

In the Indiana Supreme Court

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

Supreme Court Case No.
19S-MS-253



ORDER APPROVING AMENDED LOCAL RULES

The judges of the White Circuit and Superior Courts request the approval of amended local rules appointment of special judges in accordance with Indiana Trial Rule 79 and Indiana Criminal Rule 13, and regulation of court reporter services in accordance with Indiana Administrative Rule 15. Attached to this Order are the proposed amended local rules.

Upon examination of the proposed rule amendments requested by the White Circuit and Superior Courts, this Court finds that the proposed rule amendments, LR91-TR79-10, LR91-CR13-12, and LR91-AR15-08 comply with the requirements of Indiana Trial Rule 79, Indiana Criminal Rule 13, and Indiana Administrative Rule 15, and accordingly, should be approved.

IT IS, THEREFORE, ORDERED by this Court that White Circuit and Superior Court Local Rules, LR91-TR79-10, LR91-CR13-12, and LR91-AR15-08, set forth as an attachment to this Order, are approved effective January 1, 2020.

Done at Indianapolis, Indiana, on 7/26/2019.

Loretta H. Rush

Chief Justice of Indiana

LR91-AR15-08 Court Reporters

Section One: Definitions. For purposes of this local rule, the definitions contained in Administrative Rule 15 shall apply.

Section Two: Court Reporter; Salaries and Per Page Fees.

- (A) 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 fixed work hours, gap hours, or overtime hours. Court Reporters shall be compensated for gap and overtime hours as set forth in the White County Human Resources Policies and Procedures as adopted and/or amended by the Court.
- (B) Court Reporters may charge a per-page fee for preparation of transcripts if the transcripts are prepared on the Court Reporter's own time outside of any regular work hours, gap hours, or overtime hours and are prepared using the Court Reporter's own paper and the Court Reporter's own supplies. This would include the ability to assign the transcript to a third party to transcribe or assist in typing the transcript. The total combined per-page fee to be paid to the Court Reporter and/or third-party transcriber shall not exceed the maximum per-page fee set forth in this rule.
- (C) The maximum per-page fee a Court Reporter may charge for the preparation of a county indigent transcript shall be Four Dollars and Fifty Cents (\$4.50); the Court Reporter shall submit a claim directly to the County for the preparation of any county indigent transcripts.
- (D) The maximum per-page fee a Court Reporter may charge for the preparation of a state indigent transcript shall be Four Dollars and Fifty Cents (\$4.50).
- (E) The maximum per-page fee a Court Reporter may charge for the preparation of a private transcript shall be Four Dollars and Fifty Cents (\$4.50) plus the actual cost of paper used at a per-page cost.
- (F) The per-page fee for expedited transcripts shall be Six Dollars (\$6.00) with twenty-four (24) hours' notice and Five Dollars (\$5.00) with three (3) days' notice.

(G) Binding and Exhibit and Index Volume Fees.

An additional fee shall be added to the cost of the transcript for the time spent binding the transcript and preparing the exhibit and index volumes at an hourly rate based on one and one-half (1 ½) times the Court Reporter's hourly rate. This fee will only apply if the Court Reporter binds the transcript and prepares the exhibit and index volumes on the Court Reporter's own time outside of any regular work hours, gap hours, or overtime hours using the Court Reporter's own paper and the Court Reporter's own supplies.

(H) If a third party types the transcript for a per-page rate equal to the maximum approved in this Rule, the Court Reporter shall not be entitled to any additional per-page fee but, with the approval of the Judge, shall complete the review and proofing of the transcript either:

- (1) During normal work hours using court equipment, papers, and supplies without charging any additional fee whatsoever; or
- (2) On the Court Reporter's own time outside of any regular work hours, gap hours, or overtime hours using the Court Reporter's own paper and the Court Reporter's own supplies at an hourly rate based on one and one-half (1 ½) times the Court Reporter's hourly rate.

(I) 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 Office of Judicial Administration, on forms prescribed by them.

Section Three: Private Practice

(A) If a Court Reporter elects to engage in private practice through the recording of a deposition and/or preparing of a deposition transcript, 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:

- (1) the reasonable market rate for the use of equipment, workspace, and supplies;

- (2) the method by which records are to be kept for the use of equipment, workspace, and supplies; and
 - (3) the method by which the Court Reporter is to reimburse the Court for the use of the equipment, workspace, and supplies.
- (B) 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.

LR91-TR79-10 Appointment of Special Judge in Civil Cases

(A) In the event of a recusal or disqualification of the Judge of the White Circuit Court or the White Superior Court under Indiana Trial Rule 79(C), if a Special Judge does not accept jurisdiction of the case pursuant to Indiana Trial Rule 79(D), then the assignment and selection of a Special Judge shall proceed according to the provisions of sub-part C of this local rule.

