

In the Indiana Supreme Court

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

Supreme Court Case No.
24S-MS-101



Order Approving Amended Local Rules

The Judges of the Kosciusko Circuit and Superior Courts request the approval of amended local rules for civil case special judge assignments in accordance with Trial Procedure Rule 79 and for criminal case special judge assignments in accordance with Administrative Rule 21. 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 to LR43-TR79-2 comply with Trial Procedure Rule 79, and the amendments to LR43-AR21-11 comply with Administrative Rule 21, and, accordingly, should be approved.

IT IS, THEREFORE, ORDERED by this Court that amended Local Rules LR43-TR79-2 and LR43-AR21-11 for the Kosciusko Circuit and Superior Courts, set forth as attachments to this Order, are approved effective April 1, 2024.

Done at Indianapolis, Indiana, on 3/21/2024.

A handwritten signature in black ink, appearing to read "Loretta H. Rush", written over a horizontal line.

Loretta H. Rush
Chief Justice of Indiana

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
 - 4. Kosciusko Superior Court No. 4
- b. If the case is in Kosciusko Superior Court 1, it must be transferred to:
 - 1. Kosciusko Circuit Court
 - 2. Kosciusko Superior Court No. 4
 - 3. Kosciusko Superior Court No. 2
 - 4. Kosciusko Superior Court No. 3
- 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. 4
 - 4. 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. 4
 - 2. Kosciusko Superior Court No. 1
 - 3. Kosciusko Circuit Court
 - 4. Kosciusko Superior Court No. 2
- e. If the case is in Kosciusko Superior Court No. 4, it must be transferred to:
 - 1. Kosciusko Superior Court No. 2
 - 2. Kosciusko Superior Court No. 3
 - 3. Kosciusko Superior Court No. 1
 - 4. 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 full-time judicial officers 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 full-time judicial officer 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 full-time judicial officer may request the Indiana Supreme Court for an appointment.

The appointed full-time judicial officer 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.

LR43-AR21-11 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 full-time judicial officers within the judicial district and then from full-time judicial officers 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 full-time judicial officer 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 full-time judicial officer may request the Indiana Supreme Court for an appointment.

The appointed full-time judicial officer 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.