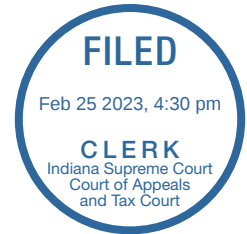


In the
Indiana Supreme Court

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

Supreme Court Case No.
23S-MS-49



Order Approving Amended Local Rules

The Judges of the Howard County Circuit and Superior 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 Howard County Circuit and Superior Courts, this Court finds that the proposed rule amendments at LR 34-AR00-4 comply with Administrative Rule 1(E) and LR34-AR15-25 comply with Administrative Rule 15, and accordingly, should be approved.

IT IS, THEREFORE, ORDERED by this Court that amended Local Rules, LR 34-AR00-4 and LR34-AR15-25, for the Howard County Circuit and Superior Courts, set forth as attachments to this Order, are approved effective March 1, 2023.

Done at Indianapolis, Indiana, on 2/25/2023.

A handwritten signature in black ink that reads "Loretta H. Rush".

Loretta H. Rush
Chief Justice of Indiana

LR34-AR00-4
JUDGES SITTING IN EITHER COURT

It may, from time to time, be expedient for the Judges of Howard Circuit and Superior Courts to hear cases pending in another court.

The Judge of the Howard Circuit Court authorizes the Judges of the Howard Superior Courts to sit as Judge of the Howard Circuit Court, at any time, in any case.

The Judges of the Howard Superior Courts authorize the Judge of the Howard Circuit Court to sit as Judge of the Howard Superior Courts, at any time, in any case.

The Magistrate of Howard County is authorized to sit as judicial officer of the Howard Circuit Court and Howard Superior Courts, at any time, in any case with the approval of the Judge of such Court.

LR34-AR15-25
COURT REPORTER

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 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 required by Indiana Rule of Appellate Procedure 28.
- (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 not in excess of forty (40) hours per work week.
- (8) *Overtime hours worked* means those hours worked that are in excess of the regular hours worked and are in excess of forty (40) hours per work week.

(9) *Work Week* means a seven (7) consecutive day week that consistently begins and ends on the same days throughout the year, e.g. Sunday through Saturday, Wednesday through Tuesday, or 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 Howard 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.

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 indigent transcript shall be \$5.00; the court reporter shall submit a claim directly to the county for the preparation of any county indigent transcript.

(3) The maximum per page fee a court reporter may charge for the preparation of a state indigent transcript shall be \$5.00.

(4) The maximum per page fee a court reporter may charge for the preparation of a private transcript shall be \$5.00.

(5) That preparation of all transcripts shall be done outside of the work space and after regular work hours.

(6) Each court reporter shall report, at least on an annual basis, all transcript fees received for the preparation of either 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.

(7) A minimum fee up to \$35.00 may be charged by the court reporter per transcript.

(8) Index and Table of Contents pages should be charged by the court reporter at the per page rate being charged for the balance of the transcript.

(9) An additional labor charge of \$20.00 may be charged for the time spent on preparation of each volume and its electronic submission.

(10) A reasonable charge for the office supplies required and utilized for the binding and electronic transmission of the transcript, pursuant to Indiana Rules of Appellate Procedure 28 and 29, is permissible; the costs for these supplies should be determined pursuant to a Schedule of Transcript Supplies which should be established and published annually by the judge or judges of the county.

Section Three. Private Practice.

(1) If a court reporter elects to engage in private practice through the recording 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 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.