

SPENCER CIRCUIT COURT
LOCAL RULES
(Updated April 17, 2017)

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LR74-CR00-1	Special Judges Assigned in Criminal Cases

In the event it becomes necessary to assign another judge in a felony or misdemeanor proceeding in the Spencer Circuit Court **due to a conflict arising from the sitting judge's previous service as Prosecuting Attorney, or his wife's service as support prosecutor**, the case shall be assigned to Senior Judge William Weikert. Effective January 1, 2015, all special judge cases pending before Senior Judge Wayne A. Roell will be assigned to Senior Judge William Weikert. If Senior Judge Weikert cannot serve on any pending or newly assigned case, then the case shall be assigned to one of the following individuals who have agreed to serve:

- the Honorable Judge of Warrick Superior Court # 2;
- the Honorable Judge of Dubois Circuit Court;
- the Honorable Judge of Dubois Superior Court;
- the Honorable Judge of Warrick Circuit Court;
- the Honorable Judge of Perry Circuit Court; and,
- the Honorable Judge of Warrick Superior Court # 1.

Appointments shall be made in consecutive order from the above list.

In the event a change of judge is granted or it becomes necessary to assign another judge in a felony or misdemeanor proceeding in the Spencer Circuit Court and it is **not due** to a conflict arising from the sitting judge's previous service as a Prosecuting Attorney, or his wife's service as support prosecutor, the case shall be assigned to one of the following individuals who have agreed to serve:

the Honorable Judge of Warrick Superior Court # 2;
the Honorable Judge of Dubois Circuit Court;
the Honorable Judge of Dubois Superior Court;
the Honorable Judge of Warrick Circuit Court;
the Honorable Judge of Perry Circuit Court; and,
the Honorable Judge of Warrick Superior Court # 1.
Appointments shall be made in consecutive order from the above list.

Certification shall be made to the Indiana Supreme Court of cases in which no judge is eligible to serve as special judge or the particular circumstance of a case warrants selection of a special judge by the Indiana Supreme Court.
(Amended effective January 1, 2015)

LR74-TR00-1 Special Judges Appointments under T.R. 79(H)

In the event a Special Judge appointment becomes necessary under Trial Rule 79(H), the Special Judge to be appointed shall be one of the following individuals who have agreed to serve. The list shall be comprised of the following: the Honorable Judge of Warrick Superior Court # 2; the Honorable Judge of the Dubois Circuit Court; the Honorable Judge of Dubois Superior Court; the Honorable Judge of the Warrick Circuit Court; the Honorable Judge of the Perry Circuit Court; and the Honorable Judge of the Warrick Superior Court # 1. Appointments shall be on a consecutive order from the above list.

Certification shall be made to the Indiana Supreme Court of cases in which no judge is eligible to serve as special judge or the particular circumstance of a case warrants selection of a special judge by the Indiana Supreme Court.

SECTION ONE - 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 that 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 Indiana Rule of Trial Procedure 74.
6. **Regular Hours Worked** means those hours that the court is regularly scheduled to work during any given workweek. Depending on the particular court, these hours may vary from court to court within the county but remains the same for each workweek.
7. **Gap Hours Worked** means those hours worked that are in excess of the regular hours worked but hours not in excess of forty hours per week.
8. **Overtime Hours Worked** means those hours worked that are in excess of forty hours per workweek.
9. **Work Week** means a seven consecutive day week that consistently begins and ends on the same days throughout the year; i.e. Sunday through Saturday, Wednesday through Tuesday, 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 Spencer 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.
14. **Expedited transcript** means a transcript prepared in 10 days or less.

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 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 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 or state indigent transcript shall be \$5.00 (\$5.50 if headers are included by the reporter); the court reporter shall submit a claim directly to the county for the preparation of any county indigent transcripts. If a court reporter agrees to a request for an expedited transcript, a court reporter may charge an additional \$2.00 per page.
3. The maximum per page fee a court reporter may charge for the preparation of a private transcript shall be \$5.00 (\$5.50 if headers are included by the reporter). If a court reporter agrees to a request for an expedited transcript, a court reporter may charge an additional \$2.00 per page.
4. The maximum per page fee a court reporter may charge for the copy of a transcript, including exhibits, is \$2.00. The charge of a transcript provided in an electronic format shall also be \$2.00 per page.
5. 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 Office of Judicial Administration. The reporting shall be made on forms prescribed by the Office of Judicial Administration.
6. Court Reporters shall be allowed to charge a minimum fee of \$35.00 per transcript.
7. Court Reporters may charge an additional charge for labor performed in time spent in binding the transcript and the exhibit binders. The additional charge shall be at the hourly rate based upon the court reporter's annual court compensation.

8. Court Reporters may charge a reasonable amount of the office supplies required and utilized for the binding and electronic transmission of the transcript. The costs of these supplies shall be the amount that was paid for these items as a reimbursement to the Court Reporter.

SECTION THREE – 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, workspace 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, workspace 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.

(Amended effective April 1, 2017)

LR74-AR00-2**Schedule of Fees for Problem-Solving Court Services**

Those persons directed to participate in the Spencer County Drug Court may be assessed fees in accordance with the following SCHEDULE OF FEES pursuant to the authority granted by Ind. Code 33-23-16-23:

(1) A Drug Court administration fee of \$100.00, per participant, payable to the Clerk of the Court;

(2) A Drug Court user fee of \$50.00 per month for every month that an individual participates in Drug Court, payable to the Clerk of the Court;

(3) A Drug Court transfer fee of \$25.00 per participant, per transfer, payable to the Clerk of the Court; and

(4) Drug Court chemical testing fees.

(Added effective December 2, 2015)

LR-74 AR1-1 Consent to Authority to Sit as Acting Judge

A. The judge of the Spencer Circuit Court consents to the judge or magistrate of the Perry Circuit Court upon request to sit as acting judge in this court in any matter as if the judicial officer were the elected or appointed judge of this court, as provided in Administrative Rule 1. This consent will be filed in the court's Record of Judgments and Orders.

B. The authority to sit as acting judge in the Spencer Circuit Court is granted even when the sitting judge is present and available.

(Effective April 17, 2017)