

IN THE CIRCUIT COURT
WELLS COUNTY, INDIANA

IN RE PROMULGATION OF)
LOCAL RULES)

CASE NO. 90C01-1211-CB-000012
FILED

NOV 07 2012

Yetta R. ...
CLERK OF THE
WELLS CIRCUIT COURT

ORDER AND NOTICE OF AMENDMENT TO LOCAL RULE

The WELLS CIRCUIT COURT hereby notifies the public that the attached proposed amendment to the Court's Local Rules has been promulgated by the Court and is subject to written public comment before being adopted by the Court.

1. Written comments on the amendment may be addressed to:

Kenton W. Kiracofe, Judge
Wells Circuit Court
3rd Floor, Courthouse
Bluffton, IN 46714

2. Comments on the proposed amendment by the bar and public will be received until December 27, 2012.

3. The proposed amendment will be adopted, modified, or rejected by December 28, 2012.

4. The proposed amendment will be submitted to the Indiana Supreme Court by December 28, 2012.

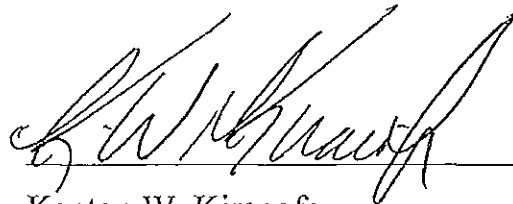


5. The proposed amendment to Local Rule # LR90-TR-79-01 may not take effect until approved by the Indiana Supreme Court.

6. The effective date of the attached proposed rules shall be February 1, 2012.

The Court now Orders and that this Notice be published by posting in the office of the Clerk of the Wells Circuit and Superior Courts, by posting them in digital format on the Clerk's web site, if any, and by providing a copy of the proposed rules and this Notice to the president and the secretary of the Wells County Bar Association.

SO ORDERED this 7th day of November, 2012.

A handwritten signature in black ink, appearing to read 'K. W. Kiracofe', written over a horizontal line.

Kenton W. Kiracofe

Judge, Wells Circuit Court

PROPOSED AMENDMENT TO LOCAL RULE

LR90-TR-79-01 **Selection of a Special Judge Pursuant to TR 79(H)**

(A) **Agreement of the Parties**

Pursuant to TR 79 D – Within seven (7) days of the notation in the Chronological Case Summary (CCS) of an Order granting a change of judge or of an Order of Disqualification, the parties may agree upon an eligible special judge. (An eligible special judge is a judge, a full-time judicial officer, or a senior judge assigned to the Court.) The agreement of the parties must be in writing and filed in the Court where the case is pending.

(B) **Where the Parties do not agree**

If the selection of a special judge is not agreed upon under the preceding paragraph, the remaining full-time judge in the county shall be named as special judge. If that judge cannot serve, the Court shall appoint a special judge on a rotating basis from an alphabetical list of eligible judges for Adams, Huntington, Wabash and Wells Counties. A person selected as special judge under this paragraph must accept jurisdiction in the case unless the appointed special judge is disqualified pursuant to the Code of Judicial Conduct, ineligible for service under this rule, or excused from service by the Indiana Supreme Court.