

**PROPOSED CHANGES TO WAYNE COUNTY RULES OF CIVIL PROCEDURE
TO BE EFFECTIVE ON OR ABOUT JULY 15, 2015**

WAYNE COUNTY RULES OF CIVIL PROCEDURE

*Adopted By Wayne County Bar Association, Originally Effective October 30, 1997
Including All Amendments, Approved Effective July 15, 2015*

REVISED effective January 1, 2012

REVISED effective January 1, 2014

LR89-TR3.1-001 WITHDRAWAL OF APPEARANCE

All withdrawals of Appearance shall be in writing and by leave of court. Further, all motions or petitions for withdrawal shall be compliant with the appropriate and applicable Indiana Rule(s) of Trial Procedure. In the event that a motion or petition for withdrawal is not compliant with Indiana Rules of Trial Procedure, the Court may deny such motion or petition. The Court may deny a request for withdrawal of Appearance unless the same has been filed with the Court at least ten (10) days prior to any hearing scheduled in the cause as unreasonable or not consistent with the administration of justice. ~~Permission to withdraw shall be given only after the withdrawing attorney has given his or her client ten (10) days written notice of his or her intention to withdraw and has filed a copy of such with the court or upon a simultaneous entering of Appearance by new counsel for said client. The letter of withdrawal shall explain to the client that failure to secure new counsel may result in dismissal of the client's case or a default judgment may be entered against him, whichever is appropriate, and other pertinent information such as a pending trial setting date or any other hearing date. Such letter of withdrawal shall be sent to the client via both certified mail - return receipt requested and first class mail, postage pre-paid. The certificate of service attached to the required motion for leave to withdraw must indicate compliance with both forms of mail to the client and to all counsel of record or the request shall be denied. The court will not grant a request for withdrawal of appearance unless the same has been filed with the court at least ten (10) days prior to the trial date, except for good cause shown.~~

LR89-TR5-002 FILING

A. Filing and Submission Only to the Clerk

All papers presented for filing shall be submitted to the Clerk and not to the court.

B. Separate Motions and Order; Order by Chronological Case Summary Entry Form; Service.

Proposed orders shall be prepared and filed separately from the pleadings, petitions, motion or other papers to which they have reference.

~~Orders, either routine in nature or uncontested including, for example, those setting or continuing a hearing, shall be affected by the chronological case summary entry only, which shall contain the concise substance of the order.~~

All orders shall be accompanied with sufficient copies so that copies may be mailed to all parties.

C. Counsel to Furnish Pleadings to Special Judge

When a Special Judge who is not a Wayne County Judge is selected and qualifies in a case, copies of all filings subsequent to the qualification of such Special Judge shall be delivered in person, by mail, or by facsimile to the office of the Special Judge with certificate of forwarding same made a part of the filing.

LR89-AR12-003 FACSIMILE FILING

Facsimile filing is permitting in the Wayne Circuit and Wayne Superior Courts. If the filing requires immediate attention of the Judge, it shall be so indicated in bold letters in an accompanying transmittal memorandum. Facsimile filing must be through the Clerk's central reception number (765-973-9250). Legibility of documents and timeliness of filing is the responsibility of the sender.

Any documents filed by facsimile which seek an Order of Court must be accompanied by a copy of a proposed order. Such proposed order must contain the requesting party or attorney's facsimile number in the distribution list. If the Court adopts the proposed order and certifies that an emergency exists, the Clerk shall return such Order to sender by facsimile. Upon receipt of the Court's Order, sender shall serve it upon all parties or counsel of record by facsimile or First Class U.S. Mail and file an acknowledgment of receipt and Certificate of Service via facsimile to the Clerk's central reception number on the form below:

Cause No.

Acknowledgment and Certificate of Service:

I acknowledge receipt of the following order or request from the Court:

_____ and certify that I have served a copy of the Court's Order or request upon the following parties or counsel of record:

_____ via: facsimile transmission; First Class, U.S. Mail

Firm Name

Attorney's Name, Address & Telephone

Attorney's Number

LR89-TR06-004 MOTIONS

A. Preparation

All pleadings, motions, briefs, and other papers shall be prepared in accordance with the provisions of the Indiana Rules of Procedure.

