

**STATE OF INDIANA – COUNTY OF FRANKLIN
IN THE FRANKLIN CIRCUIT COURTS**

**Notice of Proposed New Rule or Amendment(s) to Local Court Rule(s)
May 14, 2024**

In accordance with Trial Rule 81 of the Indiana Court Rules, the Franklin Circuit Courts hereby give notice to the bar and the public that the Courts propose to amend the Local Rule(s) on special judge selection in civil and criminal cases, court reporter services, caseload allocation, and the bond schedule for the courts of record of Franklin County, effective January 1, 2025.

All new text is shown by underlining and deleted text is shown by ~~striketrough~~. Supreme Court approval is required for Local Rules concerning special judge selection in civil and criminal cases, court reporter services, and caseload allocation, and will not take effect until approved by the Supreme Court.

Notice has been given to the public by posting on the website of the Franklin County Clerk and at the Indiana Judiciary webpage for Local Rules (<https://www.in.gov/courts/publications/local-rules/>), and by furnishing a copy to the officers of the Franklin County Bar Association. A paper copy of the proposed amended local rule(s) will be made available for viewing in the office of the Clerk of Franklin County, 459 Main Street, Brookville, IN 47012, during normal business hours.

The time period for the bar and the public to comment shall begin on June 6, 2024, and shall close on July 6, 2024. The proposed amendments to the rule will be adopted, modified or rejected before July 31, 2024, and, if required, the final version of the rules will be submitted to the Indiana Supreme Court for review and approval not later than August 1, 2024.

Comments by the bar and the public should be made in writing to:

Hon. Clay M. Kellerman, Judge of the Franklin Circuit Court Division 2, Attn: Public Comment on Local Rules, Franklin County Courthouse, 459 Main Street, Brookville, IN 47012, Fax 765-647-4970, or court@franklincounty.in.gov.

DATED this 14th day of May 2024 on behalf of the Judges of Franklin County.

_____/S/_____
J. Steven Cox, Judge
Franklin Circuit Court Division 1

_____/S/_____
Clay M. Kellerman, Judge
Franklin Circuit Court Division 2

FRANKLIN CIRCUIT COURT

LOCAL RULES

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L.R. 24-T.R.79-1	Special Judge Selection in Civil Cases
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L.R. 24-C.R.2.2-2	Joint Local Criminal Rules
	Reassignment and Appointment of
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L.R. 24-A.R.15-3	Transcript Fees
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L.R. 24-AR00-01	Presiding Judge of the Circuit

In the event a special judge selected pursuant to Trial Rule 79(D), ~~(E)~~, or ~~(F)~~ does not accept the case, a special judge shall be designated by the Clerk of the Franklin Circuit Court in sequence from the following list of, to-wit:

1. Judge, Wayne Superior Court #3
2. Judge, Rush Superior Court
3. Judge, Union Circuit Court
4. Judge, Fayette Superior Court
5. Judge, Fayette Circuit Court
6. Judge, Wayne Superior Court #2
7. Judge, Wayne Superior Court #1
8. Judge, Wayne Circuit Court
9. Judge, Rush Circuit Court
10. Magistrate, Wayne County

The Clerk shall maintain such records as necessary to assure that selections are rotated in the above sequence beginning with the judge listed as number one and continuing in numerical order thereafter and repeating the sequence as necessary.

In the event it becomes necessary to reassign a Felony or Misdemeanor Case pursuant to Rule 2.4 of the Indiana Rules of Criminal Procedure or Administrative Rule 21, reassignment of a case to another judge shall be assigned in consecutive order from the following list of judges:

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|--|---|
| 1. <u>Judge, Wayne Superior Court #3</u> | 11. <u>Judge, Dearborn Circuit Court</u> |
| 2. <u>Judge, Rush Superior Court</u> | 12. <u>Judge, Dearborn Superior Court I</u> |
| 3. <u>Judge, Union Circuit Court</u> | 13. <u>Judge, Dearborn Superior Court II</u> |
| 4. <u>Judge, Fayette Superior Court</u> | 14. <u>Magistrate, Dearborn Circuit Court</u> |
| 5. <u>Judge, Fayette Circuit Court</u> | 15. <u>Judge, Ripley Circuit Court</u> |
| 6. <u>Judge, Wayne Superior Court #2</u> | 16. <u>Judge, Ripley Superior Court</u> |
| 7. <u>Judge, Wayne Superior Court #1</u> | 17. <u>Judge, Decatur Circuit Court</u> |
| 8. <u>Judge, Wayne Circuit Court</u> | 18. <u>Judge, Decatur Superior Court</u> |
| 9. <u>Judge, Rush Circuit Court</u> | 19. <u>Magistrate, Decatur County</u> |
| 10. <u>Magistrate, Wayne Courts</u> | |

The Clerk shall maintain such records as necessary to assure that selections are rotated in the above sequence beginning with the judge listed as number one and continuing in numerical order thereafter and repeating the sequence as necessary.

~~L.R. 24-C.R.2.2-2~~ ~~JOINT LOCAL CRIMINAL RULES~~
~~REASSIGNMENT AND APPOINTMENT~~
~~OF SPECIAL JUDGE~~

~~—The following individuals have agreed to serve in the event it becomes necessary to reassign a felony or misdemeanor case in the Franklin Circuit Court: Judge of the Fayette Superior Court; Judge of the Fayette Circuit Court; Judge of the Union Circuit Court; and, Judge of the Rush Circuit Court. By order of adoption of these rules, the Indiana Supreme Court, pursuant to I.C. 33-24-6-10 temporarily transfers the above Judges to the Franklin Circuit Court for the purpose of reassignment of felony and misdemeanor cases.~~

~~In the event it becomes necessary to reassign a felony or misdemeanor case, the Judges will be reassigned in consecutive order to the above named Judges.~~

~~In the event no Judge is available for assignment or reassignment of a felony or misdemeanor case, such case shall be certified to the Indiana Supreme Court for the appointment of a Special Judge. In the event the Judge presiding in a felony or misdemeanor case concludes that the unique circumstances presented in such proceeding require appointment by the Indiana Supreme Court of a Special Judge, the presiding Judge may request the Indiana Supreme Court for such appointment.~~