In the
Indiana Supreme Court

IN THE MATTER OF THE	)	
	)	**Case No. 21S00-0612MS-533**
APPROVAL OF LOCAL RULES	)	
	)	
FOR FAYETTE COUNTY	)	

ORDER APPROVING AMENDED LOCAL RULE

The judges of the Fayette Circuit and Superior Courts request the approval of an amended local rule for court reporter services in accordance with Ind. Administrative Rule 15. Attached to this Order is the proposed amended local rule.

Upon examination of the proposed rule amendment requested by the Fayette Circuit and Superior Courts, this Court finds that the proposed rule amendment, LR21-TR00-TR-27 complies with the requirements of Ind. Administrative Rule 15, and, accordingly, should be approved effective thirty (30) days after the rule has been posted in the county clerk's office(s) and on the county clerk's website, if any, and on the Indiana Judicial Website.

IT IS, THEREFORE, ORDERED by this Court that Local Rule LR21-TR00-TR-27 for Fayette Circuit and Superior Courts, set forth as an attachment to this Order, is approved effective thirty (30) days after the rule has been posted in the county clerk's office(s) and on the county clerk's website, if any, and on the Indiana Judicial Website.

The Clerk of this Court is directed to forward a copy of this Order to the Hon. Daniel Lee Pflum, Fayette Circuit Court, 401 North Central Avenue, Connersville, IN 47331-1981; the Hon. Ronald T. Urdal, Fayette Superior Court, 401 North Central Avenue, Connersville, IN 47331-1981, and to the Clerk of the Fayette Circuit and Superior Courts.

The Clerk of the Fayette Circuit and Superior Courts is directed to enter this Order and attachment in the Record of Judgments and Orders for the Courts, to post this Order and attachment for examination by the Bar and the general public, and if available, to publish this Order and attachment on the county clerk's website.

DONE at Indianapolis, Indiana, this 22nd day of December, 2006.

RT Shepard

~~Acting~~ Chief Justice of Indiana

IN THE FAYETTE CIRCUIT COURT
IN THE FAYETTE SUPERIOR COURT

STATE OF INDIANA

IN THE MATTER OF JOINT
LOCAL CIVIL RULES

PROPOSED AMENDED JOINT LOCAL COURT RULES OF THE FAYETTE COUNTY COURTS

The Fayette Circuit and Superior Courts do find that good cause exists to deviate from the schedule for adopting or amending local court rules established pursuant to Trial Rules 81, and therefore LR21-TR00-27, concerning court reporter services, should be amended, and will be effective after posting for thirty (30) days in the county clerk's office and on the Indiana Judicial Website, and upon the approval of the Indiana Supreme Court.

It is further ordered that these rules be spread of record on the Record of Judgments and Order Books of the Courts and that they be printed and distributed to members of the Fayette County Bar, and two copies thereof transmitted to the Clerk of the Indiana Supreme Court and the Indiana Court of Appeals.

SO ORDERED this 19th day of December, 2006.

Daniel Lee Pflum
Judge, Fayette Circuit Court

Ronald T. Urdal.
Judge, Fayette Superior Court

LR21-TR00-TR-27

COURT REPORTERS

(A) Definitions: The following definitions shall apply under this local rule:

(1) 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 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 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 Fayette 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 county 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.

(B) 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 $~~2.75~~ 3.25, 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 $~~2.75~~ 3.25.

(4) The maximum per page fee a court reporter may charge for the preparation of a private transcript shall be $~~2.75~~ 3.25.

(5) The maximum per page fee a court reporter may charge for a copy of a state or county indigent transcript and a private transcript shall be $~~.50~~ 1.00.

(6) The minimum fee per transcript is $35.00

(~~6~~ 7) 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.

(C) Private Practice

(1) If a court reporter elects to engage in private practice through 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, workspace and supplies;

(b) The method by which records are to be kept for the use of the 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.