

In the
Indiana Supreme Court

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

Supreme Court Case No.
19S-MS-392



Order Approving Amended Local Rule

The Judges of the Tippecanoe 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 Tippecanoe Circuit and Superior Courts, this Court finds that the proposed rule amendment, LR79-AR15-Rule 13 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 79-AR15-Rule 13 for Tippecanoe Circuit and Superior Courts, set forth as an attachment to this Order, is approved effective January 1, 2020.

Done at Indianapolis, Indiana, on 12/2/2019.

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

Loretta H. Rush
Chief Justice of Indiana

LR79-AR15-13 Court Reporter Services

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 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 7.2, and includes the index and table of contents pages.
- (5) Recording means the electronic, mechanical, stenographic, digital, 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) *Workweek* 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 Tippecanoe 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) Court reporters may contract to prepare transcripts outside the hours in which their attendance is required and outside hours they perform other work pursuant to their employment relationship.
 - (a) 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 to the court reporter of Superior Court 2, or as otherwise directed by the their supervising Judge, who shall submit the claim to the county for the preparation of any county indigent transcripts. Superior Court 2 shall have the responsibility of maintaining the budget for county indigent transcripts.
 - (b) The maximum per page fee a court reporter may charge for the preparation of a state indigent transcript shall be \$5.00. The court reporter shall submit the invoice for state indigent transcripts directly to the state.
 - (c) The maximum per page fee a court reporter may charge for the preparation of a private transcript shall be \$5.00. The court reporter shall submit the invoice for private transcripts directly to the attorney or party requesting the transcription. A deposit in the amount of the estimated work shall be required from the attorney or party making a private transcript request.
 - (d) Request for expedited transcript to be prepared within 24 hours must be limited to 50 pages and shall be charged at the rate of \$8.50 per page. Request for expedited transcript to be prepared within 5 days must be limited to 150 pages and shall be charged at a rate of \$7.50 per page. Any request over 150 pages to be completed within 15 days shall be considered expedited and shall be charged at the rate of \$10.00 per page. Any other expedited rates may be approved by the Judge of the Court in which the proceeding originates.
 - (e) An additional labor charge of \$25.00 may be assessed for preparation of each volume and or binder which includes the cost of all office supplies and electronic submission if required.
 - (f) The maximum per page fee a court reporter may charge for additional copies of a transcript (state indigent or private) shall be \$1.00. The court reporter shall submit the invoice for the additional transcript copy directly to the attorney or party requesting the copy.
- (3) 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 Court Administration. The reporting shall be made on forms prescribed by the Office of Court Administration.

- (4) A late fee of up to \$25.00 may be assessed against any private pay transcript in the event payment is not made within 10 days from the date of the Notice of Filing of Transcript.

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, 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 the 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.

(Amended and approved effective April 7, 2017; and further amended effective January 1, 2020)