

**In the  
Indiana Supreme Court**



**IN THE MATTER OF THE** )  
 )  
**APPROVAL OF LOCAL RULES** ) **Case No. 05S00-0708 -MS- 314**  
 )  
**FOR BLACKFORD COUNTY** )

**ORDER APPROVING AMENDED LOCAL RULES**

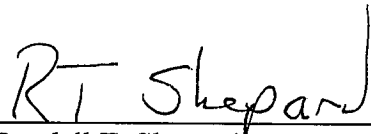
The Judges of the Blackford Circuit and Superior Court request the approval of amended local rules for caseload allocation in accordance with Ind. Administrative Rule 1(E); court reporter fees in accordance with Ind. Administrative Rule 15; and special judge selection in accordance with Ind. Trial Rule 79. Attached to this Order are the proposed amended local rules.

Upon examination of the proposed rule amendments requested by the Blackford Circuit and Superior Court, this Court finds that the proposed rule amendments, LR05-AR1 (E)-6, LR05-AR15-4 and LR05-TR79-101 comply with the requirements of Ind. Administrative Rule 1(E), Ind. Administrative Rule 15, and Ind. Trial Rule 79, respectively, and, accordingly, should be approved and posted in the county clerk's office(s) and on the county clerk's website, if any, and on the Indiana Judicial Website at least thirty (30) days prior to taking effect on January 1, 2008.

IT IS, THEREFORE, ORDERED by this Court that amended Local Rules LR05-AR1 (E)-6, LR05-AR15-4 and LR05-TR79-101 for Blackford County Courts, set forth as an attachment to this Order, are approved effective January 1, 2008. The Clerk of this Court is directed to post a copy of the amended rules on the Indiana Judicial Website at least thirty (30) days prior to January 1, 2008. The Clerk of this Court is further directed to forward a copy of this Order to the Hon. Dean Young, Blackford Circuit Court, 110 West Washington Street, Hartford City, IN 47348-2251; the Hon. John W. Forcum, Blackford Superior Court, 110 West Washington Street, Hartford City, IN 47348-2251; and to the Clerk of the Blackford Circuit Court.

The Clerk of the Blackford Circuit Court is directed to enter this Order and attachment in the Record of Judgments and Orders for the Courts, to post this Order and attachment for examination by the Bar and the general public, and if available, to publish this Order and attachment on the county clerk's website at least thirty (30) days prior to January 1, 2008.

DONE at Indianapolis, Indiana, this 13<sup>th</sup> day of August, 2007.

  
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Randall T. Shepard  
Chief Justice of Indiana

**REQUEST FOR SUPREME COURT APPROVAL OF**  
**NEW LOCAL RULES AFTER COMMENT PERIOD**  
**FOR THE BLACKFORD**  
**CIRCUIT AND SUPERIOR COURTS**

The Judges of Blackford County request that the Indiana Supreme Court approve the following local rules:

LR05-AR15-4 Court Reporters  
LR05-AR1 (E)-6 Weighted Caseload Plan  
LR05-TR79-101 Selection of Special Judge in Civil and Juvenile Proceedings

Notice was given to the bar and the public that the Blackford Circuit and Superior Courts are proceeding to adopt new Local Court Rules, which will replace all existing Blackford County Local Court Rules, effective January 1, 2008.

Copies of the proposed rules were made available for viewing or obtaining of copies in the office of the Clerk of Blackford County located at 110 West Washington Street, Hartford City, IN 47348. Copies were also posted on the Indiana Judicial website at [www.in.gov/judiciary/rules/local/](http://www.in.gov/judiciary/rules/local/).

**COMMENTS**

Comments on the proposed new Local Court Rules were received until July 1, 2007, at the Blackford Circuit Court at 110 West Washington Street, Hartford City, Indiana 47348. After consideration of all comments received, the above proposed Local Rules are hereby submitted to the Indiana Supreme Court for approval.


**EFFECTIVE DATE**

Adopted new Local Rules, subject to Supreme Court approval for the above local rules, will take effect until January 1, 2008.

Dated this <sup>16</sup>9 day of August, 2007.



Dean A. Young, Judge  
Blackford Circuit Court



John W. Forcum, Judge  
Blackford Superior Court

**LR05-AR1 (E)-6      WEIGHTED CASELOAD PLAN**

Assignment of civil and juvenile cases to comply with caseload plan.

