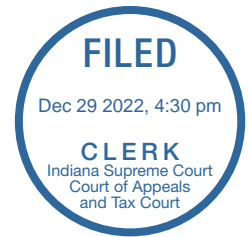


In the
Indiana Supreme Court



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

Supreme Court Case No.
22S-MS-457

Order Approving Amended Local Rules

The Judges of the Monroe Circuit Courts request the approval of amended local rules for caseload allocation in accordance with Indiana Administrative Rule 1(E) 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 Monroe Circuit Courts, this Court finds that the proposed rule amendments at LR53-AR00-0108 comply with the requirements of Indiana Administrative Rule 1(E), and LR53-AR00-0132 complies with Administrative Rule 15, and, accordingly, should be approved.

IT IS, THEREFORE, ORDERED by this Court that amended Local Rules LR53-AR00-0108 and LR53-AR00-0132, for the Monroe Circuit Courts, set forth as attachments to this Order, are approved effective January 1, 2023.

Done at Indianapolis, Indiana, on 12/29/2022 .

A handwritten signature in black ink that reads "Loretta H. Rush".

Loretta H. Rush
Chief Justice of Indiana

LR53-AR00-0108 CASELOAD ALLOCATION

A. Procedure. The Board of Judges shall:

1. Review and comply with current caseload allocation orders of the Indiana Supreme Court.
2. Review and assess literature from the Indiana State Bar Association, the American Bar Association, and the National Center for State Courts.
3. Review and consider suggestions made by the Monroe County Bar, the Prosecuting Attorney, and the Public Defender.
4. Review and analyze the statistics on current workload and case flow within the Monroe Circuit Court.
5. Analyze whether the current allocation is providing quality public service. There shall be a presumption in favor of the current allocation in order to preserve public confidence in the system, promote stability for the employees of the court system, and avoid inefficient use of personnel, time, and resources to effectuate change. Caseload allocation shall be determined by judicial seniority.

B. Implementation. The Clerk of Monroe County shall maintain a random filing system, by computer or otherwise, implementing the caseload allocation approved by the Board of Judges. If the caseload allocation is changed by order of the Board of Judges, the Presiding Judge shall forward the amended allocation to the Clerk of the Supreme Court and Court of Appeals, the State Court Administrator, the Clerk of the Monroe Circuit Court, and the President of the Monroe County Bar Association. The current allocation is as follows:

1. Case Assignment. The Clerk shall assign cases as from time to time directed by the Board of Judges.
 - a. The Clerk shall randomly assign all murder, A, B, C, D, Level I, Level II, Level III, Level IV, Level V, Level VI felony and misdemeanor cases to Divisions II, III, V, and IX.
 - b. Domestic relations cases shall be randomly assigned 75% to Division IV and 25% to Division VIII, *unless consolidated with an active protection order case as provided in paragraph c.*
 - c. Protective Order cases shall be randomly assigned 50% to Division IV and 50% to Division VIII. If, however, the parties to the Protection Order case have an active or closed Domestic Relations case with Children (DC) or a closed Domestic Relations case without Children (DN) or an active Child in Need of Services (CHINS) case, the Protection Order case will be assigned to the Division with the

