

In the
Indiana Supreme Court

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

Supreme Court Case No.
23S-MS-274



Order Approving Amended Local Rules

The Judges of the Madison 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 Madison Circuit Courts, this Court finds that the proposed rule amendments to LR48-AR00-02 comply with the requirements of Indiana Administrative Rule 1(E), and the amendments to LR48-AR15-03 comply with Administrative Rule 15, and, accordingly, should be approved.

IT IS, THEREFORE, ORDERED by this Court that amended Local Rules, LR48-AR00-02 and LR48-AR15-03, for the Madison Circuit Courts, set forth as attachments to this Order, are approved effective October 16, 2023.

Done at Indianapolis, Indiana, on 10/10/2023.



Loretta H. Rush
Chief Justice of Indiana

LR48-AR00-02 CASELOAD PLAN

In compliance with Administrative Rule 1(E), the following chart reflects the caseload allocation for the Madison Circuit Court. No part of this rule shall prohibit the transfer of individual cases to promote efficiency, fair distribution, or the timely resolution of cases.

Cases shall be filed per the following allocation:

Circuit Court No. 1

Criminal: Crimes committed on or before June 30, 2014: Felonies, which include MR (Murder), FA (Class A Felony), FB (Class B Felony), FC (Class C Felony) 25% of total filings; FD (Class D Felony) 12.5% of total filings; MC (Miscellaneous Criminal) and CM (Criminal Misdemeanors) in conjunction with Murder or A, B, C, Felonies, or D Felonies. Crimes committed on or after July 1, 2014: MR (Murder); F1 (Level 1 Felony); F2 (Level 2 Felony); F3 (Level 3 Felony); F4 (Level 4 Felony); F5 (Level 5 Felony); 25% of total filings; F6 (Level 6 Felony) 17.5% of total filings; MC (Miscellaneous Criminal) and misdemeanors in conjunction with Levels 1, 2, 3, 4, 5, and 6 felonies, RF (Red Flag) 100% of total filings.

Civil: PL (Civil Plenary), MF (Mortgage Foreclosure) 33% of total filings, CC (Civil Collections) over \$3,000 only, CT (Civil Tort), DC, DN, (Domestic Relations) 17.5% of total filings, DC, DN (pro se) 20% of total filings, RS (Reciprocal Support), MH (Mental Health), AD (Adoption), ES, EU, GU, GM, TR (Probate), PO (Protective Orders) 25% of total filings, MI (Miscellaneous) 20% of total filings (excepting MI Title IV-D 33% of total filings, OV (Ordinance Violations), RF (Red Flag) 100% of total filings.

Circuit Court No. 2

Criminal: Felonies, which include F6 (Level 6 Felony) 100% of all Educational Neglect Cases only, MC (Miscellaneous Criminal), and CM (Criminal Misdemeanors) - compulsory attendance only.

Civil: DC, DN, (Domestic Relations) 10% of total filings, RS (Reciprocal Support), MH (Mental Health), GU (only for GU cases with an accompanying CHINS case), GM (Probate), OV (Ordinance Violations).

Juvenile: JP (Juvenile Paternity) 20% of total filings (JP case with accompanying CHINS case must be assigned to Circuit 2); JD (Juvenile Delinquency), JS (Juvenile Status), JM (Juvenile Miscellaneous), JC (Juvenile CHINS), JT (Juvenile Termination), JQ (Juvenile Protective Order), JM (Juvenile Miscellaneous) 100% of total filings.

Circuit Court No. 3

Criminal: Crimes committed on or before June 30, 2014: Felonies, which include MR (Murder), FA (Class A Felony), FB (Class B Felony), FC (Class C Felony) 25% of total filings; FD (Class D Felony) 12.5% of total filings; MC (Miscellaneous Criminal) and CM (Criminal Misdemeanors) in conjunction with Murder or A, B, C, Felonies, or D Felonies. Crimes committed on or after July 1, 2014: MR (Murder); F1 (Level 1 Felony); F2 (Level 2 Felony); F3 (Level 3 Felony); F4 (Level 4 Felony); F5 (Level 5 Felony); 25% of total filings; F6 (Level 6 Felony) 17.5% of total filings; MC (Miscellaneous Criminal) and misdemeanors in conjunction with Levels 1, 2, 3, 4, 5, and 6 felonies, RF (Red Flag) 100% of total filings.

