

# **DAVIESS CIRCUIT AND SUPERIOR COURTS LOCAL COURT RULES**

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**DAVIESS CIRCUIT COURT:** This provision is adopted by the Court due to the recusals that will be necessitated by the filing of an appearance by Brandon Smith, attorney at law, the son of the regular Judge of this Court.

1. In all cases where Brandon Smith, or any associate or partner in a firm where he practices law, enters an appearance, the parties may agree to an eligible special judge as provided in Trial Rule 79 (D). If the parties do not reach agreement or the agreed upon judge does not accept the case, then Martin Circuit Court Judge Lynne Ellis shall automatically qualify and serve as Special Judge therein.
2. In the event the Special Judge selected under paragraph 1 above disqualifies for any reason, a successor Judge shall be chosen as set forth in paragraph (4) below.
3. In all other cases where a special judge must be selected under Trial Rule 76 or due to the recusal or disqualification of the presiding judge, and the parties cannot agree to an eligible special judge or the agreed upon judge does not accept the case, then the case shall first be assigned to the other judge in Daviess County.
4. If a judge under paragraphs (2) or (3) above cannot serve, then the Daviess County Clerk shall appoint a judge from one of the following courts:

Dubois Circuit Court  
Dubois Superior Court  
Pike Circuit Court  
Knox Circuit Court  
Knox Superior Court I  
Knox Superior Court II

The Daviess County Clerk shall select the judge to be appointed, on a rotating basis, from the above list of judges, each judge shall be appointed on an equal number of cases.

In the event no judge listed above is eligible to serve as a special judge or the particular circumstances of a case would warrant, the case shall be certified to the Supreme Court for appointment of a special judge.

*(Amended effective September 1, 2014)*

**DAVIESS CIRCUIT COURT:** This provision is adopted by the Court due to the recusals that will be necessitated by the filing of an appearance by Brandon Smith, attorney at law, the son of the regular Judge of this Court.

1. In all cases where Brandon Smith, or any associate or partner in a firm where he practices law, enters an appearance, then Martin Circuit Court Judge Lynne Ellis shall automatically qualify and serve as Special Judge therein.
2. In all other cases where a special judge must be selected under Criminal Rule 13, then the case shall first be assigned to the other judge in Daviess County.
3. If a judge cannot serve under paragraphs (1) or (2) above, then the Daviess County Clerk shall appoint a judge from one of the following courts:

Dubois Circuit Court  
Dubois Superior Court  
Pike Circuit Court  
Knox Circuit Court  
Knox Superior Court I  
Knox Superior Court II  
Greene Circuit Court  
Greene Superior Court

The Daviess County Clerk shall select the judge to be appointed, on a rotating basis, from the above list of judges, each judge shall be appointed on an equal number of cases.

In the event no judge listed above is eligible to serve as a special judge or the particular circumstances of a case would warrant, the case shall be certified to the Supreme Court for appointment of a special judge.

*(Amended effective September 1, 2014)*

## **LR14-AR15-3.0 Court Reporter Services**

In accordance with the requirements of Administrative Rule 15 of the Indiana Supreme Court, the following rule is hereby established:

The Court adopts Model Option One under Section C regarding fees which will be charged for the following transcripts.

**1. County indigent transcripts:** The per page fee a Court Reporter may charge for a county indigent transcript is:

- a. Four Dollars and Fifty Cents (\$4.50) per page; One Dollar (\$1.00) per page for a copy.
- b. A fee of \$ 6.00 per page shall be charged for expedited transcripts to be completed within seven (7) working days of the request. A minimum fee of \$ 50.00 shall be charged for county indigent transcripts. The court reporter shall submit a claim directly to the county for the preparation of any county indigent transcripts.
- c. A claim shall be submitted directly to the County Auditor for payment.

**2. State indigent transcripts:** The maximum per page fee a Court Reporter may charge for a state indigent transcript is:

- a. Four Dollars and Fifty Cents (\$4.50) per page; One Dollar (\$1.00) per page for a copy.
- b. A fee of \$ 6.00 per page shall be charged for expedited transcripts to be completed within seven (7) working days of the request. A minimum fee of \$ 50.00 shall be charged for state indigent transcripts.
- c. A claim shall be submitted directly to the State Public Defender's Office for payment.

