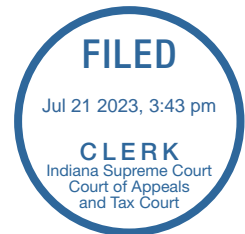


# In the Indiana Supreme Court

In the Matter of the Approval of Local  
Rules for Bartholomew County

Supreme Court Case No.  
23S-MS-197



## Order Approving Amended Local Rules

The Judges of the Bartholomew County Circuit and Superior Courts request the approval of amended local rules for caseload allocation in accordance with Indiana Administrative Rule 1(E), for court reporter services in accordance with Administrative Rule 15, and for criminal case assignments in accordance with Criminal Rule 2.2. Attached to this Order are the proposed amended local rules.

Upon examination of the proposed rule amendments requested by the Bartholomew County Circuit and Superior Courts, this Court finds that the proposed rule amendments at LR03-AR1-1 comply with the requirements of Indiana Administrative Rule 1(E), the amendments at LR03-AR15-2 comply with Administrative Rule 15, and the amendments at LR03-CR2.2-1 comply with Criminal Procedure Rule 2.2, and, accordingly, should be approved.

IT IS, THEREFORE, ORDERED by this Court that amended Local Rules, LR03-AR1-1, LR03-AR15-2, and LR03-CR2.2-1, for the Bartholomew County Circuit and Superior Courts, set forth as attachments to this Order, are approved effective July 31, 2023.

Done at Indianapolis, Indiana, on 7/21/2023.

A handwritten signature in black ink, appearing to read "Loretta H. Rush", written over a horizontal line.

Loretta H. Rush  
Chief Justice of Indiana

## **LR03-AR1-1 Rule 1. Caseload Plan.**

**(A) Criminal Case Filings.** See LR03-CR2.2-1.

**(B) Transfer of Criminal Cases.** See LR03-CR13-1.

**(C) Civil Case Filings.**

- (1) Infraction cases (except for juvenile non-driving infractions) shall be filed in Superior Court 2.
- (2) Ordinance Violation cases shall be filed in Superior Court 2.
- (3) Juvenile Chins, Delinquents, Status, Termination, Miscellaneous, Juvenile Infractions (non-driving infractions), and Juvenile Ordinance Violation cases shall be filed in Circuit Court.
- (4) Civil Plenary, Reciprocal, Adoption, Estates, Guardianships Trusts, and Miscellaneous Civil cases shall be filed between the Bartholomew County Courts on an equal and rotating basis, except that all MI cases filed by a governmental entity shall be filed in Circuit Court.
- (5) Civil Tort, Paternity, and Domestic Relations cases shall be filed between the three Bartholomew County Courts on an equal and rotating basis.
  - (a) This assignment rate applies unless there has been a protective order case involving the parties in another Bartholomew County Court. If a protective order has been filed in a Bartholomew County Court case involving two parties, any future DC, DN or JP case involving the same two parties shall be filed in the same Bartholomew County Court.
  - (b) Under Circuit Court's assignment only, Paternity and Domestic Relations cases shall be assigned as follows: Two-Thirds (2/3) of the cases shall be assigned to the Circuit Court Judge and one-third (1/3) of the cases to the Circuit Court Commissioner, on a rotating basis.
- (6) Mortgage Foreclosure cases shall be filed in Circuit or Superior 1 on an equal and rotating basis.
- (7) Civil Collection cases filed by a governmental entity shall be filed in Circuit. All

other Civil Collection cases shall be filed on the following rotating percentage basis: Circuit Court, 15%, Superior Court 1, 35%, Superior Court 2, 50%.

