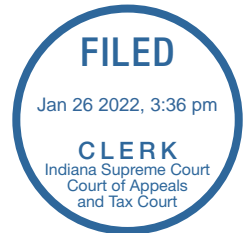


# In the Indiana Supreme Court

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

Supreme Court Case No.  
22S-MS-38



## Order Approving Amended Local Rule

The Judges of the Montgomery 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 Montgomery Circuit and Superior Courts, this Court finds that the proposed rule amendments at LR54-AR00-1 complies with the requirements of Indiana Administrative Rule 1(E), LR54-AR15-6 complies with Administrative Rule 15, LR54-TR79-12 complies with Trial Procedure Rule 79, LR54-CR2.2-1 complies with Criminal Procedure Rule 2.2, and LR54-CR13-3 complies with Criminal Procedure Rule 13, and, accordingly, should be approved.

IT IS, THEREFORE, ORDERED by this Court that amended Local Rules, LR54-AR00-1, LR54-AR15-6, LR54-TR79-12, LR54-CR2.2-1, and LR54-CR13-3, for Montgomery 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.

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

Loretta H. Rush  
Chief Justice of Indiana

## **LR54-AR00-1**

### **Civil Case Assignments**

Civil actions and proceedings in the Montgomery Circuit and Superior Courts shall be assigned among the courts as follows:

A. Montgomery Circuit Court: Any civil actions or proceedings; and all juvenile actions or proceedings except juvenile termination of parental rights (JT) cases.

B. Montgomery Superior Court 1: Any civil actions or proceedings; all civil domestic relations proceedings in which the Prosecuting Attorney has appeared pursuant to 42 USC Section 602(a)(26), as amended ("Title IV-D" proceedings); and all adoption actions or proceedings.

C. Montgomery Superior Court 2: Any civil actions or proceedings; all civil cases founded on contract or tort in which the claim does not exceed the statutory small claims jurisdictional amount; all possessory actions between landlord and tenant in which the claim does not exceed the statutory small claims jurisdictional amount; all actions for possession of property where the value of the property sought to be recovered does not exceed the statutory small claims jurisdictional amount; all infraction and ordinance violation cases; all probate actions or proceedings; and all juvenile termination of parental rights (JT) cases.

D. The judges of the Montgomery Circuit and Superior Courts by appropriate order entered in the Record of Judgment and Orders, may transfer and reassign any case to any other court in the county, subject to acceptance by the receiving court.

## **LR54-AR15-6**

### **Court Reporters**

A. 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 Judge during any regular work hours, gap hours or overtime hours. The supervising Judge shall enter into a written agreement with the court reporters which outlines the manner in which the court reporters are to be compensated for gap and overtime hours, i.e., monetary compensation or compensatory time off regular work hours.

(2) The maximum per page fee a court reporter may charge for the preparation of a county indigent transcript shall be \$4.00. 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 \$4.00.

(4) The maximum per page fee a court reporter may charge for the preparation of a private transcript shall be \$4.00.

(5) The maximum per page fees set forth in subsections (2), (3) and (4) shall apply only to transcripts prepared in the ordinary course of business or to be prepared within the time permitted by the Indiana Rules of Appellate Procedure. The fee per page for expedited transcripts shall be \$6.00 if the transcript is to be prepared within two (2) weeks, and \$5.00 per page if the transcript is to be prepared within four (4) weeks.

(6) A minimum fee of up to \$40.00 may be charged by a court reporter for a small transcript.

(7) In addition to per page fees, a court reporter may charge the following:

(a) Index and Table of Contents pages may be charged at the per page rate being charged for the rest of the transcript;

(b) 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;

(c) A reasonable charge for the office supplies required and utilized for the binding and electronic transmission of the transcript, pursuant to Indiana Rules of Appellate Procedure 28, 29 and 30 is permissible.

(8) Each court reporter shall report, at least annually, all transcript fees received for the preparation of county indigent, state indigent and/or private transcripts to the Indiana Office of Judicial Administration.

**B. 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 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.

#### **LR54-TR79-12**

#### **Special Judges**

A. Pursuant to Trial Rule 79(H), after consulting with the other judges within the 11<sup>th</sup> Administrative District established in Administrative Rule 3(A); having considered the effective use of all judicial resources within such Administrative District; and having considered the accessibility of those judges who are eligible for appointment by a trial court as a special judge pursuant to Trial Rule 79(J); the following judges shall be appointed pursuant to a local rule pursuant to Trial Rule 79(H), and shall comprise the list for such appointments, and be selected alphabetically by county on a rotating basis, as follows: The judge of the Fountain Circuit Court, the judge of the Montgomery Circuit Court, the judge of the Montgomery Superior Court 1, the judge of the Montgomery Superior Court 2, the judge of the Parke Circuit Court, the judge of the Vermillion Circuit Court, and the judge of the Warren Circuit Court.

B. In the event that no judge is eligible to serve as a special judge or the particular circumstances of the case warrant selection of a special judge by the Indiana Supreme Court, such case shall be certified to the Indiana Supreme Court for the appointment of a special judge.

C. After a special judge is selected, the caption of all pleadings filed thereafter shall designate "Before Special Judge \_\_\_\_\_" immediately below the cause number.

D. A copy of each pleading or each paper filed with the Court after a special judge has qualified shall be mailed or delivered to the office of that special judge by the counsel or litigant with service indicated on the certificate of service.

## **LR54-CR2.2-1**

### **Criminal Case Assignments**

A. All level 6 felony cases and all misdemeanor alcohol cases with habitual vehicular substance offender charges shall be assigned to the Montgomery Superior Court 1.

B. All misdemeanor cases not specified in paragraph A shall be assigned to Montgomery Superior 2.

C. All murder, level 1, 2, 3, 4, & 5 felony cases shall be assigned to the Montgomery Circuit Court.

D. If there is a conflict as to which court a case should be assigned pursuant to the foregoing rules, the case shall be assigned according to the highest level of felony charged.

E. To promote judicial economy, the foregoing assignment of cases among the three courts shall be modified with respect to offenses charging the same defendant or arising out of the same or related incidents in which litigation is pending so that the new charge may be filed in the court in which the defendant has already been charged or related litigation is pending.

F. This Case Assignment rule notwithstanding, consistent with LR 54-CR2.3-2, cases may be transferred from one court to another as may be appropriate.

## **LR54-CR13-3**

### **Reassignment**

A. The following judges shall serve in the event it becomes necessary to reassign a felony or misdemeanor case in the Montgomery Circuit Court, the Montgomery Superior Court 1 or the Montgomery Superior Court 2: The judge of the Fountain Circuit Court, the judge of the Montgomery Circuit Court, the judge of the Montgomery Superior Court 1, the judge of the Montgomery Superior Court 2, the judge of the Parke Circuit Court, the judge of the Vermillion Circuit Court, and the judge of the Warren Circuit Court. If the above list is exhausted, then the case will be reassigned to a full-time judicial officer from one of the following counties: Boone, Clinton, Hendricks, Putnam, or Tippecanoe. Assignments under this portion of the rule will also occur on a rotating basis.

B. By order of adoption of these rules, the Indiana Supreme Court, pursuant to I.C. 33-24-6-10, temporarily transfers the above named judges to the Montgomery Circuit and Superior Courts for the purpose of reassignment of felony or misdemeanor cases. In the event it becomes necessary to reassign a felony or misdemeanor case, the cases will be reassigned on a rotating basis to the above named judges in the order in which they are listed.