

# In the Indiana Supreme Court

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

Supreme Court Case No.  
21S-MS-51



## Order Approving Amended Local Rule

The Judges of the Jasper Circuit and Superior Courts request the approval of amended local rules for caseload allocation in accordance with Indiana Administrative Rule 1(E), court reporter services in accordance with Administrative Rule 15, appointment of special judges in civil cases in accordance with Indiana Rules of Trial Procedure 79, and appointment of special judges in criminal cases in accordance with Criminal Procedure Rule 2.2. Attached to this Order are the proposed amended local rules.

Upon examination of the proposed rule amendments requested by the Jasper Circuit and Superior Courts, this Court finds that the proposed rule amendments at LR37-AR00-04 complies with the requirements of Indiana Administrative Rules 1(E), LR37-AR15-07 complies with Administrative Rule 15, LR37-TR79-05 complies with Indiana Rules of Trial Procedure 79, and LR37-CR2.2-06 complies with Criminal Procedure Rule 2.2, and, accordingly, should be approved.

IT IS, THEREFORE, ORDERED by this Court that amended Local Rules, LR37-AR00-04, LR37-AR15-07, LR37-TR79-05, and LR37-CR2.2-06, for Jasper Circuit and Superior Courts, set forth as an attachment to this Order, are approved effective February 5, 2021.

Done at Indianapolis, Indiana, on 2/5/2021.

Loretta H. Rush  
Chief Justice of Indiana

## **LR37-AR00-04      Case Allocation**

A. All Capital Murder Cases (LP/DP) shall be filed alternately in the Jasper Circuit Court and the Jasper Superior Court.

B. All Murder (MR), Level One Felony (F1), Level Two Felony (F2), Level Three Felony (F3), Level Four Felony (F4), Level Five Felony (F5), and Level Six Felony (F6) cases shall be filed as follows:

C. All cases involving charges which occurred on odd numbered days of the calendar year shall be filed in the Jasper Superior Court.

D. All cases involving charges which occurred on even numbered days of the calendar year shall be filed in the Jasper Circuit Court.

E. For purposes of judicial economy, notwithstanding this rule, a felony or murder case may be filed in the Jasper Circuit or Jasper Superior Court without regard for the date of the offense if the named defendant already has pending felony charges in either the Jasper Circuit or Jasper Superior Court which have not yet reached a conclusion on the merits.

F. Notwithstanding any part of this rule, the Courts may reallocate any criminal case in order to comply with balanced caseload requirements.

G. All Criminal Misdemeanor cases (CM) shall be filed in the Jasper Superior Court except as noted below:

H. For purposes of judicial economy, notwithstanding this rule, a Criminal Misdemeanor (CM) may be filed in the Jasper Circuit Court if the named defendant already has pending felony charges in the Jasper Circuit Court which has not yet reached a conclusion on the merits.

I. Any Criminal Misdemeanor (CM) case where the defendant was summonsed to court by a Uniform Complaint and Summons, electronic or otherwise, and not arrested for the misdemeanor offense shall be filed in the Jasper Circuit Court with the Infractions (IF) pursuant to sub-part D of this rule.

J. All Infractions (IF) shall be filed in the Jasper Circuit Court.

K. All Small Claims (SC) shall be filed in the Jasper Circuit Court.

L. All Post Conviction Relief Petitions (PC) shall be assigned to the Court in which the judgment of conviction was entered. The Clerk shall assign the Post Conviction Relief Petition a new "PC" cause number and also consolidate the previous cause in which the judgment of conviction was entered with the new cause.

M. All juvenile cases (JC, JD, JS, JP, JM, JT), shall be filed in the Jasper Circuit Court.

N. All other civil cases may be filed as has been traditional, in either Circuit or Superior Court.

O. The Judges of Jasper Superior Court and the Jasper Circuit Court may transfer cases from either Court in order to equalize the caseloads between the courts.

**LR37-TR79-05 Appointment of Special Judge in Civil Cases**

A. In the event of a recusal or disqualification of the Judge of the Jasper Circuit Court or the Jasper Superior Court under Trial Rule 79(C) of the Indiana Rules of Procedure, and a Special Judge is not qualified pursuant to Trial Rule 79(D) or 79 (E), 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 Trial Rule 76(B), and a Special Judge is not qualified pursuant to Trial Rule 79(F) 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 Jasper Circuit Court shall be appointed as Special Judge for all cases originating in Jasper Superior Court. If the Judge of the Jasper 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 Jasper Superior Court shall be appointed as Special Judge for all cases originating in the Jasper Circuit Court. If the Judge of the Jasper Superior 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 appoint on a rotating basis from the following list of Judges who have agreed to serve as a Special Judge in the Jasper Circuit and Jasper Superior Courts:

- The Judge of the Newton Circuit Court
- The Judge of the Newton Superior Court
- The Judge of the Benton Circuit Court
- The Judge of the Pulaski County Circuit Court

- The Judge of the Pulaski County Superior Court
- The Judge of the White County Circuit Court
- The Judge of the White County Superior Court
- The Judge of the Porter Circuit Court
- The Judge of the Porter Superior Court #1
- The Judge of the Porter Superior Court #2
- The Judge of the Porter Superior Court #3
- The Judge of the Porter Superior Court #4
- The Judge of the Porter Superior Court #6

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 Trial Rule 79(H)(3) by written certification to appoint a Special Judge.

