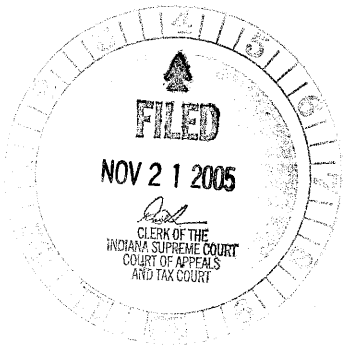
In the
Indiana Supreme Court



IN THE MATTER OF THE	)	
	)	**Case No. 27S00-0511-MS-**
APPROVAL OF LOCAL RULES	)	
	)	
FOR CLARK COUNTY	)	

ORDER APPROVING AMENDED LOCAL RULE ADOPTED PURSUANT TO ADMINISTRATIVE RULE 15

The Hon. Daniel F. Donahue, Judge of the Clark Circuit Court, and the Hon. Jerry Jacobi, the Hon. Cecil A. Blau and the Hon. Steven M. Fleece, Judges of the Clark Superior Courts, have forwarded for approval by this Court an amendment to the local rule governing the regulation of court reporter services in accordance with Ind.Administrative Rule 15. Such amendment for Clark County is set forth as an attachment to this order.

Upon examination of the proposed rule amendment requested by the Clark Circuit and Superior Courts, this Court finds that the proposed rule amendment to Local Rule 27-AR15-3 complies with the requirements of Ind.Administrative Rule 15, and, accordingly, should be approved effective thirty (30) days after the rule has been posted in the county clerk's office(s) and on the county clerk's website, if any, and on the Indiana Judicial Website.

IT IS, THEREFORE, ORDERED by this Court that Clark County Local Rule 27-AR15-3, set forth as an attachment to this Order, is approved effective thirty (30) days after the rule has been posted in the county clerk's office(s) and on the county clerk's website, if any, and on the Indiana Judicial Website.

The Clerk of this Court is directed to forward a copy of this Order to the Hon. Daniel F. Donahue, Clark Circuit Court, 501 East Court Avenue, Jeffersonville, IN 47130-4029; the Hon. Jerry F. Jacobi, Clark Superior Court, 501 East Court Avenue, Jeffersonville, IN 47130-4029; the Hon. Cecile A. Blau, Clark Superior Court, 501 East Court Avenue, Jeffersonville, IN 47130-4029; the Hon. Steven M. Fleece, Clark Superior Court, 501 East Court Avenue, Jeffersonville, IN 47130-

4029, and to the Clerk of the Clark Circuit Court.

The Clerk of the Clark Circuit Court is directed to enter this Order and attachment in the Record of Judgments and Orders for the Courts, to post this Order and attachment for examination by the Bar and the general public, and if available, to publish this Order and attachment on the county clerk's website.

DONE at Indianapolis, Indiana, this 21st day of November, 2005.

FOR THE COURT

RT Shepard

Randall T. Shepard
Chief Justice of Indiana

ORDER AMENDING LOCAL RULES OF PRACTICE
FOR THE CIRCUIT AND SUPERIOR COURTS
6TH JUDICIAL CIRCUIT, CLARK COUNTY, INDIANA

Pursuant to the requirements of Administrative Rule 15 and Trial Rule 81 of the Indiana Rules of Trial Procedure IT IS HEREBY ORDERED that the following Local Rules of Practice in the Circuit and Superior Courts of the 6th Judicial Circuit, Clark County, Indiana, numbered LR 27 be and the same is hereby amended herein.

The Courts find that pursuant to Trial Rule 81(D) good cause exists to deviate from the schedule established by the Division of State Court Administration for the adoption of the local rule amendment.

The Clerk of the Clark Circuit Court is advised to post this rule amendment in their office and on their website, if any, for a period of thirty (30) days.

SO ORDERED THIS 31ST DAY OF OCTOBER, 2005.

HON. DANIEL F. DONAHUE
Clark Circuit Court

HON. JERRY JACOBI
Clark Superior Court No. 1

HON. CECIL A. BLAU
Clark Superior Court No. 2

HON. STEVEN M. FLEECE
Clark Superior Court No. 3

LOCAL RULE 27-AR 15-3

COURT REPORTER SERVICES

(A) Definitions. The following definitions shall apply under this Local Rule.

[1] *Court Reporter* - 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.* 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.* 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.* 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.* The electronic, mechanical, stenographic, or other recording made as required by Indiana Rule of Trial Procedure 74.

