro se) shall furnish to the State the following material and information within his or her possession or control:

1. the names and last known addresses of persons whom the defendant intends to call as witnesses along with copies of their relevant written and recorded statements;
2. any books, papers, documents, photographs, or tangible objects defendant intends to use as evidence at any trial or hearing;
3. any medical, scientific, or expert witness evaluations, statements, reports or testimony which may be used at any trial or hearing;
4. any defense, procedural or substantive, which the defendant intends to make at any hearing or trial; and
5. any record of prior criminal convictions known to the defendant or defense counsel that may be used for impeachment of the persons whom the defense intends to call at any hearing or trial.

Counsel for the State of Indiana and the Defendant shall only be required to produce criminal records information which they actually have obtained. Absent a showing of good cause neither side shall be required to obtain criminal records for the other party.

The parties may perform these disclosure obligations in any mutually agreeable manner. Compliance may include a notification that material and information being disclosed may be inspected, obtained, tested, copied, or photographed at a specified reasonable time and place.

Number

No party shall serve on any other party more than thirty (30) interrogatories, including subparagraphs, without leave of Court. Any party desiring to serve additional interrogatories shall file a written motion setting forth the proposed additional interrogatories and the reasons establishing good cause for their use.

Answers and objections

Answers and objections to interrogatories under Trial Rule 31 or 33 shall set forth in full the interrogatories being answered or objected to immediately preceding the answer or objections.

Filing

Interrogatories, depositions or requests for discovery shall not be filed with the Court except as provided in Indiana Trial Rule 5 D (2).

Depositions and Experts in Pauper Counsel Cases

Counsel assigned to a party due to indigency shall not take depositions or retain experts without the prior written approval of the Court. Unless leave is granted for good cause private reporting firms may not be utilized by court appointed counsel.

LR30-TR00-6 WITHDRAWAL OF APPEARANCE

- A. **Procedure for withdrawal.** All withdrawals of appearance shall be in writing and by leave of Court. Permission to withdraw shall be given only after the withdrawing attorney has given his client ten (10) days written notice of intention to withdraw and has filed a copy of such notice with the Court; or upon a simultaneous or prior entering of appearance by counsel for said client. No request for withdrawal of appearance shall be granted unless the same has been filed with the Court at least ten (10) days prior to trial date except for good cause shown.
- B. **Contents of notice.** Any notice of intention to withdraw shall include an explanation to the client as follows:
1. the present status of the case;
 2. the date or dates of scheduled hearings or other pending matters which require timely action;
 3. prejudice which might result from failure of a client to act promptly or to secure new counsel.

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LR30-TR00-7 CONSENT TO ALTERNATE SERVICE

- A. **Courthouse boxes.** Any Hancock County attorney or any firm of attorneys may, without charge, maintain an assigned Courthouse box in the Hancock County Courthouse for receipt of notices, pleadings, process, orders, or other communications from the Hancock Circuit and Superior Courts or the Clerk, as to matters with such Courts, and other attorneys and law firms.
- B. **How assigned.** Courthouse boxes shall be assigned to each Hancock County attorney or firm of attorneys who shall be deemed to have consented to service therein.
- C. **Effect of consent.** Deposits made in any assigned box of notices, pleadings, process, orders, or other communications made shall be deemed to constitute and be accepted as service equivalent to service in compliance with Trial Rule 5.
- D. **Revocation of consent.** Consent to Alternate Service under this rule shall remain valid until a revocation in writing has been filed with the Hancock Circuit Court. Notice of the revocation shall be given to all courts and members of the Bar who have consented to alternative service by attorney or law firm which has withdrawn its consent to alternative service.

LR30-TR00-8 CASH BONDS/ADA FEES

When permitted by law, all or part of a full cash bond may be retained to cover: pauper counsel, community correction or probation user fees; restitution; court costs; fines; special fees authorized by statute; child support; or any other cost or fee Ordered by the Court.

The Defendant, or any person providing cash to a Defendant, agrees that all or part of the cash bond may be retained as stated above. In addition, any person posting a bond for a Defendant does so with notice that any balance of the bond after application under this section will be refunded to the Defendant and not to the person who posted the bond unless a petition for return of cash bond is Ordered prior to its release.

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JUDICIAL ADMINISTRATIVE DISTRICT 17 RULES AND PLAN

DR17-AR03-00001 COORDINATION WITH COUNTY LOCAL RULES.

- A. Purpose. The purpose of these rules is to coordinate motions practice in cases which may involve judicial officers from throughout the Administrative District.
- B. Scope. These rules shall govern the processes described therein and shall supersede any local rules inconsistent therewith.