**3. Private transcripts:** The maximum per page fee a Court Reporter may charge for a private transcript is:

- a. Four Dollars and Fifty Cents (\$4.50) per page; One Dollar (\$1.00) per page for a copy.
- b. A fee of \$ 6.00 per page shall be charged for expedited transcripts to be completed within seven (7) working days of the request. A minimum fee of \$ 50.00 shall be charged for private transcripts.
- c. In some instances a retainer may be requested.
- d. A bill shall be submitted directly to the attorney requesting the transcript; said transcript will not be released until payment in full is received.

**4. Other Transcripts:**

- a. In cases where a transcript is requested by a member of the public (not for trial court or appeal purposes), the charge will be Four Dollars and Fifty Cents (\$4.50) per page; One Dollar (\$1.00) per page for a copy.

b. A fee of \$ 6.00 per page shall be charged for expedited transcripts to be completed within seven (7) working days of the request. A minimum fee of \$ 50.00 shall be charged for public (not for trial court or appeal) transcripts.

c. The request must be submitted in writing.

d. A retainer will always be requested in these instances for at least fifty (50%) percent of the estimated charge.

5. The Court reporter shall charge her current hourly rate for the time involved in the actual binding procedure of all transcripts, including but not limited to county indigent, state indigent and private. The additional labor charge shall be the hourly rate paid to the Court Reporter (as computed by dividing the annual salary paid by Daviess County to the Court Reporter by 35 hours)

6. The Court Reporter shall be compensated at the rate of \$5.00 per page for the Index and Table of Contents pages for any county indigent, state indigent or private ordinary transcripts or member of public transcripts prepared.

7. The Court Reporter shall be paid an annual salary for time spent working under the control, direction and direct supervision of the Court during any regular work hours, gap hours or overtime hours;

8. The Court Reporter shall report on an annual basis to the Indiana Supreme Court Division of State Court Administration, on forms prescribed by the Division, all transcript fees (either county indigent, state indigent or private) received by the Court Reporter;

9. The Court hereby orders that the Court Reporters may not use Court equipment or the facilities for the purpose of taking private depositions; any private recording or preparing of private depositions shall be conducted outside regular court hours; it is further ordered that the Court shall enter into a written agreement with the Court Reporter for gap and overtime hours on the basis of compensatory time off regarding work hours.

10. Said fees as set forth herein are subject to change upon due notice and amendment of this Court Rule with approval of the Supreme Court.

*(Amended effective January 1, 2016)*

## **LR14-AR00-3.1 Assignment of Cases**

1. All criminal, except neglect or non-support, juvenile offenders waived to adult court, or invasion of privacy, domestic battery, or related offenses allegedly resulting from or involving a protective order, workplace violence restraining order or no contact order issued by the Daviess Circuit Court, all infraction, and ordinance violation cases filed in the Daviess County Courts, or transferred to Daviess County from other jurisdictions, shall be assigned to the Daviess Superior Court. Said assignment shall be non-discretionary.
2. All juvenile delinquent, CHINS, termination of parental rights, adoption, paternity, child support order establishment or enforcement, whether through Title IV-D or non-IV-D, probate, guardianship, domestic relations, mental health, mortgage foreclosures, and protective order cases, and criminal charges for all neglect or non-support, juvenile offenders waived to adult court, or invasion of privacy, domestic battery, or related offenses allegedly resulting from or involving a protective order, workplace violence restraining order or no contact order issued by Circuit Court, and all small claims cases whether represented by counsel or self-represented, and all small claims cases involving landlord tenant disputes, including possession of real or personal property or rent due or money damages involving a tenancy, filed in Daviess County Courts, or transferred to Daviess County from other jurisdictions, shall be assigned to the Daviess Circuit Court. Said assignment shall be non-discretionary.
3. All other cases may be filed in either Court.
4. Upon dismissal of a case, if the case is redocketed it shall remain in the same court before the same judge exercising jurisdiction at the time of the dismissal.
5. Subsequent Felony Charges: In the interest of judicial economy, if a person has a felony charge pending in the Daviess Circuit Court or the Daviess Superior Court, all subsequent felony charges filed against the same person shall be filed in the court where the original felony charge is pending. This provision shall take precedence over the other provisions of this rule set forth above.
6. The Judges of the Daviess Circuit Court and the Daviess Superior Court shall retain authority to reassign cases between the Courts whenever the work load of each Court or the convenience in handling the case make such reassignment judicially desirable.
7. Transfer of Criminal or Civil Cases: The Judges of the Daviess Circuit Court and the Daviess Superior Court, by appropriate order, may each transfer and reassign to the other Court any pending case, subject to acceptance by the receiving Court.

