

# Supreme Court of Kentucky

2013-03

**In re: Regional Administration Program Charter**

## **ORDER**

Under Sections 110(5)(b) of the Kentucky Constitution, it is ORDERED that the Regional Administration Program Charter is hereby approved. All previous Regional Administration Program Charters and amendments are rescinded and deleted in their entirety.

### **Section I. Authority.**

The Regional Administration Program will continue from the date of entry of this order and until further order of the Chief Justice. Any authorization granted herein to make judicial assignments is subject to the supervision and complete control of the Chief Justice and does not constitute any delegation of the authority granted by Section 110(5)(b) of the Kentucky Constitution.

### **Section II. Administrative Regions**

The eight administrative regions are designated as follows:

1. The **Purchase Region**, which consists of the 1st, 2nd, 3rd, 4th, 5th, 42nd, 45th, 51st, 52nd, and 56th Judicial Circuits and Districts, and the 58th and 59th Judicial Districts.
2. The **Green River Region**, which consists of the 6th, 7th, 8th, 9th, 10th, 38th, 43rd, 46th, 49th and 55th Judicial Circuits and Districts and the 57th Judicial District.
3. The **Cumberland Region**, which consists of the 11th, 26th, 27th, 28th, 29th, 34th, 40th, 41st, and 44th Judicial Circuits and Districts and the 60th Judicial District.
4. The **Metro Region**, which consists of the 30th Judicial Circuit and District.
5. The **Bluegrass Region**, which consists of the 13th, 14th, 23rd, 25th, 48th and 50th Judicial Circuits and Districts.
6. The **Northern Region**, which consists of the 12th, 15th, 16th, 17th, 18th, 19th, 53rd and 54th Judicial Circuits and Districts.

7. The **Mountain Region**, which consists of the 20th, 21st, 24th, 31st, 32nd, 33rd, 35th, 36th, 37th, 39th, and 47th Judicial Circuits and Districts.

8. The **Fayette Region**, which consists of the 22nd Judicial Circuit and District.

### **Section III. Purpose of the Program**

The purpose of the Regional Administration Program is to (1) expedite the disposition of litigation in the regions through equalization of work among the judges; (2) promote uniform procedures and practices within regions and throughout the Commonwealth; (3) provide for prompt substitution when a judge is disqualified or there is a temporary vacancy; and (4) assist the Chief Justice in discharging the duties under Section 110(5)(b) of the Constitution of Kentucky.

### **Section IV. Selection and Duties of Chief Regional Judges**

#### **1. Chief Regional Circuit Judges**

a. The Chief Justice will appoint or reappoint a chief regional circuit judge for each Administrative Region every two years, with new terms commencing January 1, 2013. Notwithstanding the provisions of SCR 1.040(2), the chief regional circuit judge appointed by the Chief Justice for the Fayette Region will also serve as chief judge of that court and the chief regional circuit judge appointed by the Chief Justice for the Metro Region will also serve as chief judge of that court.

b. A chief regional circuit judge is authorized to:

i. plan, coordinate and supervise the activities of the Regional Administration Program, together with the chief regional district judge, within the region;

ii. exercise within the region the judicial assignment authority granted by the Chief Justice;

iii. exercise, in coordination with other chief regional circuit and district judges, authority for assignment of judges from one region to another with the consent of the appropriate chief regional circuit or district judge;

iv. call or cause to be called the docket of any circuit for the purpose of dismissing pending actions for failure to prosecute or to reduce delay.

**2. Vice-Chief Regional Circuit Judges:**

a. The Chief Justice will appoint or reappoint a vice-chief regional circuit judge for each Administrative Region every two years, with new terms commencing January 1, 2013. Notwithstanding the provisions of SCR 1.040(2), the vice-chief regional circuit judge appointed by the Chief Justice for the Fayette Region will also serve as vice-chief judge of that court.

b. A vice-chief regional circuit judge will exercise the judicial assignment authority of the chief regional circuit judge for his or her Administrative Region whenever the chief regional circuit judge is disqualified from a case or is otherwise unavailable.

**3. Chief Regional District Judges:**

a. The Chief Justice will appoint or reappoint a chief regional district judge for each Administrative Region every two years, with new terms commencing January 1, 2013. Notwithstanding the provisions of SCR 1.040(2), the chief regional district judge appointed by the Chief Justice for the Fayette Region will also serve as chief judge of that court and the chief regional district judge appointed by the Chief Justice for the Metro Region will also serve as chief judge of that court.

b. A chief regional district judge is authorized to:

i. plan, coordinate and supervise the activities of the Regional Administration Program, together with the chief regional circuit judge, within the region;

ii. exercise within the region the judicial assignment authority given to him/her by the Chief Justice;

iii. exercise, in coordination with other chief regional district and circuit judges, authority for assignment of judges from one region to another with the consent of the appropriate chief regional district or circuit judge;

iv. call or cause to be called the docket of any district for the purpose of dismissing pending actions for failure to prosecute or reduce delay.