B. Continuances and Enlargements of Time

All motions for continuance or enlargement of time (whether 1st, 2nd, 3rd, etc.) shall be made in writing, shall state whether or not opposing counsel objects to the motion, and shall state whether prior continuances or enlargements have been requested by either party and whether such prior request was granted. The Court may require any written motion for continuance or enlargement of time to be signed by the party requesting the continuance.

C. First Enlargement of Time

The first motion for enlargement of time to file a responsive pleading to a Complaint shall be granted summarily for up to forty-five (45) days. Any request for additional time beyond forty-five (45) days or a subsequent request for enlargement of time shall be at the discretion of the Court.

D. Title of Motion

All motions for continuance or enlargement of time shall denominate in the title of such motion whether it is the first, second, third, etc. motion for continuance or enlargement of time; e.g. Defendant's Second Motion For Enlargement Of Time To File Answer.

E. Proposed Orders to Accompany All Motions

All motions seeking an Order of the Court shall be accompanied by a sufficient number of proposed Orders to be executed by the Court in granting the motion. Proposed Orders continuing a matter or granting an enlargement of time shall not set forth the new date but shall leave the date blank for the Court to complete. Proposed Orders submitted to the Court shall include a list of the names and addresses of all parties or their attorneys and persons to whom the proposed Order shall be distributed. Such distribution shall include, at a minimum, the names and addresses of all parties to the action, or their respective attorneys.

F. The Certificate of Service as required by Trial Rule 5 of the Indiana Rules of Trial Procedure shall specifically set forth the names and addresses of the attorney(s), party(ies), or representative(s) to whom the document has been sent.

LR89-TR55-005 DEFAULT JUDGMENT

Upon the proper filing of a motion for default judgment pursuant to Trial Rule 55, the Court may enter default and may either: 1) enter default judgment in the amount requested if supported by proper accompanying pleadings (Affidavit of Indebtedness, etc.); or 2) set the matter for damages hearing. In the event the Court sets the matter for damages hearing, the moving party may file any Affidavit (of indebtedness or otherwise) in support of its claim for damages or judgment if said party has not already done so. In the event the Court sets the matter for damages hearing, it is not necessary that the moving party or such party's counsel attend the damages hearing. If the nonmoving party does not appear or appears and does not contest the damage or judgment amount requested, and the amount requested is supported by proper accompanying pleadings filed by the moving party, the Court may enter judgment in the amount requested. If the amount of damages or judgment is contested at the damages hearing the Court will then set the matter for further hearing at a later date and further evidence may be presented.

LR 89-TR56-006 MOTIONS FOR SUMMARY JUDGMENT

All Trial Rule 56 Motions for Summary Judgment shall be filed at least one hundred fifty (150) days prior to trial.

LR89-TR37-007 SANCTIONS

If a party who has been properly served fails to appear at a contempt hearing, the Court shall not proceed but shall, upon request by the moving party, cause to issue a Rule To Show Cause Order ordering the non-moving party into court to answer as to why he/she failed to appear and why he/she should not be held in contempt of court. If the non-moving party again fails to appear in court as ordered after being properly served with the Rule To Show Cause Order, a Writ Of Body Attachment ~~shall~~ **may** be issued for the non-moving party.

LR89-TR73-008 ORAL ARGUMENT

The granting of a motion for oral argument, unless required by the Indiana Rules Of Procedure, shall be discretionary with the Court.

LR89-TR40-009 TRIAL READINESS CERTIFICATE (TRC)

[This Rule is intentionally left blank.](#)

A. ~~TRC~~

~~Any party may request the scheduling of a bench trial by filing a Trial Readiness Certificate (TRC) that certifies that the cause is ready to be scheduled for trial, that discovery has been finalized or will be finalized by the court ordered discovery cut off date heretofore set, and that no continuance of any trial date so scheduled will be requested for the purpose of filing any pleading or motion now reasonably contemplated, pursuing further discovery proceedings, securing attendance of any witness or party, or for any reason now reasonably foreseeable.~~

B. Request of Response

~~A party filing a TRC may request that the other party file a TRC within thirty (30) days. Such request shall be made on the TRC. The party requested to file a TRC within thirty (30) days shall file a TRC within such time unless within such thirty (30) day period an application for enlargement of time showing good cause is filed.~~

C. Failure to Timely Respond

~~In the event a party requested to file a TRC within thirty (30) days fails to timely file a TRC or a motion for enlargement of time within which to file a TRC, the court may summarily proceed to schedule a pre-trial and trial date with or without a praecipe being filed by the requesting party.~~

