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

IN RE LR-27 TR 63-1   CASE NO. 27C01-1601-CB-_4_

JAN 1 2 2016

Carolyn J. Mowery
CLERK GCC

Notice of Proposed New Local Rule

The Circuit and Superior Courts of Grant County, Indiana ("the Courts") give notice of their intention to add LR-27 TR 63-1 to the Local Rules of Practice and Procedure in the Circuit and Superior Courts of the 48th Judicial Circuit Grant County, Indiana ("the Local Rules").

Pursuant to Ind..Trial Rule 81(D), the Courts find that there is good cause to deviate from the schedule established by the Division of State Court Administration ("STAD") for the adoption of new local rules.

The Clerk of Grant Circuit Court ("the Clerk") is directed: 1) to post the proposed rule in the Clerk's office; 2) to post the proposed rule on the Clerk's website; 3) to issue a copy of the proposed rule to each member of the Grant County Bar Association; and 4) to forward a digital copy and a paper copy of the proposed rule to STAD for publication on the Indiana Judicial Website.

Comments regarding the proposed rule may be submitted to the Clerk and/or to STAD for at least thirty (30) days after the proposed rule has been posted. This comment period ends on March 1, 2016.
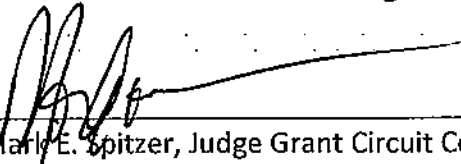
The Courts will approve the final version of the proposed rule on or after March 2, 2016, at which time the Clerk will be directed: 1) to file the final version in the Record of Judgments and Orders; 2) to publish the final version on the Clerk's website; and 3) to transmit the final version in digital and paper format to STAD for posting on the Indiana Judicial Website.
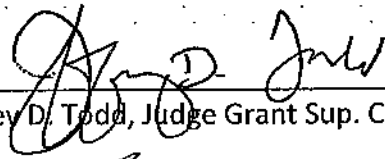
The proposed new rule is intended to formalize the long standing practice of the Courts of assisting one another, the Gas City City Court, and the Marion City Court as needed. This practice is consistent with: 1) Ind. Trial Rule 63(A); 2) Ind. Code § 33-33-27.3-11, which applies to Grant Superior Court 3; 3) I.C. § 33-29-1-10, which applies to counties with standard superior courts; and 4) I.C. § 34-26-1-3, which deals with restraining orders and injunctions.
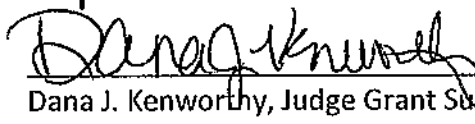
The proposed new rule is not being submitted to the Indiana Supreme Court for approval because it does not affect the selection of special judges in civil cases; nor the assignment of criminal cases and the selection of successor judges; nor court reporter services; nor case reallocation plans.
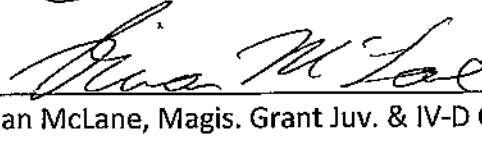
The effective date for the final version of the new rule is expected to be March 15, 2016.
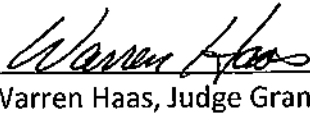
Signed on _____1/12/2016_____, by:

_____
Mark E. Spitzer, Judge Grant Circuit Court

_____
Dana J. Kenworthy, Judge Grant Sup. Court 2

_____
Warren Haas, Judge Grant Sup. Court 3

_____
Jeffrey D. Todd, Judge Grant Sup. Court 1
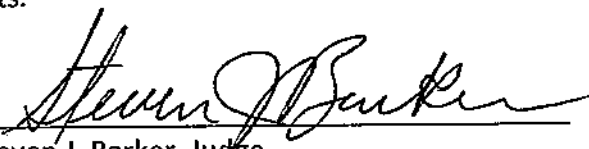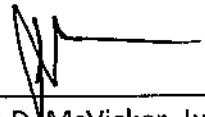
_____
Brian McLane, Magis. Grant Juv. & IV-D Ct.

Consent of City Court Judges

The undersigned Judges of the Gas City City Court and the Marion City Court have reviewed the attached proposed new rule. They consent to the application of the proposed new rule to matters filed or to be filed in their respective Courts.

Signed on __1/7/2016_____, by:

_____
Steven J. Barker, Judge
Gas City City Court
211 E Main St
Gas City IN 46933-1457
Phone: 765.677.3081
Fax: 765.677.4762

Signed on __1/8/16_____, by:

_____
Jason D. McVicker, Judge
Marion City Court – Marion Municipal Bldg
301 S Branson St Ste 210
Marion IN 46952-4104
Phone: 765.668.4425
Fax: 765.651.4297

LR-27 TR 63-1   Authority to Sit in Other Courts

A.   The judge of the Grant Circuit Court ("the Circuit judge") may, with the consent of:

   1.   the judge of the Grant Superior Court 1 ("the Superior 1 judge");

   2.   the judge of the Grant Superior Court 2 ("the Superior 2 judge");

   3.   the judge of the Grant Superior Court 3 ("the Superior 3 judge");

   4.   the judge of the Gas City City Court ("the Gas City judge"); and

   5.   the judge of the Marion City Court ("the Marion judge");

   sit as judge of the other courts in any matter as if the Circuit judge were the elected or appointed judge of such courts. Consent to sit as judge is presumed, absent clear and convincing evidence to the contrary.

B.   The Superior 1 judge, with the consent of the Circuit judge, the Superior 2 judge, the Superior 3 judge, the Gas City judge, and the Marion judge; may sit as judge of the other courts in any matter as if the Superior 1 judge were the elected or appointed judge of such courts. Consent to sit as judge is presumed, absent clear and convincing evidence to the contrary.

C.   The Superior 2 judge, with the consent of the Circuit judge, the Superior 1 judge, the Superior 3 judge, the Gas City judge, and the Marion judge; may sit as judge of the other courts in any matter as if the Superior 2 judge were the elected or appointed judge of such courts. Consent to sit as judge is presumed, absent clear and convincing evidence to the contrary.

D.   The full-time juvenile magistrate appointed by the Superior 2 judge, with the consent of the Circuit judge, the Superior 1 judge, the Superior 3 judge, the Gas City judge, and the Marion judge; may sit as judge of the other courts in any matter as if the juvenile magistrate were the elected or appointed judge of such courts. Consent to sit as judge is presumed, absent clear and convincing evidence to the contrary.

E.   The Superior 3 judge, with the consent of the Circuit judge, the Superior 1 judge, the Superior 2 judge, the Gas City judge, and the Marion judge; may sit as judge of the other courts in any matter as if the Superior 3 judge were the elected or appointed judge of such courts. Consent to sit as judge is presumed, absent clear and convincing evidence to the contrary.

F.   During a senior judge's or judge pro tempore's appointment, the senior judge or judge pro tempore is presumed to have the same authority to act as judge of the other courts that the appointing judge has, absent clear and convincing evidence to the contrary.