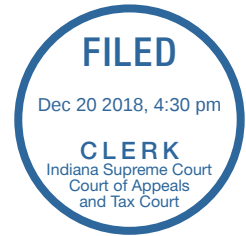


In the Indiana Supreme Court

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

Supreme Court Case No.
18S-MS-616



Order Approving Amended Local Rule

The judges of the Harrison Circuit and Superior Courts request the approval of an amended local rule for special judge selection in accordance with Indiana Trial Rule 79. Attached to this Order is the proposed amended local rule.

Upon examination of the proposed rule amendment requested by the Harrison Circuit and Superior Courts, this Court finds that the proposed rule amendment, LR31-TR79-20, complies with the requirements of Indiana Trial Rule 79, and accordingly, should be approved.

IT IS, THEREFORE, ORDERED by this Court that Harrison Circuit and Superior Court Local Rule, LR31-TR79-20, set forth as an attachment to this Order, is approved effective January 1, 2019.

DONE at Indianapolis, Indiana, on 12/20/2018.


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.

Prior Assignment to Other Judge in Same Circuit. Before a case is referred to the District Administrative Judge for assignment of a Special Judge, the case shall first be assigned by the sitting judge to the other Judge in the County for further proceedings as Special Judge, i.e. from Circuit Judge to Superior Judge or vice versa. After such assignment, if it again becomes necessary to appoint a special judge to the case, the judge before whom the case is pending may then send notice of the need for the appointment of a new special judge to the District's Administrative Judge who shall then make such assignment as further described in these Rules.

- C. **Method of Assignment.** The District's administrative judge shall select special judges from a roster of the available judges in the Administrative District. The assignments shall take into account the number of appointments required for each Court and the fact that current rules require that Special Judges in Criminal Cases serve in a contiguous county. The administrative judge shall maintain a record of all assignments and shall issue a summary report of the assignments on a quarterly basis.
- 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. **Roster of Available Judges.** The roster of available judges in Administrative District 24 shall include the following judges:
- Judge of the Harrison Superior Court
 - Judge of the Crawford Circuit Court
 - Judge of the Harrison Circuit Court
 - Judge of the Orange Circuit Court
 - Judge of the Orange Superior Court
 - Judge of the Washington Circuit Court
 - Judge of the Washington Superior Court
 - Senior Judges approved for the requesting Court (s).

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.