

**WARRICK COUNTY
CIRCUIT AND SUPERIOR COURTS
LOCAL RULES OF PRACTICE AND PROCEDURE**

(Updated effective July 1, 2011)

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LR87-CB-1 APPOINTMENT AND COMPENSATION OF APPOINTED PUBLIC DEFENDERS IN WARRICK COUNTY FOR 2006

Comes now the Warrick Circuit Court by Judge David O. Kelley, comes now the Warrick Superior Court No. 1 by Judge Keith A. Meier, and comes now the Warrick Superior Court No. 2 by Judge Robert R. Aylsworth. As the Commissioners of Warrick County have terminated the health insurance benefits previously extended to and provided for the appointed public defenders in Warrick County, effective January 1, 2006, as the Warrick County Council has adjusted and increased the compensation, without benefits, available for payment to the appointed public defenders, as the judges met with a majority of the public defenders on October 10, 2005, to discuss compensation available for the appointed public defenders for 2006, and believe collectively the public defenders have and will accept the compensation available and proposed, the courts find and order as follows, to wit:

1. The following attorneys shall serve as the appointed public defenders for the three courts in Warrick County, Indiana, during 2006, absent resignation by counsel or termination of an appointee by order of the courts, to wit:

Frank Hahn	C. Richard Martin
S. Anthony Long	Mark K. Phillips
Warren Mathies	J. Zach Winsett
Charles L. Martin	Dawnya Taylor (civil appointments)

2. The \$240,000 appropriated by the council to the courts, \$80,000 per court, shall be divided into eight equal shares so that each of the eight appointed public defenders shall receive the gross amount of \$30,000 for all public defender services provided to Warrick County during 2006, except for jury trials, and for which counsel shall be compensated at the rate of \$450 per day that counsel appears in the courts for jury trial.

3. No benefits, health insurance or otherwise, shall be payable or paid by Warrick County to the public defenders, and the compensation paid to the public defenders shall cover all regular overhead incurred by the public defenders, including regular office overhead, staff or secretarial compensation, or otherwise.

4. Public defenders shall obtain the consent and authority of the court having jurisdiction over the case in which the public defender is serving before incurring expenses to third parties and for which the public defender will request payment by or reimbursement from the court.

5. Prior to submitting their budget requests in or about July, 2006, for the 2007 budget year, the courts shall arrange and meet with the public defenders to discuss the adequacy of the compensation paid to the public defenders for the 2006 budget year, and what if any adjustments or increases must reasonably be made for the 2007 budget for the public defenders to continue their service as such to the Warrick County Courts.

6. While the public defenders do not agree the amounts set forth above are adequate compensation for the services they will provide to Warrick County during 2006, they understand this is the money available to the courts as provided by the council and available for payment to them during the 2006 budget year.

7. Each of the public defenders appointed for the 2006 budget year shall sign to acknowledge and accept the terms and conditions for the compensation available and to be paid by the courts and county during 2006.

IT IS THEREFORE ORDERED BY THE COURTS that the findings of the courts as set forth above shall be and are hereby made the order of the courts appointing the public defenders and fixing their compensation for 2006.

The Warrick County Courts now order:

1. Pursuant to Rule 1.6 of the Indiana Rules for Alternative Dispute Resolution and except as specifically provided in paragraph 2, before any issues in the following case types are tried before the Court on a contested basis, they shall first be submitted to mediation:

Civil Plenary	- CP & PL	Estates	- ES & EU
Civil tort	- CT	Guardianships	- GU
Mortgage Foreclosures	- MF	Trusts	- TR
Civil Collections	- CC		

Domestic Relations (including dissolutions; legal separations; grandparent visitation; actions to reduce the parenting time credit because of failure to exercise scheduled parenting time (mediation is required pursuant to Guideline 6 of the Indiana Child Support Guidelines.); and, any issues pertaining to child custody or parenting time (mediation is required pursuant to Section I.E. of the Indiana Parenting Time Guidelines.) - DR