Subject to the discretion of the presiding Judges of the Blackford Circuit And Superior Courts cases shall be assigned by the Clerk to the respective courts in addition to LR05-CR00-201 as follows:

- (1) PROBATE MATTERS (ES, EU, AD, GU, TR). Probate matters shall be filed in the Blackford Circuit Court.
- (2) MENTAL COMMITMENTS (MH). Petitions for mental health commitments shall be filed in the Blackford Circuit Court.
- (3) JUVENILE PROCEEDINGS (JD, JS, JC, JT, JP, JM). All juvenile proceedings shall be filed in the Blackford Circuit Court.
- (4) SMALL CLAIMS (SC), INFRACTIONS (IF) and ORDINANCE VIOLATIONS (OV). All small claims proceedings, infractions and ordinance violations shall be filed in the Blackford Superior Court.
- (5) PROTECTIVE ORDERS (PO). Except as provided by statute where the parties have a pending dissolution or paternity case in the Blackford Circuit Court all protective order proceedings shall be filed in the Blackford Superior Court.
- (6) ALL OTHER CASES (PL, CT, CC, DR, MF, MJ, RS). All other civil cases shall be assigned by the Clerk of the Courts as requested by the Plaintiff/Petitioner at the time of filing. If no specific court is requested the Clerk shall assign the case to a court in a manner that takes into account the number of filings assigned to each court in order to balance caseload and availability of judicial resources.

**This local rule constitutes the Blackford Circuit and Superior Courts weighted caseload plan to insure less than a .40 variance of weighted caseloads between the courts. This rule also takes into consideration both personnel and facility considerations of the courts and Clerk's Office.**

## LR05-AR15-4 COURT REPORTERS

The undersigned courts comprise all of the courts or record of Blackford County, Indiana, and hereby adopt the following local rule by which Court Reporter services shall be governed.

### **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 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 Rules 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 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 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 Blackford County.
- (11) *County indigent transcripts* 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, Per Page Fees and Private Practice**

- (1) The Court Reporter shall be paid an hourly wage for time spent working under the control, direction and direct supervision of the Court during all regular work hours and gap hours. Overtime hours shall be accrued as compensatory time off at the rate of one and one-half times per hours worked with a maximum number of hours accrued to be forty (40). All overtime hours worked after the Court Reporter has accrued forty (40) hours shall be paid at the rate of one and one-half times the hourly wage.
- (2) The Court Reporter shall charge a per page fee of four dollars (\$4.00) for indigent county transcripts, state indigent transcripts, and private practice transcripts. A claim for all county indigent transcripts (not prepared during regular work hours) shall be submitted to the Blackford County Auditor for payment.
- (3) If the Court Reporter is requested to prepare an "expedited" transcript (preparation within three (3) days) the Court Reporter shall charge a per page fee of six dollars and twenty-five cents (\$6.25). A claim for all county indigent "expedited" transcripts (not prepared during regular work hours) shall be submitted to the Blackford County Auditor for payment.
- (4) If the Court Reporter is requested to prepare a "rush/overnight" transcript (preparation within twenty-four (24) hours or less) the Court Reporter shall charge a per page fee of seven dollars and twenty-five cents (\$7.25). A claim for all county indigent "rush/overnight" transcripts (not prepared during regular work hours) shall be submitted to the Blackford County Auditor for payment.
- (5) A minimum fee of forty-five dollars (\$45.00) will be charged for transcripts less than ten (10) pages in length. The Court Reporter may require advance payment for the estimated cost of a transcript.
- (6) An additional labor charge approximating the hourly rate based upon the Court Reporter's hourly rate 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 three (3) hours, unless unusual circumstances permit the submission of a recapitulation enumerating the hours spent beyond the two hour base.
- (7) All Court Reporters are required to report on an annual basis to the Indiana Supreme Court Division of State Court Administration on forms prescribed by the Division.