D. Form

~~Trial Readiness Certificates (TRC's) shall be in the form set forth in Appendix "A". TRC's not in such form may be summarily denied.~~

LR89-TR16-010 PRE-TRIAL PROCEDURE

A. Setting of Pre-Trial Conference

1. *Jury Trials.* In those cases where a jury has been requested, ~~a preliminary pre-trial conference shall be set approximately six (6) months prior to the trial date. A preliminary pre-trial conference will be set upon the filing and approval by the court of an Agreed Case Management Order pursuant to Rule 11. A final pre-trial conference shall be set approximately thirty (30) to forty-five (45) days prior to the trial date.~~ An Agreed Case Management Order is required and hearings will be scheduled consistent with LR89-TR40-011.

2. *Bench Trials.* In those cases to be tried to the court, a preliminary pre-trial conference will not be set unless requested by a party or otherwise ordered by the court. Final pre-trial conference shall be set approximately thirty (30) to forty-five (45) days prior to the trial date as arranged by the Court. Additionally, a court may require an Agreed Case Management Order pursuant to LR89-TR40-011, in which case hearings shall be scheduled consistent with said Rule.

B. Filing of Pre-Trial Statements

At least forty-eight (48) hours prior to both the preliminary and the final pre-trial conferences, counsel for each party shall file Pre-Trial Statements which shall include all matters deemed important to the trial of the cause, but must include all information set forth in Paragraph "C" below.

C. Form of Pre-Trial Statement

The pre-trial statement shall contain the following statements in separate numbered Paragraphs as follows:

1. JURISDICTION. Setting forth the basis of jurisdiction.
2. STATUS OF RECORD. Setting forth the pleadings raising the issues.
3. PENDING MOTIONS AND OUTSTANDING DISCOVERY. Setting forth the motions or other matters requiring action by the Court and a concise statement as to the status of discovery.
4. STATEMENT OF POSITION. Setting forth a concise statement as to each party's position.
5. STIPULATIONS. Setting forth a concise statement of stipulated facts.
6. ISSUES OF FACT. Setting forth a statement of the issues of fact which remain to be litigated at trial.
7. ISSUES OF LAW. Setting forth a concise statement of the issues of law on which there is agreement and which remain to be litigated at trial.
8. EXHIBITS. Setting forth each exhibit which shall be presented at trial.
9. AMENDMENTS TO PLEADINGS. Setting forth a concise statement as to whether or not there are any amendments to the pleadings.
10. PROBABLE SETTLEMENT. Setting forth a concise statement as to settlement negotiations and the likelihood of settlement.
11. PROBABLE TRIAL TIME. Setting forth a concise statement as to the anticipated length of trial.
12. LIST OF WITNESSES. Setting forth a numbered list of trial witnesses which shall include each witness's address. Expert witnesses shall be so designated.

D. Failure to File Pre-Trial Statement

In the event either party should fail to timely file a Pre-Trial Statement as required by this Rule, the Court shall have the right to cancel the pre-trial conference and/or the trial or to enter appropriate sanctions against the party failing to file such Pre-Trial Statement.

E. Preliminary Pre-Trial Conference

The primary purposes of the preliminary pre-trial conference are to determine whether or not the case is ready to proceed to trial by jury as scheduled and to determine the procedure to prepare the case for trial. Once a case is determined at the preliminary pre-trial conference to be ready to proceed to jury trial as scheduled, a continuance of such date will not be granted except for extraordinary circumstances which were not reasonably foreseeable at the preliminary pre-trial conference. Such reasons shall not include the need to file further pleadings or motions, pursuing or completing further discovery, securing attendance of any witness or party, or any other reasonably foreseeable reason.

F. Final Pre-Trial Conference

The primary purpose of the final pre-trial conference are to determine the procedure to prepare the case for trial and to discuss these matters set out in Rule 16 of the Indiana Rules of Trial Procedure.

G. Attendance By Trial Counsel Required

The primary purpose of the final pre-trial conference ~~are~~ is to determine the procedure to prepare the case for trial and to discuss these matters set out in Rule 16 of the Indiana Rules of Trial Procedure. Therefore, attorneys shall appear in person for such hearings except by leave of court under extreme circumstances.

H. Pre-Trial Order

Following the pre-trial conference, a pre-trial order shall be entered in compliance with Rule 16(~~F~~) of the Indiana Rules of Trial Procedure.

