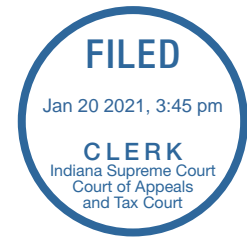


# In the Indiana Supreme Court

Cause No. 21S-MS-19



## Order Amending Commercial Court Rules

Under the authority vested on 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, the Commercial Court Rules are amended as follows (deletions shown by ~~striking~~ and new text shown by underlining):

...

### **Rule 7. Appointment of Commercial Court Judges.**

The Indiana Supreme Court has sole authority to appoint Commercial Court Judges.

(A). If a judicial vacancy occurs or is expected to occur in an existing Commercial Court, or if a request is made to establish a new Commercial Court, the Indiana Supreme Court will announce the open position and establish a deadline for filing applications.

(B). Any Judge in the Administrative District where the open position occurs or is expected to occur or where a new Commercial Court is sought to be established, may submit an application for the open position to the Commercial Court Committee. Applications must be submitted by the established deadline to be considered.

(C). The Commercial Court Committee, or a designated subcommittee thereof, must review each application. The Committee must solicit input from members of the bench, bar, and business community, and may conduct other due diligence concerning each applicant.

(D). Within forty-five (45) days after the application deadline, the Commercial Court Committee must provide the Indiana Supreme Court a list of up to three (3) applicants that the Commercial Court Committee considers to be best suited to fill the open position.

(E). The Indiana Supreme Court will appoint the new Commercial Court Judge from the list submitted by the Committee. If no applications are submitted to fill the open position or the Supreme Court is not satisfied with the applicant(s) recommended by the Committee, the Supreme Court may solicit additional applications or appoint the new Commercial Court Judge from:

a county in the Administrative District where the open position occurs; or,  
an Administrative District adjacent to the Administrative District where the open position occurs, after further input from the Committee.

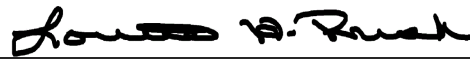
(F). Upon the appointment of the new Commercial Court Judge, the Clerk must transfer and assign the Commercial Court Docket of the outgoing Commercial Court Judge to the new Judge's docket without assessing any fees that might otherwise apply. Unless agreed to by the

parties, all proceedings will occur in the county where the Commercial Court was first established, notwithstanding that the new Judge may be from a different county.

(G). Appointment of a new Commercial Court Judge does not affect the assignment of cases to that Judge's Commercial Court Docket. If the new Judge disqualifies or recuses himself/herself from a case, the parties may agree to have the case transferred to another Commercial Court Docket in the State, but if no agreement can be reached, the parties must seek the appointment of a Special Judge under Indiana Rule of Trial Procedure 79(D) and (H).

This amendment is effective as of the date of this order.

Done at Indianapolis, Indiana, on 1/20/2021.



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Loretta H. Rush  
Chief Justice of Indiana

All Justices concur.