# In the Indiana Supreme Court

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CLERK
Indiana Supreme Court
Court of Appeals
and Tax Court

In the Matter of the Approval of Local Rules for Hendricks County

Supreme Court Case No. 32S00-1606-MS-337

## Order Approving Amended Local Rule

The judges of the Hendricks Circuit and Superior Courts request the approval of an amended local rule for special judge selection in accordance with Indiana 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 Rule 1, complies with the requirements of Indiana Trial Rule 79, and accordingly, should be approved.

IT IS, THEREFORE, ORDERED by this Court that Hendricks Circuit and Superior Court Local Rule, LR32-TR79 Rule 1, set forth as an attachment to this Order, is approved effective the date of this Order.

Done at Indianapolis, Indiana, on 6/28/2016.

Loretta H. Rush
Chief Justice of Indiana

# Judicial Administrative District Special Judge Rule

## Disqualification or Recusal of Judge

Upon disqualification or recusal of a judge under Trial Rule 79(C), an eligible special judge shall be appointed in all civil and juvenile proceedings on a rotating basis from the full-time judicial officers (elected judge or magistrate) within Administrative District 16 (Hendricks and Morgan Counties), as follows:

## Hendricks County

## LR32-TR79 Rule 1 Special Judge Selection in Civil and Juvenile Cases

**Disqualification or Recusal of Judge**
Upon disqualification or recusal of a judge under Trial Rule 79(C), an eligible special judge shall be appointed in all civil and juvenile proceedings on a rotating basis from the full-time judicial officers (elected judge or magistrate) within Administrative District 16 (Hendricks and Morgan Counties).

**Procedure for Appointment**
Upon disqualification or recusal of a judge under Trial Rule 79(C), or in the event the parties do not agree to an eligible special judge or the agreed upon judge does not accept the case under Trial Rule 79(D), an eligible special judge shall be appointed in all civil and juvenile proceedings for Administrative District 16 as follows:

A. **Priority Given to Local Appointments.** Special judge appointments shall be made within the local county on a rotating basis, so long as a full-time judicial officer (elected judge or magistrate) within that county remains eligible to serve as special judge. Upon issuance of the order of appointment, the special judge may request that the case be transferred to his or her court.

B. **Secondary to Outside County Appointments.** In the event that no full-time judicial officer within the local county is eligible to serve as special judge, a special judge shall be appointed on a rotating basis from the full-time judicial officers (elected judge or magistrate) of the other county within Administrative District 16 who are eligible to serve as special judge.

C. **No Eligible Special Judge.** In the event that no full-time judicial officer within Administrative District 16 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 judicial officer of the court in which the case is pending shall certify the matter to the Indiana Supreme Court for appointment of a special judge.

**Acceptance Mandatory**

**A.** A judicial officer appointed to serve as special judge under this rule must accept jurisdiction in the case unless the appointed special judge is disqualified pursuant to the Code of Judicial Conduct, ineligible for service under this rule, or excused from service by the Indiana Supreme Court.

**B.** The order of appointment under this rule shall constitute acceptance. An oath or additional evidence of acceptance of jurisdiction is not required.