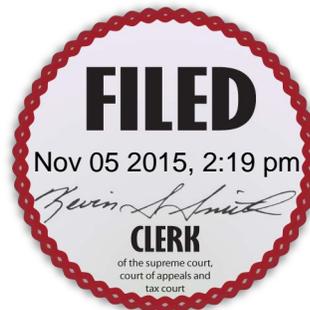


In the
Indiana Supreme Court



IN THE MATTER OF THE)
)
APPROVAL OF LOCAL RULES) Case No. 50S00-1511-MS-639
)
FOR MARSHALL COUNTY)

ORDER APPROVING AMENDED LOCAL RULES

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

Upon examination of the proposed rule amendments requested by the Marshall Circuit and Superior Courts, this Court finds that the proposed rule amendments, LR50-TR79-MLR-009 and LR50-CR2.2-MLR-014 comply with the requirements of Indiana Trial Rule 79 and Indiana Criminal Rule 13, and accordingly, should be approved.

IT IS, THEREFORE, ORDERED by this Court that Marshall Circuit and Superior Courts Local Rules, LR50-TR79-MLR-009 and LR50-CR2.2-MLR-014, set forth as an attachment to this Order, are approved effective January 1, 2016.

DONE at Indianapolis, Indiana, on 11/5/2015.



Loretta H. Rush
Chief Justice of Indiana

LR50-TR79-MLR-009

**Selection of a Special Judge Pursuant to
Trial Rule 79(H)**

In the absence of an agreement as to an eligible special judge under TR 79 (D), the clerk of the court shall select a special judge first from the other judges of Marshall County and then (on a rotating basis) from an alphabetical list of judges or full-time judicial officers eligible under Trial Rule 79(J) serving in the administrative district.

In cases in which no judge or full-time judicial officer is eligible to serve as special judge or the particular circumstance of a case warrants selection of a special judge by the Indiana Supreme Court, the regular sitting judge may certify the case to the Supreme Court for appointment of a special judge.

LR50-CR2.2-MLR-014

Criminal Case Assignment

(A) TRANSFER

A judge of the Marshall Circuit Court, Marshall Superior Court No. 1 or Marshall Superior Court No. 2 may, by appropriate order entered in its record of judgments and orders, transfer and reassign a case or cases to either of the other courts of record in Marshall County with jurisdiction to hear the charged offense, subject to acceptance by the judge of the receiving court.

(B) REILING AND SUBSEQUENT FILINGS

When the State of Indiana dismisses a case and chooses to refile the case, the case shall be assigned to the court from which the dismissal was taken.

In the event charges have been filed against a criminal defendant and subsequent charges of a Class C or Level 5 Felony or greater are filed in the Marshall Superior Court No. 1, those charges pending in Marshall Superior Court No. 2 or the Marshall Circuit Court of a lesser degree may be reassigned to the Marshall Superior Court No. 1.

(C) REASSIGNMENT

In the event a change of judge is granted, or it becomes necessary to assign another judge in any felony or misdemeanor proceeding, the case shall be returned to the Clerk of the Court for assignment to one of the other courts in Marshall County on an alternating basis contingent upon approval by the judge of the court next in line for assignment. In the event the judge next in line for assignment of a case declines assignment due to a conflict of interest the remaining court shall be subject to assignment of the case unless the presiding judge also declines assignment due to a conflict of interest.

In the event a change of judge is granted or it becomes necessary to assign the case to another judge and the other judges in Marshall County decline assignment of that case due to a conflict of interest, the clerk of the court shall select a special judge (on a rotating basis) from an alphabetical list that includes:

- (1) eligible judicial officers from within the administrative district; and,
- (2) eligible judicial officers from a contiguous county.

(D) APPOINTMENT OF SPECIAL JUDGE

In the event no judge is available for assignment or reassignment of a felony or misdemeanor case, such case shall be certified to the Indiana Supreme Court for the appointment of a special judge. In the event the judge presiding in the felony or misdemeanor case concludes that the unique circumstances presented in such proceeding require appointment by the Indiana Supreme Court of a special judge, this presiding judge may request the Indiana Supreme Court for such appointment.