

**AMENDED
LOCAL RULE 7**

The undersigned courts comprise all the courts of record of Cass County, Indiana, and hereby adopt the following local rule by which court reporter services shall be governed:

Section One. Definitions. The following definitions shall apply under this local rule:

(1) A *Court Reporter* is a person who is specifically designated by a court to perform the official court reporting services for the court including preparing a transcript of the record.

(2) *Equipment* means all physical items owned by the court or other governmental entity and used by a court reporter in performing court reporting services. Equipment shall include, but not be limited to, telephones, computer hardware, software programs, disks, tapes and any other device used for recording, storing, and transcribing electronic data.

(3) *Work space* means that portion of the court's facilities dedicated to each court reporter, including but not limited to actual space in the courtroom and any designated office space.

(4) *Page* means the page unit of transcript which results when a recording is transcribed in the form required by Indiana Rule of Appellate Procedure 7.2.

(5) *Recording* means the electronic, mechanical, stenographic or other recording made as required by Indiana Rule of Trial Procedure 74.

(6) *Regular hours worked* means those hours which the court is regularly scheduled to work during any given work week. Depending on the particular court, these hours may vary from court to court within the county but remain the same for the work week.

(7) *Gap hours worked* means those hours worked that are in excess of the regular hours worked but hours not in excess of forty (40) hours per work week.

(8) *Overtime hours worked* means those hours worked in excess of forty (40) hours per work week.

(9) *Work week* means a seven (7) consecutive day week that consistently begins and ends on the same days throughout the year, i.e. Sunday through Saturday, Wednesday through Tuesday, Friday through Thursday.

(10) *Court* means the particular court for which the court reporter performs services. Court may also mean all of the courts in Cass County.

(11) *County indigent transcript* means a transcript that is paid for from county funds and is for the use on behalf of a litigant who has been declared indigent by a court.

(12) *State indigent transcript* means a transcript that is paid for from county funds and is for the use on behalf of a litigant who has been declared indigent by a court.

(13) *Private transcript* means a transcript, including but not limited to, a deposition transcript that is paid by a private party.

Section Two. Salaries and per Page Fees.

(1) Court Reporters shall be paid an annual salary for time spent working under the control, direction and direct supervision of their supervising court during any regular work hours, gap hours or overtime hours. The supervising court shall enter into a written agreement with the court reporters which outlines the manner in which the court reporter is to be compensated for gap and overtime hours, i.e. monetary compensation or compensatory time off regular work hours.

(2) The maximum per page fee a court reporter may charge for the preparation of a county indigent transcript shall be \$4.25; the court reporter shall submit a claim to the county for the preparation of any indigent transcripts.

(3) The maximum per page fee a court reporter may charge for the preparation of a state indigent transcript shall be \$4.25.

(4) The maximum per page fees a court reporter may charge for the preparation of a private transcript shall be \$4.25.

(5) The maximum per page fee a court reporter may charge for the preparation of an expedited transcript (county indigent, state indigent or private) shall be \$1.25 extra. An expedited transcript shall be any transcript that is requested to be prepared within ten (10) days.

(6) The court reporter may charge a minimum fee of \$35.00 for a transcript of less than nine (9) pages in length. This minimum fee is in lieu of the per page fee, not in addition to the per page fee.

(7) Index and Table of Contents pages shall be charged at the per page rate being charged for the rest of the transcript.

(8) An additional labor charge approximating the hourly rate based upon the court reporter's annual court compensation may be charged for time spent binding the transcript and the exhibit binders; the hourly rate is available at the court office.

(9) A reasonable charge for office supplies required and utilized for the binding and electronic transmission of the transcript, pursuant to Indiana Rules of Appellate Procedure 28 and 29, is permissible; the costs for these supplies shall be determined pursuant to a Schedule of Transcript Supplies adopted annually by the judges of Cass County and shall be available in the offices of the Circuit and Superior Courts.

(10) Each court reporter shall report, at least on an annual basis, all transcript fees received for the preparation of either county indigent, state indigent or private transcripts to the Indiana Supreme Court Division of State Court Administration. The reporting shall be made on forms prescribed by the Division of State County Administration.

Section Three. Private Practice.

(1) If a court reporter elects to engage in private practice through the recording of a deposition and/or preparing of a deposition transcript, and the court reporter desires to utilize the court's equipment, work space and supplies, and the court agrees to the use of the court equipment for such purpose, the court and the court reporter shall enter a written agreement which must, at a minimum, designate the following:

- (a) The reasonable market rate for the use of equipment, work space and supplies,
- (b) The method by which records are to be kept for court use of equipment, work space and supplies, and
- (c) The method by which the court reporter is to reimburse the court for the use of the equipment, workspace and supplies.

(2) If a court reporter elects to engage in private practice through the recording of a deposition and/or preparing of a deposition transcript, all such private practice work shall be conducted outside of regular working hours.

ADOPTED at Cass County, Indiana, this 13th day of April 2004.

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JUDGE, CASS SUPERIOR COURT 1

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JUDGE, CASS SUPERIOR COURT 2