In the
Indiana Supreme Court

FILED
Jul 27 2015, 4:09 pm
CLERK
of the supreme court, court of appeals and tax court

IN THE MATTER OF THE	)	
	)	
APPROVAL OF LOCAL RULES	)	Case No. 43S00-1507-MS-444
	)	
FOR KOSCIUSKO COUNTY	)	

ORDER APPROVING AMENDED LOCAL RULES

The judges of the Kosciusko Circuit and Superior Courts request the approval of amended local rules for special judge selection in accordance with Indiana Criminal Rule 13 and Indiana Trial Rule 79. Attached to this Order are the proposed amended local rules.

Upon examination of the proposed rule amendments requested by the Kosciusko Circuit and Superior Courts, this Court finds that the proposed rule amendments, LR43-CR2.2-1, LR43-CR13-1 and LR43-TR79-1, comply with the requirements of Indiana Criminal Rule 13 and Indiana Trial Rule 79, and accordingly, should be approved.

IT IS, THEREFORE, ORDERED by this Court that Kosciusko Circuit and Superior Court Local Rules, LR43-CR2.2-1, LR43-CR13-1 and LR43-TR79-1, set forth as attachments to this Order, are approved effective August 1, 2015.

DONE at Indianapolis, Indiana, on 7/27/2015.

Loretta H. Rush
Chief Justice of Indiana

LR43-CR2.2-1 Reassignment of Criminal Cases

(1) Kosciusko Circuit Court

The following individuals have agreed to serve in the event it becomes necessary to reassign a criminal case in the Kosciusko Circuit Court:

1. The Judge of the Kosciusko Superior Court No. 1
2. The Judge of the Kosciusko Superior Court No. 2
3. The Judge of the Kosciusko Superior Court No. 3

(2) Kosciusko Superior Court No. 1

The following individuals have agreed to serve in the event it becomes necessary to reassign a criminal case in the Kosciusko Superior Court No. 1:

1. The Judge of the Kosciusko Circuit Court
2. The Judge of the Kosciusko Superior Court No. 3
3. The Judge of the Kosciusko Superior Court No. 2

(3) Kosciusko Superior Court No. 2

The following individuals have agreed to serve in the event it becomes necessary to reassign a criminal case in the Kosciusko Superior Court No. 2:

1. The Judge of the Kosciusko Superior Court No. 3
2. The Judge of the Kosciusko Circuit Court
3. The Judge of the Kosciusko Superior Court No. 1

(4) Kosciusko Superior Court No. 3

The following individuals have agreed to serve in the event it becomes necessary to reassign a criminal case in the Kosciusko Superior Court No. 3:

1. The Judge of the Kosciusko Superior Court No. 2
2. The Judge of the Kosciusko Superior Court No. 1
3. The Judge of the Kosciusko Circuit Court

(5) Method of Reassignment of Cases

In the event it becomes necessary to reassign a criminal case in the Kosciusko Circuit Court, Kosciusko Superior Court No. 1, Kosciusko Superior Court No. 2, or Kosciusko Superior Court No. 3, the cases will be reassigned in consecutive order to the above noted judges.

LR43-CR13-1 Appointment of Special Judges

In the event no Kosciusko County judge is available for assignment or reassignment of a felony or misdemeanor case, the Chief Judge of the administrative judicial district of which Kosciusko County is a member, must appoint a special judge first from the other judges within the judicial district and then from judges in contiguous counties not within the judicial district. If the Chief Judge of the administrative judicial district is unable to make the appointment, the district judge who is not a judicial officer in Kosciusko County, with the most time of judicial service, shall make the appointment. In the event the judge presiding in a felony or misdemeanor case concludes that the unique circumstances presented in the proceeding require appointment by the Indiana Supreme Court of a special judge, this presiding judge may request the Indiana Supreme Court for an appointment.

The appointed judge under this local rule must accept the case unless:

a. Disqualified under the Code of Judicial Conduct;
b. Ineligible under the Trial Rules; or
c. Excused by the Indiana Supreme Court.

(Amended effective August 1, 2015)

LR43- TR79-1 Special Judge Appointment in Civil Cases

If a judge in Kosciusko County grants a motion for change of judge under TR 76, or recuses or is disqualified under TR 79(C), and the parties are unable to agree to a judge, or the judge agreed upon does not accept the appointment within the time required by TR 79(D), the following local rule applies:

a. If the case is in the Kosciusko Circuit Court, it must be transferred to:
   1. Kosciusko Superior Court No. 1
   2. Kosciusko Superior Court No. 2
   3. Kosciusko Superior Court No. 3

b. If the case is in Kosciusko Superior Court 1, it must be transferred to:
   1. Kosciusko Circuit Court
   2. Kosciusko Superior Court No. 3
   3. Kosciusko Superior Court No. 2

c. If the case is in Kosciusko Superior Court No. 2, it must be transferred to:
   1. Kosciusko Superior Court No. 3
   2. Kosciusko Circuit Court
   3. Kosciusko Superior Court No. 1

d. If the case is in Kosciusko Superior Court 3, it must be transferred to:
   1. Kosciusko Superior Court No. 2
   2. Kosciusko Superior Court No. 1
   3. Kosciusko Circuit Court

If none of the judges of the transferee courts are able to hear the case, the Chief Judge of the administrative judicial district of which Kosciusko County is a member must appoint a special judge from the other judges within the district. If the Chief Judge of the administrative judicial district is unable to make the appointment, the district judge, who is not a judicial officer in Kosciusko County, with the most time of judicial service, shall make the appointment. In the event the judge presiding in a civil case concludes that the unique circumstances presented in the proceeding require appointment by the Indiana Supreme Court of a special judge, the presiding judge may request the Indiana Supreme Court for an appointment.

The appointed judge under this local rule must accept the case unless:

a. Disqualified under the Code of Judicial Conduct;
b. Ineligible under the Trial Rules; or
c. Excused by the Indiana Supreme Court.

(Amended effective August 1, 2015)