2. The following shall not be required to be submitted to mediation in Domestic Relations (DR) cases:

- The determination or enforcement of: the amount of child support; health care including hospitalization and health insurance; or education costs for a child; however, if the action is to reduce the parenting time credit because of failure to exercise scheduled parenting time, the matter shall be submitted to mediation pursuant to Guideline 6 of the Indiana Child Support Guidelines.
- Transfer of Jurisdiction under I.C. 31-16-20.
- Award of dependency exemption for a child.
- Initial proceedings to determine jurisdiction under the Uniform Child Custody Jurisdiction Law - I.C. 31-17-3.
- Emancipation of a child.
- Appointment of a GAL or CASA or determination and payment of their fees.
- Attorney fees and expenses of litigation.
- Actions under I.C. 31-16-14 for support of dependent child or spouse.
- Actions under I.C. 31-16-17 for support of parents.
- Actions to enforce the payment of fees previously ordered,

3. Pursuant to Rule 2.5 and subject to approval of the Court, the parties may agree upon any person to serve as a mediator. Absent agreement by the parties to a mediator who would not otherwise be qualified by rule to serve as such, the mediator shall have the qualifications as required by Rule 2.5 (A) for civil cases and Rule 2.5 (B) for domestic relations cases.

4. Pursuant to Rule 2.7 (E), within 10 days after the mediation, the mediator shall submit to the Court, without comment or recommendation, a report of mediation status. This report shall indicate that an agreement was or was not reached in whole or in part or that the mediation was extended by the parties. If the parties do not reach any agreement as to any matter as a result of the mediation, the mediator shall report the lack of an agreement to the Court without comment or recommendation. With the consent of the parties, the mediator's report may also identify any pending motions or outstanding legal issues, discovery process, or other action by any party which, if resolved or completed, would facilitate the possibility of a settlement. If an agreement is reached in whole or in part, it shall be reduced to writing and signed by the parties and their counsel. In domestic relations matters, the agreement shall then be filed with the Court. If the agreement is complete on all issues, a joint stipulation of disposition shall be filed with the Court. In all other matters, the agreement shall be filed with the Court only by agreement of the parties. In the event of any breach or failure to perform under the agreement, upon motion, and after hearing, the Court may impose sanctions, including entry of judgment on the agreement.

5. Should the mediator's report indicate that an agreement was not reached in whole or in part, the case or the part of the case upon which an agreement was not reached shall then be heard and determined by the Court.

6. For the parties to be excused from mediation in those cases when it is required, they must apply for and receive from the Court an order excusing them from mediation. Such orders shall not be sought as a matter of course by the parties or their counsel, and such orders shall be allowed by the Court only upon extraordinary circumstances and for good cause shown.

7. This order shall not apply to the following cases and proceedings: orders of protection; criminal; actions to enforce infractions or ordinance violations; juvenile; actions under I.C. 31-18 - Interstate Family Support Act; actions under I.C. 31-20 - Human Reproduction; mental health; reciprocal support; adoptions and adoption history; petitions for change of name; petitions for appointment of appraiser; petitions for marriage waiver; forfeitures of seized properties; habeas corpus or other extraordinary writs; such other matters as may from time to time be specified by order of the Indiana Supreme Court; matters in which there is very great public interest, and which must receive an immediate decision in the trial and appellate courts; and all claims proceedings.

8. This order shall not be waived by agreement of the parties.

9. This rule and order is effective immediately and applies to any of the above-designated case types scheduled for trial or hearing on the court's calendar more than 30 days after the entry of this order.

**MANDATORY MEDIATION OF CIVIL PLENARY,
CIVIL TORT, DISSOLUTION CASES, LEGAL
SEPARATION CASES,
AND CUSTODY ISSUES PRIOR TO TRIAL**

