

**District Governance Plan
Administrative District 5
Elkhart, Kosciusko, and Marshall Counties**

Article 1 – Governance

- a. The district will be governed through a committee of the whole, comprised of the sitting trial court judges of the District’s counties.
- b. Each sitting trial court judge (“member”) shall hold one (1) vote regarding district matters.
- c. A quorum of at least eleven (11) member judges is needed to take binding action.
- d. Other judicial officers, such as Magistrates, Commissioners, Referees and Hearing Officers, working in any of the district’s counties, may be invited to district meetings at the discretion of that person’s supervising judge. These other judicial officers shall not hold a vote and shall not be counted toward the quorum requirement.

Article 2 – Representation on the Judicial Conference Board of Directors

- a. The district has two votes on the Indiana Judicial Conference Board of Directors, and the District Representative or other Representative, whichever the judges select, have the authority to cast votes for the district.
- b. The representative(s) will serve a two-year term on the Board of Directors.
- c. The representative(s) will be selected at an annual Meeting of the district, which will be held in odd numbered years commencing in 2013.
- d. Each sitting trial judge in the district (or that person’s proxy) will have one vote in selecting the district representative or to the Board of Directors.
- e. The representative(s) must be selected from among the sitting trial judges in the district.
- f. The judge with the most votes will be selected to serve as the district’s representative(s).
- g. The presiding judge for the annual meeting will not vote for the district’s representative(s), except in the instance of a tie, in which case the presiding judge will cast the tie-breaking vote.

Article 3 – Annual Meeting and Other Meetings

- a. The district shall hold an annual meeting, to be held at least ten (10) days prior to the Annual Meeting of the Judicial Conference of Indiana.
- b. The annual meeting shall be called, coordinated, and conducted by a “Presiding Judge.”
- c. The Presiding Judge must be a member of the district.
- d. The Presiding Judge shall serve a term that continues until a successor Presiding Judge is selected by the members, it being anticipated that the selection of the successor Presiding Judge would take place during the annual meeting (or such other special meeting as may be called.)
- e. The district’s first Presiding Judge is the Honorable Terry C. Shewmaker of the Elkhart Circuit Court, and the first annual meeting to be called by Presiding Judge Shewmaker is anticipated for August-September, 2013.
- f. The Presiding Judge has authority to call special meetings of the district, as the need arises.

- g. In the event that the Presiding Judge is not able or willing to call an annual meeting, the District Representative or other Representative has authority to call and preside over the annual meeting.
- h. In the event that the District Representative or Representative is not able or willing to serve in the capacity set out in section (g) of this Article, the next most senior member judge (based upon the years of service on the bench) has authority to call and preside over the annual meeting.

Article 4 – Special Judge Selection (TR 79)

- a. Each district county has a local rule in place to meet the requirements of TR 79.
- b. Each district county shall monitor the existing local rule, and any amendment(s) thereto, to assure that the rule does not conflict with the rules of other counties in the district.
- c. In accordance with TR 79, the local rule for any of the district counties may include use of special judges outside of the district counties, as long as the non-district judge has agreed to serve in that capacity.

Article 5 – Assignment of Criminal Cases (CR2.2)

- a. Each district county has an approved local rule in place that meets the requirements of CR 2.2.
- b. Each district county shall monitor its existing local rule, and any amendment(s) thereto, to assure that the rule does not conflict with the rules of the other counties in the district.

Article 6 – District-wide Cooperative Programs

- a. The members shall annually discuss opportunities for programs that may be administered on a district-wide basis, and implement such programs upon approval by a majority of the voting members.
- b. This Article does not prohibit cooperative programming with counties outside of the district, or by less than all of the district's counties.

Article 7 – Amendment

- a. This District Governance Plan may be amended by approval of a majority of the members present at the annual meeting or any special meeting.

Ratification

This Governance Plan was presented and approved by consent of at least 75% of the member judges. (See attachments).

Respectfully submitted, this _____ day of February, 2013.

Terry C. Shewmaker
District 5 Representative

Terry C. Shewmaker, Judge
Elkhart Circuit Court

Evan S. Roberts, Judge
Elkhart Superior Court No. 1

Stephen R. Bowers, Judge
Elkhart Superior Court No. 2

George W. Biddlecome, Judge
Elkhart Superior Court No. 3

Olga H. Stickel, Judge
Elkhart Superior Court No. 4

Charles C. Wicks, Judge
Elkhart Superior Court No. 5

David C. Bonfiglio, Judge
Elkhart Superior Court No. 6

Duane G. Huffer, Judge
Kosciusko Superior Court No. 1

James G. Jarrette, Judge
Kosciusko Superior Court No. 2

Mike Reed, Judge
Kosciusko Circuit Court

Joe V. Sutton, Judge
Kosciusko Superior Court No. 3

Robert O. Bowen, Judge
Marshall Superior Court No. 1

Dean A. Colvin
Marshall Superior Court No. 2

Curtis D. Palmer, Judge
Marshall Circuit Court