

# In the Indiana Supreme Court

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

Supreme Court Case No.  
23S-MS-364



## Order Approving Amended Local Rules

The Judges of the White 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 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 White Circuit and Superior Courts, this Court finds that the proposed rule amendments to LR91-AR01-02 comply with the requirements of Indiana Administrative Rule 1(E) and Criminal Procedure Rule 2.2, the amendments to LR91-AR15-08 comply with Administrative Rule 15, and the amendments to LR91-CR13-12 comply with Criminal Procedure Rule 13, and, accordingly, should be approved.

IT IS, THEREFORE, ORDERED by this Court that the amended Local Rules, LR91-AR01-02, LR91-AR15-08, and LR91-CR13-12, for the White Circuit and Superior Courts, set forth as attachments to this Order, are approved effective January 1, 2024.

Done at Indianapolis, Indiana, on 12/8/2023.

A handwritten signature in black ink, appearing to read "Loretta H. Rush", written over a horizontal line.

Loretta H. Rush  
Chief Justice of Indiana

## **LR91-AR01-02      Case Allocation Plan**

- (A) Criminal Cases:
  - (1) All murder, felony, misdemeanor, infraction, ordinance violation, miscellaneous criminal, expungement, and post-conviction relief cases shall be filed in the Superior Court.
- (B) Juvenile Cases:
  - (1) All juvenile cases shall be filed in the Circuit Court.
- (C) Civil Cases:
  - (1) All adoption, domestic relations (DR, DC, DN), estate (ES, EU, EM), guardianship, mental health, protective order, reciprocal support, and trust cases shall be filed in the Circuit Court.
  - (2) All small claim (SC), eviction (EV), and red flag (RF) cases shall be filed in the Superior Court.
  - (3) Civil plenary, mortgage foreclosure, civil collection, civil tort, and civil miscellaneous cases may be filed in either the Circuit Court or the Superior Court.

## **LR91-AR15-08      Court Reporters**

### **Section One: Definitions.**

For purposes of this local rule, the definitions contained in Administrative Rule 15 shall apply.

### **Section Two: Court Reporter; Salaries and Per Page Fees.**

(A) 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 fixed work hours, gap hours, or overtime hours. Court Reporters shall be compensated for gap and overtime hours as set forth in the White County Human Resources Policies and Procedures as adopted and/or amended by the Court.

(B) Court Reporters may charge a per-page fee for preparation of transcripts if the transcripts are prepared on the Court Reporter's own time outside of any regular work hours, gap hours, or overtime hours and are prepared using the Court Reporter's own paper and the Court Reporter's own supplies. This would include the ability to assign the transcript to a third party to

transcribe or assist in typing the transcript. The total combined per-page fee to be paid to the Court Reporter and/or third-party transcriber shall not exceed the maximum per-page fee set forth in this rule.

(C) The maximum per-page fee a Court Reporter may charge for the preparation of a county indigent transcript shall be Six Dollars (\$6.00); the Court Reporter shall submit a claim directly to the County for the preparation of any county indigent transcripts.

(D) The maximum per-page fee a Court Reporter may charge for the preparation of a state indigent transcript shall be Six Dollars (\$6.00).

(E) The maximum per-page fee a Court Reporter may charge for the preparation of a private transcript shall be Six Dollars (\$6.00) plus the actual cost of paper used at a per-page cost.

(F) The per-page fee for expedited transcripts shall be Eight Dollars (\$8.00) with twenty-four (24) hours' notice and Seven Dollars (\$7.00) with three (3) days' notice.

(G) Binding and Exhibit and Index Volume Fees.

An additional fee shall be added to the cost of the transcript for the time spent binding the transcript and preparing the exhibit and index volumes at an hourly rate based on one and one-half (1 ½) times the Court Reporter's hourly rate. This fee will only apply if the Court Reporter binds the transcript and prepares the exhibit and index volumes on the Court Reporter's own time outside of any regular work hours, gap hours, or overtime hours using the Court Reporter's own paper and the Court Reporter's own supplies.

(H) If a third party types the transcript for a per-page rate equal to the maximum approved in this Rule, the Court Reporter shall not be entitled to any additional per-page fee but, with the approval of the Judge, shall complete the review and proofing of the transcript either:

- (1) During normal work hours using court equipment, papers, and supplies without charging any additional fee whatsoever; or
- (2) On the Court Reporter's own time outside of any regular work hours, gap hours, or overtime hours using the Court Reporter's own paper and the Court Reporter's own supplies at an hourly rate based on one and one-half (1 ½) times the Court Reporter's hourly rate.

(I) 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 Supreme Court Division of State Court Administration. The reporting shall be made on forms prescribed by the Division of the State Court Administration.

### **Section Three: Private Practice**

(A) If a Court Reporter elects to engage in private practice through the recording of a deposition and/or preparing of a deposition transcript, 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:

- (1) the reasonable market rate for the use of equipment, work space, and supplies;
- (2) the method by which records are to be kept for the use of equipment, work space, and supplies; and
- (3) the method by which the Court Reporter is to reimburse the Court for the use of the equipment, work space, and supplies.

(B) 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.

### **LR91-CR13-12 Appointment of Special Judge in Criminal Cases**

(A) In the event of a recusal or disqualification of the Judge of the White Superior Court in a criminal, infraction, or ordinance violation proceeding, the assignment and selection of a Special Judge shall proceed according to the provisions of sub-part C of this local rule.

(B) In the event of the granting of a Motion to Change Judge or a change of Judge pursuant to other Indiana Statute or Rule of Court in a criminal, infraction, ordinance violation, or post-conviction proceeding, the assignment and selection of a Special Judge shall proceed according to the provisions of sub-part C of this local rule.

(C) The Judge of the White Circuit Court shall be appointed as Special Judge for all cases originating in the White Superior Court. If the Judge of the White Circuit Court fails to qualify as Special Judge, then selection of the Special Judge shall proceed pursuant to sub-part D of this local rule.

(D) In the event no Special Judge qualifies under sub-part C of this rule, the Clerk shall select a Special Judge from the following list of Judges who have agreed to serve as a Special Judge in the White Superior Court:

- The Judge of the Benton Circuit Court
- The Judge of the Carroll Circuit Court
- The Judge of the Carroll Superior Court
- The Judge of the Cass Circuit Court
- The Judge of the Cass Superior Court 1
- The Judge of the Cass Superior Court 2
- The Judge of the Jasper Circuit Court
- The Judge of the Jasper Superior Court
- The Judge of the Pulaski Circuit Court
- The Judge of the Pulaski Superior Court
- The Judge of the Tippecanoe Circuit Court
- The Judge of the Tippecanoe Superior Court No. 1
- The Judge of the Tippecanoe Superior Court No. 2
- The Judge of the Tippecanoe Superior Court No. 3
- Tippecanoe County Juvenile Magistrate
- The Judge of the Tippecanoe Superior Court No. 4
- The Judge of the Tippecanoe Superior Court No. 5
- The Judge of the Tippecanoe Superior Court No. 6
- The Judge of the Tippecanoe Superior Court No. 7
- Tippecanoe County Magistrate

The Clerk shall consider the prospective Special Judge's Case Allocation Plan when making the selection.

(E) In the event that no Special Judge qualifies or is available for appointment or the particular circumstances in a case warrant the selection of a Special Judge by the Indiana Supreme Court, the Court shall request the Indiana Supreme Court by written certification to appoint a Special Judge.