1. Pursuant to Rule 1.6 of the Rules for Alternative Dispute Resolution, the Warrick County Courts, Warrick County, Indiana, now orders before any civil plenary, civil tort, domestic relations dissolution or legal separation final hearing, or custody issues are tried before the Court on a contested basis that these shall first be submitted to mediation pursuant to Rule 2 of the Indiana Rules for Alternative Dispute Resolution.
2. Pursuant to Rule 2.5, subject to approval by the Court, the parties may agree upon any person to serve as a mediator in either a civil or domestic relations case. Absent agreement by the parties to a mediator who would not otherwise be qualified by rule to serve as such in the civil or domestic relations case at issue, the mediator shall have the qualifications as required by Rule 2.5 (A) for civil cases and Rule 2.5 (B) for domestic relations cases.
3. Pursuant to Rule 2.7 (E), within 10 days after the mediation, the mediator shall submit to the Court, without comment or recommendation, a report of mediation status. This report shall indicate that an agreement was or was not reached in whole or in part or that the medication was extended by the parties. If the parties do not reach any agreement as to any matter as a result of the mediation, the mediator shall report the lack of any agreement to the Court without comment or recommendation. With the consent of the parties, the mediator's report may identify any pending motions or outstanding legal issues, discovery process, or other action by any party which, if resolved or completed, would facilitate the possibility of a settlement. If an agreement is reached in whole or in part, it shall be reduced to writing and signed by the parties and their counsel. In domestic relations matters, the agreement shall then be filed with the Court. If the agreement is complete on all issues, a joint stipulation of disposition shall be filed with the Court. In all other matters, the agreement shall be filed with the Court only by agreement of the parties. In the event of any breach or failure to perform under the agreement, upon motion, and after hearing, the Court may impose sanctions, including entry of judgment on the agreement.
4. Should the mediator's report indicate that an agreement was not reached in whole or in part, the case or the part of the case upon which an agreement was not reached shall then be heard and determined by the Court.
5. This case administration order shall not be waived by agreement of the parties.
6. For the parties in either a civil or domestic relations case to be excused from attempting to settle their case issues through mediation, they must apply for and receive from the Court an order excusing the parties from mediation. Such orders shall not be sought as a matter of course by the parties or their counsel, and such orders shall be allowed by the Court only upon extraordinary circumstances and for good cause shown. In any case in which a claim or defense of funds to be paid or recipient of funds to be received, the adjuster or claims representative having authority to mediate and settle the issues involved shall personally appear and in good faith engage in the mediation process, unless excused from attending by order of the court, which such order shall be sought and granted only for good cause shown, and not routinely.

7. Pursuant to Rule 1.4 of the Indiana Rules for Alternative Dispute Resolution, this order shall not apply to the following cases and proceedings: criminal; actions to enforce infractions or ordinance violations; juvenile; forfeitures of seized properties; habeas corpus or other extraordinary writs; such other matters as may from time to time be specified by order of the Indiana Supreme Court; matters in which there is very great public interest, and which must receive an immediate decision in the trial and appellate courts; and small claims proceedings.

8. A current list of the civil mediators for this Court, which is continuously updated, may be obtained in the offices of the courts.

9. This rule is effective immediately and applies to any civil plenary case, civil tort case, domestic relations dissolution or legal separation final hearing, or contested child custody hearing, scheduled for trial on the Court's calendar more than 30 days after the entry of this local rule and case administration order.

**LR87-CR2.2-4 REASSIGNMENT OF CIRCUIT COURT CRIMINAL CASES AND
ASSIGNMENT OF 2003 CRIMINAL CASES**

Comes now the Warrick County Courts, who collectively find and order as follows:

1. That effective January 1, 2003, David O. Kelley became the elected regular Judge of the Warrick Circuit Court.
2. That prior to this, Judge Kelley served as a full time Deputy Prosecuting Attorney who regularly reviewed and or participated in the prosecution of criminal cases, misdemeanor and felony, in the Warrick Circuit Court, and he is therefore disqualified and must recuse himself from the cases in which he was earlier involved for the prosecutor's office.
3. That upon Judge Kelley's recusal in these Circuit Court felony and misdemeanor cases, they shall be returned to the office of the Clerk for draw into one of the two Superior Courts.
4. That because of the significant and substantial number of the felony cases and misdemeanor cases which shall be transferred to the Superior Courts, the Warrick County Clerk shall, pending further order of the courts, assign all felony and misdemeanor cases filed by the Prosecuting Attorney in 2003 to the Warrick Circuit Court unless the defendant who is to be charged in the case presented to the Clerk for filing already has a pending criminal matter in one of the two Superior Courts, in which case the newly filed case shall track into the Superior Court in which the defendant's prior criminal matter is pending.
5. Unless earlier terminated, or extended, by order of the Courts, this order shall expire on the 1st day of April 2003, and the filing of criminal felony and misdemeanor cases in Warrick County shall revert to the process required by Local Rules 1-5 as ordered by the Indiana Supreme Court under date of June 30, 1995.

