

**TIPTON COUNTY CIRCUIT COURT**  
**LOCAL COURT RULES**  
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**LR80-TR79-1**  
**COORDINATED LOCAL RULE OF THE TIPTON CIRCUIT COURT,**  
**ENACTED IN COMPLIANCE WITH T.R. 79 (H)**

**209.10** Pursuant to Trial Rule 79(H) of the Indiana Rules of Trial Procedure, the Circuit Court of Tipton, in conjunction with the other Judges of Administrative District 12, i.e., Boone County, Clinton County, and Hamilton County, Indiana, have adopted the following rule to establish procedures for the selection of special judges in civil and juvenile proceedings. Said rule, as approved by the Supreme Court of Indiana, is as follows:

**209.20** Within seven (7) days of the notation in the Chronological Case Summary of an order granting a change of judge or an order of disqualification, the parties pursuant to Trial Rule 79(D) may agree to any judge eligible under Trial Rule 79(J.)

**209.30** If a special judge is required to be selected under Trial Rule 79(H) then the special judge shall be selected as follows:

**209.30.10** If the case was originally filed in a court of record in Hamilton County, then the judge will be selected randomly from among the regular judges and full-time judicial officers of Hamilton County subject to all existing local rules regarding case allocation and transfer.

**209.30.20** If the case was originally filed in a court of record in Boone, Clinton, or Tipton County, then the judge will be selected on a rotating basis from among the regular judges of those counties subject to all local rules in each individual county regarding case allocation and transfer.

**209.30.30** If for any reason a judge cannot be selected by the above methods then the special judge shall be selected on a rotating basis from among all the regular judges of the district not already disqualified.

**209.40** A special judge selected under **209.30** must accept jurisdiction unless disqualified pursuant to *The Code of Judicial Conduct* or excused from service by the Indiana Supreme Court. The Administrator of Courts for Hamilton County shall maintain a list of the judges eligible for selection under 209.30.20 and a list of the judges eligible for selection under 209.30.30 and shall be contacted by the selecting court each time a judge must be selected from one of those lists. The Administrator of Courts shall provide the name of the next judge on the appropriate list upon a request from the selecting court and then strike the name of the judge selected from that list. The judge selected in this manner shall not be eligible to be selected again from the same list until all other judges have been selected from that list except as required to avoid certification to the Supreme Court.

**209.50** In the event that no judicial officer within Administrative District 12 is eligible to serve as special judge or the particular circumstance of the case warrants selection of a special judge by the Indiana Supreme Court, the judge of the Court in which the case is pending shall certify the matter to the Indiana Supreme Court for appointment of a special judge.

*(Effective February 1, 1997; amended April 1, 2013)*

**LR80-CR2.2-2  
ASSIGNMENT OF CRIMINAL CASES**

All felony and most misdemeanor cases are filed in the Tipton County Circuit Court which is the only court of general jurisdiction in the 36<sup>th</sup> Judicial Circuit.

In the event the regular presiding judge of the Tipton Circuit Court finds it necessary to recuse himself from a felony or misdemeanor proceeding for any reason, the case shall be assigned to one of the following judges from Administrative District 12:

1. Judge of the Clinton Circuit Court
2. Judge of the Hamilton Circuit Court
3. Judge of the Clinton Superior Court 1
4. Judge of the Hamilton Superior Court 1
5. Judge of the Hamilton Superior Court 2
6. Judge of the Hamilton Superior Court 3
7. Judge of the Hamilton Superior Court 4
8. Judge of the Hamilton Superior Court 5
9. Judge of the Hamilton Superior Court 6.

Assignments shall be in consecutive order from the above list.

In the event an assignment is made only to be followed by a dismissal upon the State's motion, that the same judge shall remain as the assigned judge for any charges filed against the same defendant for six (6) months subsequent to dismissal.

In the event no judge is able to serve, or the case presents a unique set of circumstances which preclude assignment under this rule, the Indiana Supreme Court will be requested to appoint a special judge for the case.

*(Effective January 1, 2003; amended April 1, 2013)*

**LR80-AR15-3**  
**COURT REPORTERS AND PROCEDURES**

**Definitions:**

1. A Court Reporter is a person who is specifically designated by a court to perform 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 and storing, and transcribing electronic data.
3. Workspace means the 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 a transcript which 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 which the court is regularly scheduled to work during any given work week. Tipton County required work hours are 36 per week.
7. Gap hours *worked* means those hours worked that are in excess of the regular hours worked but hours not in excess of forty (40) hours per week.
8. Overtime hours worked means those hours worked in excess of forty (40) hours per work week.
9. Workweek means a seven (7) consecutive day week that consistently begins and ends on the same days throughout the years, 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 a group of courts, i.e. County Courts.
11. Court 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.