Felony) 17.5% of total filings; MC (Miscellaneous Criminal) and misdemeanors in conjunction with Levels 1, 2, 3, 4, 5, and 6 felonies.

Civil: PL (Civil Plenary), MF (Mortgage Foreclosure) 33% of total filings, CC (Civil Collections) over \$3,000 only, CT (Civil Tort), DC, DN, (Domestic Relations) 17.5% of total filings, DC, DN (pro se) 20% of total filings, RS (Reciprocal Support), MH (Mental Health), AD (Adoption), ES, EU, GU, GM, TR (Probate), PO (Protective Orders) 25% of total filings, MI (Miscellaneous) 20% of total filings (excepting MI Title IV-D 33% of total filings), OV (Ordinance Violations).

Juvenile: JP (Juvenile Paternity) 40% of total filings.

Circuit Court No. 4

Criminal: Crimes committed on or before June 30, 2014: Felonies, which include MR (Murder), FA (Class A Felony), FB (Class B Felony), FC (Class C Felony) 25% of total filings; FD (Class D Felony) 12.5% of total filings; MC (Miscellaneous Criminal) and CM (Criminal Misdemeanors) in conjunction with Murder or A, B, C, Felonies, or D Felonies. Crimes committed on or after July 1, 2014: MR (Murder); F1 (Level 1 Felony); F2 (Level 2 Felony); F3 (Level 3 Felony); F4 (Level 4 Felony); F5 (Level 5 Felony); 25% of total filings; F6 (Level 6 Felony) 17.5% of total filings; MC (Miscellaneous Criminal) and misdemeanors in conjunction with Levels 1, 2, 3, 4, 5, and 6 felonies.

Civil: PL (Civil Plenary), CC (Civil Collections) under \$3,000 only, CT (Civil Tort), SC (Small Claims) 50% of total filings, DC, DN, (Domestic Relations) 17.5% of total filings, DC, DN (pro se) 20% of total filings, MH (Mental Health), PO (Protective Orders) 25% of total filings, MI (Miscellaneous) 20% of total filings, OV (Ordinance Violations).

Circuit Court No. 5

Criminal: Crimes committed on or before June 30, 2014: Felonies which include FD (Class D Felony) 50% of total filings; MC (Miscellaneous Criminal) and CM (Criminal Misdemeanors) in conjunction with D Felonies. Crimes committed on or after July 1, 2014: F6 (Level 6 Felony) 30% of total filings; MC (Miscellaneous Criminal) and misdemeanors in conjunction with Level 6 felonies.

Civil: PL (Civil Plenary), CC (Civil Collections) under \$3,000 only, CT (Civil Tort), SC (Small Claims) 50% of total filings, DC, DN, represented and pro se (Domestic Relations) 20% of total filings, MH (Mental Health), MI (Miscellaneous) 20% of total filings, OV (Ordinance Violations).

Circuit Court No. 6

Criminal: Crimes committed on or before June 30, 2014: Felonies, which include MR (Murder), FA (Class A Felony), FB (Class B Felony), FC (Class C Felony) 25% of total filings; FD (Class D Felony) 12.5% of total filings; MC (Miscellaneous Criminal) and CM (Criminal Misdemeanors) in conjunction with Murder or A, B, C, Felonies, or D Felonies. Crimes committed on or after July 1, 2014: MR (Murder); F1 (Level 1 Felony); F2 (Level 2 Felony); F3 (Level 3 Felony); F4 (Level 4 Felony); F5 (Level 5 Felony); 25% of total filings; F6 (Level 6 Felony) 17.5% of total filings; MC (Miscellaneous Criminal) and misdemeanors in conjunction with Levels 1, 2, 3, 4, 5, and 6 felonies.

