

In the
Indiana Supreme Court



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

Case No. 87S00-1303-MS-212

ORDER APPROVING AMENDED LOCAL RULES

The judges of the Warrick Circuit and Superior Courts request the approval of an amended local rule for special judge selection 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 Warrick Circuit and Superior Courts, this Court finds that the proposed rule amendment, LR87-TR79(H)-13 complies with the requirements of Ind. Trial Rule 79, and accordingly, should be approved.

IT IS, THEREFORE, ORDERED by this Court that Warrick County Local Rule, LR87-TR79(H)-13, set forth as an attachment to this Order, is approved effective March 15, 2013, 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. Robert R. Aylsworth, Warrick Superior Court, One County Square, #380, Boonville, IN 47601-1862; the Hon. David O. Kelley, Warrick Circuit Court, One County Square, #360, Boonville, IN 47601-1594; the Hon. Keith A. Meier, Warrick Superior Court, One County Square, #300A, Boonville, IN 47601; to the Clerk of the Warrick 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 Warrick 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 March 21, 2013.

Brent E. Dickson
Chief Justice of Indiana

LR 87-TR79 (H)-13 Selection of a Special Judge Pursuant to Trial Rule 79(H)

A. If the Court is not advised within seven (7) days of the notation in the Chronological Case Summary of the order granting a change of judge or order of disqualification that the parties have agreed to a Special Judge pursuant to Trial Rule 79(D), or if the judge selected by the parties decides not to accept the case within seven (7) days from the date that the appointment as special judge is noted in the Chronological Case Summary, then the Court shall direct the Clerk to select a judge or magistrate pursuant to Subsection B.

B. In the absence of the selection of a particular special judge under Subsection A, a special judge shall be appointed pursuant to the following:

The Clerk of Warrick County shall place the names of all eligible judges and magistrates within Judicial Administrative District 26 in an opaque container. Upon notification from the regular Judge, the Clerk shall blindly draw a name from the container and input a minute on the Chronological Case Summary, advising which name was selected from this process, and provide a copy of the CCS entry to the originating court and to all counsel and self-represented parties in the case. The name drawn shall not be returned to the container until all names have been drawn, except as required to avoid certification to the Indiana Supreme Court. Once all names have been drawn from the container, all names shall then be returned to the container. In the event the name drawn is the regular judge of the Court from which the selection of a special judge is ordered, or the judge drawn has previously recused or found to be disqualified, the Clerk shall draw and use another name and then return the unused name(s) to the container.

C. If the judge appointed is disqualified pursuant to the Code of Judicial Conduct, ineligible for service under this rule, or excused from service by the Indiana Supreme Court, the regular judge shall notify the Clerk who shall repeat the appointment process until a special judge is selected.

D. Pursuant to Trial Rule 79(H), a person appointed to serve as Special Judge under these rules must accept jurisdiction in the case, unless the appointed Special Judge is disqualified pursuant to the Code of Judicial Conduct, ineligible for service under these rules, or excused from service by the Indiana Supreme Court. An oath or additional evidence of acceptance of jurisdiction is not required.

E. In the event that no judge or magistrate in the Judicial Administrative District is eligible to serve as Special Judge, or the regular, sitting judge or magistrate in the court in which the case is pending sets out particular circumstances why appointment under these rules should not be made, then the regular, sitting judge or magistrate shall certify the same to the Indiana Supreme Court for appointment of a Special Judge.

F. The provisions of Trial Rule 79(I) apply if a Special Judge ceases to serve following the assumption of jurisdiction.