THE COURT FINDS AND ADOPTS the following:

- A. A Court Reporter shall be permitted to type transcripts of official court proceedings during county-compensated hours. Court equipment and supplies shall be used for the recording and / or preparation of such transcripts. If the recording or preparation of such transcripts requires overtime, such Court Reporter will be either paid overtime or given compensatory time.
  1. A Court Reporter shall be paid an annual salary for time spent working under the control, direction, and direct supervision of the court during all regular work hours, gap hours, or overtime hours.
  2. The amount of the annual salary of each Court Reporter shall be set by the court subject to the approval of the Tipton County Council.
  3. The annual salary paid to the Court Report shall be for a fixed schedule 36 regular working hours per week.
  4. The Court Reporter shall, if requested or ordered, prepare any transcript during regular working hours.
  5. In the event the preparation of a transcript could not be completed during regular working hours, a Court Reporter shall be entitled to additional compensation beyond regular salary under the two options set forth below:
    - (a) (1) Gap hours shall be paid in the amount equal to the hourly rate of the annual salary; and
    - (2) Overtime hours shall be paid in the amount of one and one-half (1 ½) times the hourly rate of the annual salary; or
    - (b) (1) Compensatory time off from regular work hours shall be given in the amount equal to the number of gap hours worked; and
    - (2) Compensatory time off from regular work hours shall be given in the amount of one and one-half (1 ½) times the number of overtime hours worked.

6. The court and each Court Reporter may freely negotiate between themselves as to which of the two options may be utilized and the court and Court Reporter shall enter into a written agreement designating the terms of such agreement.
  7. A Court Reporter may charge \$3.25 per page for county and state indigent transcripts. A Court Reporter shall submit directly to the county a claim for preparation of county indigent transcripts.
- B. Court Reporter may, at the request of another Official Court Reporter, agree to prepare court proceedings of another court. Such preparation shall not be done on county-compensated hours, but county equipment and supplies may be used.
  - C. In addition, a Court Reporter may do private recording of preparation of depositions, but a Court Reporter shall not do any recordings or preparation of private depositions during county-compensated hours, and County equipment and supplies shall not be used for recording or preparation of such depositions. A Court Reporter may charge a maximum of \$3.25 per page of private transcripts.
  - D. A Court Reporter may charge a maximum of Three Dollars and Twenty-five Cents (\$3.25) per page for a transcript prepared for a private party.
  - E. The Court Reporter shall report on an annual basis to the State Court Administrator all transcript fees, whether county indigent, state indigent, or private received by the Court Reporter.
  - F. Modification of this policy may be made to meet the security, scheduling, or unique needs of a particular case. Any modification shall be by written order of the court.

An individual requesting modification of this policy should provide the court a factual and / or legal basis for such request and specifically set forth what items are being requested.

*(Effective June 1, 1998)*

**LR80-JR4-4  
JURY SYSTEM**

Pursuant to Indiana Jury Rule 4, the Court adopts the two-tier notice and summons procedure. The jury qualification form will be sent first, and the jury summons will be sent to the prospective jurors at least one week before service.

**LR80-TR-05-5**

**CERTIFICATION OF COMPLIANCE OF PLEADINGS WITH TRIAL RULE 5(G)**

All pleadings filed by a party shall contain a verification certifying that the pleading complies with the filing requirements of Trial Rule 5(G) applicable to information excluded from the public record under Administrative Rule 9(G.)

A certification in substantially the following language shall be sufficient:

I / We hereby certify that the foregoing document complies with the requirements of Trial Rule 5(G) with regard to information excluded from the public record under Administrative Rule 9 (G.)

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(Signed by party or counsel of record)

*(Effective February 1, 2005)*

**LR80-AR00-1**  
**RULES FOR EVIDENCE HANDLING, RETENTION and DISPOSITION**

**Retention Periods for Evidence Introduced in All Non-criminal Proceedings.**

All models, diagrams, documents, or material admitted in evidence or pertaining to the case placed in the custody of the court reporter as exhibits shall be taken away by the parties offering them in evidence, except as otherwise ordered by the court, four (4) months after the case is decided unless an appeal is taken. If an appeal is taken, all such exhibits shall be retained by the court reporter for two (2) years from termination of the appeal, retrial, or subsequent appeal and termination, whichever is later.

