

STATE OF INDIANA ) IN THE CIRCUIT AND SUPERIOR COURTS  
)SS: OF GRANT COUNTY, INDIANA  
COUNTY OF GRANT )

**FILED**

SEP. 24 2014

IN RE: THE AMENDMENT OF  
LOCAL RULES 27-TR-79-3 CAUSE NO. 27C01-1407-CB-29  
and 27-CR-00-20

*J. Mark Flanagan*  
CLERK GCC

AMENDED NOTICE AND ORDER ON RULE AMENDMENT

The Circuit and Superior Courts of Grant County, Indiana, hereby give notice of their intention to amend Local Rules 27-TR-79-3, and 27-CR-00-20 of the Local Rules of Practice and Procedure in the Circuit and Superior Courts of the 48<sup>th</sup> Judicial Circuit pursuant to Indiana Trial Rule 81. The text of the amendments are attached hereto as Exhibit A. Pursuant to Trial Rule 81(D), the undersigned judges find that there is good cause to deviate from the typical adoption scheduled contemplated by Rule 81, and to provide for adoption after a thirty (30) day comment period. Notice shall be forwarded to the Grant County Bar Association, the Grant County Clerk for publication on the county website, and the Division of State Court Administration. Comments regarding the Amendment should be directed to the Grant Circuit Court, 101 East 4<sup>th</sup> Street, Marion, IN 46952, (765) 664-5527, or the Division of State Court Administration, Statehouse, 200 West Washington Street, Room 315, Indianapolis, IN 46204, (317) 232-2540, within 30 days of posting.

SO ORDERED this 24 day of September, 2014.

*[Signature]*  
MARK E. SPITZER, JUDGE  
GRANT CIRCUIT COURT

*[Signature]*  
JEFFREY D. TODD, JUDGE  
GRANT SUPERIOR COURT NO. 1

*[Signature]*  
DANA KENWORTHY, JUDGE  
GRANT SUPERIOR COURT NO. 2

*[Signature]*  
WARREN HAAS, JUDGE  
GRANT SUPERIOR COURT NO. 3

*[Signature]*  
BRIAN MCLANE, MAGISTRATE  
GRANT SUPERIOR COURT NO. 2

LR-27 TR 79-3  
SELECTION OF SPECIAL JUDGES IN CIVIL CASES

October 1, 2014 Revision

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When a change of judge has been granted by a Judge of the Grant Circuit Court, Superior Court 1, Superior Court 2, or Superior Court 3 or if the Judge of the Grant Circuit or Superior Court disqualifies under Indiana Trial Rule 79(C) and a Special Judge is not selected under T.R. Trial Rule 79(D), (E) or (F) of the Indiana Rules of Trial Procedure, or if a regular Judge of the Grant Circuit or Superior Court disqualifies under Trial Rule 79(C), then the special judge in the case shall be selected from the full-time general jurisdiction judges of the remaining three (3) courts shall constitute the successor courts from which the parties shall select a court for transfer. This shall be done in the following manner:

A. Random selection of the successor court special judge shall be done by the Clerk of the Grant Circuit Courts. The Clerk shall maintain a closed container with four (4) identical balls. Each of the four (4) balls will be designated for one of the four (4) courts of record in Grant County. The Clerk shall remove the ball representing the Court from which there has been a change of judge granted or disqualification, leaving the other three balls in the box and the Clerk shall then randomly select one of the three balls from the box. The Clerk shall enter the name of the Court that has been drawn on the Chronological Case Summary (CCS) of the case and notify the Judge that he or she has been selected to serve as the special judge in the case. The Clerk is to redocket the case using the court identifier of the Special Judge's Court. of the selected Court of the selection of that Court as a successor Court.

B. If a change of venue from the judge is granted by the first named special judge or if the first named special judge disqualifies himself or herself under T.R. 79(C), the Judge of the first successor Court is not eligible to serve by disqualification or recusal then the balls representing the remaining two Courts shall be placed in the box and the Clerk shall remove one of those two balls and again enter the name of the Judge of the Court that has been drawn on the CCS of the case. The Clerk is to notify the Judge of that Court that he or she has been selected to serve as the special judge in the case. The Clerk is to redocket the case using the court identifier of the second named special judge's court, indicating that the third Court shall be named as the second successor Court.

C. If a change of venue from the judge is granted by the second named special judge or if the second named special judge disqualifies himself or herself under T.R. 79(C), then the Clerk is to notify the Judge of the remaining Court that he or she has been selected to serve as the special judge of the case. The Clerk is to redocket the case using the court identifier of the third named special judge's court. If the Judge of the second successor Court is not eligible to serve by disqualification or recusal then the last remaining Court shall be named as the third successor Court.

D. ~~The successor Judge selected by this random selection method must accept jurisdiction of the case unless the Judge is disqualified, ineligible or excused pursuant to Trial Rule 79(H) of the Indiana Rules of Trial Procedure. The Special Judge selected under A., B., or C., above is required to accept jurisdiction unless he or she is disqualified, ineligible for service, or excused by the Indiana Supreme Court. An oath or additional evidence of acceptance of jurisdiction is not required. The order of appointment under this Rule shall constitute acceptance. An oath or additional evidence of acceptance of jurisdiction is not required when the Special Judge is selected under A., B., or C., above.~~

E. ~~If no Judge is selected by the above described method then the Clerk shall select the name of a Special Judge from the list of Courts in Administrative District 14 outside of Grant County. The named Special Judge shall be selected by numerical sequence by court identifier. For example, the first Judge selected by this method would be from Madison Circuit Court 1. The next Judge would be selected from Madison Circuit Court 2 and so on. The Clerk of Grant County shall keep a list of Judges selected by the method described here and refer to that list should it be necessary to select a Special Judge using this method. If no Judge is selected by the above-described method then the Clerk shall select the name of a Special Judge from the list of full-time, general jurisdiction judicial officers serving in the counties contiguous to Grant County [Blackford, Delaware, Howard, Huntington, Madison, Miami, Tipton, Wabash, and Wells Counties].~~  
~~The assignments shall begin with the judges of Blackford County, then Delaware County, then Howard County, then Huntington County, then Madison County, then Miami County, then Tipton County, then Wabash County, and finally Wells County, and then the assignments shall begin again with the judges of Blackford County.~~  
~~The judges of a county shall be selected naming the Circuit Court judge first then the Superior Court judges next in order, i.e. Superior Court 1, Superior Court 2, etc. In counties with a unified court system, such as Madison County, the judge of Circuit Court 1 shall be first, then the judge of Circuit Court 2, and so on.~~  
~~The Clerk of Grant County shall keep a list of Judges selected by the method described here and refer to that list should it be necessary to select a Special Judge using this method.~~