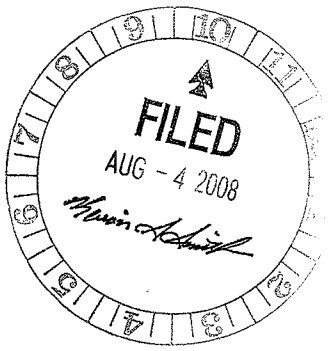
In the
Indiana Supreme Court



IN THE MATTER OF	)	
	)	
APPROVAL OF LOCAL RULES	)	Cause No. 87S00-0808- MS-427
	)	
FOR WARRICK COUNTY	)	

ORDER APPROVING AMENDMENT TO LOCAL RULE

Pursuant to Ind. Administrative Rule 15, the Hon. David O. Kelley, the Hon. Keith A. Meier and the Hon. Robert A. Aylsworth, Judges of the Warrick County Circuit and Superior Courts respectively, request this Court's approval of an amendment to Warrick County Local Rule LR87-AR-8.

Upon examination of the proposed rule amendment requested by the Warrick Circuit and Superior Courts, this Court finds that the proposed rule amendment to Local Rule LR87-AR-8 complies with the requirements of Ind. Admin. R. 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 Warrick County Local Rule LR87-AR-8, set forth as an attachment to this Order, is approved effective January 1, 2009, with the rule 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. David O. Kelley, Warrick Circuit Court, One County Square, #360, Boonville, IN 47601-1594; the Hon. Keith A. Meier, Warrick Superior Court, One County Square, #300A, Boonville, IN 47601; the

Hon. Robert R. Aylsworth, Warrick Superior Court, One County Square, #380, Boonville, IN 47601-1862; and to the Clerk of the Warrick Circuit Court.

The Clerk of the Warrick Circuit Court is directed to enter this Order and attachment in the Record of Judgments and Orders for the Court, 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 4th day of ~~July~~ Aug., 2008.

Randall T. Shepard

Randall T. Shepard
Chief Justice of Indiana

LR87-AR-8 **COURT REPORTERS**

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 a 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.

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.