The court reporter shall retain the mechanical or electronic records or tapes, shorthand, or stenographic notes as provided in Administrative Rule 7.

Courts should be encouraged to photograph as much evidence as possible, and courts and parties are reminded of the requirements of Appellate Rule 29.

**Retention Periods for Evidence Introduced in Criminal Misdemeanor, Level 6 Felonies, and Attempts.**

All models, diagrams, documents, or material admitted in evidence or pertaining to the case placed in the custody of the court reporter as exhibits shall be taken away by the parties offering them in evidence, except as otherwise ordered by the court, three (3) years after the case is dismissed, the defendant found not guilty, or the defendant is sentenced, unless an appeal is taken. If an appeal is taken, all such exhibits shall be retained by the court reporter for three (3) years from termination of the appeal, retrial, or subsequent appeal and termination, whichever is later, unless an action challenging the conviction or sentence, or post-conviction action, is pending.

The court reporter shall retain the mechanical or electronic records or tapes, shorthand, or stenographic notes as provided in Administrative Rule 7.

Courts should be encouraged to photograph as much evidence as possible, and courts and parties are reminded of the requirements of Appellate Rule 29.

**Retention Periods of Evidence Introduced in Level 1 – 5 Felonies and Attempts.**

All models, diagrams, documents, or material admitted in evidence or pertaining to the case placed in the custody of the court reporter as exhibits shall be taken away by the parties offering them in evidence, except as otherwise ordered by the court, twenty (20) years after the case is dismissed, the defendant found not guilty, or the defendant is sentenced, unless an appeal is taken. If an appeal is taken, all such exhibits shall be retained by the court reporter for twenty



(20) years from termination of the appeal, retrial, or subsequent appeal and termination, whichever is later, unless an action challenging the conviction or sentence, or post-conviction action, is pending.

The court reporter shall retain the mechanical or electronic records or tapes, shorthand, or stenographic notes as provided in Administrative Rule 7.

Courts should be encouraged to photograph as much evidence as possible, and courts and parties are reminded of the requirements of Appellate Rule 29.

### **Retention Periods for Evidence Introduced in Murder, Life without Parole, and Death Penalty Cases.**

All models, diagrams, documents, or material admitted in evidence or pertaining to the case placed in the custody of the court reporter as exhibits shall be taken away by the parties offering them in evidence, except as otherwise ordered by the court, twenty (20) years after the case is dismissed, the defendant found not guilty, or the defendant is sentenced, unless an appeal is taken. If an appeal is taken, all such exhibits shall be retained by the court reporter for twenty (20) years from termination of the appeal, retrial, or subsequent appeal and termination, whichever is later, unless an action challenging the conviction or sentence, or post-conviction action, is pending.

The court reporter shall retain the mechanical or electronic records or tapes, shorthand, or stenographic notes as provided in Administrative Rule 7.

Courts should be encouraged to photograph as much evidence as possible, and courts and parties are reminded of the requirements of Appellate Rule 29.

### **Non-documentary and Oversized Exhibits.**

Non-documentary and oversized exhibits shall not be sent to the appellate level courts but shall remain in the custody of the trial court or trial court administrative agency during the appeal. Such exhibits shall be briefly identified in the transcript where they were admitted into evidence. Photographs of any exhibits may be included in the volume of documentary exhibits.

### **Biologically Contaminated Evidence.**

A party who offers biologically contaminated evidence must file a pretrial notice with the trial court and serve all the parties so that the court may consider the issue and rule appropriately before trial. A party may show contaminated evidence or pass photographs of it to jurors, but no such evidence, however contaminated, shall be handled or passed to jurors or sent to the jury room.

### **Notification and Disposition.**

In all cases, the court shall provide actual notice, by mail (including email), to all attorneys of record and to parties only if unrepresented by counsel, that the evidence will be destroyed by a date certain if not retrieved before that date. Counsel and parties have the duty to keep the court informed of their current addresses and notice to the last current address shall be sufficient. Court reporters should maintain a log of retained evidence and scheduled disposition date, and evidence should be held in a secure area. At the time of removal, a detailed receipt shall be given to the court reporter by the party receiving and removing the evidence. The receipt will be made part of the court file.

Evidence which is not taken back after notice should be disposed of by Court staff, however, the Sheriff should be ordered to destroy evidence if its possession is illegal. Evidence of significant value (as shall be determined by the Judge) should be auctioned by the Sheriff with proceeds going to the county general fund.

*(Effective September 1, 2023)*