

In the
Indiana Supreme Court

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

Supreme Court Case No.
20S-MS-97



Order Approving Amended Local Rule

The Judges of the Hamilton Circuit and Superior Courts request the approval of an amended local rule for civil case special judge assignments in accordance with Indiana Trial Rule 79(H). Attached to this Order is the proposed amended local rule.

Upon examination of the proposed rule amendment requested by the Hamilton Circuit and Superior Courts, this Court finds that the proposed rule amendment, LR29-TR79-209, complies with the requirements of Indiana Trial Rule 79 (H), and, accordingly, should be approved.

IT IS, THEREFORE, ORDERED by this Court that amended Local Rule 29-TR79-209 for Hamilton Circuit and Superior Courts, set forth as an attachment to this Order, is approved effective upon approval.

Done at Indianapolis, Indiana, on 3/6/2020.

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

Loretta H. Rush
Chief Justice of Indiana

LR29-TR79-209. COORDINATED LOCAL RULE OF THE COURTS OF HAMILTON COUNTY, ENACTED IN COMPLIANCE WITH T.R. 79 (H)

209.10 Pursuant to Trial Rule 79(H) of the Indiana Rules of Trial Procedure, the Circuit and Superior Courts of Hamilton County, in conjunction with the other Judges of Administrative District 12, i.e., Boone County, Clinton County, and Tipton County, Indiana, have adopted the following rule to establish procedures for the selection of special judges in civil cases. Said rule, as approved by the Supreme Court of Indiana, is as follows:

209.20 Within seven (7) days of the notation in the Chronological Case Summary of an order granting a change of judge or an order of disqualification, the parties, pursuant to Indiana Trial Rule 79(D), may agree to any judge eligible under Indiana Trial Rule 79(J).

209.30 If a special judge is required to be selected under Indiana Trial Rule 79(H) then the special judge shall be selected as follows:

209.30.10 If the case was originally filed in a court of record in Hamilton County, then the judge will be selected randomly from among the regular judges of Hamilton County subject to existing local rules regarding case allocation and transfer.

209.30.20 If the case was originally filed in a court of record in Boone, Clinton or Tipton County, then the judge will be selected on a rotating basis from among the regular judges of those counties subject to all local rules in each individual county regarding case allocation and transfer.

209.30.30 If for any reason a judge cannot be selected by the above methods then the special judge shall be selected on a rotating basis from among all the regular judges of the District not already disqualified.

209.40 A special judge selected under 209.30 must accept jurisdiction unless disqualified or excused pursuant to Indiana Trial Rule 79(D). The Administrator of Courts for Hamilton County shall maintain a list of the judges eligible for selection under 209.30.20 and a list of the judges eligible for selection under 209.30.30 and shall be contacted by the selecting court each time a judge must be selected from one of those lists. The Administrator of Courts shall provide the name of the next judge on the appropriate list upon a request from the selecting court and then strike the name of the judge selected from that list. The judge selected in this manner shall not be eligible to be selected again from the same list until all the other judges have been selected from that list except as required to avoid certification to the Indiana Supreme Court.

209.50 In the event that no judicial officer within Administrative District 12 is eligible to serve as a special judge or the case warrants selection of a special judge by the Indiana Supreme Court, the judge of the court in which the case is pending shall certify the matter to the Indiana Supreme Court for appointment of a special judge.