Pursuant to the authority invested in the Courts by Indiana Trial Rule 81, the Judges of Warrick County adopt, subject to approval by the Indiana Supreme Court, Local Rule 2002-1. The Adoption of said rule is to establish an efficient, compatible procedure in compliance with the Indiana Jury Trial Rules adopted by the Indiana Supreme Court December 21, 2001, effective January 1, 2003 including Amendments of February 15, 2002, July 15, 2002 and such other amendments as maybe adopted by the Indiana Supreme Court henceforth.

ARTICLE I. PURPOSE

The purpose of this rule shall be to carry out those duties and functions as set forth in Ind. Code 33-4-5 ; Ind. Code 33-5-45.5-17; and Indiana Jury Trial Rules adopted by the Indiana Supreme Court.

ARTICLE II. GRAND JURY

- Section 1: The Warrick Circuit Court shall appoint Jury Commissioners in accordance with Lad. Code 33-4-5.
- Section 2: The Jury Commissioners shall comply with the qualifications and oath provided by said Code.
- Section 3: The Warrick Superior Courts shall use the Jury Commissioners for Grand Jury selection from the Master Jury Pool box.
- Section 4: Each Court shall, by Court order on or before November 20 of each year, designate the number to be selected for a Grand Jury pool of each respective Court for the ensuing calendar year. The standing order of each Court shall be one hundred names for the Grand Jury of each Court. The Judge of their respective Court may, by Court Order, annually increase or decrease the number to be placed in the Grand Jury Panel list of that Court.
- Section 5: The Jury Commissioners shall draw a Jury Pool Panel from the Master Jury Pool box for Grand Jury duties for each Court of Warrick County to establish an annual Grand Jury Panel list for each Court pursuant to Ind. Code 33-4-5-9.
- Section 6: Each Court Jury Administrator shall be responsible to maintain the Grand Jury Pool Panel for each respective Court under the supervision of the Judge of that Court and to summons members of the panel as directed by the Judge of that Court.
- Section 7: The Bailiff of each Court is hereby designated as the Jury Administrator of said Court. The Judge of their respective Court may, by Court Order, annually change the designated Jury Administrator and provide a copy of said order to the other Courts.
- Section 8: Any Court may utilize the Grand Jury Pool of another Warrick Court for selection of a Grand Jury panel with the consent of the other Judge.

ARTICLE III. PETIT JURY

- Section 1: Each Court of Warrick County shall implement the provisions of the Indiana Jury Trial Rules adopted and approved by the Indiana Supreme Court, together with all amendments thereto.
- Section 2: Each Judge of Warrick County hereby selects Jury Rule 4 (b) for Notice Of Selection for Jury Pool and Summons for Jury Service, which Rule provides:
- “Two tier notice and summons. 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.”
- Section 3: The Bailiff of each Court is hereby designated as the Jury Administrator of said Court. The Judge of their respective Court may, by Court Order, annually change the designated Jury Administrator and provide a copy of said order to the other Courts.
- Section 4: The Jury Commissioners shall be responsible to maintain the integrity and security of the Master Jury Pool Box .in accordance with law. Each Court Jury Administrator shall be responsible to maintain the integrity and security of that Court 's Petit Jury Pool Box.

