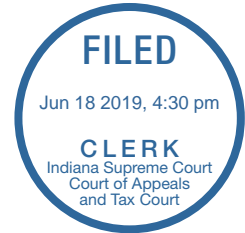


In the  
**Indiana Supreme Court**

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

Supreme Court Case No.  
19S-MS-366



ORDER APPROVING AMENDED LOCAL RULES

The judges of the Posey Circuit and Superior Courts request the approval of amended local rules for caseload allocation in accordance with Indiana Administrative Rule 1(E) 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 Posey Circuit and Superior Courts, this Court finds that the proposed rule amendments, LR65-CR2.2-01, LR65-AR1-02, and LR65-AR1-03 comply with the requirements of Indiana Administrative Rule 1(E) and Indiana Administrative Rule 15, and accordingly, should be approved.

IT IS, THEREFORE, ORDERED by this Court that Posey Circuit and Superior Local Rules, LR65-CR2.2-01, LR65-AR1-02, and LR65-AR1-03, LR65-AR15-10 set forth as an attachment to this Order, are approved effective July 1, 2019.

Done at Indianapolis, Indiana, on <sup>6/18/2019</sup>\_\_\_\_\_.

A handwritten signature in black ink, appearing to read "Loretta H. Rush", written over a horizontal line.

Loretta H. Rush

Chief Justice of Indiana

## **LR65-CR2.2-01 Rule for the Assignment of Criminal Cases in the Posey Circuit and Superior Courts**

The Clerk of the Courts of Posey County shall assign all criminal cases to the Posey Circuit Court.

## **LR65-AR1-02 Rules for Assignment of Civil Cases in the Posey Circuit and Superior Courts**

Civil cases shall be assigned between Posey Circuit and Superior Courts as follows:

(A) Expungement (XP), Mental Health (MH), , Juvenile Delinquency (JD), Juvenile Status (JS), Juvenile Miscellaneous (JM), , Juvenile Paternity (JP), Reciprocal Support (RS), Adoption (AD), Estate Supervised (ES), Estate Unsupervised (EU), Guardianship (GU), Trust (TR), Petition for Change of Name (MI), and Election Recount (MI) shall be assigned to the Posey Circuit Court.

(B) Juvenile CHINS (JC), Juvenile Termination of Parental Rights (JT), Domestic Relations with Children (DC), Domestic Relations with No Children (DN), Small Claim (SC), Traffic Violation and other Infractions (IF), Local Ordinance Violation (OV), and Petitions for Protective Order (PO) shall be assigned to the Posey Superior Court.

(C) Civil Plenary (CP), Civil Collection (CC), Mortgage Foreclosure (MF), Civil Tort (CT), and all other Miscellaneous Civil (MI) cases shall be randomly assigned to the courts in accordance with LR65-AR1-03.

## **LR65-AR1-03 Rule for Random Assignment of Civil Cases**

The Clerk of the Courts of Posey County shall devise and utilize a plan for the random and equal assignment of all other civil cases required by these rules to be assigned at random to the Posey Circuit and Superior Courts.

## **LR65-AR15-10**

## **Court Reporters**

**Section 1 - Definitions** The following definitions shall apply under this local rule 10.

(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 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.

(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 workweek. Depending on the particular court, these hours may vary from court to court within the county but remain the same for each workweek.

(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 workweek.

(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 Posey 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 and a transcript requested by a party who is not indigent, that is paid for by a private party.

(14) **Minimum fee** means the minimum amount a Court Reporter may charge for a transcript which does not add up to \$40.00 (ten pages or less). The minimum fee may not be charged in addition to the per-page fee.

(15) **Labor fee** is a fee that Court Reporters may charge for the amount of time spent binding the transcript and exhibit binders which is to be figured at an approximate hourly rate based upon the Court Reporter's annual court compensation.

(16) **Office supplies** are the supplies required and utilized for the binding and electronic transmission of the transcripts. The Court Reporter may be reimbursed for the office supplies pursuant to a Schedule of Transcript Supplies for the Posey Circuit and Posey Superior Courts.

