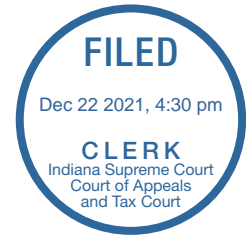


In the Indiana Supreme Court



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

Supreme Court Case No.
21S-MS-571

Order Approving Amended Local Rule

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

Upon examination of the proposed rule amendments requested by the Clinton Circuit and Superior Courts, this Court finds that the proposed rule amendments at LR12-CR 2.2-RULE 01 comply with Criminal Procedure Rule 2.2, LR12-AR 1(E)-RULE 03 comply with the requirements of Indiana Administrative Rule 1(E), LR12-TR79-RULE 05 comply with Trial Procedure Rule 79, and LR12-AR 15-RULE 08 comply with Administrative Rule 15, and, accordingly, should be approved.

IT IS, THEREFORE, ORDERED by this Court that amended Local Rules, LR12-CR 2.2-RULE 01, LR12-AR 1(E)-RULE 03, LR12-TR79-RULE 05, and LR12-AR 15-RULE 08, for the Clinton Circuit and Superior Courts, set forth as attachments to this Order, are approved effective January 1, 2022.

Done at Indianapolis, Indiana, on 12/22/2021.

A handwritten signature in black ink, appearing to read "Loretta H. Rush".

Loretta H. Rush
Chief Justice of Indiana

LR12 - CR 2.2 - RULE 01
FILING OF CRIMINAL CASES

1.10 As required by Criminal Rule 2.2 and subject to approval by the Indiana Supreme Court, Clinton Circuit Court and Clinton Superior Court adopt the following Local Rule by which felony and misdemeanor cases are assigned to each court:

1.20 General Provisions. Except as provided by LR12 - CR2.2 - Rule 1.30, misdemeanor cases shall be assigned to Superior Court. Except as provided in LR12 - CR2.2 - Rule 1.30, all criminal cases involving felonies or murder shall be assigned to a court on a monthly rotating basis according to the month in which the felony occurred. If the crime is alleged to have first occurred in an odd-numbered month, the case shall be assigned to Circuit Court. If the crime is alleged to have first occurred in an even-numbered month, the case shall be assigned to Superior Court.

1.30 Exceptions.

- a. Cases involving crimes at Title 9 (traffic offenses) shall be assigned to Superior Court.
- b. Cases involving crimes at I.C. 35-42-4 (sex related crimes) shall be assigned to Circuit Court.
- c. Cases involving crimes at I.C. 35-43 (offenses against property) shall be assigned to Circuit Court.
- d. Cases involving crimes at I.C. 35-46-1-15.1 (invasion of privacy) shall be assigned to the Court that issued the Protection Order or No Contact Order if such Order was issued by a court in Clinton County.
- e. Cases involving crimes at I.C. 35-44-3 or I.C. 35-44.1-3 (interference, fleeing, or resisting governmental operations) shall be filed in the Court that issued the original Order or other process that is alleged to have been violated.
- f. Cases involving crimes at Title 7.1 (alcohol offenses) shall be assigned to Circuit Court.
- g. Cases involving crimes at I.C. 20-33-2 (compulsory school attendance) shall be assigned to Circuit Court.
- h. Cases involving crimes at I.C. 35-46-1-5, I.C. 35-46-1-6, and I.C. 35-46-1-7 (non support) shall be assigned to the Court that issued the support order. If the case will be filed based on multiple support orders, or if the support order was issued in another jurisdiction, or if the case will be filed based on any other basis, the case shall be assigned to Circuit Court.

1.40 Application of Assignment Rules. Where multiple offenses are filed, the most serious offense shall control the court assignment. Where multiple offenses are filed, the date of the

earliest offense shall control the court assignment. Should the month of the offense be unknown, the case shall be assigned according to the year of the offense, with odd-numbered cases assigned to Circuit Court and even-numbered cases assigned to Superior Court. Where the foregoing rules still do not define a court for assignment, a felony case shall be assigned to Circuit Court and a misdemeanor case shall be assigned to Superior Court.

1.50 Added Charges. In the event additional related charges are filed against a defendant after a court has been assigned, such additional charges shall be filed in the same court where the case is pending.

LR12 - AR 1(E) - RULE 03 FILING OF CIVIL CASES

3.10 General Provisions. All small claims cases, infraction cases, eviction cases, and ordinance violations shall be filed in the Superior Court. All juvenile cases and paternity cases shall be filed in the Circuit Court. Unless governed separately by statute or Indiana Rules of Court, other civil cases shall be filed in the Court designated by the filing party, except as provided in LR12 - AR1(E) - Rule 3.20.