ARTICLE IV. ASSEMBLY OF ANNUAL JURY POOL

- Section 1: The Jury Commissioners with the assistance of the Jury Administrators shall assemble a Jury Pool for placement of those names in the Master Jury Pool Box.
- Section 2: The Master Jury Pool Box shall be assembled substantially in compliance with Ind. Code 33-4-5-2 to include:
- A. The ratio of registered voters in each Commissioner District shall determine the proportionate number of names selected from each District.
 - B. The ratio of registered voters in each precinct of each District shall determine the proportionate number of voter names selected from each precinct of that District.
 - C. The ratio of Real Estate Taxable Owners and Mobile Home Taxable Owners of each Township of each District shall determine the proportionate number of names selected from Real Estate Owners list and Mobile Home Owners list.
 - D. A Supplemental list of names may be selected from telephone directories of Warrick County phone numbers. Should this supplemental list be utilized, the Jury Commissioners are not required to select from this source more than one (1) percent of the total names selected at random for the Master Jury Pool Box.

- Section 3: Each Court shall issue an order, on or before November 20th of each year, to designate the number to be drawn for a Petit Jury pool of each respective Court for the ensuing calendar year. The standing order of each Court shall be one thousand names for the Petit Jury Pool Box of each Court. The Judge of their respective Court may, by Court Order, annually increase or decrease the number to be placed in the Petit Jury Pool Box of that Court.
- Section 4: Each Jury Administrator shall maintain a Court Petit Jury Pool Box for each respective Court, and shall be responsible for the integrity and security of their Jury Pool Box.
- Section 5: The Jury Commissioners and the Jury Administrators shall draw from the Master Jury Pool Box the number of names requested by each respective Court and place those name slips into that Court's Petit Jury Pool Box.
- Section 6: Upon the order of the Judge of the Court, the Jury Administrator shall pull names from that Court Petit Jury Pool Box to establish a jury panel list for such period as determined by that Court.
- Section 7: Any Court may utilize the Petit Jury Pool of another Warrick Court for selection of a Petit Jury panel with the consent of the other Judge.

Comes now the Warrick County Courts, who respectively acknowledge, find and order as follows:

1. Effective January 2, 2001, with the mutual consent of the undersigned, each judge shall serve at general sessions of misdemeanor, infraction, ordinance violations and small claims cases, including eases filed in each of the two courts.
2. Each judge shall also serve as the judge of the other court in other cases, including but not limited to, juvenile paternity and civil plenary cases, and by consent of the courts.
3. Each judge shall have and each judge consents to the other having the authority to sit as judge of the other court in any matter as if elected as the judge of the other court, and without further consent by each being necessary or required.
4. This consent shall not authorize either judge to serve in any matter in which the judge would be disqualified from serving as such, whether by relationship to a party or otherwise, or in a case in which a judge previously presided until a motion for change of venue from that judge was filed and granted by the court, with one or more special judges then serving thereafter, absent the agreement of the parties in this latter circumstance as such in a particular cause of action.

**COUNTY PLAN FOR ALLOCATION OF JUDICIAL RESOURCES
JOINT LOCAL RULE**

Pursuant to the Indiana Supreme Court's order for development of local caseload plans, the judges of the Warrick County Courts hereby adopt, subject to the approval of the Indiana Supreme Court, this joint local rule entitled Warrick County Plan for Allocation of Judicial Resources.

This joint rule has been adopted by the Warrick County Courts after reviewing and considering the weighted caseload results as determined by the Indiana Division of State Court Administration, local custom and practice in Warrick County, the preference of the local bar to maintain the current discretionary filing system, and other relevant factors.