DR17-TR79-00002 APPOINTMENT OF A SPECIAL JUDGE IN CIVIL CASES.

- A. Eligibility for Special Judge Service.
 - 1. Agreement to Serve. Pursuant to Trial Rule 79(H), the full-time Judicial Officers of Administrative District 17 shall be deemed in agreement to serve as a Special Judge only for those case type(s) which compose that Judicial Officer's typical caseload, as determined by the Local County Caseload Allocation Plan.
 - 2. Prior Service Excluded. The appointment as Special Judge shall apply unless the appointed Judicial Officer has previously served as Judge or Special Judge in the case, is disqualified by interest or relationship, or is excused from service as a Special Judge by the Indiana Supreme Court.
- B. Appointment of a Special Judge. In the event of the need for the regular, sitting Judicial Officer to recuse herself / himself from a normally assigned case, or should the appointment of a Special Judge through agreement by the Parties fail, Special Judge appointment shall be made by the Johnson County Court Administrator.
 - 1. Priority Given to Local County Appointments. Special Judge appointments shall be made within the Local County, on a rotating basis, so long as a Judicial Officer within the County who has jurisdiction for the type of case remains eligible for Special Judge service. Following the appointment of the Special Judge, the Special Judge may request that the case be transferred to the court of the Special Judge.
 - 2. District (Outside County) Appointments. In the event that no Local Judicial Officer is available, a Special Judge shall be appointed, on a rotating basis, from the available Judicial Officers within the Administrative District who have jurisdiction for the type of case.
- C. Acceptance of Appointment.
 - 1. Acceptance Mandatory. Pursuant to Trial Rule 79(H), a person appointed to serve as Special Judge under these rules must accept jurisdiction in the case, unless the appointed Special Judge is disqualified pursuant to the Code of Judicial Conduct, ineligible for service under these rules, or excused from service by the Indiana Supreme Court.
 - 2. Documentation. An oath or additional evidence of acceptance of jurisdiction is not required.
- D. Supreme Court Certification. In the event that no Judicial Officer in the Administrative District is eligible to serve as a Special Judge, or the regular, sitting Judicial Officer in the court in which the case is pending sets out particular circumstances why appointment under these rules should not be made, then the regular, sitting Judicial Officer shall certify the same to the Indiana Supreme Court for appointment of a Special Judge.
- E. Discontinuation of Special Judge Service. The provisions of T.R. 79(I) apply if a Special Judge ceases to serve following assumption of jurisdiction.
- F. Method for Assignment and Related Records. The Administrative District Executive Committee shall approve:
 - 1. The methodology by which the rotation of Judicial Officers for selection as Special Judge is made; and,
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2. The maintenance of any records related thereto.

DR17-CR12-00003 APPOINTMENT OF A SPECIAL JUDGE IN CRIMINAL CASES.

Each county within the Administrative District shall amend its local rules, pursuant to Criminal Rule 2.2 and 13, to allow for appointment of Special Judges utilizing the following elements.

- A. Eligibility for Special Judge Service.
 1. Available to Serve. Pursuant to Criminal Rule 13(C), the Judicial Officers of Administrative District 17 shall be deemed in agreement to serve as a Special Judge only for those case type(s) which compose that judicial officer's typical caseload, as determined by the local Caseload Allocation Plan.
 2. Prior Service Excluded. The appointment as Special Judge shall apply unless the appointed Judicial Officer has previously served as Judge or Special Judge in the case, is disqualified by interest or relationship, or is excused from service as a Special Judge by the Indiana Supreme Court.
- B. Appointment within the Administrative District. In order to improve the coordination within the Administrative District, and pursuant to Criminal Rule 13(C), appointments of a Special Judge in criminal cases shall be made among the Judicial Officers of the Administrative District.
- C. Appointment of a Special Judge. In the event of the need for the regular, sitting Judicial Officer to recuse herself / himself from a normally assigned case, Special Judge appointment shall be made by the Johnson County Court Administrator.
 1. Priority Given to Local County Appointments. Pursuant to Criminal Rule 2.2, appointments of a Special Judge shall be made in the same manner as set forth within the Local Rules of the Local County, so long as a Judicial Officer with criminal jurisdiction remains available within the Local County for appointment. Following the appointment of the Special Judge, the Special Judge may request that the case be transferred to the court of the Special Judge.
 2. District (Outside County) Appointments. In the event that no Local Judicial Officer is available, a Special Judge shall be appointed, on a rotating basis, from the available Judicial Officers within the Administrative District.
- D. Acceptance of Appointment.
 1. Acceptance Mandatory. Pursuant to Criminal Rule 13(C), a person appointed to serve as Special Judge under these rules must accept jurisdiction in the case, unless the appointed Special Judge is disqualified pursuant to the Code of Judicial Conduct, ineligible for service under these rules, or excused from service by the Indiana Supreme Court.
 2. Documentation. An oath or additional evidence of acceptance of jurisdiction is not required.
- E. Supreme Court Certification. In the event that no Judicial Officer in the Administrative District is eligible to serve as a Special Judge, or the regular, sitting Judicial Officer in the court in which the case is pending sets out particular circumstances why appointment under these rules should not be made, then the regular, sitting Judicial Officer shall certify the same to the Indiana Supreme Court for appointment of a Special Judge.
- F. Discontinuation of Special Judge Service. The provisions of C.R. 13(F) if a Special Judge ceases to serve following assumption of jurisdiction.
- G. Method for Assignment and Related Records. The Administrative District Executive Committee shall approve:
 1. The methodology by which the rotation of Judicial Officers for selection as Special Judge is made; and,
 2. The maintenance of any records related thereto.

