

In the  
**Indiana Supreme Court**



IN THE MATTER OF THE )  
 )  
APPROVAL OF LOCAL RULES )  
 )  
FOR HENDRICKS COUNTY )

Case No. 32S00-1107-MS-405

ORDER APPROVING AMENDED LOCAL RULE

The judges of the Hendricks Circuit and Superior Courts 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 Hendricks Circuit and Superior Courts, this Court finds that the proposed rule amendment, LR32-TR79-1, complies with the requirements of Ind. Trial Rule 79, and accordingly, should be approved.

IT IS, THEREFORE, ORDERED by this Court that Hendricks County Local Rule, LR32-TR79-1, 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. Jeffrey V. Boles, Hendricks Circuit Court, P.O. Box 349, Danville, IN 46122-0349; the Hon. David H. Coleman, Hendricks Superior Court 2, One Courthouse Square, Suite 107, Danville, IN 46122; the Hon. Robert W. Freese, Hendricks Superior Court 1, One Courthouse Square, Suite 106, Danville, IN 46122; the Hon. Stephenie LeMay-Luken, Hendricks Superior Court, One Courthouse Square, Danville, IN 46122; the Hon. Karen M. Love, Hendricks Superior Court 3, One Courthouse Square, Suite 108, Danville, IN 46122-0243; the Hon. Mark Smith, Hendricks Superior Court, One Courthouse Square, Danville, IN 46122; to the Clerk of the Hendricks Circuit and Superior Courts; 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 Hendricks Circuit and Superior Courts 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 15<sup>th</sup> day of July, 2011.

*RT Shepard*

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Randall T. Shepard  
Chief Justice of Indiana

**LR32-TR79-1**  
**SPECIAL JUDGE SELECTION IN CIVIL CASES**

A. Selection of special judges in cases involving changes of judge or disqualifications or recusals.

1. Pursuant to T.R. 79(D), parties to a civil action may agree (with concurrence with the judge selected) to any particular special judge.
2. Pursuant to T.R. 79(E), in absence of an agreement as to a particular special judge, the parties, alternatively, may agree to have the regular sitting judge appoint a special judge.

B. Additional procedures for selection of special judges in cases involving changes of judge.

1. In the absence of an agreement as to a particular special judge, pursuant to A (1) above, or an agreement to have the regular sitting judge appoint a special judge, pursuant to A (2) above, then pursuant to T.R. 79(F), the regular sitting judge shall name a panel of three judges from the other Hendricks County Circuit Court or Superior Courts Judges. However, if a party to a case is a member of the family of any Hendricks County Judge, then the Judge shall appoint a panel of judge(s) or magistrate(s) from Morgan County. For purposes of this rule, member of a judge's family shall be as defined in the Code of Judicial Conduct.
2. If Hendricks County does not have a sufficient number of regular sitting judges, then the sitting judge shall name a panel including the available local judges and a judge (s) or magistrate(s) from Morgan County.
3. If a special judge selected under section (B) does not accept the case then the Clerk of Hendricks County shall randomly select from the other Judges of Hendricks and Morgan County.

C. Selection of special judges in cases involving disqualifications or recusals.

1. In the absence of an agreement as to a particular special judge, pursuant to A(1) above, or an agreement to have the regular sitting judge appoint a special judge, pursuant to A(2) above, then the Clerk of Hendricks County shall randomly select from the Judges of Hendricks and Morgan Counties.
2. A person appointed to serve as special judge under section (C) must accept jurisdiction unless disqualified under the *Code of Judicial Conduct*, ineligible for service under Ind. Trial Rule 79 or excused by the Indiana Supreme Court.

D. Certification to the Indiana Supreme Court.

1. If no Special Judge accepts using any of the methods recited hereinabove, the regular sitting judge shall certify to the Supreme Court for naming of special judge.
2. The sitting judge may forego the requirements set forth herein and certify immediately to the Indiana Supreme Court for the appointment of a special judge if the particular circumstances of a case warrant selection of a special judge by the Indiana Supreme Court.

*(Amended effective 07/01/2011)*