

STATE OF INDIANA)
) ss:
COUNTY OF ST. JOSEPH)

IN THE ST. JOSEPH CIRCUIT COURT
IN THE ST. JOSEPH SUPERIOR COURT
IN THE ST. JOSEPH PROBATE COURT

DISTRICT 4 LOCAL RULES
AND GOVERNANCE PLAN

CAUSE NO. 71C01-1303-CB-00____

**DISTRICT 4 LOCAL RULES AND GOVERNANCE PLAN IN CONFORMITY
WITH INDIANA COURT RULES ADMINISTRATIVE RULE 3(B)**

Preamble. This District Governance Plan, as well as the District-wide local rules that are set forth below, have been promulgated by the Judges of District 4 in compliance with Indiana Administrative Rule 3(B,) under the authority of the Indiana Judicial Conference and under the guidance of the Strategic Planning Committee as appointed by the Indiana Supreme Court.¹ Each of elements required to be contained in the District Governance Plan, and the rules under such elements, is set forth below.

DR04-AR00 Rule 1. Special Judge Plans. The Rule for the appointment of Special Judges for District 4 was and remains established by LR71-TR79(H)-216 of the *Joint Local Rules for the Courts in St. Joseph County, Indiana*.

DR04-AR00 Rule 2. Criminal Rule 2.2 Plans. The Rule concerning Criminal Rule 2.2 Plans was and remains established by LR71-CR2.2-303 of the *Joint Local Rules for the Courts in St. Joseph County, Indiana*.

DR04-AR00 Rule 3. Leadership. The Judges of District 4 have selected a plan that includes an Executive Committee with such authority and duties as set forth below.

A. Executive Committee of District 4

1. Creation. An Executive Committee for District 4 is created by this Rule exercising those powers and having those duties as set forth below.

2. Composition. The Executive Committee shall be composed of three (3) Judges of District 4. The Executive Committee shall include as members:

- (a) The Judge of the St. Joseph Circuit Court;
- (b) The Judge of the St. Joseph Probate Court; and
- (c) The Chief Judge of the St. Joseph Superior Court.

¹ Each District Governance Plan are required to contain the following elements: special judge plans; criminal rule 2.2 plans; leadership; selection process for leadership; number of meetings per year; district activities; review of each counties local rules to ensure they do not conflict with any district rules. An approved District Governance Plan must be submitted to the Strategic Planning Committee and the Indiana Judicial Conference.

3. Term. The term on the Executive Committee of the Judges of the St. Joseph Circuit and Probate Courts are contemporaneous with his or her term of office; the term of the Chief Judge of the St. Joseph Superior Court is contemporaneous with his or her appointment as Chief Judge.

4. Proxy. If a member of the Executive Committee is absent or is unable to serve due to illness or disability, that member or a replacement duly appointed by the Supreme Court of Indiana may designate a proxy to attend and to exercise those powers and those duties as set forth below.

5. Voting. Each member of the Executive Committee shall have one (1) vote; no member of the Executive Committee shall have the authority to cast more than one (1) vote.

6. Authority. The Executive Committee shall have the authority to determine, by majority vote of two (2) members of the Executive Committee, issues or disputes in all matters of or related to the policy, budget, administration and operation of the Courts of District 4. Any determination made by the Executive Committee is advisory to the St. Joseph Circuit, Probate or Superior Court. The Executive Committee shall, prior to making any determination regarding an issue or dispute, must first decide its authority, by an unanimous vote of the three (3) members of the Executive Committee, to undertake a determination of such issues or disputes by considering, and, as appropriate, balancing the following factors:

- (a) Matters of administration, budget, expenditures, policy and procedure affecting the separate courts within District 4.
- (b) The Weighted Caseload Plan (WCP) requirements established under the authority of Administrative 1(E) which sets a “differential” between courts;
- (c) The Joint Local Rule of the St. Joseph Circuit, Probate, and Superior Courts regarding the transfer of cases to meet WCP requirements;
- (d) The Joint Local Rule of the St. Joseph Circuit, Probate, and Superior Courts regarding the selection of Special Judges;
- (e) The Joint Local Rules of the St. Joseph Circuit, Probate, and Superior Courts regarding administrative matters, civil proceedings, and criminal proceedings;
- (f) Ind. Code § 33-33-71-24, which provides that the judge of the Superior Court shall act in concert regarding any matter that requires the action of the entire superior court;²

² “If there is a disagreement, the decision of the majority of the judges controls. However, if the judges are evenly divided, the decision joined by the chief judge controls.” *Ind. Code § 33-33-71-24*. Any such decision binds the entire St. Joseph Superior Court and each judge of that Court.

- (g) An issue or policy has been discussed previously by the Executive Board or by judges of one of the Courts in District 4, and these discussions resulted in lack of unanimity among the judges in District 4;³
- (h) Each Judge of District 4 shall have the authority to appoint the Judge's court reporter(s), bailiff(s), law clerk(s), and assistant(s), as the case may be, as each Judge of District 4 deems appropriate. While policy, budgetary, administrative and operational matters may be the subject of review and determination by the Executive Committee, the hiring and firing of personnel is left to the sound and sole discretion of each Judge of District 4;
- (i) Whether mediation may assist in the resolution of a dispute between or among the Courts, and in the event the Executive Committee votes unanimously to authorize mediation, the Executive Committee may appoint a Mediator, pay for mediation, and direct the Judges to mediation the dispute;
- (j) In matters involving questions of ethics and discipline of a Judge of District 4, such matters should be left to the sound discretion of the Indiana Judicial Qualifications Commission pursuant to the Code of Judicial Conduct; and,
- (k) Any other matter deemed a factor by the Executive Committee.

