

Supreme Court of Kentucky

2024-13

AMENDED ORDER

IN RE: REGIONAL ADMINISTRATION PROGRAM CHARTER

Under Section 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 All previous Regional Administration Program Charters, including Administrative Order 2013-03, are hereby rescinded and deleted in their entirety.

Section 1. 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 2. 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 Judicial District.
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, the 57th Judicial Circuit, and the 59th 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 and District 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, 2023. Notwithstanding the provisions of SCR 1.040(2), the chief circuit and district judges of Fayette County will serve as the chief regional circuit and district judges of the Fayette Region, and the chief circuit and district judges of Jefferson County will serve as the chief regional circuit and district judges of the Metro Region.
- b. A chief regional circuit or district 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 and District Judges

- a. The Chief Justice will appoint or reappoint a vice-chief regional circuit and district judge for each Administrative Region every two years, with new terms commencing January 1, 2023. Notwithstanding the provisions of SCR 1.040(2), the vice-chief circuit and district judges of Fayette County will serve as the vice-chief regional circuit and district judges of the Fayette Region, and the vice-chief circuit and district judges of Jefferson County will serve as the vice-chief regional circuit and district judges of the Metro Region.
- b. A vice-chief regional circuit or district judge will exercise the judicial assignment authority of the chief regional circuit or district judge for his or her Administrative Region whenever the chief regional circuit or 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 submitted in writing and specify the reason that a special judge is needed.
 - i. A circuit judge requesting the assignment of a special judge due to disqualification must submit the request to the chief regional circuit judge using form AOC-SJ-1.
 - ii. A circuit judge requesting the assignment of a special judge due to unavailability must submit the request to the chief regional circuit judge on form AOC-SJ-2.
 - iii. 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 specific case or docket or for a designated time period.

- i. An order assigning a special judge due to unavailability of the regular judge should be entered using form AOC-SJ-3.
 - ii. An order assigning a special judge due to disqualification of the regular judge should be entered using form AOC-SJ-4.
- c. 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).
- d. 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)
- e. 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.
- f. 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).
- g. 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.
- h. Coverage under this section may be accomplished in person or by using remote technology (i.e., Microsoft Teams or Zoom).

i. A chief regional circuit judge may reassign a case back to the circuit from which it originated if there is no longer a conflict requiring disqualification.

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.

i. A district judge requesting the assignment of a special judge due to disqualification must submit the request to the chief regional district judge using form AOC-SJ-1.

ii. A district judge requesting the assignment of a special judge due to unavailability must submit the request to the chief regional district judge using form AOC-SJ-2.

iii. 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 specific case or docket or for a designated time period.

i. An order assigning a special judge due to unavailability of the regular judge should be entered using form AOC-SJ-3.

ii. An order assigning a special judge due to disqualification of the regular judge should be entered using form AOC-SJ-4.

c. 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.

d. 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.

- e. If no district judge or consenting circuit judge is available within the Administrative Region to hear the matter requiring a special judge, the chief 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.
 - f. 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.
 - g. Coverage under this section may be accomplished in person or by using remote technology (i.e., Microsoft Teams or Zoom).
 - h. A chief regional district judge may reassign a case back to the district from which it originated if there is no longer a conflict requiring disqualification.
3. If a conflict arises that cannot be resolved by the exercise of the judicial assignment authority of a chief regional circuit or district judge, the matter will be referred to the Chief Justice for resolution.

Section 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 upon a showing of good cause.

Section VII. Assignment of a Retired Judge

- 1. A chief regional circuit or district judge may request assignment of a retired judge upon certification that no sitting judges are available to serve.
- 2. A request for assignment of a retired judge must be submitted in writing by a chief regional circuit or district judge to the Chief Justice using form AOC-SJ-11.

3. A chief regional circuit or district judge may request assignment of a retired judge for the following reasons:
 - a. Vacancies resulting from death, retirement, resignation, or suspension;
 - b. Illness, injury, or emergency causing a sitting judge to be unavailable;
 - c. Docket congestion or judicial disqualification; or
 - d. To conduct felony mediation.

4. Pursuant to the Guidelines for the Retired Judges Program, a chief regional circuit or district judge may, upon certification that no sitting judge is available, request the assignment of a retired judge to cover for a vacation or attendance at an out-of-state educational conference. Coverage under this subsection is subject to the availability of a retired judge and is limited to a maximum of five business days per judge per year.

This Order shall be effective upon entry and until further order of the Chief Justice.

Entered this 12th day of April 2024.


CHIEF JUSTICE