

**IN THE
SUPREME COURT OF INDIANA**

THE MATTER OF THE)	
)	Case No. 18S00-9812-MS-788
APPROVAL OF LOCAL RULES)	
)	
FOR DELAWARE COUNTY)	

**ORDER APPROVING AMENDED LOCAL RULE
ADOPTED PURSUANT TO ADMINISTRATIVE RULE 15**

The judges of the Delaware Circuit Court have forwarded for approval by this Court an amendment to the local rule for the regulation of court reporter services in accordance with Ind. Administrative Rule 15. Such amendment for Delaware County is set forth as an attachment to this order. This Court finds that the amendment should be approved.

IT IS, THEREFORE, ORDERED, ADJUDGED, AND DECREED by this Court that the *Rule*, approved December 17, 2003, by the judges of the Delaware Circuit adopting *Local Rule 10-2003, In re: Public Defender Secretarial Fees* is approved.

The Clerk of this Court is directed to forward a copy of this order to all judges in the Delaware Circuit Court and the Clerk of such court.

The Clerk of the Delaware Circuit Court is directed to enter this order in the Record of Judgments and Orders for such court and post this order for examination by the Bar and general public of Delaware County.

DONE at Indianapolis, Indiana, this 29TH day of January, 2004.

FOR THE COURT

Randall T. Shepard
Chief Justice of Indiana

STATE OF INDIANA)
) SS: IN THE DELAWARE COUNTY CIRCUIT COURT
COUNTY OF DELAWARE) 2003 TERM

In Re: Public Defender Secretarial Fees

Local Rule 10-2003

The Board of Judges of the Delaware County Circuit Court, Indiana hereby adopt the following local rule (amending Local Rule 1-2003) by which public defender secretarial services shall be governed, effective October, 15, 2003.

Section One. Definitions

The following definitions shall apply under this local rule:

- (1) *Equipment* means all physical items owned by the court or other government entity and used by a public defender secretary in performing public defender secretarial services. Equipment shall include, but not be limited to, telephones, copy machines, fax machines, computer hardware, software programs, discs, tapes and any other device used for recording, storing and transcribing electronic data.
- (2) *Work space* means that portion of the court's facilities dedicated to each county employed public defender secretary, including but not limited to actual space in any designated office space.
- (3) *Page* means the page unit of a brief which results when prepared in the form required by Indiana Rules of Appellate Procedure.
- (4) *Regular hours worked* means those hours which the public defender's office is regularly

scheduled to work during any given work week.

(5) *County indigent brief* means a brief 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.

(6) *Expedited* means briefs which are requested to be completed within three (3) days.

(7) *Rush/Overnight* means briefs which are requested to be completed within twenty-four (24) hours.

Section Two. Salaries and Per Page Fees.

(1) Public Defender Secretaries shall be paid an annual salary for time spent working under the control, direction and direct supervision of the Board of Judges during any regular work hours.

(2) Maximum per page fee public defender secretaries may charge for the preparation of county indigent appearances, Notice of Appeal, Appellant's Case Summary, motions, cover pages, briefs, petitions, additional authorities, authorizations, affidavits, cover letters, and verifications shall be **Four Dollars (\$4.00)** per page.

(3) Maximum per page fee for an "expedited" brief or petition (preparation within three (3) days) on a county case shall be **Six Dollars (\$6.00)** per page.

(4) The **maximum** per page fee for a "rush/overnight" brief or petition (preparation within twenty-four (24) hours or less) shall be **Seven Dollars (\$7.00)** per page.

(5) a. Appellate Rule 50 (B) shall be followed in regard to the appendix in a criminal appeal.

b. The **maximum** per page fee a public defender secretary may charge shall be **twenty-five cents (\$.25)** for copies. Service of Documents, Appellate Rule 24 (A) shall apply.

c. The **maximum** number of copies charged for Briefs on a criminal appeal shall be limited to ten (10) copies.

d. Copies produced on behalf of the public defender or client shall not be charged to the court.

(6) a. Appellate Rule 50 (A) shall be followed specifically in regard to the appendix in pauper civil cases.

b. The **maximum** per page fee of **twenty-five cents** (\$.25) for copies in civil cases shall be charged for those items needed as set out in Appellate Rule 50 (A). Service of Documents, Appellate Rule 24 (A) shall apply.

c. The **maximum** number of copies charged for Briefs on civil appeal shall be limited to ten (10) copies.

d. Only where it may apply in the appeal, copies of exhibits to be attached to the appendix as specified in Appellate Rule 50 (A), shall be charged at fifty cents (\$.50) PER exhibit.

e. Copies produced on behalf of the public defender or the client shall not be charged to the court.

(7) An additional labor charge approximating the hourly rate based upon the public defender secretary's annual fixed compensation as reflected in the court budget, may be charged for the time spent verifying, by the county public defender's office, the appendix (as outlined in Appellate Procedure Rule 50-B (f)). The labor charge shall NOT exceed three (3) hours, unless unusual circumstances permit the submission of a recapitulation enumerating the hours spent beyond the three (3) hour base.

(8) An additional labor charge approximating the hourly rate based upon the public defender secretary's annual fixed compensation as reflected in the court budget, may be charged for the time spent binding and numbering of the appendix. The labor charge shall NOT exceed two (2) hours, unless unusual circumstances permit the submission of a recapitulation enumerating the hours spent beyond the two (2) hour base.

(9) An additional labor charge approximating the hourly rate based upon the public defender secretary's annual fixed compensation as reflected in the court budget, may be charged for the time spent binding of the brief. The labor charge shall not exceed two (2) hours, unless unusual circumstances permit the submission of a recapitulation enumerating the hours spent beyond the two (2) hour base.

(10) An additional labor charge approximating the hourly rate based upon the public defender secretary's annual fixed compensation as reflected in the court budget, may be charged for the time spent preparing for shipment and delivery to appropriate place for shipment. The labor charge shall not exceed one (1) hour, unless unusual circumstances permit the submission of a recapitulation enumerating the hours spent beyond the one (1) hour base.

(11) An additional labor charge approximating the hourly rate based upon the public defender secretary's annual fixed compensation as reflected in the court budget, may be charged for the time spent traveling to and from the Clerk of the Court of Appeals. The labor charge shall not exceed three (3) hours, unless unusual circumstances permit the submission of a recapitulation enumerating the hours spent beyond the three (3) hour base.

(12) A charge per mile for mileage at the current rate set by the county may be charged for one-hundred thirty (130) miles round trip to and from the Clerk of the Court of Appeals.

(13) The preparation of *any* brief for payment shall not be performed during regular work hours, including but not limited to, transcribing, copying, or other functions related to the compilation of the brief.

Section Three. Supplies

(1) All supplies for *county indigent appeals and depositions*, i.e. transcript paper, binders

and copy paper shall be provided through the court system's office supply account for the public defender secretaries.

It is Agreed among the Judges of the Delaware County Court System that the foregoing Local Rule shall be adopted this 17th day of December, 2003, and shall prevail over prior Rules for Public Defender Secretaries.

Marianne Vorhees, Judge
Delaware Circuit Court No. 1

Richard A. Dailey, Presiding Judge
Delaware Circuit Court No. 2

Robert L. Barnet, Judge
Delaware Circuit Court No. 3

John M. Feick, Judge
Delaware Circuit Court No. 4

Wayne J. Lennington, Judge
Delaware Circuit Court No. 5