- (8) Small Claim cases shall be filed in Superior Court 2.
- (9) Mental Health cases shall be filed in Superior Court 1.
- (10) Protective Order cases shall be filed between Superior Court 1, Circuit and Superior Court 2 Courts on an equal and rotating basis.
  - (a) This assignment rate applies unless there is a DC or JP case involving the parties in another Bartholomew County Court. If there is a DC or JP case involving the parties in another Bartholomew County Court, then the protective order case shall be filed in the court where the other DC or JP is filed, even if there is nothing pending in the DC or JP case.
  - (b) This assignment rate also applies unless there is a DN case where a dissolution decree has not been entered involving the parties in another Bartholomew County Court. If there is a DN case where a dissolution decree has not been entered involving the parties in another Bartholomew County Court, then the protective order case shall be filed in the court where the DN case is filed.
  - (c) If a protective order has been filed in a Bartholomew County Court case involving two parties, any future protective order case involving the same two parties shall be filed in the same Bartholomew County Court.
  - (d) All protective order cases where the respondent is a juvenile shall be filed in Circuit Court.
- (11) Specialized Driving Privilege MI cases shall be filed in Superior Court 2 unless statutorily required to be filed in Superior Court 1 or Circuit Court.
- (12) Eviction cases (EV), whether filed as a small claims or civil matter, shall be filed in Superior Court 2.
- (13) The above rules for the assignment of civil cases may not be manually overridden by anyone without written permission from one of the Bartholomew County Judges.

- (14) In the event of a conflict for Circuit Court, Superior Court 1 or Superior Court 2, the reassignment of the case shall follow the process outlined in LR03-CR13-1 (Transfer of Cases).

**(D)** Notwithstanding the rules established in the Caseload Plan in LR03-AR1-1 Rule 1, if there are causes that contain a similar set of facts and/or similar parties, the judicial officers assigned the causes can, by mutually agreement, order the Clerk of Courts to transfer and/or assign the causes to one judicial officer for purposes of judicial economy. In general, the causes should be transferred and/or assigned to the judicial officer who was assigned the first cause that contains the similar set of facts and/or similar parties, unless agreed otherwise by the judicial officers assigned the causes.

#### **LR03-AR15-2: Rules Governing Court Reporters and Private Employers.**

**(A) 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 Indian 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.

(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 that are 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, and 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 Bartholomew 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.

**(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 and county reimbursed for use of equipment, if any.

(2) The maximum per-page fee a court reporter may charge for the preparation of a county indigent transcript shall be \$5.50. 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 \$5.50.

(4) The maximum per-page fee a court reporter may charge for the preparation of a private transcript shall be \$5.50

(5) With the court's approval, a court reporter may charge a maximum per-page fee of \$6.00 for transcripts requested within five (5) working days and a maximum per-page fee of \$7.00 for transcripts requested to be prepared within a twenty-four (24) hour time period (example: a witness' testimony during a jury trial to be used in closing arguments).

(6) A minimum fee of \$35.00 may be charged for any transcript.

(7) An additional labor charge approximating the hourly rate based upon the court reporter's annual court compensation may be charged for the time spent binding the transcript and the exhibit binders.

(8) The maximum per-page fee a court reporter may charge for a copy of the previously typed transcript shall be \$1.00. A copy of a transcript shall include all forms of a transcript including, but not limited to, paper, electronic, and digital.

(9) A reasonable charge for the office supplies required and utilized for the binding and electronic transmission of the transcript is permissible. The costs for these supplies shall be determined pursuant to a Schedule of Transcript Supplies that shall be established and published annually by the judges of Bartholomew County.

(10) A deposit of at least 1/2 of the estimated cost of the completed transcript will be required by the court reporter BEFORE beginning any transcript.

(11) Each court reporter shall report, at least on an annual basis, all transcript fees received for the preparation of either county-indigent or private transcripts to the Indiana Supreme Court Office of Court Services. The reporting shall be made on forms prescribed by that office.

