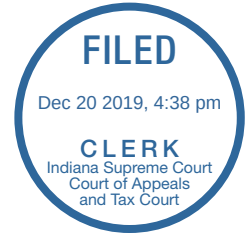


In the Indiana Supreme Court

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

Supreme Court Case No.
19S-MS-532



Order Approving Amended Local Rule

The Judges of the Delaware Circuit and Superior Courts request the approval of an amended local rule for court reporter services in accordance with Indiana Administrative Rule 15. Attached to this Order is the proposed amended local rule.

Upon examination of the proposed rule amendment requested by the Delaware Circuit and Superior Courts, this Court finds that the proposed rule amendment at LR18-AR15-DLR-0010 complies with the requirements of Indiana Administrative Rule 15, and, accordingly, should be approved.

IT IS, THEREFORE, ORDERED by this Court that amended Local Rule 18-AR15-DLR-0010 for Delaware Circuit and Superior Courts, set forth as an attachment to this Order, is approved effective January 1, 2020.

Done at Indianapolis, Indiana, on 12/20/2019.

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

Loretta H. Rush
Chief Justice of Indiana

LR18-AR15-DLR-0010

In Re: Court Reporters

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 government entity and used by a court reporter in performing court reporting services. Equipment shall include, but not be limited to, telephones, copy machines, fax machines, 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 which results when a recording is transcribed in the form required by Indiana rule of Appellate Procedure.
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.
7. *Gap hours worked* means those hours worked in excess of the regular hours worked but hours not in excess of forty (40) hours per work week.
8. *Overtime hours worked* means those hours worked 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 through 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 of record in Delaware 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. The county indigent transcript will also include any requests from the local Prosecutor's Office.
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 that is paid for by a private party, but not limited to a deposition transcript.
14. *Expedited* means transcripts which are requested to be completed within three (3) days.
15. *Rush/Overnight* means transcripts which are requested to be completed within twenty-four (24) hours.

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 inform the court reporter the manner in which the court reporter is to be compensated for gap and overtime hours, by receiving 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, including cover pages; \$1.00 per page for a paper copy of a transcript provided to the Public Defender's Office or the Prosecutor's Office; and .50¢ per exhibit. The fee for an "expedited" transcript (preparation within three (3) days) on a county case shall be \$7.00 per page. The court reporter shall submit a claim voucher to the supervising judge for approval of payment by the county for the preparation of any county indigent transcripts.

3. If a court reporter is requested to prepare an indigent "rush/overnight" transcript (preparation within twenty-four (24) hours or less), the per page fee shall be \$8.00.

4. The maximum per page fee a court reporter may charge for the preparation of a State indigent transcript shall be \$5.00; and, \$1.00 per page for a paper copy of a transcript; and .50¢ per exhibit. The fee for a State Public Defender requested "expedited" transcript (preparation within three (3) days) on a State indigent case will in no event exceed \$7.00 per page. If a court reporter is requested by the State Public Defender to prepare an indigent "rush/overnight" transcript (preparation within twenty-four (24) hours or less), the per page fee shall be \$8.00.

5. The maximum per page fee a court reporter may charge for the preparation of a private transcript shall be \$5.25 with the court reporter being responsible for expenses as provided in Section Four (4), Paragraph Two (2). The fee for an "expedited" transcript (preparation within three (3) days) on a private case will be agreed upon between the court reporter and party requesting the same but in no event may exceed \$7.25 per page. The court reporter may charge up to \$1.00 per page for a paper copy of a transcript, or \$1.00 per page for an exhibit with the court reporter being permitted to use the court system's copy machine outside of regular work hours. If so requested by a party, an "original paper copy" generated from the computer may be reproduced and charged at one-half (½) the transcript fee.

6. If a court reporter is requested to prepare a private "rush/overnight" transcript (preparation within twenty-four (24) hours or less), the maximum per page fee shall be \$8.25.

7. An additional labor charge approximating the hourly rate based upon the court reporter's annual fixed compensation as reflected in the court budget, may be charged for the time spent binding the transcript and exhibit binders. The labor charge shall not exceed two (2) hours, unless unusual circumstances permit the submission of a recapitulation enumerating the hours spent beyond the two (2) hour base.

8. The Index and Table of Contents pages shall be charged at the per page rate being charged for transcript preparation either for county, state or private cases.

9. A minimum fee up to \$35.00 per transcript shall be allowed for transcripts under eight (8) pages.

10. The court reporter or designated court employee 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.

11. The preparation of *any* transcript for payment shall not be performed during regular work hours, including but not limited to, transcribing, copying, or other functions related to the compilation of the transcript.

12. An electronic or digital copy of any transcript that has already been prepared will not be assessed a fee, unless the court reporter is supplying the disc, in which a fee of \$5.00 will be charged.

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, all such private practice work shall be conducted outside of regular work hours and the court reporter **will not** be allowed to utilize the court equipment to do so.

Section Four. Supplies

1. All supplies for *County or State indigent transcripts*, i.e. transcript paper, binders and copy paper shall be provided through the court system's office supply account.

2. All supplies for *Private transcripts*, i.e. transcript paper, binders and copy paper shall be the responsibility of the court reporter. The court reporter will not be allowed to charge for the cost of such supplies due to the allotted fee approved herein for the preparation of a private transcript.

(As amended effective September 24, 2002; amended July 13, 2018; and further amended effective January 1, 2020)