[6] *Regular hours worked.* Those hours which the court si 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 each work week.

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

[8] *Overtime hours worked.* Those hours worked in excess of forty (40) hours per work week.

[9] *Work week.* 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.* The particular court for which the court reporter performs services. Court may also mean all the courts in Clark County.

[11] *County indigent transcripts.* A transcript that is paid for from the county funds and is for the use on behalf of a litigant who has been declared indigent by a court.

[12] *State indigent transcripts.* A transcript that is paid for from State funds and is for the use of a litigant who has been declared indigent by a court.

[13] *Private transcript.* A transcript, including but not limited to a deposition transcript, that is paid for by a private party.

(B) Salaries. Court reporters shall be paid an annual salary for regular hours spent working under the control, direction and direct supervision of the Court. Said salary shall be determined annually by the Court and shall be paid as other County salaries are paid.

1. a. Regular working hours shall be 35 hours per week.
   b. Gap hours shall be hours worked in excess of 35 hours but not in excess of 40 hours per week.
   c. Overtime hours shall be hours worked in excess of 40 hours.
2. That for any gap or overtime hours worked, the Court and the Court Reporter shall enter into a written agreement whereby compensation for such work shall be as follows:
   a. Compensatory time off from regular hours shall be given in an amount equal to the number of gap hours worked, and
   b. Compensatory time off from regular work hours shall be given in the amount of one and one-half (1 ½) times the number of overtime hours worked.

C). Per Page Fees. The maximum per page fee a court reporter may charge for the preparation of a county indigent transcript shall be ~~four dollars ($4.00)~~ four dollars and fifty cents $4.50 per page. The court reporter shall submit a claim directly to the county for the preparation of any county indigent transcripts.

The maximum per page fee a court reporter may charge for the preparation of a state indigent transcript shall be ~~four dollars ($4.00)~~ four dollars and fifty cents $4.50 per page.

The maximum per page fee a court reporter may charge for the preparation of a private transcript shall be ~~four dollars ($4.00)~~ four dollars and fifty cents ($4.50) per page.

If the Court Reporter is requested to prepare an expedited transcript, the maximum per page fee shall be ~~$7.00~~ $7.50 per page where the transcript must be prepared within 24 hours of less and ~~$5.50~~ $6.00 per page where the transcript must be prepared within three working days. Index and Table of Contents will be charged at the same rate as the other pages.

(D) Minimum fee. A minimum fee of ~~forty dollars ($40.00)~~ forty-five dollars $45.00 will be charged for transcripts less than ten (10) pages in length.

(E) Binding and Disk Fees. An additional fee shall be added to the costs of the transcript fee for:

1. The time spent binding the transcript and the exhibit and index and index volumes at an hourly rate based on the Court Reporter's hourly rate.

2. The costs of office supplies required and utilized for finding and transmission of the transcript pursuant to the Indiana Rules of Appellate Procedure 28 and 29. Said costs shall be pursuant to a Schedule of Transcript Supplies established and published annually by the courts.

F. Annual Report Requirement. 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 Court Administration.

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

If a court reporter engages in such private practice 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 into a written agreement which must, at a minimum, designate the following:

[1] the reasonable market rate for the use of equipment, work space and supplies;
[2] the method by which records are to be kept for the use of equipment, work space and supplies; and
[3] the method by which the court reporter is to reimburse the court for the use of the equipment, work space and supplies.

H. Disk as Official Record. Upon the filing of a written request or praecipe for transcript, the court reporter shall transcribe any court proceeding requested and produce an original paper transcript along with an electronically formatted transcript. Multiple disks containing the electronically formatted transcript shall be prepared and designated as "Original Transcript" "Court Reporter's Copy" and "Court's Copy." Each disk shall be labeled to identify the case number, the names of the parties, the date completed, the court reporter's name, and the disk number if more than one disk is required for a complete transcript. The court's copy of the electronic transcript shall become the official record of the court proceeding, in lieu of a paper copy of the transcript, and shall be retained in the court where said proceeding was held. The court reporter's copy shall by retained by the court reporter. The original paper transcript along with the disk designated as the original transcript shall be forwarded to the Clerk if the transcript was prepared for purposes of appeal.. If the transcript was not prepared for purposes of appeal, the original paper transcript shall be delivered to the requesting party.