

*The proposed amendment to Administrative Rule 5 would clarify that a senior judge appointed by a judge serves subject to the Code of Judicial Conduct, has the same authority as the appointing judge, and has authority to perform marriages/administer oaths. The amendment also would delete (C) and move to proposed new Administrative Rule 5.1.

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Rule 5. Payment and ~~Notification Procedures and Administration of Special Judges and Senior Judges Program~~

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(B) Senior Judges. The Indiana Office of Judicial Administration (IOJA) shall administer the ~~senior judge program~~ and ~~the~~ payment of senior judges in accordance with ~~the provisions set forth in~~ this rule.

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- (4) ~~Jurisdiction Procedure. When appointing a senior judge, a~~ ~~presiding regular~~ judge wishing to use a senior judge shall ~~cause an order to be filed~~ ~~issue an order~~ naming the senior judge who will serve the court, ~~subject to the Code of Judicial Conduct.~~ The order shall specify ~~(a) the duration of day(s) the senior judge is to serve the court and whether the service is limited to the regular business hours of the court or is for the full twenty-four (24) hours or (b) the case assigned to the senior judge and any limits on the assignment duration. The naming order shall be accompanied by an Acceptance of Assignment form to be signed and returned for filing by the senior judge. This form shall include the affirmation that the senior judge does not, and has not for the past six months, practiced~~ The senior judge shall provide to the presiding judge, and the presiding judge shall attach to the order, a verified written statement from the senior judge that the senior judge does not practice law in ~~any~~ the court in the county. ~~The order shall be filed in the Record of Judgments and Orders of the court.~~ A senior judge shall have the same ~~jurisdiction authority~~ as the ~~presiding regular~~ judge of the court where the senior judge is serving, but only during the time specified in the order ~~naming the senior judge to serve the court and such additional time as required to finalize the assignment [OR "and such additional time as needed to prepare and file an order concluding the assignment"]~~. A violation of the Code of Judicial Conduct ~~prohibition on senior judge local court law practice does not impair the authority or actions of the senior judge but may subject the judge to other actions.~~ A senior judge who has been certified by the Judicial Nominating Commission shall have authority at any time during the certification to officiate at marriages and administer oaths. A senior judge retains jurisdiction in an individual case on the order of the presiding judge of the court in which the case is pending;

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(11) Performing Marriages and Administering Oaths. A senior judge who has been certified by the Judicial Nominating Commission shall have authority at any time during the certification to officiate at marriages and administer oaths.

~~(C) Notice of Commencement or Termination of Term in Office and Employment.~~

~~(1) Notice by Judges.~~ Each elected or appointed circuit, superior, county, probate, city, town or small claims court judge shall give notice to the IOJA of:

~~(a) the commencement and termination of the judge's term of office;~~

~~(b) the employment or termination of any magistrate, referee, commissioner, hearing officer, or other appointed judicial officer, whether such judicial officer is paid by the State of Indiana or by another entity. This notice must designate the position as full or part time, state the number of hours per week that the position requires and identify all court(s) in which such appointed judicial officer shall serve.~~

~~(2) Notice by Prosecuting Attorneys.~~ Each elected or appointed prosecuting attorney shall give notice to the IOJA of:

~~(a) the commencement and termination of the prosecuting attorney's term of office and, pursuant to statute, whether the position will be full or part time;~~

~~(b) the employment or termination of a deputy prosecuting attorney whose salary is paid by the State of Indiana and, pursuant to statute, whether the position will be full or part time.~~

~~(3) Content and Time of Notice.~~ The notice must be given at least two (2) weeks in advance of the beginning or termination of the term in office or employment on forms designed by the IOJA.

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