- (8) That each Court Reporter shall have the option of electing to procure the services of a certified Court Reporter or Deputy Court Reporter to prepare a private practice transcript should she not have available time to complete the preparation of said transcript. The certified Court Reporter or Deputy Court Reporter shall abide by the rules as set forth herein.
- (9) The Courts recognize that relatively few transcripts are prepared by a Court Reporter during the course of a year. The Courts also recognize that depositions for private individuals other than Court related transcripts are not frequently prepared by the Court Reporters. Therefore; it is not feasible for the Court Reporters to purchase machines, other equipment, paper, etc. for the preparation of transcripts, depositions and other matters. These transcripts are prepared by the Court Reporter solely in the official capacity as Court Reporter. Therefore, the “per page” charge which is set forth above anticipates that the Court Reporter is entitled to utilize the equipment and materials of the Court and that the compensation is, therefore, solely for the Court Reporter’s labor.
- (10) If the Court Reporter elects to engage in the private practice of recording a deposition and/or preparation of a deposition or private practice transcripts and the Court Reporter desires to utilize the Court’s equipment, work space and supplies, and the Court agrees to the use of Court’s equipment for such purpose, the Court Reporter agrees to the following:
- a. Record and transcribe the deposition on the Court Reporter’s own time and keep a record of such employee time sheets.
  - b. Reimburse the Court at the rate of fifteen cents (\$0.15) per page for use of equipment, work space, and supplies.
    - (1) The Court Reporter shall submit a claim to the Blackford County Auditor for payment of an indigent deposition (not prepared during the regular work hours); however, said claim shall include the deduction for use of equipment, work space, and supplies.
    - (2) The Court Reporter shall remit payment for private depositions and private transcripts to the Blackford County Auditor annually, by December 15<sup>th</sup>, for use of equipment, work space, and supplies in conjunction with a non-indigent deposition.
- (11) That each Court Reporter shall have the option of electing to procure the services of a certified Court Reporter or Deputy Court Reporter to prepare a private practice transcript should she not have available time to complete the preparation of said transcript. The certified Court Reporter or Deputy Court Reporter shall abide by the rules as set forth herein.

**LR05-TR79-101 SELECTION OF SPECIAL JUDGE IN CIVIL PROCEEDINGS**

A. Upon granting a motion for change of judge, the Court will give the parties seven (7) days to reach an agreement as provided for by Ind. Trial Rule 79(D) and (E). In the event a special judge is not selected under Section (D) or (E), the Court shall provide for the selection of a special judge by panel as provided by Ind. Trial Rule 79(F). In the event the judge selected under Ind. Trial Rule 79(D), (E), or (F) does not accept the case and assume jurisdiction the regular judge of the court where the case is pending shall appoint a special judge on a rotating basis from a list of judges in the circuit and superior courts of the administrative district which includes Blackford County as provided for under Administrative Rule 3(A).

B. The judge of the Blackford Superior Court, the Hon. John W. Forcum, will be required to disqualify from cases involving family members on a continuing basis pursuant to Ind. Trial Rule 79(C)(2), and that appointment of special judges will be required. In the interest of the orderly administration of justice the Honorable Dean A. Young, Judge of the Blackford Circuit Court, is willing to serve as special judge in Blackford Superior Court when recusal is required by Ind. Trial Rule 79(C)(2). In the event Judge Forcum becomes disqualified pursuant to Ind. Trial Rule 79(C)(2) in the Blackford Superior Court, Judge Young is appointed as Special Judge. Should Judge Young decline to qualify in a particular case, the matter should then be certified to the Indiana Supreme Court pursuant to Ind. Trial Rule 79(H). To maintain equitable caseload distribution between the Superior and Circuit court, in the event the Judge Young becomes disqualified, pursuant to Ind. Trial Rule 79(C)(2), in the Blackford Circuit Court, Judge Forcum is appointed as Special Judge. Should Judge Forcum decline to qualify in a particular case, the matter should then be certified to the Indiana Supreme Court pursuant to Ind. Trial Rule 79(H).

C. In those situations not covered under subsection B above, if a judge disqualifies and recuses under Trial Rule 79(C), the parties shall have seven (7) days to reach an agreement as provided for by Trial Rule 79(D) and (E). In the event a special judge is not selected under Trial Rule 79 (D) or (E), the clerk of the circuit court shall appoint a special judge on a rotating basis from a list of judges in the circuit and superior courts of the administrative district which includes Blackford County as provided for under Administrative Rule 3(A).