I. More Than One Pre-Trial Conference

If necessary or advisable, the Court may adjourn the pretrial conference from time to time or may order additional Pre-Trial Conferences as it deems appropriate.

LR89-TR40-011 CASE MANAGEMENT CONFERENCE & ORDER AND SETTING OF PRE-TRIAL AND TRIAL DATES

A. Mandatory Case Management Conference

A case management conference shall be required in all cases where a jury trial is requested.

B. Discretionary Case Management Conference

A case management conference may be ordered in any other case upon the filing of a motion by any party or on the court's own motion.

C. Conference Procedure

Within one hundred twenty (120) days of the filing of a Complaint in those cases where a case management conference is mandatory, or within thirty (30) days after otherwise being ordered to participate in a case management conference, ~~the~~ Plaintiff shall arrange a meeting of all parties for the following purposes:

1. *List of Witnesses.* Exchange preliminary lists of witnesses known to have knowledge of the facts supporting the pleadings. The parties shall thereafter be

under a continuing obligation to advise opposing parties of other witnesses as they become known. The parties shall establish a date by which any testifying expert witness must be disclosed.

2. *Documents.* Exchange all documents which are contemplated to be used in support of the pleadings. Documents later shown to have been reasonably available to a party and not exchanged may be subject to exclusion at the time of trial.
3. *Other Evidence.* Exchange any other evidence reasonably available to obviate the filing of unnecessary discovery motions.
4. *Mediation and Settlement.* Discuss the likelihood of settlement of the action and the date, if any, by which mediation shall occur.
5. *Discovery Schedule.* Agree upon a schedule for all discovery including a date by which discovery shall be finalized and completed.
6. *Complicated Case.* Discuss whether the action is sufficiently complicated so that additional conferences may be required.
7. *Additional Parties.* Discuss the date by which any motion to join additional parties must be filed.
8. *Pre-Trial Motions.* Discuss and agree upon the dates by which any motions to dismiss, motions for summary judgment, and other motions shall be filed. It shall not be necessary to include the date for filing motions in limine as motions in limine are to be filed at least fifteen (15) days prior to trial pursuant to LR89-TR-006.
9. *Anticipated Trial Readiness Date.* Discuss the date by which the parties reasonably anticipate the case will be ready for trial.
10. *Estimated Length of Trial.* Discuss the length of time the parties reasonably anticipate the trial will take to complete.

Commentary

The court views the obligation of reasonably advancing cases on the courts' dockets to be an obligation that is mutually shared among all parties and their counsel. However, when these Rules or an issued court order require or contemplate that the parties or their counsel shall meet and confer prior to a particular court proceeding (such as a case management conference), unless otherwise stated in any such order, the court expects that the plaintiff or petitioner will take the lead in coordinating such meetings.

D. Case Management Order

Within ten (10) days after meeting, but within one hundred eighty (180) days of filing the Complaint, those attending are to file an Agreed Case Management Order setting forth:

1. The likelihood of mediation and settlement;
2. A detailed schedule of discovery for each party, including an agreed upon date by which discovery shall be completed and finalized;
3. A limitation on the time to join additional parties and to amend the pleadings;
4. A limitation on the time to file all pre-trial motions, excluding motions in limine;
5. A preliminary estimate of the time required for trial;
6. The date by which the parties reasonably anticipate the case will be ready for trial; and
7. Any other matters which the parties believe may be helpful to the Court.

E. Setting of Pre-Trial and Trial Dates In Cases Where Jury Requested

Upon the filing of an Agreed Case Management Order pursuant to this Rule, which is thereafter approved by the court, preliminary pre-trial, pre-trial, and trial dates shall be set by the ~~Wayne County Court Scheduling Office~~. The preliminary pre-trial conference shall be set approximately six (6) months prior to the scheduled trial date with the final pre-trial conference scheduled approximately thirty (30) to forty-five (45) days prior to the scheduled trial date. At the preliminary pre-trial conference, all counsel shall be prepared to discuss whether the case remains ready to proceed to trial.

In the event that a court requires an Agreed Case Management Order in a case to be tried to the court, hearings will also typically be scheduled consistent with this Rule.

LR89-TR16-012 MOTIONS IN LIMINE, JURY INSTRUCTIONS, AND JUROR QUESTIONNAIRE

A. Motions in Limine

Any Motion in Limine shall be filed so that it is actually received by the Court at least fifteen (15) days prior to trial, or longer as the Court may order.