4. **Vice-Chief Regional District Judges:**

a. The Chief Justice will appoint or reappoint a vice-chief regional district judge for each Administrative Region every two years, with new terms commencing January 1, 2013. Notwithstanding the provisions of SCR 1.040(2), the vice-chief regional district judge appointed by the Chief Justice for the Fayette Region will also serve as vice-chief judge of that court.

b. A vice-chief regional district judge will exercise the judicial assignment authority of the chief regional district judge for his or her Administrative Region whenever the chief regional district judge is disqualified from a case or is otherwise unavailable.

**Section V. Judicial Assignment Authority of Chief Regional Judges**

1. **Chief regional circuit judges** are granted authority to make judicial assignments within their respective Administrative Regions, subject to the following procedures:

a. If a circuit judge requires the assignment of a special judge, he or she must notify the chief regional circuit judge in his or her Administrative Region. The request must be in writing and specify the reason that a special judge is needed. If the need for a special judge is because of disqualification, the ground(s) for the disqualification must be specified in the written request. A circuit judge requesting the assignment of a special judge must also notify the circuit clerk in the affected county or counties.

b. Upon notification of the need for a special judge, the chief regional circuit judge will, by written order, assign a circuit judge within the Administrative Region to serve as special judge for a designated time period. If a circuit judge is not available, the chief regional circuit judge may, after consulting with the chief regional district judge, assign a constitutionally eligible district judge within the Administrative Region who consents to the appointment. (Ky. Const. §122)

c. If a family court judge requires the assignment of a special judge and another family court judge is not available for appointment, then the chief regional circuit judge can appoint as a special family court judge a circuit judge within the Administrative Region who consents to the appointment or a constitutionally eligible district judge within the Administrative Region who consents to the appointment. (Ky. Const. §122).

d. The chief regional circuit judge will transmit a copy of the order of appointment to the requesting judge, the special judge and the appropriate circuit clerk(s). A copy of the order of appointment must be retained by the chief regional circuit judge.

e. If no circuit judge, family court judge or consenting district judge is available within the Administrative Region to hear the matter requiring a special judge, the chief regional circuit judge may coordinate with other chief regional circuit judges to appoint a special circuit judge or family court judge from a different Administrative Region. If a circuit judge or family court judge is not available, the chief regional circuit judge may coordinate with the chief regional district judges to appoint a constitutionally eligible district judge from a different Administrative Region who consents to the appointment. (Ky. Const. §122).

f. If a circuit judge requires the appointment of a special judge for an extended period of time the chief regional circuit judge will consult with the Chief Justice to discuss the merits of the request and ensure adequate coverage.

2. **Chief regional district judges** are granted authority to make judicial assignments within their respective Administrative Regions, subject to the following procedures:

a. If a district judge requires the assignment of a special judge, he or she must notify the chief regional district judge in his or her Administrative Region. The request must be in writing and specify the reason that a special judge is needed. If the need for a special judge is because of disqualification, the ground(s) for the disqualification must be specified in the written request. A district judge requesting the assignment of a special judge must also notify the circuit clerk in the affected county or counties.

b. Upon notification of the need for a special judge, the chief regional district judge will, by written order, assign a district judge within the Administrative Region to serve as special judge for a designated time period. If a district judge is not available, the chief regional district judge may, after consulting with the chief regional circuit judge, assign a circuit judge within the Administrative Region who consents to the appointment.

c. The chief regional district judge will transmit a copy of the order of appointment to the requesting judge, the special judge and the appropriate circuit clerk(s). A copy of the order of appointment will be retained by the chief regional district judge.

d. If no district judge or consenting circuit judge is available within the Administrative Region to hear the matter requiring a special judge, the chief regional district judge may coordinate with other chief regional district judges to appoint a special district judge from a different Administrative Region. If a district judge is not available, the chief regional district judge may

coordinate with the chief regional circuit judges to appoint a circuit judge from a different Administrative Region.

e. If a district judge requires the appointment of a special judge for an extended period of time the chief regional district judge will consult with the Chief Justice to discuss the merits of the request and ensure adequate coverage.

3. If a conflict arises that cannot be resolved by the exercise of the judicial assignment authority of a chief regional circuit judge or a chief regional district judge, the matter will be referred to the Chief Justice for resolution.

#### **VI. Duty to Serve as a Special Judge**

1. Chief regional circuit judges and chief regional district judges have the authority to require each judge within an Administrative Region to reserve periods of time of such length and frequency as the chief regional judge deems appropriate, interspersed throughout each calendar year, to be available for assignment in other circuits.

2. A district or circuit judge will accept appointment as a special judge, except for good cause.

This order supersedes any prior Regional Administration Program Charter or Amendment and will remain in force until further order of the Chief Justice.

Entered this 30th day of January 2013.

  
CHIEF JUSTICE