# PULASKI CIRCUIT COURT AND
# PULASKI COUNTY SUPERIOR COURT

# LOCAL COURT RULES


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## LR66-AR1-01 CASELOAD ALLOCATION

**(A) CRIMINAL, INFRACTION AND ORDINANCE VIOLATION CASES**
Criminal Cases shall be filed pursuant to LR66-CR2.2-01 (A) through (G). Except as provided in LR66-CR2.2-01 (D), all infraction and ordinance violation cases shall be assigned to the Superior Court.

**(B) JUVENILE CASES**
All juvenile cases, including paternity cases, shall be assigned to the Circuit Court.

**(C) SMALL CLAIMS CASES**
All small claims cases shall be filed in the Superior Court.

**(D) ALL OTHER CIVIL CASE TYPES**
Cases other than those mentioned in the preceding paragraphs may be filed in either Circuit Court or Superior Court, at the discretion of the filing party. However, nothing in this rule shall prohibit a judge of said Court from transferring a case from that Court to the other as allowed by statute, or rule of trial procedure, or to ensure an even distribution of judicial workload between the courts of record in the county.

**(E) RE-FILED CASES**
Except when a change of venue is necessary, whenever a case is dismissed by action of the originating party, the case, if re-filed, must be assigned to the same court that received the original case.

**(F) ANNUAL REVIEW OF CASELOAD ALLOCATION PLAN**
On or before May 1 of each year the Judge of the Circuit Court and the Judge of the Superior Court shall meet to review the Weighted Caseload Measures statistics as calculated by the Division of State Court Administration for the preceding calendar year to determine whether any changes in the caseload allocation plan should be made.

## LR66-CR 2.2-01 ASSIGNMENT OF CRIMINAL CASES PURSUANT TO CRIMINAL RULE 2.2

**(A)** All cases where in the most serious charge is Murder or a Class A, B, or C felony shall be filed in the Pulaski Circuit Court, except for charges in relation to violations of IC 9-30-10-17 (operating a vehicle after lifetime suspension), which shall be filed in the Pulaski Superior Court.

**(B)** All violations of IC 35-46-1-4 (neglect of a dependent and child selling) and 5 (non-support of a child), and as may be amended or recodified shall be filed in the Pulaski Circuit Court.

**(C)** Any misdemeanor or felony committed by a person less than eighteen (18) years of age which is currently excluded from the definition of delinquent act shall be filed in the Pulaski Circuit Court.

**(D)** Infractions committed by a person less than eighteen (18) years of age that are driving offenses involving alcohol or drugs shall be filed in the Pulaski Circuit Court. All other infractions shall continue to be filed in the Pulaski Superior Court.

**(E)** In the event a case charges both felony and misdemeanor offenses, the case shall be considered a felony for the application of this rule. Furthermore, in the event a case charges various degrees of felonies, the case shall be considered a felony of the highest degree charged for the application of this rule.

**(F)** All cases wherein the most serious charge is a Class D felony shall be assigned to the Pulaski Superior Court. All misdemeanors shall be assigned to the Pulaski Superior Court.

**(G)** Once assigned, a case cannot be reassigned to another judge if the second filing is based on the same underlying incident.

**LR66-CR2.2-02 SELECTION OF SUCCESSOR JUDGES IN CRIMINAL CASES**

Upon the granting of a change of judge or the disqualification or recusal of the judge in a felony or misdemeanor case in Pulaski Circuit Court, the case shall be assigned to the Pulaski Superior Court, but if the judge of the Pulaski Superior Court cannot accept jurisdiction of the case, the case shall be reassigned to one of the following courts on rotating basis: Cass Circuit Court, Cass Superior Court 1, Fulton Superior Court, Starke Circuit Court, Jasper Superior Court, White Circuit Court, and White Superior Court. The same procedure shall be followed if the there is a change of judge, disqualification or recusal of the judge of the Pulaski Superior Court, and if the judge of the Pulaski Circuit Court cannot accept jurisdiction, the case shall be reassigned on a rotating basis to one of the courts as described above.

**LR66-TR79-01 APPOINTMENT OF A SPECIAL JUDGE IN CIVIL CASES PURSUANT TO TRIAL RULE 79(H)**

**(a) Cases involving disqualification or recusal**

In the event a judge disqualifies and recuses under Trial Rule 79(C), and a special judge is not selected under Trial Rule 79 (D) or (E), then the clerk of the court shall appoint as special judge the other Pulaski County Judge; and if that judge does not qualify as a special judge, or a party files an objection within seven (7) days of appointment under this section, the clerk of the court shall appoint on a rotating basis a special judge from the following list of judicial officers eligible under Trial Rule 79 (J):

Starke Circuit Court Judge
Starke Circuit Court Magistrate
Jasper Circuit Court Judge
Jasper Superior Court Judge
White Circuit Court Judge
White Superior Court Judge
Fulton Circuit Court Judge
Fulton Superior Court Judge

If the judge selected to serve is disqualified, ineligible, or is excused from service, then clerk of the court shall appoint the next judge on the list. If no judge on the list is eligible to serve as special judge or the particular circumstances in the case so warrant, the then presiding judge in the case shall certify the matter to the Indiana Supreme Court for the appointment of a special judge pursuant to TR79(H)(3).

**(b) Cases involving a change of judge**

In the event a special judge selected under Trial Rule 79, Sections (D) (E) or (F) does not accept the case, then the clerk of the court shall appoint on a rotating basis a special judge from the following list of judicial officers eligible under Trial Rule 79 (J):

The other Pulaski Court Judge
Starke Circuit Court Judge
Starke Circuit Court Magistrate
Jasper Circuit Court Judge
Jasper Superior Court Judge
White Circuit Court Judge
White Superior Court Judge
Fulton Circuit Court Judge
Fulton Superior Court Judge

If the judge selected to serve is disqualified, ineligible, or is excused from service, then clerk of the court shall appoint the next judge on the list. If no judge on the list is eligible to serve as special judge or the particular circumstances in the case so warrant, the then presiding judge in the case shall certify the matter to the Indiana Supreme Court for the appointment of a special judge pursuant to TR79(H)(3).

*(Amended July 1, 2011)*

**LR66-AR 15-1 COURT REPORTER RULE**

**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.

(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* 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) *Work week* means a seven (7) consecutive day week that consistently begins and ends on the same day 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 Pulaski 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) 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 directly to the county for the preparation of any 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.
(4) The maximum per page fee a court reporter may charge for the preparation of a private transcript shall be $4.00.
(5) Each court reporter shall report, at least on an annual basis, all transcript fees received for the preparation of 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.

(*Amended effective January 1, 2011)*

**LR66-JR4-01 JURY SELECTION TWO TIER NOTICE AND SUMMONS**

Not later than seven (7) days after the date of the drawing of names from the jury pool, the jury administrator shall mail to each person whose name is drawn a juror qualification form, and notice of the period during which any service may be performed. The jury administrator may send summons at a later time. If the jury administrator sends the jury qualification form and notice first, the jury administrator shall summon prospective jurors at least one (1) week before service.