(17) **Expedited transcripts** are transcripts that have been requested to be completed by court reporters with a completion date within 30 days from the date ordered.

## **Section 2 - 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) The maximum per page fee a court reporter may charge for the preparation of a county indigent transcript shall be \$4.50, including pages prepared for the Index and Table of Contents plus \$4.50 per first page for each exhibit, plus office supply costs pursuant to the Schedule of Transcript Supplies. The Court Reporter shall submit a claim directly to the county for the preparation of any county indigent transcripts that are not prepared during regular work hours.

(3) The maximum per page fee a court reporter may charge for the preparation of a state indigent transcript shall be \$4.50 including pages prepared for the Index and Table of Contents, plus \$4.50 per first page for each exhibit and \$2.00 for each additional page of each exhibit, plus office supply costs pursuant to the Schedule of Transcript Supplies. Monies shall be paid directly to the court reporter if done during non-regular work hours, or the monies shall be paid directly to the court for any transcripts that are prepared during regular work hours.

(4) The maximum per page fee a court reporter may charge for the preparation of a private transcript shall be \$4.50 including pages prepared for the Index and Table of Contents, plus \$4.50 per first page for each exhibit and \$2.00 for each additional page of each exhibit, plus office supply costs pursuant to the Schedule of Transcript Supplies.

(5) A court reporter shall charge \$1.50.00 per page for each copy of a transcript.

(6) If a court reporter is requested to prepare a non-indigent transcript, all such work shall be done “off the clock” and generally all such transcripts are to be transcribed outside of regular working hours. Hours worked on transcript preparation for non-indigent transcripts do not count towards “hours worked” for calculation of eligibility for overtime compensation. With the judge’s prior approval, a court reporter may transcribe a non-indigent transcript during the regular work day if the court reporter substitutes any leave time, including compensatory time already earned, for those hours spent during the regular work day transcribing the non-indigent transcript. By doing so, although physically present, the court reporter will be “off the clock.”

(7) Each court reporter shall report, at least on an annual basis, all transcript fees received for the preparation of either county indigent, state indigent (transcripts not prepared during regular work hours) or private transcripts to the Indiana Supreme Court Division of State Court Administration. The report shall be made on forms prescribed by the Division of State Court Administration.

(8) Each court reporter may charge a \$15.00 hourly labor fee for the time spent binding the transcript and the exhibits.

(9) Each court reporter may charge for office supplies required and utilized for the binding and electronic transmission of the transcript pursuant to the Schedule of Cost of Transcript Supplies for the Posey Circuit and Posey Superior Courts.

(10) Each court reporter may charge a minimum transcript fee of \$40.00 for transcripts of ten (10) pages or less. No other fees may be charged if a minimum transcript fee is charged.

(11) The maximum per page fee a court reporter may charge for the preparation of a private or county expedited transcript with the completion date of within 30 days shall be twice the amount of a nonexpedited private transcript plus office supply costs pursuant to the schedule of transcript and binding fees.

### **Section 3 - 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, workspace 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, workspace 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 ("private practice"), all such private practice shall be done "off the clock" and generally all such transcripts are to be transcribed outside of regular working hours. Hours in private practice do not count towards "hours worked" for calculation of eligibility for overtime compensation. With the judge's prior approval, a court reporter may work in private practice during the regular work day if the court reporter substitutes any leave time, including compensatory time already earned, for those hours spent during the regular work day in private practice. By doing so, even if physically present, the court reporter will be "off the clock."

#### **Section 4 – Schedule of Cost of Transcript Supplies**

The following are the prices court reporters in Posey County's courts are allowed to charge for the use of each of the following items in the preparation of transcripts:

Compact disk and plastic case (priced together)	\$2.50 for each one used
3.5 Diskette and plastic cover (priced together)	\$1.50 for each one used
Binders (per each binder that is used for a transcript)	\$1.50 for each one used
Labels to identify exhibits	\$0.10 for each one used
Film and cost of development	Actual cost with receipt plus thirty-three (33%) percent
Plastic sleeves for exhibits	\$0.15 for each one used

Any other supplies used will be charged at the cost to the court reporter plus thirty-three (33%) percent.