8. Modification. The Circuit and Superior Courts of Daviess County, Indiana, may from time to time modify the above rules regarding the local assignment of cases to meet the needs of the Courts or the public, in circumstances deemed necessary by agreement of the Judges of the Daviess Circuit and Superior Courts. Instances that may necessitate temporary modification of this assignment of cases rule include, but are not limited to, temporary or extended absence or disability of a judge; a case or cases of a size or complexity as to overburden a particular Court; or temporary case load disparities.

9. Bi-Annual Review. The Judges of the Daviess Circuit Court and the Daviess Superior Court shall meet bi-annually at or near the time of the annual Judicial Conference to review the weighted caseload statistics of each Court and to comply with the Orders of the Indiana Supreme Court concerning case assignments and Administrative Rule 1 (E).

*(Amended effective January 1, 2016)*

## **LR14-FL00-4.0**

## **Contested Hearing Order**

1. In any contested dissolution or separation action, the parties shall file and exchange the following items on or before 5 days prior to the date of the hearing in typewritten pleading form:

- A. A list of all properties, real or personal, of the parties at the time of separation along with the parties own valuation of each item. The party shall designate the items the party wants and the items proposed to go to the other party.
- B. All debts of the marriage, the balance owed thereon, the amount of periodic payments, name of creditor, and statement of who is liable on the debt. The party shall designate the debts the party proposes to assume and the debts proposed to be assumed by the other party.
- C. A brief explanation of any matters or special circumstances that will clarify matters at issue before the Court.

2. These items shall also be furnished to any mediator involved at least 5 days prior to the date of mediation.

3. If the final hearing will involve issues of the division of assets and liabilities the parties shall exchange all exhibits relevant to the establishment or valuation of such asset or liability at least five (5) days prior to the hearing or mediation date.

4. It is further Ordered that if the net assets of the parties exceed \$300,000.00 that the parties will be required to participate in mediation prior to a final hearing in Court.

5. In the event the parties or either of them fail to file and exchange the above described pleading and information 5 days prior to the date of hearing, the Court may at its own discretion decide whether the cause shall be heard on the scheduled date, continue the same to a

more appropriate date, or impose any other sanction which the Court finds to be appropriate.

**LR14-FL00-4.1**

**Transparenting Order**

Pursuant to the inherent powers of these Courts and in order to provide for the speedy, efficient and inexpensive resolution of disputes, and to further the education of parents in dealing with the stress of their children during the process of their domestic relations problems, this joint local rule is herewith promulgated.

**Section 1** This rule applies to all parties in all dissolution of marriage, separate maintenance, change of custody, visitation, paternity, other domestic relations actions, excluding domestic violence and contempt actions.

**Section 2** All parties shall successfully complete the program entitled "TRANSPARENTING".

**Section 3** The seminar shall be successfully completed by both parties within 60 days of service of the original petition upon the original respondent.

**Section 4** Upon a party's failure to successfully complete the seminar pursuant to this rule, the assigned Judge may take appropriate action, including but not limited to actions for contempt.

**Section 5** The attorney(s) will be responsible for providing their client a copy of the brochure of Doulos, Inc. which contains the seminar admission form and information. The Clerk of this Court will be responsible for attaching a copy of said brochure to the service of process issuing from her office.