B. Duties. The Executive Committee shall have the following duties:

- (a) To exercise the authority set forth above, especially as the exercise of such authority involves determining issues or disputes;
- (b) To counsel and assist other Judges in the performance and responsibilities in the administration of the Court;
- (c) To consult with Judges of District 4 who are not members of the Executive Committee on matters set forth above; and,
- (d) To undertake such additional duties as the Executive Committee, from time to time, deems appropriate.

C. Quorum. Two (2) members of the Executive Committee shall constitute a quorum. Six (6) Judges of District 4 shall constitute a quorum for purposes of a meeting of the Judges of District 4.

³ No statute or rules provides for dispute resolution between or among the St. Joseph Circuit, St. Joseph Superior and St. Joseph Probate Courts. Therefore, disputes between or among the Courts may be presented to the Executive Committee for consideration, discussion and recommendation. Moreover, the statutes are silent as to the determination of issues or disputes between individual Judges within the St. Joseph Superior Court that are not of or related to *division-wide* or *court-wide* matters. Such matters may also be determined by a majority of the judges of St. Joseph Superior Court pursuant to the provisions of Ind. Code § 33-33-71-24.

D. Meetings. The Executive Committee shall meet either semi-annually or at other times it deems necessary.

E. Notice and Agenda. Notice of and the agenda for any meeting of the Executive Committee shall be posted by electronic mail to each Judge of District 4 not less than three (3) calendar days prior to any regular meeting of the Executive Committee. Any member of the Executive Committee may call a Special Meeting of the Executive Committee without posting notice or an agenda, provided, however, that all three (3) members of the Executive Committee approve of such special meeting prior to the consideration of any matter by the Executive Committee.

F. Minutes and Records of the Meetings of the Executive Committee. The Executive Committee shall keep minutes and records of its proceedings and shall appoint a Secretary to prepare such minutes and records of each and every meeting.

G. Request for Executive Committee Determination. Any Judge of District 4 may request a determination by the Executive Committee of an issue or dispute. Such request may be by oral communication or in writing to any member of the Executive Committee. A request may be made anonymously. Any such request shall be placed before the Executive Committee for consideration at the next regular meeting of the Executive Committee or at a special meeting called for that purpose.

DR04-AR00 Rule 4. Selection Process for Leadership. The selection process for membership on the Executive Committee of District 4 is set forth above at DR04-AR00-3(A)(2).

DR04-AR00 Rule 5. Selection Process for Representatives to the Board of Directors of the Judicial Conference of Indiana. District 4 has been assigned two (2) votes on the Board of Directors of the Judicial Conference of Indiana (JCI). District 4 shall have two (2) representatives on the Board of JCI, and each representative shall have one (1) vote. The representatives from District 4 shall be selected by a vote of all of the Judges of District 4 at the annual meeting or at a meeting called for that purpose. No court in District 4 shall have more than one (1) representative on the Board of JCI.

DR04-AR00 Rule 6. Number of Meetings per Year. The number of meetings conducted by the Executive Committee of District 4 is set forth above at DR02-AR00-3(A)(6)(D). A joint meeting of the all of the Judges of District 4 shall be held annually during the month of July or more frequently as necessary. A joint meeting of all District 4 Judges may be convened by a majority vote of the Executive Committee.

DR04-AR00 Rule 7. District Activities. The St. Joseph Circuit Court, the St. Joseph Probate Court, and the St. Joseph Superior Court are now cooperating in programs and using judicial resources cooperatively in a host of areas including, *inter alia*: the use of courtrooms; a single jury administration for the St. Joseph Circuit, Probate, and Superior Courts (hereinafter, “the Courts”), information sharing between the Courts on family case matters; joint application by the Courts for and the use of interpreter grants; joint applications by the Courts for court reform grants; and, the Adult Probation Department, the Juvenile Probate Department, the Juvenile

Detention Center, and the DuComb Community Correction Center. Future cooperative ventures among the Courts include, *inter alia*, centralized protective order processing, domestic violation eradication, and Veterans Court.

DR04-AR00 Rule 8. Review of Local Rules to Ensure they do not Conflict with District Rules. The Judges of District 4 have reviewed this Rule to make certain that such conflicts are eliminated. The Judges of District 4 will meet annually to review the Joint Local Rules for the Courts in St. Joseph County, Indiana, and to make certain that the local rules or joint local rules of the St. Joseph Circuit, Probate and Superior Courts do not conflict with these District Rules.

DR04-AR00 Rule 9. Amendment. These District Rules may be amended by a vote of a majority of the judges of the Superior Court and a unanimous vote of the Executive Committee of District 4 under the same Notice and Agenda procedures as set forth at DR04-AR00-6(E).

DR04-AR00 Rule 10. Compliance. This District Plan complies with the minimum requirements for District governance contemplated by Administrative Rule 3(B) of the Indiana Rules of Court. A majority of the Judges of District 4 agreed on this Plan as reflected by the signatures below. This District Plan shall remain in effect until further notice or until amended under the provisions of DR04-AR00-9.

SO APPROVED effective on the date filemarked hereon:

Hon. Michael G. Gotsch
Judge, St. Joseph Circuit Court

Hon. James N. Fox
Judge, St. Joseph Probate Court

Hon. Michael P. Scopelitis
Chief Judge, St. Joseph Superior Court

Hon. Jenny Pitts Manier
Judge, St. Joseph Superior Court

Hon. Roland W. Chamblee, Jr.
Judge, St. Joseph Superior Court

Hon. John M. Marnocha
Judge, St. Joseph Superior Court

Hon. David C. Chapleau
Judge, St. Joseph Superior Court

Hon. Jane Woodward Miller
Judge, St. Joseph Superior Court

Hon. J. Jerome Frese
Judge, St. Joseph Superior Court

Hon. Margot F. Reagan
Judge, St. Joseph Superior Court