B. Objections to Motions in Limine

Objections to any Motions In Limine shall be submitted to the Court in writing and shall be submitted at least seven (7) days prior to trial. Written objections shall be numbered and shall specify distinctly and with clarity the objectionable matter to the Motion in Limine. Each objection shall be accompanied by citations of authority.

C. Agreed Upon Fact Instruction

Counsel shall submit to the Court an agreed upon fact Instruction so that it is actually received by the Court at least fifteen (15) days prior to trial, or longer as the Court may order.

D. Proposed Jury Instructions

Counsel may submit proposed jury instructions to the Court, provided that such instructions are actually received by the Court at least fifteen (15) days prior to trial , or longer as the Court may order. Instructions covering matters occurring at the trial which could not reasonable be anticipated may be tendered and/or substituted at the conclusion of the trial. Each proposed instruction shall be accompanied by citations of authority.

E. Objections to Proposed Jury Instructions

Objections to proposed jury instructions may be submitted to the Court in writing and shall be submitted at least seven (7) days prior to trial. Written objections shall be numbered and shall specify distinctly and with clarity the objectionable matter in the proposed instruction. Each objection shall be accompanied by citations of authority.

F. Juror Questionnaires

In all cases to be tried to a jury, the Juror Questionnaire Form ~~in Appendix B~~ utilized by the court shall be used unless all parties consent to a proposed juror questionnaire which shall be tendered jointly and shall actually be received by the Court at least fifteen (15) days prior to trial, or longer as the Court may order. Any such proposed Questionnaire remains subject to approval of the Court. In no cases shall a proposed juror questionnaire be in excess of a single ~~one~~ two-sided typed 8½x11 page without leave of the Court.

LR89-AR1-013 RANDOM FILING OF CIVIL CASES

In order to provide for an even distribution of judicial workload and to ensure that the difference in utilization between any two courts of record in Wayne County does not exceed 0.40 points, based on the weighted caseload (WCL) measures system, the Wayne Circuit Court, Wayne Superior Court No. 1, Wayne Superior Court No. 2, and Wayne Superior No. 3 hereby adopt the following filing procedure for civil cases filed in Wayne County as follows:

1. All small claims (SC) cases shall be filed in Wayne Superior Court No. 3.

2. All Child In Need Of Services (JC) cases, Juvenile Delinquent (JD) cases, Termination of Parental Rights (JT) cases, Juvenile Status (JS) cases, and Guardianship cases arising out of a JC or JD (GU), shall be filed in Wayne Superior Court No. 3.
3. Agreed upon adoption (AD) cases arising out of a JC or JT case shall be filed in Wayne Superior Court No. 3.
4. All mental health (MH) cases shall be filed in a random and equal manner in Wayne Circuit Court, Wayne Superior Court No. 1, or Wayne Superior Court No. 2.
5. All Petitions seeking expungement or related relief under I.C. 35-38-5-1 et seq., I.C. 31-39-8-1 et seq. (juvenile expungement), or I.C. 35-38-9-1 et seq. and assigned a Civil Miscellaneous (MI) case number, shall be filed as follows:
 - a. Relief sought from conviction/disposition/adjudication in only one (1) prior case shall be filed in the court that originally entered judgment of conviction and entered sentencing or otherwise adjudicated or disposed of the case; and,
 - b. Relief sought from conviction/disposition/adjudication in more than one (1) prior case shall be filed in the court that entered the most recent judgment of conviction and entered sentencing or otherwise adjudicated or disposed of the case.
6. All other civil cases including, but not limited to, Civil Plenary (CP before 1/1/2002, now PL), Mortgage Foreclosure (MF), Civil Collections (CC), Civil Tort (CT), Domestic Relations (DR), Reciprocal Support (RS), Adoptions (AD) not otherwise filed in Wayne Superior Court No. 3 pursuant to Paragraph 3 above, Probate Supervised (ES), Probate Unsupervised (EU), Guardianships (GU) not arising out of a JC or JD, Trusts (TR), Protective Orders (PO), and Civil Miscellaneous (MI), excluding expungement related cases which are provided for in Paragraph 5 above, shall be filed in a random and equal manner in Wayne Circuit Court, Wayne Superior Court No. 1, or Wayne Superior Court No. 2.
7. The judges of the Wayne Circuit Court, Wayne Superior Court No. 1, and Wayne Superior Court No. 2 shall periodically review the filing patterns of civil cases and the Judges of such courts reserve the right to transfer cases in the event of a disproportionate distribution of cases in order to balance the caseload and expedite dispositions of all pending civil cases.

