

In the
Indiana Supreme Court



IN THE MATTER OF THE)
)
APPROVAL OF LOCAL RULES) Case No. 78S00-0904-MS- 141
)
FOR SWITZERLAND COUNTY)

ORDER APPROVING AMENDED LOCAL RULES

The Judge of the Switzerland Circuit Court, the Hon. W. Gregory Coy, requests the approval of amended local rules for: appointment of special judges in accordance with Ind. Criminal Rule 13 and Ind. Trial Rule 79, and regulation of 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 Switzerland Circuit Court, this Court finds that the proposed rule amendments, LR78-CR-1.5, LR78-TR-3.2, and LR78-AD-4.1, comply with the requirements of Ind. Criminal Rule 13, Ind. Trial Rule 79, and Ind. Administrative Rule 15, and accordingly, should be approved.

IT IS, THEREFORE, ORDERED by this Court that Switzerland County Local Rules, LR78-CR-1.5, LR78-TR-3.2, and LR78-AD-4.1, set forth as an attachment to this Order, are approved effective April 1, 2009, provided further that the rules shall be posted in the county clerk's office(s) and on the county clerk's website, if any.

The Clerk of this Court is directed to forward a copy of this Order to the Hon. W. Gregory Coy, Switzerland Circuit Court, 212 West Main Street, Courthouse, Vevay, IN 47043 and to the Clerk of the Switzerland Circuit Court. The Clerk is also directed to post this Order on the Court's website.

The Clerk of the Switzerland Circuit Court is directed to enter this Order and attachment in the Record of Judgments and Orders for the Court, 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 8th day of April, 2009.

RT Shepard
Randall T. Shepard
Chief Justice of Indiana

LR 78-CR-1.5 SPECIAL JUDGE IN CRIMINAL CASES

Whenever a motion for change of venue from the judge has been granted pursuant to Criminal Rule 12(B), the presiding judge disqualifies himself, or it becomes necessary to assign another judge in any criminal or juvenile delinquency case in the Switzerland Circuit Court, the Clerk shall reassign said cases to the following judges in consecutive order:

Judge of the Jefferson Circuit Court;
Judge of the Ripley Circuit Court;
Judge of the Ripley Superior Court;
Judge of the Jefferson Superior Court; and
Judge of the Ohio Circuit Court.

In the event no judge listed above is eligible to serve as special judge or the particular circumstance of a case warrants the selection of a special judge by the Indiana Supreme Court, that situation shall be certified to the Indiana Supreme Court for selection of a special judge.

In the event a case is dismissed and refiled, the judge last having jurisdiction in the dismissed case shall be the judge in the new case.

LR 78-TR-3.2 SPECIAL JUDGE IN CIVIL CASES

In the event it becomes necessary to appoint a special judge pursuant to Trial Rule 79(H) of the Indiana Rules of Trial Procedure, a judge from the following list of judges shall be appointed:

Judge of the Jefferson Circuit Court;
Judge of the Dearborn Circuit Court;
Judge of the Ripley Circuit Court;
Judge of the Ripley Superior Court;
Judge of the Jefferson Superior Court; and
Judge of the Dearborn Superior Court I.

Special judges shall be appointed from this list on a rotating basis, except when such judge or judges are known to the Court of appointment to be ineligible or disqualified under Trial Rule 79.

In the event that no judge listed above is eligible to serve as a special judge or the particular circumstance of a case warrants, the matter shall be certified to the Indiana Supreme Court pursuant to Trial Rule 79(H)(3).

LR 78-AD-4.1 COURT REPORTER RULES

In accordance with Administrative Rule 15 (C), the Switzerland Circuit Court adopts Model Option One regarding fees which will be charged for the following transcripts:

1. County indigent transcripts:
 - a. Three Dollars and Fifty Cents (\$3.50) per page; one dollar and seventy five cents (\$1.75) per page for a copy;
 - b. a claim shall be submitted to the County Auditor for payment.
2. State indigent transcripts:
 - a. Three Dollars and Fifty Cents (\$3.50) per page; one dollar and seventy five cents (\$1.75) per page for a copy;
 - b. a claim shall be submitted to the County Auditor for payment.
3. Private transcripts:
 - a. Three Dollars and Fifty Cents (\$3.50) per page; one dollar and seventy five cents (\$1.75) per page for a copy;
 - b. the court reporter may request a retainer in advance;
 - c. a bill shall be submitted directly to the lawyer or party requesting the transcript; said transcript will not be released until payment in full is received.
4. Other transcripts:
 - a. in cases where a transcript is requested by member of the public (not for trial or appeal purposes), the charge will be Three Dollars and Fifty Cents (\$3.50) per page; one dollar and seventy five cents (\$1.75) per page for a copy;
 - b. the request must be submitted in writing;
 - c. a retainer will always be requested in these instances for at least fifty percent (50%) of the estimated charge.

5. The Court Reporter shall be paid an annual salary for time spent working under the control, direction and direct supervision of the Court during any regular work hours, gap hours, or overtime hours.
6. The Court Reporter shall report during the first week of December of each year to the Indiana Supreme Court Division of State Court Administration, on forms prescribed by the Division, all transcript fees (County indigent, State indigent, or Private) received by the Court Reporter.
7. The Court hereby orders that the Court Reporter may not use Court equipment or the facilities for the purpose of taking private depositions; any private recording or preparing of private depositions shall be conducted outside regular Court hours; it is further ordered that the Court shall enter into a written agreement with the Court Reporter for gap and overtime hours on the basis of compensatory time off regarding work hours.

These fees are subject to change upon due notice and amendment of this Court rule.