(B) In the event that a Motion for Change of Judge is granted pursuant to Indiana Trial Rule 76(B) and a Special Judge is not qualified pursuant to Indiana Trial Rule 79(D) of the Indiana Rules of Procedure, the assignment and selection of a Special Judge shall proceed according to the provisions of sub-part C of this local rule.

(C) Assignment of Special Judge

(1) The Judge of the White Circuit Court shall be appointed as Special Judge for all cases originating in White Superior Court. If the Judge of the White Circuit Court fails to qualify as Special Judge, then selection of the Special Judge shall proceed pursuant to sub-part D of this local rule.

(2) The Judge of the White Superior Court shall be appointed as Special Judge for all cases originating in the White Circuit Court. If the judge of the White Superior Court fails to qualify as Special Judge, then the selection of the Special Judge shall proceed pursuant to sub-part D of this local rule.

(D) In the event no Special Judge qualifies under sub-part C of this rule, the Clerk shall select a Special Judge from the following list of Judges who have agreed to serve as a Special Judge in the White Circuit and White Superior Courts:

- The Judge of the Benton Circuit Court
- The Judge of the Carroll Circuit Court
- The Judge of the Carroll Superior Court
- The Judge of the Cass Circuit Court
- The Judge of the Cass Superior Court 1
- The Judge of the Cass Superior Court 2
- The Judge of the Jasper Circuit Court
- The Judge of the Jasper Superior Court
- The Judge of the Pulaski Circuit Court
- The Judge of the Pulaski Superior Court
- The Judge of the Tippecanoe Circuit Court
- The Judge of the Tippecanoe Superior Court No. 1
- The Judge of the Tippecanoe Superior Court No. 2
- The Judge of the Tippecanoe Superior Court No. 3
- The Judge of the Tippecanoe Superior Court No. 4
- The Judge of the Tippecanoe Superior Court No. 5
- The Judge of the Tippecanoe Superior Court No. 6
- The Judge of the Tippecanoe Superior Court No. 7

When making a Special Judge selection the Clerk shall select a Special Judge whose typical caseload, as determined by that Judicial Officer's Local County Caseload Allocation Plan, includes the case type for the case in which a Special Judge is being selected.

(E) In the event that no Special Judge qualifies or is available for appointment or the particular circumstances in a case warrant the selection of a Special Judge by the Indiana Supreme Court, the Court shall request the Indiana Supreme Court pursuant to Indiana Trial Rule 79(H)(3) by written certification to appoint a Special Judge.

LR91-CR13-12 Appointment of Special Judge in Criminal Cases

(A) In the event of a recusal or disqualification of the Judge of the White Superior Court in a criminal, infraction, or ordinance violation proceeding, the assignment and selection of a Special Judge shall proceed according to the provisions of sub-part C of this local rule.

(B) In the event of the granting of a Motion to Change Judge or a change of Judge pursuant to other Indiana Statute or Rule of Court in a criminal, infraction, ordinance violation, or post-conviction proceeding, the assignment and selection of a Special Judge shall proceed according to the provisions of sub-part C of this local rule.

(C) The Judge of the White Circuit Court shall be appointed as Special Judge for all cases originating in the White Superior Court. If the Judge of the White Circuit Court fails to qualify as Special Judge, then selection of the Special Judge shall proceed pursuant to sub-part D of this local rule.

(D) In the event no Special Judge qualifies under sub-part C of this rule, the Clerk shall select a Special Judge from the following list of Judges who have agreed to serve as a Special Judge in the White Superior Court:

- The Judge of the Benton Circuit Court
- The Judge of the Carroll Circuit Court
- The Judge of the Carroll Superior Court
- The Judge of the Cass Circuit Court
- The Judge of the Cass Superior Court 1
- The Judge of the Cass Superior Court 2
- The Judge of the Jasper Circuit Court
- The Judge of the Jasper Superior Court
- The Judge of the Pulaski Circuit Court
- The Judge of the Pulaski Superior Court
- The Judge of the Tippecanoe Circuit Court
- The Judge of the Tippecanoe Superior Court No. 1
- The Judge of the Tippecanoe Superior Court No. 2
- The Judge of the Tippecanoe Superior Court No. 3
- The Judge of the Tippecanoe Superior Court No. 4

- The Judge of the Tippecanoe Superior Court No. 5
- The Judge of the Tippecanoe Superior Court No. 6
- The Judge of the Tippecanoe Superior Court No. 7

When making a Special Judge selection the Clerk shall select a Special Judge whose typical caseload, as determined by that Judicial Officer's Local County Caseload Allocation Plan, includes the case type for the case in which a Special Judge is being selected.

(E) In the event that no Special Judge qualifies or is available for appointment or the particular circumstances in a case warrant the selection of a Special Judge by the Indiana Supreme Court, the Court shall request the Indiana Supreme Court by written certification to appoint a Special Judge.