- DN, DC or CHINS case. Domestic Relations cases shall be assigned to the Division with an active Protection Order case involving the same parties
- d. Tort, Civil Plenary, Civil Collection, Mortgage Foreclosure and Mental Health cases shall be randomly assigned 50% to Division I and 50% to Division VI.
 - e. Juvenile Delinquencies, Juvenile Status, Juvenile Miscellaneous, Juvenile CHINS, Juvenile Terminations, and Adoption cases shall be assigned to Division VII. Guardianship and Guardianship Miscellaneous cases shall be assigned to Division I.
 - f. Juvenile Paternity cases shall be assigned 25% to Division VI, and 75% to Division VIII.
 - g. Estate and Trust cases shall be assigned to Division I.
 - h. Small Claims shall be randomly assigned 25% to Division IV and 75% to Division VIII. Eviction (small claims) cases shall be randomly assigned 75% to Division IV and 25% to Division VIII.
 - i. Infraction cases shall be assigned 25% to Division VI, and 75% to Division VIII.
 - j. Reciprocal Support and Eviction (Civil) cases shall be assigned 100% to Division VI.
 - k. A redocketed case bearing a 1992 or earlier cause number shall be assigned to the court of original jurisdiction if that division in the reallocation of cases is assigned that case type, otherwise it will be randomly assigned to a division with that jurisdiction.
 - l. A redocketed case bearing a 1993 or later cause number shall be assigned to the court of original jurisdiction if that division in the reallocation of cases is assigned that case type, otherwise it will be randomly assigned to a division with that jurisdiction.
 - m. The Clerk shall use the related case function in the Odyssey Case Management System in Protection Order (PO) and Juvenile Paternity (JP) cases involving the same parties to facilitate coordination, consistency, and efficiency within judicial orders.
 - n. The Clerk shall use the related case function in the Odyssey Case Management System if an active CHINS case pending in Division VII involves the same parties to a new or pending Domestic Relations, Reciprocal Support, or Protective Order cases.

- o. Tax Sale (TS) and Tax Petition (TP) cases shall be assigned to Division I.
 - p. Juvenile Protective Order (JQ) cases shall be assigned to Division VII.
 - q. Expungement (XP) cases shall be assigned to Divisions II, III, V and IX. If multiple cases are listed on the Expungement Petition, the XP case shall be filed in the Criminal Court with the oldest case listed in the petition (Divisions II, III, V, IX.) If only one case is listed on the Expungement Petition and that Court no longer hears criminal cases, the case will be randomly assigned to a practicing criminal court (II, III, V, IX); however, the original criminal files should not be transferred to that Court and will retain their original cause number.
 - r. New Guardianship (GU) cases shall be assigned to the division with a related pending CHINS case.
 - s. Civil Miscellaneous (MI) cases shall be assigned 50% to VI and 25% to Division IV and 25% to Division VIII.
 - t. Ordinance Violations shall be assigned to Division VIII.
2. Case Re-filed. If a case is dismissed without prejudice on a plaintiff's motion and the same case is subsequently re-filed by a plaintiff, the re-filed case shall be assigned to the same Division of the Monroe Circuit Court in which the dismissed case was originally filed providing that division is overseeing that case type. If that division is no longer hearing that case type, then the Clerk will randomly assign that case to a division with jurisdiction. "Same case" shall mean substantially the same cause of action, arising out of the same transaction or occurrence, and between substantially the same parties. If such a re-filed case is not initially re-filed in the same division of the Monroe Circuit Court, then upon motion of any party or Court, it shall be transferred to the Division of the Monroe Circuit Court in which it was originally filed.
3. Change of Judge. When a special judge must be appointed in accordance with Trial Rule 79 (H), the case shall be randomly reassigned to another division of the court currently receiving new filings of that case type pursuant to Caseload Allocation Rule LR 53-AR00108. Juvenile CHINS, Juvenile Termination of Parental Rights and Adoption cases shall be reassigned to Division IV. Estate and Trust cases shall be reassigned to Division VII. Juvenile Status, Juvenile Miscellaneous, Guardianship, and Guardianship Miscellaneous cases shall be randomly reassigned 50% to Division VI and 50% to Division VIII. Juvenile Protective Order (JQ) and Juvenile Delinquency cases shall be reassigned to Division I.

The Court Reporter shall notify the Clerk of the need for reassignment in accordance with District Rule DR 20-TR79-000.

C. Case Consolidation.

1. Civil cases. Civil cases filed against different defendants that arise out of the same occurrence, or multiple cases filed against the same defendant may be consolidated and assigned to the division with the oldest case number.
2. Criminal cases. All criminal cases against a defendant shall be consolidated in the Division with the oldest pending case number. A new case shall be filed in that Division, or transferred to that Division. Pending cases include defendants on Probation and in the Pre-Trial Diversion Program.

