



In the
Indiana Supreme Court

IN THE MATTER OF THE)
) Case No. 79S00-⁰¹⁰³-MS-115
APPROVAL OF LOCAL RULES)
)
FOR TIPPECANOE COUNTY)

ORDER APPROVING AMENDED LOCAL RULES

The judges of the Tippecanoe Circuit and Superior Courts request the approval of amended local rules: for caseload allocation in accordance with Ind. Administrative Rule 1(E), and court reporter services in accordance with Ind. Administrative Rule 15. Attached to this Order are the proposed amended local rules.

Upon examination of the proposed rule amendments requested by the Tippecanoe Circuit and Superior Courts, this Court finds that the proposed rule amendments, LR79-AR1(E)-1 and LR79-AR15-1, comply with the requirements of Ind. Administrative Rule 1(E), and Ind. Administrative Rule 15 and accordingly, should be approved.

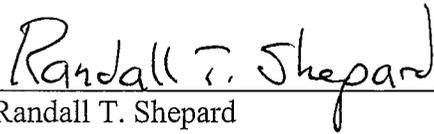
IT IS, THEREFORE, ORDERED by this Court that Tippecanoe County Local Rules, LR79-AR1(E)-1 and LR79-AR15-1, set forth as an attachment to this Order, are approved effective January 1, 2007, provided further that the rules shall be posted in the county clerk's office(s) and on the county clerk's website, 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. Donald L. Daniel, Tippecanoe Circuit Court, 301 Main Street, Lafayette, IN 47901-1354; the Hon. Donald C. Johnson, Tippecanoe Superior Court, 301 Main Street, Lafayette, IN 47901-1354; the Hon. Thomas H. Busch, Tippecanoe Superior Court, 301 Main Street, Lafayette, IN 47901; the Hon. Loretta H. Rush, Tippecanoe Superior Court, 301 Main Street, Lafayette, IN 47901-1354; the Hon. Gregory J.

Donat, Tippecanoe Superior Court, 301 Main Street, Lafayette, IN 47901-1363; the Hon. Les A. Meade, Tippecanoe Superior Court, 301 Main Street, Lafayette, IN 47901-1354; the Hon. Michael A. Morrissey, Tippecanoe Superior Court, 301 Main Street, Lafayette, IN 47901; and to the Clerk of the Tippecanoe Circuit Court, and to post this Order on the Court's website dealing with local rule amendments.

The Clerk of the Tippecanoe 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 16th day of March, 2007.



Randall T. Shepard
Chief Justice of Indiana

TIPPECANOE COUNTY LOCAL RULES OF COURT

LR79-AR1(E)-1 County Caseload Plan

This Rule incorporates by reference the current caseload allocation plan for Tippecanoe County, as approved by the Indiana Supreme Court. The plan is subject to review every two (2) years. As of the date of the Order adopting these Rules, and subject to any modifications which may subsequently be made, the plan reads as follows:

1. All cases wherein the most serious charge alleged is Murder, a Class A, B, or C felony and those Class D felonies set forth in paragraph 2 below shall be assigned to Tippecanoe Circuit Court, Superior Court of Tippecanoe County, and Superior Court No. 2 of Tippecanoe County, on a random basis according to the following ratio:

<u>Court</u>	<u>Ratio</u>
Tippecanoe Circuit Court	2
Superior Court of Tippecanoe County	4
Superior Court No. 2 of Tippecanoe County	4

2. Class D felony cases assigned to Tippecanoe Circuit Court, Superior Court of Tippecanoe County, and Superior Court No. 2 of Tippecanoe County are as follows:

I.C. 35-42-2-1 (a) (2) (B)	Battery on a Child
I.C. 35-42-4-4 (b) (1) and (2)	Possession of Child Pornography; Child Exploitation
I.C. 35-42-4-5 (a)	Vicarious Sexual Gratification
I.C. 35-42-4-6	Child Solicitation
I.C. 35-42-4-7	Child Seduction
I.C. 35-42-4-9 (b)	Sexual Misconduct With a Minor
I.C. 35-49-3-3	Dissemination of Matter Harmful to Minors
I.C. 35-46-1-4	Neglect of a Dependent
I.C. 35-43-1-1 (d)	Arson
I.C. 35-48-4-4	Dealing in Schedule V Controlled Substance
I.C. 35-48-4-6	Possession of Cocaine or Narcotic Drug (not including residual amounts in paraphernalia, unless any habitual enhancement applies)
I.C. 35-48-4-7	Possession of Controlled Substances, Schedule I, II, III, IV, or V with

