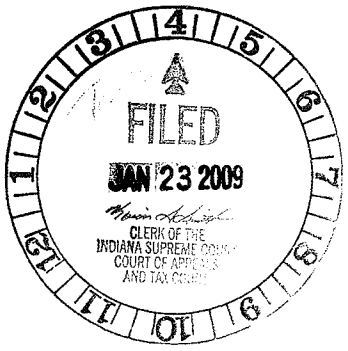
In the
Indiana Supreme Court



IN THE MATTER OF THE	)	
	)	
APPROVAL OF LOCAL RULES	)	Case No. 01S00-0901-MS- 27
	)	
FOR ADAMS COUNTY	)	

ORDER APPROVING AMENDED LOCAL RULE

The Judges of the Adams Circuit and Superior Courts request the approval of an amended local rule for court reporter services in accordance with Ind. Administrative Rule 15. Attached to this Order is the proposed amended local rule.

Upon examination of the proposed rule amendment requested by the Adams Circuit and Superior Courts, this Court finds that the proposed rule amendment, LR01-AR15-01 complies with the requirements of Ind. Administrative Rule 15, and, accordingly, should be approved and 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 amended Local Rule LR01-AR15-01 for Adams County Courts, set forth as an attachment to this Order, is approved retroactive to January 1, 2009. The Clerk of this Court is directed to post a copy of the amended rule on the Indiana Judicial Website. The Clerk of this Court is further directed to forward a copy of this Order to the Hon. Patrick R. Miller, Adams Superior Court, P.O. Box 569, Decatur, IN 46733-0569; the Hon. Frederick A. Schurger, Adams Circuit Court, P.O. Box 610, Decatur, IN 46733-0610; and to the Clerk of the Adams Circuit Court.

The Clerk of the Adams 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 23rd day of January, 2009.

RT Shepard

Randall T. Shepard
Chief Justice of Indiana

LR01-AR15-01 *Definitions*: The Court adopts the definitions indicated in

Administrative Rule 15, which are set forth below:

(a) *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.

(b) Equipment means all physical items owned by the court or other government 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.

(c) *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.

(d) *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.

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

(f) *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 and county to county, but remain the same for each work week.

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

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

(i) *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, and Friday through Thursday.

(j) *Court* means the particular court for which the court reporter performs services. Depending upon the county, *Court* may also mean a group of courts, i.e. "X county Courts".

(k) *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. The county indigent transcript will also include any requests from the Local Prosecutor's Office.

(l) *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.

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

LR01-AR15-02 *Annual Salary:* Each Court Reporter shall be paid an annual salary for the time spent working under the control, direction and direct supervision of the Court during any regular work hours or overtime hours. Said salary shall be set by the Court each year and incorporated in the county salary ordinance.

LR01-AR15-03 *Indigent transcripts:* Considering the past experience of the Courts, it is anticipated that most indigent transcripts will be required to be prepared at a time other than regular work hours. For any such transcripts prepared by the Court Reporter at a time other than regular work hours, said Court Reporter shall be paid a per page fee of ~~$4.00~~ $4.50 per page. For these services, the Court Reporter shall submit a claim directly to the county for any county indigent transcript and shall submit a claim to the state for any state indigent transcripts. If any indigent transcript is prepared during regular work hours, the Court Reporter shall be paid the regular salary and no per page fee shall be submitted or allowed.

If Court Reporter is requested to prepare an expedited transcript, the maximum per page fee shall be ~~$7.50~~ $8.00 per page where the transcript must be prepared within 24 hours or less and ~~$7.00~~ $7.50 per page where the transcript must be prepared within 7 days. A minimum fee of ~~$40.00~~ $45.00 will be charged for transcripts less than 10 pages in length. The time spent binding the transcript, exhibit and index volumes will be at an hourly rate of what the employee earns at an hourly rate. The Court Reporter may charge up to $1.00 per page for a copy of a transcript or an exhibit.

LR01-AR15-04 *Private transcripts*: Considering the past experience of the Courts, it is anticipated that most private transcripts will be required to be prepared at a time other than regular work hours, just as is done with indigent transcripts mentioned above. Therefore, for any such private transcripts prepared by the Court Reporter at a time other than regular work hours, said Court Reporter shall be paid a per page fee of ~~$4.00~~ $4.50 per page. The Courts do not anticipate that said private transcripts will be prepared during work hours, but if this does occur, the Court Reporter shall be paid regular salary and the per page fee of ~~$4.00~~ $4.50 shall be paid to the county.

If Court Reporter is requested to prepare an expedited transcript, the maximum per page fee shall be ~~$7.50~~ $8.00 per page where the transcript must be prepared within 24 hours or less and ~~$7.00~~ $7.50 per page where the transcript must be prepared within 7 days,. A minimum fee of ~~$40.00~~ $45.00 will be charged for transcripts less than 10 pages in length. The time spent binding the transcript, exhibit and index volumes will be at an hourly rate of what the employee earns at an hourly rate. The Court may charge up to $1.00 per page for a copy of a transcript or an exhibit.

LR01-AR15-05 Each Court Reporter shall submit a report, at least on an annual basis to the Indiana Supreme Court Division of State Administration, on forms prescribed by the Division, all transcript fees (either county indigent, state indigent or private) received by the Court Reporter.

LR01-AR15-06 *Gap and overtime hours*: The Court Reporters in the Adams County Courts work 40 hours per week and, therefore, there is no "gap time". Over-time hours shall be paid at one and one-half (1 ½) times the equivalent of the hourly rate or as

prescribed by county government rules, ordinances, or by state statute. Over-time also may be compensated by compensatory time and said compensatory time shall be utilized within 180 days of the approval of said time. (The Court recognizes that the county might require use of compensatory time in the week following its accrual, but such a requirement cannot be utilized by the Court. For example, a week long jury trial might require extensive over-time, but the jury trial might also delay many hearings and trials to the following week when the presence of the Court Reporter is absolutely necessary and, therefore, compensatory time, to be effective, must be utilized at a later date). Any overtime that is satisfied by compensatory time shall be one and a half times the hours worked overtime, for example, four hours overtime would be compensated by six hours of time off regular work hours.

LR01-AR15-07 *Use of equipment:* The Courts recognize that relatively few transcripts are prepared by a Court Reporter during the course of a year. The Courts also recognize that depositions for private individuals other than Court related transcripts are not prepared by the Court Reporters. Therefore, it is not feasible for the Court Reporters to purchase machines, other equipment, paper, etc. for the preparation of transcripts, depositions and other matters. These transcripts are prepared by the Court Reporter solely in the official capacity as Court Reporter. Therefore, the "per page" charge which is set forth above anticipates that the Court Reporter is entitled to utilize the equipment and materials of the Court and that the compensation is, therefore, solely for the Court Reporter's labor.

Copies: Copies of this rule shall be provided to all present court reporters and any court reporter who is hired by the Court subsequent to the date of this order. Likewise, an executed copy of this order shall be forwarded to the Indiana Supreme Court for approval all in accordance with Administrative Rule 15.