1. The disparity between caseloads in the three courts of general jurisdiction in Warrick County does not indicate to the three local judges that substantial changes need to be made in the current civil filing system that permits discretionary filing of civil proceedings in any of the three courts having general jurisdiction in Warrick County.
2. The local judges believe that either a mandatory filing system for certain cases in one of the three courts, or a random filing system, such as a random draw or assignment system to be maintained by the clerk of the courts, would result in significant increases in motions requesting the appointment of a special judge, with resulting administrative burdens, delays and expenses should out of county special judges be selected to serve in these cases.
3. Because no substantial disparity in caseload exists between the three courts at this time, the present discretionary filing system should be maintained in Warrick County, subject to further review upon the request of any of the three presiding judges, or upon direction by the Indiana Supreme Court upon request of one or more of the presiding judges, or upon the Supreme Court's request for such further review and consideration by the local courts.
4. On or before April 1 of each year, the judges in Warrick County shall review the weighted caseload statistics from the prior year as calculated by the Indiana Division of State Court Administration. Should, upon this review, the presiding judges of the Warrick County Courts determine that a disparity in caseloads between the courts then exists that requires a change in the current discretionary filing system for civil cases, the local judges shall agree upon a reasonable plan to address the disparity in caseload and, if no such agreement between the judges is possible, each of the judges may propose and submit a plan to the Indiana Supreme Court to reduce the caseload disparity at that time. Any such plan submitted by any presiding judge in Warrick County shall be served upon all other judges in Warrick County at the time it is sent to the Indiana Supreme Court, so the remaining judges will know the proposal made by the submitting judge.
5. Should the Indiana Supreme Court direct the Warrick County judges to address a disparity in caseloads between the Warrick County Courts, the local judges shall meet with one another to formulate a plan to reduce this disparity and, once again, if the judges are unable to agree to such a plan, each of the judges may submit his plan or proposal to the Indiana Supreme Court, and once again serve upon the other presiding judges a copy of the plan or proposal when the same is mailed to the Supreme Court for its review.

6. As part of the Warrick County Plan for Allocation of Judicial Resources, the judges and senior judges in the Warrick County Courts shall be reasonably available for the assignment of cases in District 13 consistent with the comparative utilization levels for the courts within the district as provided in the Administrative District 13 Plan for Allocation of Judicial Resources.

7. This Plan for Allocation of Judicial Resources in Warrick County, Indiana, and this joint local rule shall become effective upon approval of the same by the Indiana Supreme Court.

The Warrick County Courts, in Warrick County, Indiana, hereby adopt the following local rule by which court reporter services shall be governed.

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, 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 workweek. Depending on the particular court, these hours might vary from court to court within the county but remain the same for each workweek.
7. **Gap Hours Worked** means those hours worked that are in excess of the regular hours worked but hours not in excess of forty hours per week.
8. **Overtime Hours Worked** means those hours worked that are in excess of forty hours per workweek.
9. **Work Week** means a seven 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 Warrick 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 an 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 \$3.50 (\$4.00 if marginal notes are included by the reporter); 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 \$3.50 (\$4.00 if marginal notes are included by the reporter).
4. The maximum per page fee a court reporter may charge for the preparation of a private transcript shall be \$3.50 (\$4.00 if marginal notes are included by the reporter). Notwithstanding the above, if a court reporter agrees to a private party's request for an expedited transcript, a court reporter may charge an additional \$2.00 per page. "Expedited transcript" shall mean prepared in less than 10 days.
5. Court reporters shall be allowed to charge a minimum fee of \$35.00 per transcript.
6. The maximum per page fee a court reporter may charge for any copies made, including exhibits, shall be \$1.00. This includes a copy of a transcript provided only in electronic format. A copy in electronic format will be provided with each paid transcript upon request.
7. 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, workspace 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.

LR87-CR 2.2-9 ASSIGNMENT AND REASSIGNMENT OF CRIMINAL CASES

1. INITIAL CASE ASSIGNMENT. As used herein, the term *MONTH* for criminal case filing shall mean the following:

- | | | |
|------|----------------------|---------------------------------------|
| 1.1. | Circuit Court | JANUARY, APRIL, JULY & OCTOBER |
| 1.2. | Superior Court No. 1 | FEBRUARY, MAY, AUGUST, &
NOVEMBER |
| 1.3. | Superior Court No. 2 | MARCH, JUNE, SEPTEMBER, &
DECEMBER |

The monthly rotation will be from 12:01 a.m. on the first day of the month until midnight on the last day of the month.

2. Except as otherwise provided in these rules, all misdemeanor and felony cases shall be assigned to a Court in the monthly rotation set forth in paragraph 1.0 above on the day on which the offense alleged in the charging document or Indictment occurred. In the event of multiple offenses, the date of the earliest offense alleged in the charging document or Indictment shall control the court assignment.

