

# Supreme Court of Kentucky

## ORDER

### IN RE: **Regional Administration Program Charter**

Pursuant to Sections 110(5)(b) and 112(4) of the Kentucky Constitution, the following Charter, having been heretofore adopted and amended at various times, is established to effect regional administration of circuit and district courts in the Commonwealth. 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 Constitution of Kentucky.

#### **SECTION I. NAME OF THE PROGRAM**

This program shall be known as the Regional Administration Program and shall continue from the date of entry of this order until further order of this Court. This Charter supersedes: (1) the Regional Administration Pilot Program Charter, as amended and promulgated under order of this Court dated December 5, 1977; (2) the Regional Administration Program Charter as revised and promulgated under order of this Court dated October 8, 1980; (3) the order of this Court entered February 25, 1982 relating to the judicial assignment authority of Chief Regional District Judges; (4) the order adopting the Regional Administration Program Charter dated February 3, 1983; (5) the order amending the Regional Administration Program Charter relating to Retired Justice or Judge Appointments entered October 8, 1992; (6) the Regional Administration Charter entered June 29, 2000; and (7) any other amendment to the Regional Administration Program Charter not specifically named herein.

#### **SECTION II. ADMINISTRATIVE REGIONS**

Eight administrative regions are created and designated as follows:

1. The first region, the **Purchase Region**, shall consist of the 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup>, 5<sup>th</sup>, 42<sup>nd</sup>, 45<sup>th</sup>, 51<sup>st</sup>, 52<sup>nd</sup>, and 56<sup>th</sup> Judicial Circuits and Judicial Districts and the 58<sup>th</sup> and 59<sup>th</sup> Judicial Districts.
2. The second region, the **Green River**, shall consist of the 6<sup>th</sup>, 7<sup>th</sup>, 8<sup>th</sup>, 9<sup>th</sup>, 10<sup>th</sup>, 38<sup>th</sup>, 43<sup>rd</sup>, 46<sup>th</sup>, 49<sup>th</sup> and 55<sup>th</sup> Judicial Circuits and Judicial Districts.

3. The third region, the **Cumberland Region**, shall consist of the 11<sup>th</sup>, 26<sup>th</sup>, 27<sup>th</sup>, 28<sup>th</sup>, 29<sup>th</sup>, 34<sup>th</sup>, 40<sup>th</sup>, 41<sup>st</sup>, and 44<sup>th</sup> Judicial Circuits and Judicial Districts and the 57<sup>th</sup> and 60<sup>th</sup> Judicial Districts.
4. The fourth region, the **Metro Region**, shall consist of the 30<sup>th</sup> Judicial Circuit and District.
5. The fifth region, the **Bluegrass Region**, shall consist of the 13<sup>th</sup>, 14<sup>th</sup>, 23<sup>rd</sup>, 25<sup>th</sup>, 48<sup>th</sup>, and 50<sup>th</sup> Judicial Circuits and Judicial Districts.
6. The sixth region, the **Northern Region**, shall consist of the 12<sup>th</sup>, 15<sup>th</sup>, 16<sup>th</sup>, 17<sup>th</sup>, 18<sup>th</sup>, 19<sup>th</sup>, 53<sup>rd</sup>, and 54<sup>th</sup> Judicial Circuits and Judicial Districts.
7. The seventh region, the **Mountain Region**, shall consist of the 20<sup>th</sup>, 21<sup>st</sup>, 24<sup>th</sup>, 31<sup>st</sup>, 32<sup>nd</sup>, 33<sup>rd</sup>, 35<sup>th</sup>, 36<sup>th</sup>, 37<sup>th</sup>, 39<sup>th</sup>, and 47<sup>th</sup> Judicial Circuits and Judicial Districts.
8. The eighth region, the **Fayette Region**, shall consist of the 22<sup>nd</sup> Judicial Circuit and Judicial District.

### **SECTION III. PURPOSE OF THE PROGRAM**

The Regional Administration Program has four (4) goals:

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

### **SECTION IV. CHIEF REGIONAL JUDGES**

1. Selection and duties of **Chief Regional Circuit Judges**:

A chief regional circuit judge shall be appointed or reappointed by the Chief Justice every two years, with new terms commencing January 1, 2005. The duties of the chief regional circuit judge, relating to the circuit courts of the region, shall be as follows:

- a. to plan, coordinate and supervise the activities of the Regional Administration Program, together with the chief regional district judge, within the region;
- b. to exercise within the region the judicial assignment authority given to him/her by the Chief Justice;
- c. to 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;
- d. to require each judge 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; and,
- e. to 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. Notwithstanding the provisions of SCR 1.040(2), the chief regional judge appointed by the Chief Justice for the eighth region, consisting of the 22<sup>nd</sup> Judicial Circuit, shall also serve as chief judge of that court and the chief regional judge appointed by the Chief Justice for the fourth region, consisting of the 30<sup>th</sup> Judicial Circuit, shall also serve as chief judge of that court.

2. Selection and duties of **Vice-Chief Regional Circuit Judges:**

A vice-chief regional circuit judge shall be appointed or reappointed by the Chief Justice every two years, with new terms commencing January 1, 2005. It shall be the duty of the vice-chief regional circuit judge to exercise the judicial assignment authority of the chief regional circuit judge whenever the chief regional circuit judge disqualifies himself/herself from a case, is otherwise unavailable, or the office of the chief regional circuit judge is vacant, and the assignment of a special judge is required.

