



In the
Indiana Supreme Court

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

Supreme Court Case No.
18S-MS-55

ORDER APPROVING AMENDED LOCAL RULES

The judges of the Madison Circuit Court request the approval of amended local rules for appointment of special judges in accordance with Indiana Trial Rule 79 and regulation of court reporter services in accordance with Indiana Administrative Rule 15. Attached to this Order are the proposed amended local rules.

Upon examination of the proposed rule amendments requested by the Madison Circuit Court, this Court finds that the proposed rule amendments, LR48-TR79-24 and LR48-AR15-07, comply with the requirements of Indiana Trial Rule 79 and Indiana Administrative Rule 15, and accordingly, should be approved.

IT IS, THEREFORE, ORDERED by this Court that Madison Circuit Court Local Rules, LR48-TR79-24 and LR48-AR15-07, set forth as an attachment to this Order, are approved effective the date of this Order.

Done at Indianapolis, Indiana, on 1/29/2018.

Steven H. David

Steven H. David

Acting Chief Justice of Indiana

LR48-TR79-24 SPECIAL JUDGE SELECTION

A. A copy of each pleading or each paper filed with the Court after a Special Judge has qualified shall be mailed or delivered by counsel to the office of that Special Judge with service to that Special Judge indicated on the certificate of service.

B. Pursuant to Trial Rule 79, should the remedy under 79 (D) fail to produce a special judge then the appointment of an eligible special judge shall be made pursuant to local rule, as follows, in accordance with 79 (H)

C. The Madison County Clerk, on a rotating basis in consecutive order, shall appoint the eligible judge in Madison County as follows:

For all domestic relations or paternity cases:

Presiding Judge of Circuit Court 1
Presiding Judge of Circuit Court 2
Presiding Judge of Circuit Court 3
Presiding Judge of Circuit Court 4
Presiding Judge of Circuit Court 6

For all other case types:

Presiding Judge of Circuit Court 1
Presiding Judge of Circuit Court 2
Presiding Judge of Circuit Court 3
Presiding Judge of Circuit Court 4
Presiding Judge of Circuit Court 5
Presiding Judge of Circuit Court 6

D. Should none of the above referenced judges accept jurisdiction due to disqualification pursuant to the Code of Judicial Conduct, ineligibility for service under this rule Trial Rule 79 or excused from service by the Indiana Supreme Court, then the appointment shall be made at random by the Clerk from eligible Judges within Administrative District 14 (Grant County Circuit Court, Grant County Superior Court Divisions 1, 2, 3).

E. In the event that no judicial officer within Administrative District 14 is eligible to serve as special judge or the particular circumstances of the case warrant selection of a special judge by the Indiana Supreme Court, the judge of the court in which the case is pending shall certify the matter to the Indiana Supreme Court for appointment of a special judge.

LR48-AR15-07 COURT REPORTER SERVICES

A. Definitions. The following definitions shall apply under this local rule:

1. *Court Reporter*: 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*: 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, storing, and transcribing electronic data.

3. *Work space*: 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*: the page unit of transcript which results when a recording is transcribed in the form required by Indiana Rule of Appellate Procedure 28 and Appendix A.

5. *Recording*: the electronic, mechanical, stenographic, or other recording made as required by Indiana Rule of Trial Procedure 74.

6. *Regular hours worked*: those hours which the court is regularly scheduled to work during any given work week.

7. *Overtime hours worked*: those hours worked in excess of forty (40) hours per work week.

8. *Work week*: means a seven (7) consecutive day week that consistently begins and ends on the same day throughout the year.

9. *County indigent transcript*: 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.

10. *State indigent transcript*: 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.

11. *Expedited transcript*: a transcript that is required to be completed in fourteen days or less if under 200 pages, or in 30 days or less, if over 200 pages.

B. 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 Judge during regular work hours or overtime hours. The supervising Judge shall enter into a written agreement with the court reporter which outlines the manner in which the court reporter is to be compensated for overtime hours.

2. The maximum per page fee a court reporter may charge for the preparation of a non-expedited transcript shall be \$4.80 per page. Expedited transcripts charges are as follows: \$5.80 per page for completion within 14 days, \$6.50 per page for completion within 7 days, and \$7.50 per page for completion within 3 days, \$8.50 per page for completion within 1 day. A reporter may charge \$1.00 per page for copies of transcripts. If any public facilities, supplies or equipment are used in the recording, transcribing, or preparation of any transcript, the reporter shall reimburse the county at the rate of .10 per page. If such transcript is not paid out of county funds, the reporter shall reduce the fee invoiced by .10 per page. If such transcript is not paid out of county funds, the reporter shall bill at the full rate, and remit the .10 per page portion to the county.

3. A minimum fee up to \$35.00 per transcript is permissible.

4. Index and Table of Contents pages should be charged at the per page rate being charged for the rest of the transcript.

5. An additional labor charge equal to the court reporter hourly court salary will be charged for the time spent binding the transcript and the exhibit binders.

6. A court reporter shall not be compensated for transcripts prepared during regular working hours. Private transcripts shall not be prepared during regular working hours.

7. At separation of employment, the court reporter forfeits all future claim to income derived from requested copies of previously typed transcripts.

8. Upon payment for an indigent transcript, the court reporter shall transfer the original floppy disk (or other electronic media) containing the fully transcribed record to the custody of the court.

C. 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, workspace, and supplies, and the court agrees to the use of the court equipment for such purposes, 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.

D. Court Transcription Policy.

1. Any person who is a court reporter or any other responsible person directed to prepare certified transcripts of court proceedings shall be administered a court reporter's oath before said person is entitled to prepare certified transcripts of proceedings.

2. Only Court employees are authorized to make certified transcriptions from recordings for the purpose of facilitating and expediting the trial of causes and appeals.

3. The court reporter or other designated person causing a matter to be recorded shall have the first right of refusal to prepare any necessary certified transcriptions from said recording.

If the person with the first right of refusal to prepare a certified transcript declines to prepare said transcript, then other competent persons in the court of said recording's origination shall have, on a rotating basis, the next right of refusal to prepare said certified transcript.

If no person in the originating court exercises their option to prepare said certified transcript, then the person who caused the matter to be recorded shall select from a list maintained by Court Administration another responsible and competent person employed by the Court to prepare said certified transcript.

4. The person who prepares the certified transcript from recordings shall be the person who certifies the transcript as being complete and accurate.

5. All court reporters must use the same invoice for submission of payment (format on file in court administration).

6. The invoice must be accompanied by a copy of the transcript (to verify page numbers) and the minute entry approving the transcript.

7. The transcript shall be certified by the Court Administrator and signed by the judge of the court of origination unless the originating judge does not require the transcript to be first approved.

8. The payroll administrator will make a docket entry indicating the court reporter, number of pages, per page price, and total amount due once the invoice is submitted to Court Administration. (approved July, 2014)