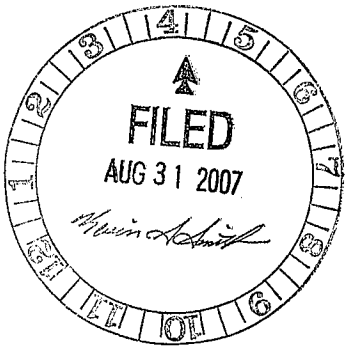

In the Indiana Supreme Court

IN THE MATTER OF THE	)	
	)	**Case No. 08S00-0709 -MS- 345**
APPROVAL OF LOCAL RULES	)	
	)	
FOR CARROLL COUNTY	)	

ORDER APPROVING AMENDED LOCAL RULES

The judges of the Carroll Circuit and Superior Courts request the approval of amended local rules: for caseload allocation in accordance with Ind. Administrative Rule 1(E), appointment of special judges in accordance with Ind. Trial Rule 79, and regulation of court reporter services in accordance with Ind. Administrative Rule 15. Attached to this Order are the proposed amended local rules.

Upon examination of the proposed rule amendments requested by the Carroll Circuit and Superior Courts, this Court finds that the proposed rule amendments, LR08-AR00-19, LR08-TR79-18 and LR08-AR15-22, comply with the requirements of Ind. Administrative Rule 1(E), Ind. Trial Rule 79, and Ind. Administrative Rule 15, and accordingly, should be approved.

IT IS, THEREFORE, ORDERED by this Court that Carroll County Local Rules, LR08-AR00-19, LR08-TR79-18 and LR08-AR15-22, set forth as an attachment to this Order, are approved effective January 1, 2008, provided further that the rules shall be posted in the county clerk's office(s) and on the county clerk's website, if any, and on the Indiana Judicial Website not less than thirty (30) days prior to the effective date.

The Clerk of this Court is directed to forward a copy of this Order to the Hon. Donald E. Currie, Carroll Circuit Court, P.O. Box 28, Delphi, IN 46923-0028; the Hon. Jeffrey R. Smith, Carroll Superior Court, 101 West Main Street, Delphi, IN 46923-1566; and to the Clerk of the

Carroll Circuit Court, and to post this Order on the Court's website dealing with local rule amendments.

The Clerk of the Carroll Circuit Court 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 31st day of August, 2007.

RT Shepard

Randall T. Shepard
Chief Justice of Indiana

IN THE INDIANA SUPREME COURT

IN THE MATTER OF REQUEST FOR APPROVAL OF LOCAL RULES FOR COURTS OF RECORD IN CARROLL COUNTY

CASE NO.

REQUEST FOR APPROVAL OF LOCAL RULES

The judges of the courts of record of Carroll County have decided to adopt the local rules indicated below and request Supreme Court approval for the following local rules for which the Supreme Court approval is required:

1. LR08-TR79-18 Special judge selection rule pursuant to Trial Rule 79(H)
2. LR08-AR15-22 Court Reporter rule pursuant to Administrative Rule 15
3. LR08-AR00-19 Caseload allocation rule pursuant to Administrative Rule 1

A copy of LR08-TR79-18 and LR08-AR15-22 in both the standard format for drafting and amending local rules and in standard format without markups are attached.

A copy of LR08-AR00-19 (the caseload allocation plan) in standard format without markups is also attached. No changes were made in this local rule. It is submitted only for approval of the plan.

The local rules indicated above have been published for comment pursuant to the schedule established by T.R. 81, Appendix A.

Accordingly, the judges of record of Carroll County request approval of the above noted Local Rules.

Submitted this 7th day of August, 2007.

For the Courts of Record of Carroll County

Jeffrey R. Smith, Judge
Carroll Superior Court

Donald E. Currie, Judge
Carroll Circuit Court

LR08-AR00-19

JURISDICTION

Caseload Plan

A. CARROLL CIRCUIT COURT. The Carroll Circuit Court shall have exclusive jurisdiction of the following matters:

(1) Probate and guardianships;

(2) Adoptions;

(3) Class C or greater felonies and murder; and

(4) Dissolutions and child custody.

