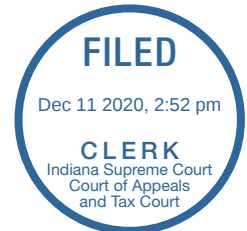


In the Indiana Supreme Court

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

Supreme Court Case No.
20S-MS-423



Order Approving Amended Local Rule

The Judges of the Jackson Circuit and Superior Courts request the approval of amended local rules for civil special judge selection in accordance with Indiana Rules of Trial Procedure 79, caseload allocation in accordance with Indiana Administrative Rule 1(E) and for court reporter services in accordance with Indiana Administrative Rule 15. Attached to this Order are the proposed amended local rules.

Upon examination of the proposed rule amendments requested by the Jackson Circuit and Superior Courts, this Court finds that the proposed rule amendments at LR36-TR79(H)-1 complies with the requirements of Indiana Rules of Trial Procedure 79, and LR36-AR1(E)-1 complies with the requirements of Indiana Administrative Rules 1(E) and LR36-AR15-1 complies with Indiana Administrative Rule 15, and, accordingly, should be approved.

IT IS, THEREFORE, ORDERED by this Court that amended Local Rules, LR36-TR79(H)-1, LR36-AR1(E)-1, and LR36-AR15-1, for Jackson Circuit and Superior Courts, set forth as an attachment to this Order, are approved effective January 1, 2021.

Done at Indianapolis, Indiana, on 12/11/2020.

A handwritten signature in black ink, appearing to read "Loretta H. Rush".

Loretta H. Rush
Chief Justice of Indiana

LR36-TR79(H)-1 Special Judge Appointment in Civil Case

In the event a special judge appointment is necessary under Trial Rule 79 (H), the Clerk or the Deputy Clerk of the court where the case is pending shall first assign the case to one of the other Jackson County Judges on a rotating basis, and if neither judge is able to serve due to reasons set forth in TR 79 (H), then the Clerk shall appoint on a rotating basis a special judge from the following list of presiding judges in the respective courts:

Bartholomew Circuit Court Superior Court 1 Superior Court 2	Brown Circuit	Decatur Circuit Court Superior Court	Jennings Circuit Court Superior Court
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If the judge selected to serve is disqualified or is excused from service, then the sitting judge in cases other than recusal or disqualification, and the clerk of the court in cases where there is a recusal or disqualification by the sitting judge, shall appoint the next judge on the list. If no judge on the list is eligible to serve as special judge or the particular circumstances in the case so warrant, the then sitting judge in the case shall certify the matter to the Indiana Supreme Court for the appointment of a special judge pursuant to TR79(H)(3).

LR 36-AR1 (E)-1: Case Allocation for Jackson County Courts.

- (a) **Circuit Court.** All new case filings designated as CM (OWI), MR, F1, F2, F3, F4, F5, F6, FA, FB, FC, FD, ES, EU, GU and TR shall be filed in the Circuit Court.
- (b) **Superior Court 1.** All new case filings designated as PL, MF, CC, CT, CM (except OWI), SC, OV and IF, and every other MI shall be filed in Superior Court 1.
- (c) **Superior Court 2.** All new case filings designated as JC, JD, JS, JP, JM, DN, DC, RS, JT, MH, PO, XP, and AD, and every other MI shall be filed in Superior Court 2.
- (d) **Unequal Allocation.** All new case filings designated as MC and PC shall be given the cause number of the Court in which it is filed.
- (e) **Transfer of Cases.** Except as provided in section (g), all active cases pending on January 1, 2008 or after of the types designated for filing in Superior Court 2 shall be transferred to Superior Court 2. Inactive cases shall be transferred at the time the case is re-docketed.
- (f) **Retention of Cases.** The presiding judge of the Circuit Court or Superior Court 1 may retain any pending or re-docketed case if, in the discretion of that judge, the interests of justice are best served by such retention.

LR36-AR15-1: Compensation of Court Reporters

(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.

- (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) **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 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. Depending on the particular court, these hours may vary from court to 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 forty (40) hours per week.
- (8) **Overtime hours worked** means those hours worked that are in excess of forty (40) hours per week.
- (9) **Work week** means a seven (7) 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 Jackson 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.

(b) Salaries and Per Page Fees.

- (1) Court Reporters shall be paid an annual salary for time working under the control, direction and direct supervision of their supervising court during 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 reporters are 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 indigent transcript shall be \$4.00; the court reporter shall submit a claim directly to the county for the preparation of any county indigent transcripts.
- (3) The maximum per page fee a court reporter may charge for the preparation of a state indigent transcript shall be \$4.00.

- (4) The maximum per page fee a court reporter may charge for the preparation of a private transcript shall be \$4.00.
- (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.
- (6) The reporting shall be made on forms prescribed by the Office of Judicial Administration. All court transcript preparation work shall be performed outside of regular working hours.

(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, the court reporter shall not use any equipment owned by the court or any governmental entity.
- (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 work shall be conducted outside of regular working hours.