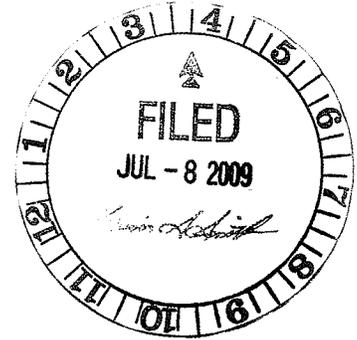


In the  
Indiana Supreme Court



IN THE MATTER OF THE )  
 )  
APPROVAL OF LOCAL RULES )  
 )  
FOR MARSHALL COUNTY )

Case No. 50S00-0907-MS- 315

ORDER APPROVING AMENDED LOCAL RULE

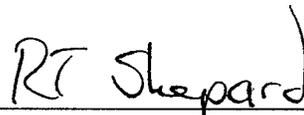
The Judges of the Marshall Circuit and Superior Courts request the approval of an amended local rule for court reporter services in accordance with Ind. Administrative Rule 15. Attached to this Order is the proposed amended local rule.

Upon examination of the proposed rule amendment requested by the Marshall Circuit and Superior Courts, this Court finds that the proposed rule amendment, LR50-AR-15-MLR-016 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 at least thirty (30) days prior to taking effect on January 1, 2010.

IT IS, THEREFORE, ORDERED by this Court that amended Local Rule LR50-AR-15-MLR-016 for Marshall County Courts, set forth as an attachment to this Order, is approved effective January 1, 2010. The Clerk of this Court is further directed to forward a copy of this Order to the Hon. Curtis Palmer, Marshall Circuit Court, 501 North Center Street, #301, Plymouth, IN 46563-1707; the Hon. Robert O. Bowen, Marshall Superior Court, 211 West Madison Street, #301, Plymouth, IN 46563-1707; the Hon. Dean A. Colvin, Marshall Superior Court, 211 West Madison Street, #301, Plymouth, IN 46563-1707; and to the Clerk of the Marshall Circuit Court. The Clerk is also directed to post this Order on the Court's website.

The Clerk of the Marshall 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 at least thirty (30) days prior to January 1, 2010.

DONE at Indianapolis, Indiana, this 8<sup>th</sup> day of July, 2009.

  
\_\_\_\_\_  
Randall T. Shepard  
Chief Justice of Indiana

**LR50-AR15-MLR-016**  
***Court Reporters***

**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 is not 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, and 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 each work week.

(7) *Gap hours worked* means those hours worked that are in excess of the regular hours worked but which are 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 Marshall 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 supervision 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) All transcripts shall be prepared outside of regular work hours.

(3) The maximum per page fee a court reporter may charge for the preparation of a county indigent transcript is Three Dollars and Fifty Cents (\$3.50) except as follows:

(a) If the transcript is requested to be prepared within twenty-four (24) hours, then the maximum per page fee is Five Dollars and Fifty Cents (\$5.50).

(b) If the transcript is requested to be prepared within seventy-two (72) hours, then the maximum per page fee is Four Dollars (\$4.50).

The court reporter shall submit a claim directly to the county for the preparation of any county indigent transcripts.

(4) The maximum per page fee a court reporter may charge for the preparation of a state indigent transcript is Three Dollars (\$3.50) except as follows:

(a) If the transcript is requested to be prepared within twenty-four (24) hours, then the maximum per page fee is Five Dollars and Fifty Cents (\$5.50).

(b) If the transcript is requested to be prepared within seventy-two (72) hours, then the maximum per page fee is Four Dollars and Fifty Cents (\$4.50).

(5) The Maximum per page fee a court reporter may charge for the preparation of a private transcript is Three Dollars and Fifty Cents (\$3.50) except as follows:

(a) If the transcript is requested to be prepared within twenty-four (24) hours, then the maximum per page fee is Five Dollars and Fifty Cents (\$5.50).

(b) If the transcript is requested to be prepared within seventy-two (72) hours, then the maximum per page fee is Four Dollars and Fifty Cents (\$4.50).

(6) 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.

(7) Minimum transcript fee shall be Thirty-five Dollars (\$35.00).

### **SECTION THREE, PRIVATE PRACTICE.**

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

### **SECTION FOUR, REIMBURSEMENT FOR USE OF EQUIPMENT.**

The court reporter shall reimburse the county for the use of county owned equipment, work space and supplies for the preparation of all transcripts, regardless of the reason for the transcript, at a rate set by the courts on an annual basis.