In the
Indiana Supreme Court

FILED
SEP 16 2011

IN THE MATTER OF THE	)	
	)	
APPROVAL OF A LOCAL RULE	)	Case No. 87S00-1109-MS-567
	)	
FOR WARRICK COUNTY	)	

FILED
SEP 19 2011
SARAH E. TOPPER
CLERK WARRICK CIRCUIT AND SUPERIOR COURTS

ORDER APPROVING AMENDED LOCAL RULE

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 retroactive to 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. 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 16th day of September, 2011.

RT Shepard

Randall T. Shepard
Chief Justice of Indiana

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

Section 1- Cases involving a change of judge

In the absence of an agreement as to a particular special judge [TR 79(D)], or an agreement to have the regular sitting judge appoint a special judge [TR 79(E)], the regular sitting judge shall name a panel pursuant to TR 79(F) including, whenever possible, other Warrick County judges or full-time judicial officers. A panel shall be named including:

1. the available Warrick County judges or full-time judicial officers, and
2. judges or full-time judicial officers from courts within the administrative district as set forth in Administrative Rule 3, and
3. judges or full-time judicial officers from contiguous counties outside of the administrative district who have agreed to serve as a special judge in the court where the case is pending.

If none of the above methods produce a special judge, the clerk of the court shall select a special judge (on a rotating basis) from a list of judges or full-time judicial officers from within the administrative district eligible under Trial Rule 79(J).

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.

Section 2- Cases involving recusal or disqualification of a judge

In the absence of an agreement as to a particular special judge [TR 79(D)], or an agreement to have the regular sitting judge appoint a special judge [TR 79(E)], the clerk of the court shall select a special judge (on a rotating basis) from a list of judges or full-time judicial officers from within the administrative district eligible under Trial Rule 79(J).

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.