**LR37-CR2.2-06 Appointment of Special Judge in Criminal Cases**

A. In the event of a recusal or disqualification of the Judge of the Jasper Circuit Court or the Jasper Superior Court in a criminal, infraction or ordinance violation, the assignment and selection of a Special Judge shall proceed pursuant to 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 Statue or Rule of Court in a criminal, infraction, ordinance violation, or post-conviction proceeding, the assignment and selection of a Special Judge shall proceed pursuant to sub-part C of this local rule.

C. Assignment of Special Judge

1. The Judge of the Jasper Circuit Court shall be appointed as Special Judge for all cases originating in Jasper Superior Court. If the Judge of the Jasper 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 Jasper Superior Court shall be appointed as Special Judge for all cases originating in the Jasper Circuit Court. If the Judge of the Jasper Superior 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 appoint on a rotating basis from the following list of Judges who have agreed to serve as a Special Judge in the Jasper Circuit or Jasper Superior Courts:

- The Judge of the Newton Circuit Court
- The Judge of the Newton Superior Court
- The Judge of the Benton Circuit Court
- The Judge of the Pulaski County Circuit Court
- The Judge of the Pulaski County Superior Court
- The Judge of the White County Circuit Court
- The Judge of the White County Superior Court
- The Judge of the Porter Circuit Court
- The Judge of the Porter Superior Court #1
- The Judge of the Porter Superior Court #2
- The Judge of the Porter Superior Court #3
- The Judge of the Porter Superior Court #4
- The Judge of the Porter Superior Court #6

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.

#### **LR37-AR15-07**

#### **Court Reporters**

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 or 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 recording is transcribed in the form required by Indiana Rules of Appellate Procedure 28 and 29.
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. *Overtime hours worked* means those hours worked in excess of forty (40) hours per work week.
8. *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.
9. *Court* means the particular court for which the court reporter performs services. Court may also mean all of the courts in Jasper County.
10. *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.
11. *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.
12. *Private transcript* means a transcript, including but not limited to, a deposition transcript that is paid for by a private party.

B. SALARY

1. The court reporters of said courts shall be paid an annual salary for time spent working under the control, direction, and direct supervision of the court during any regular work hours or overtime hours.

C. TRANSCRIPTS

1. All transcripts required by law to be prepared by the court reporters shall not be prepared during regular working hours unless agreed to between the court and the Court reporter.

D. INDIGENT TRANSCRIPTS

1. A maximum per page fee for county indigent transcripts shall be set at \$4.50 per page. The court reporters shall submit a claim directly to the county auditor for the preparation of county indigent transcripts.
2. A maximum per page fee of state indigent transcripts shall be set at \$4.50 per page. The court reporters shall submit a claim directly to the auditor of the State of Indiana for the preparation of state indigent transcripts.
3. A maximum per page fee for expedited transcripts shall be set at \$8.00 per page.
4. A maximum per page fee for copies of transcripts shall be set at \$2.00 per page.
5. A maximum fee of \$.25 per page for photocopies of exhibits, pleadings, or documents other than transcripts.

E. PRIVATE TRANSCRIPTS

1. A maximum per page fee for private transcript work shall be set at \$4.50 per page.
2. A maximum per page fee for depositions shall be set at \$4.50 per page, in addition to a recording charge.
3. A maximum per page fee for expedited transcripts shall be set at \$8.00 per page.
4. A maximum per page fee for copies of transcripts/depositions shall be set at \$2.00 per page.
5. A maximum fee of \$.25 per page for photocopies of exhibits, pleadings, or documents other than transcripts.

F. MINIMUM FEE FOR TRANSCRIPTS

1. A minimum fee of \$35.00 may be charged by the court reporters for any transcript prepared, whether county or state indigent, private, or depositions.

G. HOURLY CHARGES

1. The court reporters may charge an hourly rate commensurate with their annual rate of pay for copying and binding of exhibits, digital preparation of transcripts, including table of contents, and for preparation of the Notice of Completion.

H. DEPOSITIONS

1. A court reporter may engage in the private practice of recording depositions and/or preparing deposition transcripts; however, such private practice shall be

conducted outside of the court reporter's work hours. Upon agreement of the court, the court reporter may utilize court equipment, work space and/or supplies in said private practice; however, the court reporter shall reimburse the court, on a quarterly basis, at the rate of \$.50 per page for the use of said equipment, work space and/or supplies.

2. A daily log shall be maintained by the court reporters, which shall reflect the number of deposition transcript pages completed. The court reporters shall submit their daily log sheets to the respective courts on a quarterly basis.

#### I. FEE FOR SUPPLIES

1. A standard supply fee of \$18.00 shall be charged for any transcript prepared which is not for purposes of an appeal and \$36.00 for any transcript prepared by the court reporters which is for purposes of appeal to cover supplies, i.e. binders and C.D.s, and said fee shall be paid to the Treasurer of Jasper County, and shall be credited to the office supply budget of the Court.

#### J. ANNUAL REPORT

1. The court reporters shall report on an annual basis to the Indiana Supreme Court Division of State Court Administration, on forms prescribed by the Division, all transcript fees received by the court reporter, whether for county indigent transcripts, state indigent transcripts, private transcripts or depositions.