D. Case Transfer.

Nothing in this Rule shall preclude the transfer of case from one Division of the Circuit Court to another Division to promote efficiency and provide for timely resolution of cases. Upon transfer, credit will be given to the new Division assigned by the Odyssey Case Management System.

LR53-AR00-0132 TRANSCRIPTS

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 in a given case before the court.
2. ***Equipment*** means all physical items owned by the court or other governmental entity 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 Indiana Appellate Rule 28(A).
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 a division of the court is regularly scheduled to work during any given work week. Depending on the schedule of the court and its flex schedule for court reporters, these hours may vary from division to division of the court, within the county but remain the same for each 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 40 hours per work week.
8. **Overtime hours** means those hours worked in excess of 40 hours per work week.
9. **Work week** means a 7 consecutive day week defined by the County's payroll schedule which consistently begins and ends on the same day throughout the year; i.e. Sunday through Saturday, Wednesday through Tuesday, or Friday through Thursday.
10. **Court** means the Monroe Circuit Court and Division means the particular division of the Court for which the court reporter performs services. Court may also mean all of the divisions of the Monroe Circuit Court.
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 is 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. A transcript required within 7 days of the request is a category 1 expedited private transcript. A transcript required within 14 days of the request is a category 2 expedited private transcript. A transcript required within 23 days of the request is a category 3 expedited private transcript.
14. **Volume** applies to Appellate Court transcripts. Each volume is to be limited to 250 pages or fifty megabytes (50 MB). The table of contents is to be a separate volume and the exhibits are to be included in a separate volume (or volumes if more than 250 pages).

B. Section Two. 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 Monroe Circuit Court shall enter into a written agreement with the court reporters which outlines the manner in which the court reporter is 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 routine county indigent transcript shall be \$5.50. The court reporter shall submit a claim directly to the county for the preparation of any county indigent transcripts. The court reporter shall not charge a fee for copies of an indigent transcript when the preparation of same has already been paid by the county. The court reporter shall not charge for copies of a prepared indigent transcript requested by a Court appointed entity (i.e. CASA, GAL) when the preparation of same has already been paid by the county.

3. The maximum per page fee a court reporter may charge for the preparation of a non-appellate state indigent transcript shall be \$5.50.
4. The maximum per page fee a court reporter may charge for the preparation of a non-appellate private transcript shall be \$6.00. The per page fee a court reporter may charge for a copy of a prepared transcript shall be \$3.00. The maximum per page fee a court reporter may charge for the preparation of a category 1 expedited private transcript shall be \$9.50. The maximum per page fee a court reporter may charge for the preparation of a category 2 expedited private transcript shall be \$8.50. The maximum per page fee a court reporter may charge for the preparation of a category 3 expedited private transcript shall be \$7.50. Category 1, category 2 and category 3 expedited private transcripts are defined in Section 1, definition #13.
5. The Court Reporter, may at their discretion, contract with an outside Court Reporter or Transcription Service to complete any requested transcript.
6. 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 Court Services. The reporting shall be made on forms prescribed by the Indiana Office of Court Services.

C. Section Three. Private Practice.

1. If a court reporter elects to engage in private practice by recording a deposition and/or preparing a deposition transcript, outside of and in addition to his or her official duties for the court, 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.

D. Section Four. Appellate Court Transcripts.

1. The maximum per page a court reporter may charge for the preparation of an appellate indigent transcript is \$6.00.
2. The maximum per page fee a court reporter may charge for the preparation of an

appellate private transcript shall be \$6.50.

3. A minimum fee of \$40.00 per transcript may be charged for small transcripts but not in addition to the per page fee.
4. The Index and Table of Contents shall be charged at the same per page rate as the body of the transcript.
5. Labor charge may be assessed at the same rate as the Official Court Reporter's hourly salary rate for assembling the digital transcript and exhibits.

In addition, a reasonable market rate for office supplies may be charged for private appellate transcripts as designated in the Schedule of Supplies.