3.20 Exceptions.

a. A petition to expunge or seal a Clinton County criminal conviction shall be filed in the court where the conviction order was issued; however, if the petitioner seeks to expunge more than one conviction, the petition shall be filed in the Court where the most recent conviction occurred.

b. A petition for issuance of a Protection Order shall be filed in the court having jurisdiction over a divorce or paternity case involving the same parties.

c. A petition for issuance of a Protection Order filed against a respondent who is under the age of eighteen (18) years shall be filed in the Clinton Circuit Court.

d. Any other petition for issuance of a Protection Order shall be filed in the Clinton Superior Court.

e. A petition for issuance of specialized driving privileges shall be filed in the Clinton Superior Court.

f. A petition to waive BMV reinstatement fees shall be filed in the Clinton Superior Court.

g. A petition for Tax Sale and any Petition for Issuance of a Tax Deed shall be filed in the Clinton Superior Court.

LR12 - TR79 - RULE 05
**SPECIAL JUDGE IN SMALL CLAIMS CASES, PROTECTION ORDER CASES,
INFRACTION CASES, EVICTION CASES, AND JUVENILE DELINQUENCY CASES**

5.10. For the orderly and prompt administration of small claims cases, protection order cases, infraction cases, eviction cases, and juvenile delinquency cases, these rules shall govern in the event of an order granting a change of judge or an order of disqualification in a small claims case, a protection order case, an infraction case, or a juvenile delinquency case.

5.20. In the event of an order granting a change of judge or an order of disqualification in a small claims case, a protection order case, an infraction case, an eviction case, or a juvenile delinquency case, and no special judge agreement is submitted pursuant to Trial Rule 79(D), then the judge of the other court in Clinton County shall serve as judge.

5.30. In the event that the judge of the other court in Clinton County is unwilling or unable to serve as judge in the case, then selection of a special judge shall be pursuant to LR12 - TR79 - Rule 04, omitting from the list of judges in Clinton County.

LR12 - AR 15 - RULE 08
COURT REPORTER SERVICES

8.10 General Provisions. The Clinton Circuit Court and Clinton Superior Court comprise all of the courts of record of Clinton County, Indiana and hereby adopt the following local rule by which court reporter services shall be governed.

8.20 Definitions. The following definitions shall apply under this local rule:

a. *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.

b. *Equipment* means all physical items owned by the court or other governmental entity and used by a court reporter in performing court reporter services. Equipment shall include, but not be limited to, telephones, computer hardware, software programs, disks, tapes, and any other devices used for recording and storing, and transcribing electronic data.

c. *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.

d. *Page* means that page unit of transcript which results when a recording is transcribed in the form required by Indiana Rule of Appellate Procedure 7.2.

e. *Recording* means the electronic, mechanical, stenographic, or other recording made as required by Indiana Rule of Trial Procedure 74.

f. *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.

g. *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.

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

i. *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.

j. *Court* means the particular court for which the court reporter performs services. Court may also mean all of the courts in Clinton County.

k. *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.

l. *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.

m. *Private transcript* means a transcript, including but not limited to a deposition transcript, that is paid for by a private party.

8.30 Salaries. 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. Salary does not include transcription fees. The supervising court shall enter into a written agreement with the court reporter which outlines the manner in which the court reporter is to be compensated for gap and overtime hours by monetary pay or compensatory pay. Should court reporters work over (forty) 40 hours in one week on regular court business, they should be paid time and a half or receive and one and one-half times overtime worked. The Council has requested a 35 hour work week.

8.40 Fees for Private Transcript. The maximum per page fee a court reporter may charge for the preparation of a private transcript shall be as follows:

- a. \$5.50 generally
- b. \$6.50 for transcription of older cases. Older cases are those cases in which the hearing was held in excess of four (4) years prior to the date the transcription is requested.
- c. \$7.50 for expedited transcripts. Expedited transcripts are those transcripts which are requested to be completed within seven (7) days.

8.50 Fees for County Indigent Transcript. 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 county indigent transcripts.

8.60 Fees for State Indigent Transcript. The maximum per page fee a court reporter may charge for the preparation of a state indigent transcript shall be \$5.50.

8.70 Reporting. 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 Office of Judicial Administration. The reporting shall be made on forms prescribed by the Indiana Office of Judicial Administration.

8.80 Private Practice. If a court reporter elects to engage in private practice through the recording of a deposition and/or preparing a deposition transcript, and the court reporter desires to utilize the court's equipment and work space, and the court agrees to the use of the court equipment for such purpose:

- a. The court reporter shall provide his/her own supplies; and
- b. The court reporter shall maintain records regarding use.
- c. Preparation of a private practice deposition transcript shall be conducted outside of regular working hours.
- d. The court reporter may charge a \$25.00 deposition sit fee while engaged in private practice, and such fee shall be waived by the court reporter if the deposition begins not later than thirty (30) minutes after the date and time for the scheduled deposition. The sit fee will remain due and owing if the deposition is canceled by either party without advance notice to the court reporter.