DR17-AR15-00004 TRANSCRIPT RATE.

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Each county within the Administrative District shall amend its local rules, pursuant to Administrative Rule 15 to provide for a consistent rate of \$5.00 per each page of a transcript prepared.

DR17-AR03-00005 ADMINISTRATIVE DISTRICT WORK.

- A. History of Administrative District Work.
1. Administrative District 17 was created by modification to Administrative Rule 3, effective January 1, 2011.
 2. Prior to the creation of Administrative District 17, there was little recent history of Hancock, Johnson, and Shelby Counties working together as an Administrative District.
 3. The services and programs operating in each County of the Administrative District vary greatly, due, at least in part, to the disparity in population among the counties.
- B. Future of Administrative District Work.
1. The Judiciary of each County in the Administrative District is interested in the benefits of district-level coordination and potential benefits derived therefrom.
 2. The local rules of each County are being reviewed to determine where local procedures could be made more efficient and productive.
 3. The local rules of each County will be amended, pursuant to direction from the Indiana Judicial Conference, in order to improve coordination, across county lines, with the Administrative District.

DR17-AR03-00006 ADMINISTRATIVE DISTRICT LEADERSHIP.

- A. Executive Committee. The Administrative District Executive Committee shall serve as the governing authority of the Administrative District.
- B. Selection of Executive Committee.
1. Local County Representatives. Each County shall select a Judicial Officer to represent that County on the Administrative District Executive Committee.
 2. Term of Service.
 - a. Each County Representative shall serve on the Executive Committee for a term of three (3) years and for a maximum of no more than two (2) complete terms, without a break in service.
 - b. Each County Representative's term of service shall begin on January 1 and shall continue until her / his successor has been selected.
 3. Initial Term of Service. In order to ensure that terms of service on the Executive Committee are staggered, the initial terms of service are hereby established as follows:
 - a. Hancock County. The Hancock County Representative shall serve an initial term of one (1) year, which initial term shall terminate on or about December 31, 2013. At the discretion of the Executive Committee, the term of service for the Hancock County Representative need not include the initial term of service.
 - b. Johnson County. The Johnson County Representative shall serve an initial term of two (2) years, which initial term shall terminate on or about December 31, 2014. At the discretion of the Executive Committee, the term of service for the Johnson County Representative need not include the initial term of service.
 - c. Shelby County. The Shelby County Representative shall serve an initial term of three (3) years, which initial term shall terminate on or about December 31, 2015.
- C. Chair of the Executive Committee.

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1. No later than February 1 of each year, the Members of the Executive Committee shall select one (1) of their number of serve as the Chair.
2. The Chair shall serve a term of one (1) year, which may be renewed.
3. Chair of the Executive Committee shall schedule and preside over the meetings of the Executive Committee.
4. The Chair of the Executive Committee shall serve as the Representative to the Indiana Judicial Conference Board of Directors. This provision shall initially take effect at the conclusion of the Annual Meeting of the Indiana Judicial Conference / Board of Directors meeting on or about September 20, 2013 and shall continue thereafter in compliance with I.C. 33-38-9-4.

D. Meetings of the Executive Committee.

1. The Executive Committee shall meet at least two (2) times each year.
2. The meetings shall occur no later than April 30 and October 30 of each year.
3. Attendance at meetings via electronic or telephonic means is acceptable.

DR17-AR03-00007 EFFECTIVE DATE.

Subject to the approval of the Indiana Supreme Court, these Administrative District Rules become effective January 1, 2013.

Adopted December 2012; Approved by the Indiana Supreme Court, 5/13/13; Effective May 1, 2013.

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