

In the
Indiana Supreme Court



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

Case No. 58S00-1506-MS- 385

ORDER APPROVING AMENDED LOCAL RULE

The Judge of the Ohio Circuit Court request the approval of an amended local rule for court reporter services in accordance with Indiana Administrative Rule 15. Attached to this Order is the proposed amended local rule.

Upon examination of the proposed rule amendment requested by the Ohio Circuit Court, this Court finds that the proposed rule amendment, LR58-AR-2 complies with the requirements of Indiana Administrative Rule 15, and, accordingly, should be approved.

IT IS, THEREFORE, ORDERED by this Court that amended Local Rule LR58-AR-2 for Ohio Circuit Court, set forth as an attachment to this Order, is approved effective upon the date of this Order.

DONE at Indianapolis, Indiana, on 6/16/2015.

A handwritten signature in black ink that reads "Loretta H. Rush".

Loretta H. Rush
Chief Justice of Indiana

In accordance with the requirements of Administrative Rule 15 of the Indiana Supreme Court, the following rule is hereby proposed, subject to Indiana Supreme Court approval, effective June 1, 2015.

SECTION I. DEFINITIONS

1. A "Court Reporter" is a person who is specifically designated by the 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, 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 Court Room and any 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 Trial Procedure 74.
5. "Recording" means the electronic, mechanical, 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" mean 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" mean those hours worked in excess of forty (40) 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 Dearborn 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.
14. "Expedited transcript" means a transcript requested to be completed in thirty (30) days or less.

SECTION II. SALARIES AND FEES

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 Reporter 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 of regular work hours).

A. INDIGENT TRANSCRIPTS (County and State)

1. Court Reporters shall not be entitled to bill another governmental entity, body or administrative office for the preparation of any indigent transcript except for claims for gap time or overtime compensation.
2. All indigent transcripts shall be prepared during the regular working hours of the Court. Preparation of said indigent transcripts are a regular task of the Court Reporter of the Circuit and Superior Courts. Should completion of said indigent transcripts require the Court Reporter to work beyond her normal working hours, then she shall be entitled to compensation for gap time and overtime in a manner agreed between the Court and the Court Reporter.
3. A fee of One Dollar (\$1.00) per page shall be charged for copies of indigent transcripts regardless of whether they are produced as a hard copy or on a disk.

B. PRIVATE TRANSCRIPTS

1. The maximum per page fee a Court Reporter may charge for the preparation of a private transcript shall be:
 - A. Four Dollars and Fifty Cents (\$4.50); Five Dollars (\$5.00) for expedited transcripts; Two Dollars and Twenty-five Cents (\$2.25) for a copy.
 1. These charges shall be the same regardless of whether the transcript is produced as a hard copy or on disk.
 2. An additional charge at the Court Reporter's normal hourly rate may be added for binding the transcript and exhibits.
 - B. In some instances a retainer may be requested.
 - C. A bill shall be submitted directly to the lawyer requesting the transcript, said transcript will not be released until payment in full is received.
 - D. There shall be a minimum fee of Thirty-Five Dollars (\$35.00) on all transcripts.

C. OTHER TRANSCRIPTS

1. In cases where a transcript is requested by a member of the public (not for trial Court or appeal purposes), the per page charge will be Four Dollars and Fifty Cents (\$4.50); Five Dollars (\$5.00) for expedited transcripts; Two Dollars and twenty-five Cents (\$2.25) per page for a copy.
 - A. These charges shall be the same regardless of whether the transcript is produced as a hard copy or on disk.
 - B. The request must be submitted in writing.
 - C. There shall be a minimum fee of Thirty-Five Dollars (\$35.00) on all transcripts.
 - D. An additional charge at the Court Reporter's normal hourly rate may be added for binding the transcript and exhibits.
2. A retainer will always be requested in these instances for at least fifty (50%) percent of the estimated charge.
3. 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 indigent 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.

D. PRIVATE PRACTICE

1. If a Court Reporter elects to engage in private practice through the recording of a deposition and/or preparing of a private 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's equipment for such purpose, the Court and the Court Reporter shall enter into a written agreement which must, at a minimum, designate the following:
 2. The reasonable market rate for the use of equipment, work space and supplies.

3. The method by which records are to be kept for the use of equipment, work space and supplies.
4. The method by which the Court Reporter is to reimburse the Court for the use of the equipment, work space and supplies.
5. If a Court Reporter elects to engage in private practice through the recording of a deposition and/or preparing a private transcript, all such private practice work shall be conducted outside of regular working hours. The Court Reporter shall not draw a paycheck from the county for working regular Court hours and bill for private practice work during those same working hours.
6. Said fees are subject to change upon due notice and amendment of this Court Rule.

(Amended effective June 1, 2015)