(12) Disk as Official Record. Upon the filing of a written request or praecipe for transcript, the court reporter shall transcribe any court proceedings requested and produce an original paper transcript along with an electronically-formatted transcript. Multiple disks containing the electronically-formatted transcript shall be prepared and designated as "Original Transcript," "Court Reporter's Copy," and "Court's Copy." Each disk shall be labeled to identify the case number, the names of the parties, the date completed, the court reporter's name, and the disk number if more than one disk is required for a complete transcript.

The court's copy of the electronic transcript shall become the official record of the court proceeding in lieu of a paper copy of the transcript and shall be retained in the court where said proceedings were held. The court reporter's copy shall be retained by the court reporter. The original paper transcript along with the disk designated as the original transcript shall be forwarded to the clerk if the transcript was prepared for purposes of appeal. If the transcript was not prepared for purposes of appeal, the original paper transcript shall be delivered to the requesting party.

### **(C) 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's 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.

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.

**LR03-CR2.2-1: General Rules for Assignment of Criminal Cases.**

- (A) Class D and Level 6 Felony Possession of Controlled Substance Offenses.** The clerk shall docket all class D and Level 6 felony possession of controlled substance offenses with the Circuit Court, Superior Court 1 and Superior Court 2 in an equal and rotating basis.
- (B) Superior Court 2.** The following types of cases shall be docketed with Superior Court 2:
- (1) All class D, C, B, and Level 6, 5, 4, and 3 felonies related to driving offenses;
  - (2) All classes of misdemeanors; and
  - (3) All classes of infractions.
- (C) Circuit and Superior Court 1.** The clerk shall docket the following with the Circuit Court and Superior Court 1 in an equal and rotating basis:
- (1) All Class A-D and Level 1-6 felonies (except Class D and Level 6 felony possession of controlled substance offenses as set forth in (A) above, and except those specifically denoted to be filed in Superior Court 2); and
  - (2) All murder, including capital offenses.
- (D) Domestic Violence Cases.** All Class D and Level 6 felony Domestic Battery, Strangulation, Confinement, and Intimidation cases shall be filed in Circuit Court, Superior Court 1, and Superior Court 2 in an equal and rotating basis.
- (E) Defendants with Multiple Actions.** Notwithstanding all other provisions of LR03-CR2.2-1:
- (1) When a defendant has a criminal case pending against them in Circuit or Superior Court 1, during the pendency of that case, all subsequent criminal actions filed against that defendant shall be assigned to the court where the initial case was assigned.
  - (2) When a defendant has a criminal case or cases pending in Superior Court 2, all subsequent criminal actions for misdemeanors and Level 6 felony cases shall be assigned to Superior Court 2 during the pendency of that case or cases.
  - (3) For purposes of this section, a case is no longer pending once sentencing has taken place. However, if a Petition to Revoke probation is filed on a defendant, the criminal case is again considered pending and any subsequent new criminal charge shall follow the above guidelines until disposition of the Petition to Revoke probation.
- (F) Co- Defendants.** When two or more defendants are charged with felonies as the result of the same underlying set of facts, they shall all be charged in the same court.
- (G) Charges Alleging violation of Protective Order.** When a defendant is charged with violation of a Protective Order, those charges shall be filed in the court where the protective order was issued.
- (H) Prosecutor's Knowledge of Potential Conflict.** In the event the prosecutor has knowledge prior to the filing of a case that a judge should not receive a case because of a conflict, or for some other reason, the prosecutor may request the filing of a case in a specific court by making specific allegations in a written request filed at the time of filing said case. The judge of the Court in which the prosecutor seeks to file said case may approve this request.

- (I)** The above rules for the assignment of criminal cases may not be manually overridden by anyone without written permission from one of the Bartholomew County Judges.
- (J)** When the clerk docket criminal cases according to these rules, they shall docket each case according to the highest level of offense charged without taking into consideration the count number when there are multiple counts filed under a single criminal case. In addition, judges of two different courts may mutually agree to transfer a criminal case from one of their courts to the other in order to ensure that the intent of these rules for assignment of criminal cases is not circumvented by the manner in which offenses are charged.