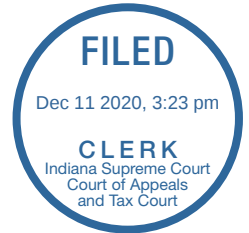


In the Indiana Supreme Court

In the Matter of the Approval of Local
Rules for Harrison County

Supreme Court Case No.
20S-MS-670



Order Approving Amended Local Rule

The Judges of the Harrison Circuit and Superior Courts request the approval of amended local rules for special judge appointment in accordance with Indiana Rules of Trial Procedure 79(H) and Criminal Procedure Rule 2.2. Attached to this Order is the proposed amended local rule.

Upon examination of the proposed rule amendments requested by the Harrison Circuit and Superior Courts, this Court finds that the proposed rule amendments at LR31-TR79-20 comply with the requirements of Indiana Rules of Trial Procedure 79(H) and Criminal Procedure Rule 2.2, and, accordingly, should be approved.

IT IS, THEREFORE, ORDERED by this Court that amended Local Rule, LR31-TR79-20, for Harrison Circuit and Superior Courts, set forth as an attachment to this Order, is approved effective January 1, 2021.

Done at Indianapolis, Indiana, on 12/11/2020.

A handwritten signature in black ink that reads "Loretta H. Rush".

Loretta H. Rush
Chief Justice of Indiana

LR31-TR79-20

APPOINTMENT OF SPECIAL JUDGES

A. Selection of Administrative Judge. On or before November 1st of each year, (or as soon thereafter as possible) the Judges of the Circuit and Superior Courts of Harrison County shall meet in person or electronically with the presiding judges of the Administrative District 24 for the purpose of selecting a judge who is designated as the Administrative Judge. The Administrative Judge shall serve for a period of twenty-four (24) months, ending December 31, or until a replacement is selected after December 31.

B. Section H Appointments. In the event it becomes necessary to appoint a special judge under Section H of Trial Rule 79 of the Indiana Rules of Trial Procedure or Indiana Rules of Criminal Procedure, the judge on the case shall send notice of the need of the appointment of a special judge to the District's administrative judge who shall then make such assignment within five (5) days of receiving said notice.

C. Method of Assignment. The District's administrative judge shall select special judges consistent with the Indiana Rules of Trial Procedure, the Indiana Rules of Criminal Procedure, and the District 24 Governance Plan.

D. Special Considerations. If the Administrative Judge determines that newly selected Judges would benefit from a policy of "exchanging" cases to avoid excessive travel to multiple courts, assignments may be based upon these special temporary circumstances.

E. (Reserved)

F. Appointment Order. Upon selecting a special judge, the administrative judge shall prepare an Order of Appointment and forward said Order to the judge before whom the case is pending who shall then sign and enter the Order of Appointment and forward a copy of the Order to the special judge and the attorneys of record.

G. Acceptance of Jurisdiction. The Order of Appointment, when entered by the judge before whom the case is pending, shall constitute acceptance of jurisdiction by the appointed special judge unless the judge is otherwise disqualified, and no special appearance, oath or additional evidence of acceptance shall be required. When one of the sitting Judges of District 24 accepts appointment as Special Judge through a different selection method, such as Supreme Court Appointment, stipulation by parties, or by striking, that Judge may ask the Appointing Judge to add these appointments to the record for assignments and consider such service in making additional appointments.

H. Form of Order. The Order of Appointment shall be in the following form:

IN THE _____ COURT OF _____ COUNTY
STATE OF INDIANA

(Caption)

ORDER OF APPOINTMENT

Under the provisions of Trial Rule 79(H) of the Indiana Rules of Trial Procedure or the Indiana Rules of Criminal Procedure, the Honorable _____ of the _____ Court of _____ County is hereby appointed to serve as special Judge in the above-captioned case.

So ORDERED this _____ day of _____, _____.

Judge, _____ Court

Assigned this _____ day of _____, _____.

Administrative District 24
Administrative Judge

I. Implementation of Rule. In the event a selected Judge does not accept an appointment to serve as a special Judge under the provisions of section (D), (E) or (F) of Trial Rule 79 of the Indiana Rules of Trial Procedure, the judge before whom the case is pending shall notify the assignment judge of the need for an appointment of a special judge under this local rule.

J. Certification to Supreme Court. If, under the provisions of this rule, no judge is eligible to serve as a special judge in a case, the assignment judge shall notify the judge before whom the case is pending who shall then certify such fact to the Indiana Supreme Court for the appointment of a special Judge.

If the Judge before whom the case is pending is of the opinion that the particular circumstances of a case warrants selection of a special judge by the Indiana Supreme Court, said judge shall certify such facts to the Indiana Supreme Court for the appointment of a special Judge. Under such circumstance this Rule shall not be implemented unless the Indiana Supreme Court declines to appoint a special Judge.