

## **Judicial District 26 Governance Plan (As amended on February 11, 2016)**

1. **Special Judge Plans:** The District 26 courts adopted a new rule on Special Judge Selection in civil cases under Trial Rule 79 (H), and in criminal cases under Criminal Rules 13 and 2.2, which is set forth below.
  
2. **Leadership:** From among the alternatives suggested to comply with AR 3(B), our District reviewed the suggested choices: (1) District Judge; (2) Executive Administrative Committee; and (3) other specified method. We have chosen the District Judge model.

The District Judge shall be responsible to oversee compliance with the District Governance Plan. The judges of this District have reviewed the current Weighted Caseload Reports and have unanimously determined that no adjustments to the current assignment of cases within the District is needed. Hereafter, the District Judge shall be responsible for reviewing said case load reports to assure the efficient operation of the District. Should the District Judge determine some action is necessary to adjust the assignment of cases within the District, he shall call a meeting of all the judges in the District to address the issue, which shall be determined by a majority of votes of all the judges in the District. There shall also be elected an Assistant District Judge who shall serve in the absence or unavailability of the District Judge for any reason.

For each two year term the District Judge shall be from Vanderburgh County and the Assistant District Judge shall be from one of the remaining counties in the District or vice versa. The positions of District Judge and Assistant District Judge shall always be divided as set out herein.

Initially, the District Judge may come from either Vanderburgh County or the remaining counties so long as the Assistant District Judge comes from the other group of judges.

The judges selected as the District Judge and the Assistant District Judge shall also be the District representative to the Board of Directors of the Indiana Judicial Conference and have the authority to cast the votes allocated to the District.

3. **Selection Process for Leadership:** The term for the District Judge shall be two years. The current Board representatives will solicit nominees from among the trial judges to be the District Judge. Thereafter, the District Judge will conduct future selection processes. Nominees can self-nominate or be nominated by another judge. The selection will be conducted as follows: The judges of the District shall elect the District Judge and Assistant District Judge at the first Rule 3(B) District meeting to be held in August of 2012. The current Board representatives will forward the results and required documents to IJC.

4. **Number of meetings:** The District will hold one meeting per year and it will be organized by the District Judge. A majority of the judges in the District will constitute a quorum to conduct business. Proxy votes at the District meeting will follow the same procedure as used for proxy votes on the Board. Meetings will be conducted in person or electronically, or via conference call as determined by the needs of the District. The yearly meeting shall be in March at a time and place to be determined by the District Judge.
5. **District Activities:**
  - a) Our District is cooperating on TR 79 and CR 2.2 Plans. We have also had joint CLE programs on the subject of Evidence Based Sentencing.
  - b) Our District will investigate sharing of judicial resources when more resources become available.
  - c) Joint volunteer lawyers program.
6. **Local Rules:** Other than this plan the District does not have any District rules.

## **District 26 Rule on Special Judge Selection**

### **TR 79(H), CR 13**

In any District 26 circuit or superior court: 1) upon entry of an order granting a change of judge or entry of an order of recusal or disqualification in all civil or juvenile proceedings, if the parties shall fail to timely file an agreement in writing to an eligible special judge, or the judge so selected by the parties declines acceptance of the appointment as special judge (all as provided by TR 79 (D)); or 2) upon entry of an order granting a change of judge or entry of an order of recusal or disqualification in all criminal cases (see CR 12, 13); in all such cases (civil, juvenile and criminal) the appointment of an eligible special judge shall be made pursuant to this District 26 Rule:

1. The case shall be randomly assigned to one of the other judges or full-time judicial officers in the county of origin by the same process in which the case was initially assigned. This process shall be continued until qualification of a special judge or until each judge or full-time judicial officer in the county in which the case originated has been disqualified or been excused from service by the Indiana Supreme Court. If all judges or full-time judicial officers in the county in which the case originated shall disqualify or be excused from service by the Indiana Supreme Court, the judge exercising jurisdiction pending selection of a special judge shall refer the case to the Administrator of the Vanderburgh Superior Court (“Administrator”) for assignment of a special judge. The Administrator shall assign a civil case to a judge or full-time judicial officer eligible for such service pursuant to TR 79(J) and serving in a District 26 court outside the county in which the case originated, or are from a contiguous county outside District 26 and

have agreed to serve as special judge in the court where the case is pending. The Administrator shall assign a criminal case to a judge or full-time judicial officer from contiguous counties and counties within District 26. The assignment shall be made as set forth in paragraph 2.

2. The Administrator shall maintain a current list of District 26 judges and full-time judicial officers eligible pursuant to TR 79(J) for appointment as special judge in civil cases, and a current list of judges and full-time judicial officers from contiguous counties and counties within District 26 for appointment as special judge in criminal cases (“Civil and Criminal Cases Special Judge Lists”). Upon referral of a case for assignment of a special judge, the Administrator shall immediately assign a judge or full-time judicial officer from either the civil or criminal Special Judge List seriatim and notify the court where the case is pending of the assignment.

The judicial officer exercising jurisdiction shall enter an order of appointment and notify the judicial officer so selected of the order of appointment. As required by TR 79 (H) or CR 13, the judicial officer appointed to serve under this paragraph 2 must accept jurisdiction in the case unless the appointed special judge is disqualified pursuant to the Code of Judicial Conduct, ineligible for service under TR 79 or CR 13, or excused from service by the Indiana Supreme Court. If the appointed judicial officer is disqualified, ineligible, or excused from service, the Administrator shall again assign from the Special Judge List seriatim. This process shall continue until jurisdiction vests in a special judge so selected. If no judicial officer in District 26 shall qualify, the case shall be referred to the Indiana Supreme Court for appointment of a special judge.

3. As provided by TR 79(H) or CR 13, the order of appointment made pursuant to this District 26 rule by the court in which the case is pending shall constitute acceptance. An oath or additional evidence of acceptance of jurisdiction is not required.
4. Any judicial officer assigned by the Administrator as special judge who is disqualified pursuant to the Code of Judicial Conduct, ineligible for service under TR 79(J), or excused from service by the Indiana Supreme Court, shall remain on the list in the same numeric place from which assigned. The first such judicial officer assigned who does not serve shall accordingly be the first assigned to the next case referred to the Administrator for assignment of a special judge. Unless unavoidable, all District 26 judges and full-time judicial officers eligible for service as a special judge pursuant to TR 79(J) shall serve as a special judge before the Administrator may twice assign the same person from the Special Judge List as a special judge.