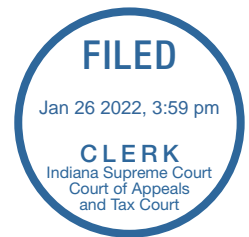


In the
Indiana Supreme Court



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

Supreme Court Case No.
22S-MS-37

Order Approving Amended Local Rule

The Judges of the Bartholomew 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, for special judge assignments in accordance with Trial Procedure Rule 79, for criminal case assignments in accordance with Criminal Procedure Rule 2.2, and for criminal special judge assignments in accordance with Criminal Procedure Rule 13. Attached to this Order are the proposed amended local rules.

Upon examination of the proposed rule amendments requested by the Bartholomew Circuit and Superior Courts, this Court finds that the proposed rule amendments at LR03-AR1 Rule 1 complies with the requirements of Indiana Administrative Rule 1(E), LR03-AR 15-1 and LR03-AR15-2 comply with Administrative Rule 15, LR03-TR79-1 complies with Trial Procedure Rule 79, LR03-CR2.2-1 complies with Criminal Procedure Rule 2.2, and LR03-CR13-1 complies with Criminal Procedure Rule 13, and, accordingly, should be approved.

IT IS, THEREFORE, ORDERED by this Court that amended Local Rules, LR03-AR1 Rule 1, LR03-AR 15-1, LR03-AR15-2, LR03-TR79-1, LR03-CR2.2-1, and LR03-CR13-1, for Bartholomew Circuit and Superior Courts, set forth as an attachment to this Order, are approved effective February 1, 2022.

Done at Indianapolis, Indiana, on 1/26/2022.

Loretta H. Rush
Chief Justice of Indiana

LR03-TR79-1: Selection of Special Judges.

- (A)** In the event a special judge needs to be appointed, and the parties cannot agree to a special judge under Trial Rule 79 (D), or if the selected judge does not accept the case, then under Indiana Rule of Civil Procedure 79 (H), the clerk shall first assign the case to one of the other Bartholomew Court Judges on an equal and rotating basis, and if no Bartholomew County Judge is eligible to serve, then the following full time judicial officers shall be eligible for appointment by the Clerk of the Court on an equal and rotating basis:
- (1) Judge of the Brown Circuit Court;
 - (2) Magistrate of the Brown Circuit Court;
 - (3) Judge of the Decatur Circuit Court;
 - (4) Judge of the Decatur Superior Court;
 - (5) Magistrate of the Decatur County Courts;
 - (6) Judge of the Jackson Circuit Court;
 - (7) Judge of the Jackson Superior Court #1;
 - (8) Judge of the Jackson Superior Court #2,
 - (9) Judge of the Jennings Circuit Court;
 - (10) Judge of the Jennings Superior Court; and
 - (11) Magistrate of the Jennings County Courts.
- (B)** All the Judges named above are within this Court's Administrative District Number 21. In the event a case is dismissed and refiled, the Judge last having jurisdiction in the dismissed case shall be the Judge in the new case.
- (C)** A person selected and appointed to serve under this rule shall accept jurisdiction in the case unless disqualified pursuant to the Code of Judicial Conduct, ineligible for service under Trial Rule 79 or is excused from service by the Indiana Supreme Court.
- (D)** If the judge selected to serve is disqualified or is excused from service, then the Clerk of Court shall appoint the next judge on the list. If no judge on the list is eligible to serve as special judge or the particular circumstances in the case so warrant, the then presiding judge in the case shall certify the matter to the

Indiana Supreme Court for the appointment of a special judge pursuant to TR79(H)(3).

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 (except those specifically denoted to be filed in Superior Court 2) 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 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, Level 6 felony possession of controlled substance offenses, and Level 6 felony Domestic

Battery, Strangulation, Confinement, and Intimidation cases shall be assigned to Superior Court 2 during the pendency of that case or cases.

- (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.

LR03-CR13-1 Transfer of Cases.

- (A) In the event of a conflict for Circuit Court, a case shall be reassigned to either Superior Court 1 or Superior Court 2 on an equal and rotating basis.
- (B) In the event of a conflict for Superior Court 1, a case shall be reassigned to either Circuit Court or Superior Court 2 on an equal and rotating basis.
- (C) In the event of a conflict for Superior Court 2, a case shall be reassigned to either Circuit Court or Superior Court 1 on an equal and rotating basis.
- (D) In the event that no courts in Bartholomew County are available to hear a case, then that case shall be transferred on a rotating basis to a full time judicial officer of one of the other courts in the district in the following order; Judge of the Brown Circuit Court, Magistrate of the Brown Circuit Court; Judge of the

Jackson Circuit Court, Judge of the Jackson Superior Court No 1, Judge of the Jackson Superior Court No 2, Judge of the Jennings Circuit Court, Judge of the Jennings Superior Court, Magistrate of the Jennings County Courts, Judge of the Decatur Circuit Court, Judge of the Decatur Superior Court, Magistrate of the Decatur County Courts, Judge of the Johnson Circuit Court, Judge of the Johnson Superior Court No 1, Judge of the Johnson Superior Court No 2, Judge of the Johnson Superior Court No 3, Judge of the Johnson Superior Court No 4, Magistrate of the Johnson Circuit Court, Magistrate of the Johnson County Courts, Judge of the Shelby Circuit Court, Judge of the Shelby Superior Court No 1, and Judge of the Shelby Superior Court No 2. A judge shall be skipped in the rotation when such judge is known to the court to be ineligible or disqualified. If a judge is so skipped in the rotation, he or she shall be selected for the next eligible case if the ineligibility has been removed.

- (E) In the event that no judge is available for assignment or reassignment, such case shall be certified to the Indiana Supreme Court for the appointment of a special judge.

LR03-AR15-1: Rules Governing Court Reporters and County Employers.

- (A) **Salary.** A court reporter shall be paid an annual salary for time spent working under the control, direction, and direct supervision of the Court during all regular work hours and overtime hours. Each court, subject to the approval of the Bartholomew County Council, shall set the amount of salary. Such salary shall be based on a regular workweek of forty (40) hours.
- (B) **Overtime.** Whether to be paid overtime or credited with time off may be negotiated between the court reporter and the Court and is subject to the decision of the Court.
- (C) **Transcripts Prepared for Other Courts.** A court reporter may, at the request of another official court reporter, prepare transcripts for another court. Such preparation may not be done during regular workweek hours while at work.

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 \$5.00. 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 \$5.00.
- (4) The maximum per-page fee a court reporter may charge for the preparation of a private transcript shall be \$5.00
- (5) With the court's approval, a court reporter may charge a maximum per-page fee of \$5.50 for transcripts requested within five (5) working days and a maximum per-page fee of \$6.50 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 for total cost of transcript may be charged for any transcript less than ten (10) pages. This includes, but is not limited to, those that require the court reporter's time in searching tapes, i.e., Bartholomew Superior Court 2 transcripts.
- (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.
- (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.

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, 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. 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. This assignment rate applies unless there is currently filed a case involving the parties in another Bartholomew County Court. If there is a currently filed case involving the parties in another Bartholomew County Court, then the protective order case shall be filed in the court where the other case is filed. All protective order cases where the respondent is a juvenile shall be filed in Circuit Court. Circuit Court shall retain those PO cases where there is currently filed another case in Circuit Court (such as JP, JC, JD, JS, or JT cases).
- (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).