LR89-TR79-014 SPECIAL JUDGE SELECTION IN CIVIL CASES

When the appointment of a special judge is required under Trial Rules 76 or 79 of the Indiana Rules of Trial Procedure, the provisions of this Rule constitute the exclusive local manner for the selection of special judges in circuit and superior courts in all civil and juvenile proceedings in Wayne County. The parties may agree to the selection of a special judge in accordance with the provisions of Trial Rule 79(D) of the Indiana Rules of Trial Procedure. Absent such an agreement, the Clerk of the Wayne Circuit and Superior Courts shall assign a successor judge from the remaining Wayne County judges by random selection until no Wayne County Circuit or

Superior Court judge remains. If no Wayne County Circuit or Superior Court judge qualifies as special judge, the Clerk shall assign a special judge, in sequence, from the following list of judges, all of whom are within the administrative district within which Wayne County is a part, as set forth in Administrative Rule 3(A), or are from a contiguous county and have agreed to serve as special judge in the courts of Wayne County where the case is pending:

1. The presiding Judge of the Fayette Circuit Court;
2. The presiding Judge of the Fayette Superior Court;
3. The presiding Judge of the Franklin Circuit Court No. 1;
4. The presiding Judge of the Franklin Circuit Court No. 2;
5. The presiding Judge of the Randolph Circuit Court;
6. The presiding Judge of the Randolph Superior Court;
7. The presiding Judge of the Rush Circuit Court;
8. The presiding Judge of the Rush Superior Court; and
9. The presiding Judge of the Union Circuit Court.

The Clerk shall maintain such records as necessary to assure that selections are rotated in the above sequence.

LR89-TR00-015 ATTORNEYS FEES IN CIVIL CASES

A. General Provisions

RULE 1.5 of the Rules of Professional Conduct adopted by the Supreme Court of Indiana shall govern the awarding of attorneys fees in civil actions. All fees charged by attorneys must be reasonable. Factors which the Wayne Circuit and Superior Courts will consider in determining attorney fee awards in civil cases include:

1. The time and labor required, the novelty and difficulty of questions involved, and the skill requisite to perform the legal service properly;
2. The likelihood, if apparent to the client, that the acceptance of the particular employment will preclude other employment by the lawyer;
3. The fee customarily charged in the locality for similar legal service;
4. The amount involved and the results obtained;
5. The time limitations imposed by the client or by the circumstances;
6. The nature and length of the professional relationship with the client;
7. The experience, reputation and ability of the lawyer or lawyers performing the services.

Attorneys' fees are to be based upon those factors as set forth above and other relevant factors. At the appropriate time in the proceeding, attorneys shall submit a Verified Affidavit in support of the request for attorneys fees setting forth: facts in support of such request; a detailed list of the services and time expended on the matter to date; the amount of time expected to be expended in the future through to completion, including collection; the attorney's customary and

usual hourly fee; and all other relevant facts in support of the request. All fees, if any, shall be awarded at the time of Judgment and not at a future date unless authorized specifically by statute.

B. Mechanics Liens

In cases involving mechanics liens, the Court will find as reasonable attorney fees, unless there is evidence to the contrary, the following:

- to \$1,500.00 for the first \$10,000.00 of judgment (or any portion thereon);
- to 5% of the next \$15,000.00;
- to 3% of the next \$25,000.00;
- to 1-1/2% of the next \$50,000.00;
- to 1% of the next \$150,000.00;
- to 1/2% of everything over \$250,000.00.

The above fees shall include conferences with client, preparation of notices, complaint and summons, obtaining judgment, and reasonable collection efforts. In instances where additional fees are requested, the attorney shall file a Verified Petition/Affidavit which details the services and times expended thereon and includes those matters referred to in Rule 1.5 of the Rules of Professional Conduct.