3. All criminal case filings that do not allege a specific date of commission for each of the offenses charged shall be randomly assigned to the Warrick Circuit and Superior Courts. The Clerk of the Circuit and Superior Courts shall place three pieces in an opaque container marked “C”, “S-1”, or “S-2”. At the time a case is filed, the Clerk shall randomly remove one piece from the container. If the piece is marked “C”, the case shall be assigned to the Circuit Court. If the piece is marked “S-1”, the case shall be assigned to the Superior Court No. 1. If the piece is marked “S-2”, the case shall be assigned to the Superior Court No. 2. After each selection, the piece shall be returned to the container for use in the next random assignment.

4. Cases which are filed in which the offense occurred prior to the effective date of these Rules shall be assigned to a court based on the assignment schedule set forth in paragraph 1.0 above, except as set forth herein as to cases with no specific date of offense.

5. DISMISSAL, REFILEING AND SUBSEQUENT FILING: When the State of Indiana dismisses a felony or misdemeanor case that has been assigned or reassigned under these local rules, and the State of Indiana chooses to re-file that case, the case shall be assigned to the court from which the dismissal was taken. Additional criminal charges filed against a defendant who has a felony or misdemeanor charge pending shall be assigned to the court before whom such initial charge is pending. A case is “pending” if it has not been concluded or if any post-sentencing

proceeding, such as when any probation or Community Corrections revocation, appeal or motion to correct error has been filed but not been concluded.

6. CASE TRANSFERS. The Prosecuting Attorney or the defendant may move to transfer a case to another court handling a companion case, provided the judge of the receiving court will accept the transfer. Granting of the motion is discretionary, not mandatory.

7. The judges of the Warrick Circuit and Superior Courts, pursuant to statute by appropriate order entered in the Record of Judgments and Orders, may transfer and reassign to another court in the county a pending felony or misdemeanor case, provided the receiving court has jurisdiction to hear such case and will accept transfer of such matter.

8. CHANGES OF JUDGE. In the event a motion for change of judge is filed and granted pursuant to Criminal Rule 12, the Clerk shall randomly select one of the other courts with ~~local~~ jurisdiction, based upon the procedure set forth in paragraph 3 above, and the case shall be reassigned to that Court.

9. MISCELLANEOUS CRIMINAL MATTERS (MC). All Miscellaneous Criminal matters (MC), including without limitation, applications for search and arrest warrants, probable cause findings, and extraditions, shall be assigned to and filed in a court based upon the date on which the matter is presented to the court and the monthly rotation set forth in paragraph 1.0 above.

10. UNAVAILABILITY OF JUDGE. If the judge of a court to which a matter is to be presented is unavailable, then the matter may be heard by any other available judge of the Warrick Circuit or Superior Courts. However, that matter shall remain in the court to which the matter is to be presented, pursuant to the filing calendar.

11. REASSIGNMENT. In the event of the disqualification, recusal, or other change of judge, a pending felony or misdemeanor case shall be reassigned and transferred randomly to another court in the county by the method set forth in paragraph three (3) above. If the case cannot be reassigned and transferred to another court in the county, the case shall be reassigned to one of the judges from courts from contiguous counties: the Pike Circuit Court, the Spencer Circuit Court, the Gibson Circuit Court, the Gibson Superior Court, the Dubois Circuit Court, or the Dubois Superior Court. Cases shall be reassigned to judges from contiguous counties in seriatim order. Judges previously assigned to the case are ineligible for reassignment under this rule.

12. APPOINTMENT OF SPECIAL JUDGE. In the event these rules fail to assign a case, or unique circumstances presented in a particular proceeding preclude local assignment, the judge before whom the case is pending may request the Indiana Supreme Court to appoint a special judge for the case.