I.C. 35-48-4-10 (b)	more than 10 pills/or dosage units alleged
I.C. 35-48-4-11	Dealing in Marijuana Possession of Marijuana, with more than 50 grams alleged
I.C. 35-48-4-11	Possession of Marijuana with a prior conviction if any habitual enhancement is applicable

3. Where it is alleged that defendants, jointly commit a crime or crimes, their cases shall be filed together in the same court.
4. Superior Court No. 3 of Tippecanoe County exercises juvenile jurisdiction and will not receive filings of felony ~~and~~ or misdemeanor cases. A case wherein juvenile jurisdiction is waived may be assigned to a court by agreement of the parties. In the absence of such agreement, the case shall be filed in accordance with the Local Rule on ~~Case~~ Assignments of Criminal Cases.
5. All Class D felonies, misdemeanors, and infractions alleging a violation of Indiana Code Title 9, Traffic Code, shall be assigned to Superior Court No. 6 of Tippecanoe County.
6. All Class D felonies, misdemeanors, and infractions alleging violation of Indiana Code Title 35, Article, Controlled Substances, and not set forth in paragraph 2 above, shall be filed in Superior Court No. 4 of Tippecanoe County. Glue Sniffing in violation of Indiana Code 35-46-6-2 shall be filed in Superior Court No. 4 of Tippecanoe County.
7. All remaining Class D felonies, misdemeanors, and infraction cases not specifically set forth above shall be filed in Superior Court No. 5 of Tippecanoe County.

~~TRANSFER~~

8. A judge, by appropriate order ~~entered on the Record of Judgments and Order~~, may transfer and reassign to any other court of record in the county, any pending case, subject to acceptance by the receiving court.
9. A case transferred to Tippecanoe County by reason of change of venue from another county may be assigned to a court by agreement of the parties. In the absence of such an agreement, the case shall be filed in accordance with this Local Rule on Case Assignments.

~~REFILING AND SUBSEQUENT FILINGS~~

10. When the State of Indiana dismisses a case and chooses to re-file that case, the case shall be assigned to the court from which dismissal was taken.

REASSIGNMENT

11. In the event a change of judge is granted pursuant to Indiana Criminal Rule 12 or it becomes necessary to assign another judge in any felony or misdemeanor proceeding, the case shall be returned to the Clerk of court for random selection of another court from among all the courts in Tippecanoe County. On selection, the case shall be reassigned by the Clerk to the selected court.

APPOINTMENT OF SPECIAL JUDGE

12. In the event no judge is available for assignment or reassignment of a felony or a misdemeanor case, such case shall be certified to the Indiana Supreme Court for the appointment of a special judge. In the event the judge presiding in a felony or misdemeanor case concludes that the unique circumstances presented in such proceeding require appointment by the Indiana Supreme Court of a special judge, the presiding judge may request the Indiana Supreme Court for such appointment.

LR79-AR15-1 Court Reporter Services

~~The undersigned courts comprise all of the courts of record of Tippecanoe 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 and 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, and includes the index and table of contents pages.
- (5) Recording means the electronic, mechanical, stenographic, digital, 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 each 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) *Workweek* 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 Tippecanoe 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 state 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 for 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) Court reporters may contract to prepare transcripts outside the hours in which their attendance is required and outside hours they perform other work pursuant to their employment relationship.

(a) The maximum per page fee a court reporter may charge for the preparation of a county indigent transcript shall be \$4.00; the court reporter shall submit a claim to the ancillary court reporter, who shall submit the claim to the county for the preparation of any county indigent transcripts. The ancillary court department shall have the responsibility of maintaining the budget for county indigent transcripts.

(3) The maximum per page fee a court reporter may charge for the preparation of a state indigent transcript shall be \$4.00. The court reporter shall submit the invoice for state indigent transcripts directly to the state.

(4) The maximum per page fee a court reporter may charge for the preparation of a private transcript shall be \$4.00. The court reporter shall submit the invoice for private transcripts directly to the attorney requesting the transcription. A deposit in the amount of the estimated work shall be required from the attorney making a private transcript request.

(5) The per page fee for expedited transcripts shall be \$6.50 with 24 hours notice and \$5.00 with three (3) days notice.

(6) An additional labor charge may be assessed in the amount of the court reporter's hourly rate based upon the court reporter's annual court compensation or \$15.00 per hour, whichever is greater, for the time spent binding the transcript and the exhibit binders. An additional charge shall be assessed for the office supplied required and utilized for the binding and the electronic transmission of the transcript, pursuant to Indiana Rules of Appellate Procedure 28 and 29,

pursuant to a Schedule of Transcript Supplies published annually by the Judges of the County.

(7) 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.

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 into 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 the 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, work space 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.