

# **FRANKLIN CIRCUIT COURT**

## **LOCAL RULES**

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**L. R. 24-T. R. 79-1**

**SPECIAL JUDGE SELECTION IN CIVIL CASES**

In the event a special judge selected pursuant to Trial Rule 79(D), (E), or (F) does not accept the case, a special judge shall be designated by the Clerk of the Franklin Circuit Court in sequence from the following list of, to-wit:

1. Judge, Wayne Superior Court No. 3
2. Judge, Rush Superior Court
3. Judge, Union Circuit Court
4. Judge, Fayette Superior Court
5. Judge, Fayette Circuit Court
6. Judge, Wayne Superior Court No. 2
7. Judge, Wayne Superior Court No. 1
8. Judge, Wayne Circuit Court
9. Judge, Rush Circuit Court

The Clerk shall maintain such records as necessary to assure that selections are rotated in the above sequence beginning with the judge listed as number one and continuing in numerical order thereafter and repeating the sequence as necessary.

**L. R. 24-C.R. 2.2-2**

**JOINT LOCAL CRIMINAL RULES  
REASSIGNMENT AND APPOINTMENT  
OF SPECIAL JUDGE**

The following individuals have agreed to serve in the event it becomes necessary to reassign a felony or misdemeanor case in the Franklin Circuit Court: Judge of the Fayette Superior Court; Judge of the Fayette Circuit Court; Judge of the Union Circuit Court; and, Judge of the Rush Circuit Court. By order of adoption of these rules, the Indiana Supreme Court, pursuant to I.C. 33-24-6-10 temporarily transfers the above Judges to the Franklin Circuit Court for the purpose of reassignment of felony and misdemeanor cases.

In the event it becomes necessary to reassign a felony or misdemeanor case, the Judges will be reassigned in consecutive order to the above named Judges.

In the event no Judge is available for assignment or reassignment of a felony or misdemeanor case, such case shall be certified to the Indiana Supreme Court for the appointment of a Special Judge. In the event the Judge presiding in a felony or misdemeanor case concludes

that the unique circumstances presented in such proceeding require appointment by the Indiana Supreme Court of a Special Judge, the presiding Judge may request the Indiana Supreme Court for such appointment.

**L.R. 24-A.R. 15-3**

**COURT REPORTER TRANSCRIPT FEES**

The undersigned courts comprise all of the courts of record of Franklin County, Indiana and hereby adopt the following local rule by which court report 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 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 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.
- (8) *Overtime hours worked* means those hours worked in excess of forty (40) hours per work week.
- (9) *Work week* means a seven (7) 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 Franklin 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 either 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.

**L.R. 24-J.R. 4-4                      JURY SELECTION PROCEDURE**

The Franklin Circuit Court pursuant to Jury Rule 4 hereby adopts the 2 tier Summons procedure for summoning jurors for jury selection.

**L.R. 24-A.R. 1(E)-5                      CASE ALLOCATION**

Pursuant to Administrative Rule 1(E)-5, the one Court in Franklin County and all cases, will be assigned to the Circuit Court Judge, J. Steven Cox, and as of July 1, 2007, all cases designated by the Circuit Court, except probate and juvenile cases, may be assigned by the Circuit Court to the Magistrate Clay M. Kellerman.