Comes now the Warrick County Courts, who collectively find and order as follows effective 7-1-10, unless otherwise designated:

WARRICK COUNTY DRUNK DRIVING AND DRUG COURT PROGRAM FEES

- \$50.00. per month
per referral,
not to exceed \$100.00
- per month Program fee
- \$25.00. Initial pager fee
- \$10.00. Monthly pager fee
- \$25.00. Pager replacement
- \$20.00. Drug test per drop
- \$30.00. Confirmation drug test per drop
- \$45.00. ETG test
- \$3.00. PBT alcohol test per week
- \$25.00. Datamaster test
- \$*****. Ignition interlock device **Prices determined by
device distributor

WARRICK COUNTY COURT SUBSTANCE ABUSE PROGRAM FEES

- \$400.00. CSAP program fee per referral
- \$25.00. Initial pager fee
- \$10.00. Monthly pager fee
- \$25.00. Pager replacement
- \$20.00. Drug test per drop
- \$30.00. Confirmation drug test per drop at program office
- \$45.00. ETG test
- \$3.00. PBT alcohol test per week
- \$25.00. Datamaster test
- \$*****. Ignition interlock device **Prices determined by
device distributor

LR87-TR6-11**NOTICE OF EXTENSION OF TIME IN CIVIL CASES**

Each party required to make a response to a complaint, counterclaim or cross-claim, may obtain an automatic thirty (30) day extension of time to plead or otherwise respond to such claim by filing a Notice of Extension with the Court and serving a copy of the same upon all parties. Requests for additional extensions of time must be made by motion and hearing unless agreed to by the parties.

LR87-CR00-12**LATE PAYMENTS – ADDITIONAL FEE**

(1) Any defendant found to have:

- (A) committed a crime;
- (B) violated a statute defining an infraction;
- (C) violated an ordinance of a municipal corporation; or
- (D) committed a delinquent act; and

(2) The defendant is required to pay:

- (A) court costs, including fees;
- (B) a fine; or
- (C) a civil penalty; and

(3) The defendant is not determined by the Court imposing the court costs, fine or civil penalty to be indigent; and

(4) The defendant fails to pay to the clerk the costs, fine or civil penalty in full before the later of the following:

- (A) The end of the business day on which the Court enters the conviction or judgment or designates as the day for payment.
- (B) The end of the period specified in a payment schedule set for the payment of court costs, fines and civil penalties under the rules adopted for the operation of the Court; then

The defendant shall pay an additional \$25.00 fee pursuant to IC 33-37-5-22 and the Clerk of the Court shall collect the late payment fee.

LR 87-TR79 (H)-13 Selection of a Special Judge Pursuant to Trial Rule 79(H)

Section 1- Cases involving a change of judge

In the absence of an agreement as to a particular special judge [TR 79(D)], or an agreement to have the regular sitting judge appoint a special judge [TR 79(E)], the regular sitting judge shall name a panel pursuant to TR 79(F) including, whenever possible, other Warrick County judges or full-time judicial officers. A panel shall be named including:

1. the available Warrick County judges or full-time judicial officers, and
2. judges or full-time judicial officers from courts within the administrative district as set forth in Administrative Rule 3, and
3. judges or full-time judicial officers from contiguous counties outside of the administrative district who have agreed to serve as a special judge in the court where the case is pending.

If none of the above methods produce a special judge, the clerk of the court shall select a special judge (on a rotating basis) from a list of judges or full-time judicial officers from within the administrative district eligible under Trial Rule 79(J).

In cases in which no judge or full-time judicial officer is eligible to serve as special judge or the particular circumstance of a case warrants selection of a special judge by the Indiana Supreme Court, the regular sitting judge may certify the case to the Supreme Court for appointment of a special judge.

Section 2- Cases involving recusal or disqualification of a judge

In the absence of an agreement as to a particular special judge [TR 79(D)], or an agreement to have the regular sitting judge appoint a special judge [TR 79(E)], the clerk of the court shall select a special judge (on a rotating basis) from a list of judges or full-time judicial officers from within the administrative district eligible under Trial Rule 79(J).

In cases in which no judge or full-time judicial officer is eligible to serve as special judge or the particular circumstance of a case warrants selection of a special judge by the Indiana Supreme Court, the regular sitting judge may certify the case to the Supreme Court for appointment of a special judge.

(Effective July 1, 2011)