B. CARROLL SUPERIOR COURT. The Carroll Superior Court shall have exclusive jurisdiction of the following matters:

(1) Small Claims;

(2) Infractions;

(3) Juvenile matters other than adoption;

(4) Misdemeanors; and

(5) Class D felonies, provided, however, that the State of Indiana may file Class D felonies in the Carroll Circuit Court in those cases in which the Judge of the Carroll Superior Court would be required to disqualify himself because he represented the State of Indiana in the prosecution of an underlying offense or prior offenses used to enhance the sentence.

C. CONCURRENT JURISDICTION. The courts shall have concurrent jurisdiction on all other matters.

LR08-TR79-18

APPOINTMENT OF SPECIAL JUDGES

JUVENILE CASES. When the appointment of a special judge in a juvenile case is necessary pursuant to Trial Rule 79(H), then a special judge shall be appointed from the following list of judges:

1) Linley E. Pearson, Judge of the Clinton Circuit Court
2) Robert W. Thacker, Judge of the White Circuit Court
3) Loretta H. Rush, Judge of the Tippecanoe Superior Court #3
4) Thomas K. Milligan, Judge of the Montgomery Circuit Court
5) Susan Orr Henderson, Judge of the Fountain Circuit Court
6) Rex W. Kepner, Judge of the Benton Circuit Court

ALL OTHER CIVIL CASES. In all other civil cases, when the appointment of a special judge is necessary pursuant to Trial Rule 79(H), then a special judge shall be appointed from the following list of judges:[2]

The Carroll Circuit Court

1) Linley E. Pearson, Judge of the Clinton Circuit Court
2) Kathy R. Smith, Judge of the Clinton Superior Court
3) Robert W. Thacker, Judge of the White Circuit Court
4) Robert B. Mrzlack, Judge of the White Superior Court
6) Jeffrey R. Smith, Judge of the Carroll Superior Court

The Carroll Superior Court

1) Linley E. Pearson, Judge of the Clinton Circuit Court
2) Kathy R. Smith, Judge of the Clinton Superior Court
3) Robert W. Thacker, Judge of the White Circuit Court
4) Robert B. Mrzlack, Judge of the White Superior Court
5) Donald E. Currie, Judge of the Carroll Circuit Court

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[2] The judges listed are in Carroll County or counties contiguous to Carroll County in the 4th Administrative District and have consented to exchange services with the judges of Carroll County.

The assignment of judges shall be made in consecutive numerical order, i.e. the first judge listed will be assigned to the first case requiring a special judge; the second judge listed will be assigned the next case requiring a special judge; etc. The next assignment following the assignment of the last judge listed will be the first judge listed, and the selection process will then be repeated.

LR08-AR15-22

COURT REPORTERS

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, and stenographic or other recording made as required by Indiana Rule of Trial Procedure 74.

(6) *Regular hours worked* means those hours which the court is regularly scheduled to work during any given work week. Depending on the particular court, these hours may vary from court to court within the county but remain the same for each work week.

(7) *Gap hours worked* means those hours worked that are in excess of the regular hours worked but hours not in excess of forty (40) hours per work week.

(8) *Overtime hours worked* means those hours worked in excess of forty (40) hours per work week.

(9) *Work week* means a seven (7) consecutive day week that consistently begins and ends on the same days throughout the year; i.e. Sunday through Saturday, Wednesday through Tuesday, Friday and Thursday.

(10) *Court* means the particular court for which the court reporter performs services. Court may also mean all of the courts in Carroll 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, PREPARATION OF TRANSCRIPTS, AND 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 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 court reporter shall not prepare transcripts during regular work hours.

(3) The maximum per page fee a court reporter may charge for the preparation of a county or state 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.

(4) The maximum per page fee a court reporter may charge for the preparation of a private transcript shall be $4.00 unless the transcript is required within 2 work days, then a maximum per page fee shall be $5.00.

(5) A minimum fee of $35.00 for total cost of a transcript may be charged for any transcript less than 10 pages.

(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.

(6) The court reporter **shall not** engage in private practice through the recording of a deposition and/or preparing of a deposition transcript.

(7) The court reporter **shall not** use court typewriters or word processing equipment for the preparation of private transcripts. A copy of transcripts may be made using the court's copying equipment provided that a copy of the transcript is deposited with the court.