Civil: PL (Civil Plenary), MF (Mortgage Foreclosure) 33% of total filings, CC (Civil Collections) over \$3,000 only, CT (Civil Tort), DC, DN, (Domestic Relations) 17.5% of total filings, DC, DN (pro se) 20% of total filings, RS (Reciprocal Support), MH (Mental Health), AD (Adoption), ES, EU, GU, GM, TR (Probate), PO (Protective Orders) 25% of total filings, MI (Miscellaneous) 20% of total filings (excepting MI Title IV-D 33% of total filings), OV (Ordinance Violations).

Juvenile: JP (Juvenile Paternity) 40% of total filings.

LR48-AR15-03 COURT REPORTER SERVICES

A. The definition of an Expedited transcript is a transcript that is required to be completed in fourteen days or less if under 200 pages, or in 30 days or less, if over 200 pages.

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 Judge during regular work hours or overtime hours. The supervising Judge shall enter into a written agreement with the court reporter which outlines the manner in which the court reporter is to be compensated for overtime hours.

2. The maximum per page fee a court reporter may charge for the preparation of a non-expedited transcript shall be \$5.30 per page. Expedited transcripts charges are as follows: \$6.30 per page for completion within 14 days, \$7.00 per page for completion within 7 days, and \$8.00 per page for completion within 3 days, \$9.00 per page for completion within 1 day. A reporter may charge \$1.00 per page for copies of transcripts. If any public facilities, supplies or equipment are used in the recording, transcribing, or preparation of any transcript, the reporter shall reimburse the county at the rate of .10 per page. If such transcript is not paid out of county funds, the reporter shall reduce the fee invoiced by .10 per page. If such transcript is not paid out of county funds, the reporter shall bill at the full rate, and remit the .10 per page portion to the county.

3. A minimum fee up to \$35.00 per transcript is permissible.

4. Index and Table of Contents pages should be charged at the per page rate being charged for the rest of the transcript.

5. An additional labor charge of \$25.00 per hour will be charged for the time spent binding the transcript and the exhibit binders.

6. A court reporter shall not be compensated for transcripts prepared during regular working hours. Private transcripts shall not be prepared during regular working hours.

7. At separation of employment, the court reporter forfeits all future claim to income derived from requested copies of previously typed transcripts.

8. Upon payment for an indigent transcript, the court reporter shall transfer the original floppy disk (or other electronic media) containing the fully transcribed record to the custody of the court.

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, workspace, and supplies, and the court agrees to the use of the court equipment for such purposes, 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. Court Transcription Policy.

1. Any person who is a court reporter or any other responsible person directed to prepare certified transcripts of court proceedings shall be administered a court reporter's oath before said person is entitled to prepare certified transcripts of proceedings.

2. Only Court employees are authorized to make certified transcriptions from recordings for the purpose of facilitating and expediting the trial of causes and appeals.

3. The court reporter or other designated person causing a matter to be recorded shall have the first right of refusal to prepare any necessary certified transcriptions from said recording.

If the person with the first right of refusal to prepare a certified transcript declines to prepare said transcript, then other competent persons in the court of said recording's origination shall have, on a rotating basis, the next right of refusal to prepare said certified transcript.

If no person in the originating court exercises their option to prepare said certified transcript, then the person who caused the matter to be recorded shall select from a list maintained by

Court Administration another responsible and competent person employed by the Court to prepare said certified transcript.

4. The person who prepares the certified transcript from recordings shall be the person who certifies the transcript as being complete and accurate.

5. All court reporters must use the same invoice for submission of payment (format on file in court administration).

6. The invoice must be accompanied by a copy of the transcript (to verify page numbers) and the minute entry approving the transcript.

7. The transcript shall be certified by the Court Administrator and signed by the judge of the court of origination unless the originating judge does not require the transcript to be first approved.

8. The payroll administrator will make a docket entry indicating the court reporter, number of pages, per page price, and total amount due once the invoice is submitted to Court Administration.