FILED
JUL - 1 2011

In the
Indiana Supreme Court

IN THE MATTER OF THE	)	
	)	
APPROVAL OF LOCAL RULES	)	Case No. 18S00-1107-MS-399
	)	
FOR DELAWARE COUNTY	)	

ORDER APPROVING AMENDED LOCAL RULES

The judges of the Delaware Circuit Court request the approval of an amended local rule for appointment of special judges in accordance with Ind. Trial Rule 79. Attached to this Order is the proposed amended local rule.

Upon examination of the proposed rule amendment requested by the Delaware Circuit Court, this Court finds that the proposed rule amendment, LR18-TR79-DLR-0601, complies with the requirements of Ind. Trial Rule 79, and accordingly, should be approved.

IT IS, THEREFORE, ORDERED by this Court that Delaware County Local Rule, LR18-TR79-DLR-0601, set forth as an attachment to this Order, is approved effective July 1, 2011, provided further that the rule shall be posted in the county clerk's office(s) and on the county clerk's website, if any, and on the Indiana Judicial Website.

The Clerk of this Court is directed to forward a copy of this Order to the Hon. Thomas A. Cannon, Jr., Delaware Circuit Court #5, 100 West Washington Street, Muncie, IN 47305-2827; the Hon. Richard A. Dailey, Delaware Circuit Court #2, 100 West Washington Street, Muncie, IN 47305-2868; the Hon. John M. Feick, Delaware Circuit Court #4, 100 West Washington Street, Muncie, IN 47305-2863; the Hon. Marianne L. Vorhees, Delaware Circuit Court #1, 100 West Washington Street, Muncie, IN 47305-2867: the Hon. Linda Ralu Wolf, Delaware Circuit Court #3, 100 West Washington Street, Muncie, IN 47305-2869; to the Clerk of the Delaware Circuit Court; and to the Division of State Court Administration. The Clerk is also directed to post this Order on the Court's website.

The Clerk of the Delaware Circuit Court is directed to enter this Order and attachment in the Record of Judgments and Orders for the Courts, to post this Order and attachment for examination

by the Bar and the general public, and if available, to publish this Order and attachment on the county clerk's website.

DONE at Indianapolis, Indiana, this 15th day of July, 2011.

RT Shepard

Randall T. Shepard
Chief Justice of Indiana

LR18-TR79-DLR-0601

The following local rule regarding selection of special judges where a special judge does not accept a civil case under TR 79(D), (E), or (F), is now adopted by the undersigned judges of the Delaware Circuit Court, in conjunction with the other Courts of Administrative District 15.

In civil cases where the appointment of a special judge is required under TR 76, or the presiding judge has disqualified or recused under TR 79(C), and parties do not agree to a particular special judge pursuant to TR 79(D); do not agree to have the sitting judge appoint a special judge pursuant to TR 79(E); or in cases under TR 76 the judge selected from the panel under TR 79(F) declines to accept jurisdiction, the regular sitting judge shall direct the Clerk of Delaware County to select (on a rotating basis) one of the judges from the following available panel of judges (omitting the judge from whom the change of venue is being taken):

a. Presiding Judge, Delaware Circuit Court No. 1;
b. Presiding Judge, Delaware Circuit Court No. 2;
c. Presiding Judge, Delaware Circuit Court No. 3;
d. Presiding Judge, Delaware Circuit Court No. 4;
e. Presiding Judge, Delaware Circuit Court No. 5;
f. Presiding Judge, Blackford Circuit Court;
g. Presiding Judge, Blackford Superior Court;
h. Presiding Judge, Henry Circuit Court;
i. Presiding Judge, Henry Superior Court No. 1;
j. Presiding Judge, Henry Superior Court No. 2;
k. Presiding Judge, Jay Circuit Court;
l. Presiding Judge, Jay Superior Court;
m. Presiding Judge, Randolph Circuit Court; and
n. Presiding Judge, Randolph Superior Court.

If a special judge selected from the rotating list is ineligible for, disqualified from, or excused from appointment, then the regular sitting judge shall direct the Delaware County Clerk to select (on a rotating basis) the next judge on the list.

In the event that no judicial officer within the above list is eligible to serve as special judge, or if the case's particular circumstances warrant 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 to appoint a special judge.

B. Assignment – Juvenile. In juvenile cases where the appointment of a special judge is required under TR 76, or the presiding judge has disqualified or recused under TR 79(C), and parties do not agree to a particular special judge pursuant to TR 79(D); do not agree to have the sitting judge appoint a special judge pursuant to TR 79(E); or in cases under TR 76 the judge selected from the panel under TR 79(F) declines to accept jurisdiction, the regular sitting judge shall direct the Clerk of Delaware County to select (on a rotating basis) one of the following available judges (omitting the judge from whom the change of venue is being taken):

a. Presiding Judge, Delaware Circuit Court No. 2;
c. Presiding Judge, Blackford Circuit Court;
d. Presiding Judge, Henry Circuit Court;
e. Presiding Judge, Henry Superior Court No. 1;
f. Presiding Judge, Jay Circuit Court; and
g. Presiding Judge, Randolph Circuit Court;

If a special judge selected from the rotating list is ineligible for, disqualified from, or excused from appointment, then the regular sitting judge shall direct the Delaware County Clerk to select (on a rotating basis) the next judge on the list.

In the event that no judicial officer within the above list is eligible to serve as special judge, or if the case's particular circumstances warrant 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 to appoint a special judge.

C. Maintaining Separate Lists - The Delaware County Clerk shall maintain separate civil and juvenile lists, in the rotation order as set forth in this Rule, from which the clerk may determine the appropriate appointment in civil and juvenile cases.

D. Limitation of Certain Cases. If a court in Delaware County has reached the limitation on cases as set out in Local Rule 18-AR01-DLR-0602 (Reallocation and Reassignment of Cases), that judge shall not be placed on the Special Judge Panel under TR 79(F).