C. Other Written Instruments Including Leases, Notes, and Contracts

In all cases where instruments provide for attorney fees, or such fees are provided for by statute, except real estate mortgage foreclosure and mechanics liens, the Court will find as reasonable attorneys fees, unless there is evidence to the contrary, the following:

Amount of Debt	% fee to be awarded
The first \$3,000.00	33-1/3%
The next \$10,000.00	17%
The next \$12,000.00	8%
Excess of \$25,000.00	3%

The above fees shall include conferences with client, preparation of notices, complaint and summons, obtaining judgment, and reasonable collection efforts. In instances where additional fees are requested the attorney shall file a Verified Petition/Affidavit which details the services and times expended thereon and includes those matters referred to in Rule 1.5 of the Rules of Professional Conduct.

Appendix A

STATE OF INDIANA) _____ IN THE WAYNE _____ COURT
_____)SS:
COUNTY OF WAYNE) _____ 20____ TERM

_____ CAUSE NO. 89 _____

_____)
_____)
_____) Plaintiff(s),
_____)
_____) v.
_____)
_____)
_____) Defendant(s).
_____)

TRIAL READINESS CERTIFICATE

_____ As attorney for _____, I certify that this cause is ready to be scheduled for trial, and that no continuance from any trial date so scheduled will be requested by me or on behalf of _____ to file any pleading or motion, pursue further discovery proceedings, secure attendance of any witness or party, or for any reason now reasonably foreseeable.

_____ TIME REQUIRED TO COMPLETE TRIAL: _____

Request _____ counsel to respond within thirty (30) days.

Attorney for _____

CERTIFICATE OF SERVICE

_____ I hereby certify that I have served a copy of this document, by placing the same in the United States Mail, postage prepaid, on _____, this _____ day of _____, 20____.

Appendix B

WAYNE COUNTY, IN JUROR QUESTIONNAIRE

Dear Prospective Juror: Your name has been drawn by random selection for jury service from state and local government records. The full cooperation of every Citizen is necessary if our system of justice is to function fairly and efficiently. You are required to answer and return this Questionnaire within 10 days after receiving it. Refusing to answer or making untruthful answers could result in fine, imprisonment, or both for contempt of court.
PLEASE PRINT CAREFULLY

NAME: _____ DATE OF BIRTH: _____

ADDRESS: _____

HOME PHONE: _____ WORK PHONE: _____

EDUCATION: Highest grade completed/degree received _____ MIL. TO COURTHOUSE (round trip): _____

EMPLOYMENT AND/OR SCHOOL

(please check all that apply) _____ Current Employer (or last employer if not currently employed)

____ Employed _____ Unemployed _____
____ Self Employed _____ Part Time _____ Address _____
____ At Home _____ Retired _____
____ Student _____ Other _____
____ Your job or occupation _____

MARITAL STATUS: _____ Single _____ Married _____ Widowed _____ Divorced _____ Separated
Name of Spouse _____ Spouse's Occupation _____
Number of Children Living at Home _____

YOUR EXPERIENCE WITH THE LAW

Have you ever been a victim, witness, plaintiff, or defendant in a criminal or civil suit? _____ Yes _____ No
If yes, explain: _____
Have you, a family member, or a close friend ever been in a serious traffic accident? _____ Yes _____ No
Was alcohol involved? _____ Yes _____ No
Who was injured? _____ Yourself _____ Family Member(s) _____ Other(s) _____ No one
Have you ever been convicted of a misdemeanor other than traffic violations? _____ Yes _____ No
If yes, please state, what crime and location of conviction _____

Have you ever been seated on a jury? _____ Yes _____ No If yes, date when last served _____
Have you or a family member ever worked for any of the following (Please check all that apply)
_____ Law Enforcement Agency _____ Court System _____ Corrections/Detention System _____ Other (law enforcement)
If so, please describe _____

BACKGROUND

Are you a United States Citizen? YES _____ NO _____
Do you read, speak and understand English? _____
Are you physically or mentally able to carry out the functions of a juror? _____ Yes _____ No
If no, explain: _____
Do you live in Wayne County? _____ If so, for how long? _____
If you do not live in Wayne County, do you authorize the cancellation of your voter's registration? _____

- If serving as a juror would create an extreme inconvenience or hardship, you can address that issue to the judge during the jury selection process.
 - If you believe that you would be unable to be a juror for medical reasons, please send your doctor's certificate explaining why with this form.
 - If you are summoned for jury service, you must appear. Failure to comply with the summons is punishable through a contempt of court action.
- I affirm, under the penalties for perjury, that the foregoing representations are true.

_____ Date _____ Signature _____