3. Selection and duties of **Chief Regional District Judges:**

A chief regional district judge shall be appointed or reappointed by the Chief Justice every two (2) years, with new terms commencing January 1, 2005. The new duties of the chief regional district judge relating to the district courts of the region, shall be as follows:

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

- b. to exercise within the region the judicial assignment authority given to him/her by the Chief Justice;
  - c. to 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;
  - d. to require each judge 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 districts; and,
  - e. to 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. Notwithstanding the provision of SCR 1.040(2), the chief regional judge appointed by the Chief Justice for the eighth region, consisting of the 22<sup>nd</sup> Judicial District, shall also serve as chief judge of that court and the chief regional judge appointed by the Chief Justice for the fourth region, consisting of the 30<sup>th</sup> Judicial District, shall also serve as chief judge of that court.

5. Selection and duties of **Vice-Chief Regional District Judges:**

A vice-chief regional district judge shall be appointed or reappointed by the Chief Justice every two years, with new terms commencing January 1, 2005. It shall be the duty of the vice-chief regional district judge to exercise the judicial assignment authority of the chief regional district judge whenever the chief regional district judge disqualifies himself/herself from a case, is otherwise unavailable, or the office of chief regional district judge is vacant, and the assignment of a special judge is required.

**SECTION V. JUDICIAL ASSIGNMENT AUTHORITY OF CHIEF REGIONAL JUDGES**

1. The following procedures are established to implement the judicial assignment authority of **chief regional circuit judges:**
- a. If a special judge assignment is necessary, the judge requiring the assignment of a special judge shall notify the chief regional circuit judge in his/her region as soon as possible. If the need is occasioned by disqualification, the ground(s) of the disqualification shall be certified to the chief regional circuit judge. The judge

requesting assignment of a special judge shall also notify the circuit clerk(s) in the affected county or counties.

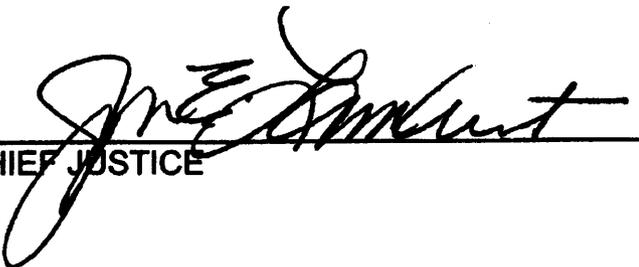
- b. Upon notification of the need for a special judge, the chief regional circuit judge will, by written order, assign a circuit judge within the region or, if none is available, request the chief regional district judge of the region to designate a qualified district judge within the region who consents to the appointment, to serve as special judge for a designated time period. The chief regional circuit judge shall make the appointment and mail the designation order to the appropriate circuit clerk(s). A copy of the designation order shall be retained by the chief regional circuit judge and a copy shall be sent to the special judge and to the requesting judge.
  - c. If no circuit judge or consenting district judge is available within the region to hear the matter requiring a special judge, the chief regional circuit judge may request the appointment of a special judge pursuant to the Guidelines for Senior Status Program for Special Judges.
  - d. For purposes of judicial assignment, the chief regional circuit judges of the Bluegrass Region and the Fayette Region shall work together to assure that circuit judges within each of the two regions are available to serve in either region when called upon.
  - e. If affidavits alleging non-impartiality are filed by a party, pursuant to KRS 26A.020, the facts shall be certified to the Chief Justice by the circuit clerk.
2. The following procedures are established to implement the judicial assignment authority of **chief regional district judges**:
- a. If a special judge assignment is necessary, the district judge requesting assignment of a special judge shall notify the chief regional district judge in his/her region as soon as possible. If the need is occasioned by disqualification, the ground(s) of the disqualification shall be certified to the chief regional district judge. The judge requesting assignment of a special judge shall also notify the circuit clerk(s) 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, appoint a district judge within the region, or if none is available, request the chief regional circuit judge of the region to designate a circuit judge within the region who consents to the appointment, to serve as special judge for a designated time period. The chief regional district judge shall make

the appointment and mail the designation order to the appropriate circuit clerk. A copy of the designation order shall be retained by the chief regional district judge and a copy shall be sent to the special judge and to the requesting judge.

- c. If no district judge or consenting circuit judge is available within the region to hear the matter requiring a special judge, the chief regional district judge may request the appointment of a special judge pursuant to the Guidelines for Senior Status Program for Special Judges.
  - d. For purposes of judicial assignment, the chief regional district judges of the Bluegrass Region and the Fayette Region shall work together to assure that district judges within each of the two regions are available to serve in either region when called upon.
  - e. If affidavits alleging non-impartiality are filed by a party, pursuant to KRS 26A.020, the facts shall be certified to the Chief Justice by the circuit clerk.
3. Where, under this Charter, 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 shall be referred to the Chief Justice or Chief Senior Status Judge for resolution pursuant to the Guidelines for Senior Status Program for Special Judges.

This Order supersedes any prior Regional Administration Program Charter or Amendment and shall remain in force until further order of the Court.

Entered this the 24th day of September 2004.

  
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CHIEF JUSTICE