

In the  
**Indiana Supreme Court**

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

Supreme Court Case No.  
20S-MS-492



**Order Approving Amended Local Rule**

The Judges of the Brown Circuit Court request the approval of amended local rules for special judge selection in civil cases in accordance with Trial Rule 79(H), assignment of criminal cases and selection of successor judges in accordance with Criminal Rule 2.2, and for court reporter services in accordance with Administrative Rule 15. Attached to this Order are the proposed amended local rules.

Upon examination of the proposed rule amendments requested by the Brown Circuit Court, this Court finds that the proposed rule amendments at LR07-TR79-07 complies with the requirements of Trial Rule 79(H), LR07-CR2.2-23 complies with the requirements of Criminal Rule 2.2, and LR07-AR15-27 complies with Administrative Rule 15, and, accordingly, should be approved.

IT IS, THEREFORE, ORDERED by this Court that amended Local Rules, LR07-TR79-07, LR07-CR2.2-23, and LR07-AR15-27 for Brown Circuit Court, set forth as an attachment to this Order, are approved effective January 1, 2021.

Done at Indianapolis, Indiana, on 7/30/2020.

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

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Loretta H. Rush  
Chief Justice of Indiana

**LR07-TR79-07      Special Judge Appointment in Civil Cases**

This rule shall govern the appointment of a special judge in the Brown Circuit Court in all matters in which the provisions of Trial Rule 79 require the appointment of a special judge pursuant to local rule. An eligible special judge shall be appointed from the following list of judges and magistrates:

Judge of the Bartholomew Circuit Court  
Magistrate of the Bartholomew Circuit Court  
Judge of the Bartholomew Superior Court 1  
Judge of the Bartholomew Superior Court 2  
Magistrate of the Bartholomew Superior Court 2  
Magistrate of the Brown Circuit Court (Unless recusal or disqualification of the regular judge of the Brown Circuit Court)  
Judge of the Jackson Circuit Court  
Judge of the Jackson Superior Court 1  
Judge of the Jackson Superior Court 2  
Judge of the Jennings Circuit Court  
Judge of the Jennings Superior Court

The Magistrate of the Brown Circuit Court shall not be selected if the regular judge of the Brown Circuit Court has recused or is disqualified.

The Clerk shall maintain the list of special judges eligible under Trial Rule 79(J) and shall select from the list on a rotating basis when appointment under this local rule is required. If a judge is skipped in the rotation because of ineligibility or disqualification, he or she shall be selected first for the next eligible case.

**LR07-CR2.2-23      Assignment of Criminal Cases and Special Judge Appointment**

All felony and misdemeanor cases are assigned to the regular judge of the Brown Circuit Court.

In the event a change of judge is granted, or an order of disqualification or recusal is entered, in any felony or misdemeanor case pending in the Brown Circuit Court, a special judge shall be appointed in rotating order from the judges of the following courts:

Bartholomew Circuit  
Bartholomew Superior 1  
Bartholomew Superior 2  
Jackson Circuit  
Jackson Superior 1

Jackson Superior 2  
Monroe Circuit 3  
Monroe Circuit 9  
Jennings Circuit  
Jennings Superior 1

The Clerk shall maintain the list of special judges, and shall select from the list on a rotating basis when appointment under this local rule is required. If a judge is skipped in the rotation because of ineligibility or disqualification, he or she shall be selected first for the next eligible case.

## **LR07-AR15-27      Court Reporter Services**

### **Section 1:      Definitions**

For purposes of this local rule, the definitions contained in Administrative Rule 15 shall apply.

### **Section 2:      Court Reporter; Salaries and Per Page Fees**

- A. 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. Court Reporters shall be compensated for gap and overtime hours as set forth in the Brown County Human Resources Policies and Procedures as adopted and/or amended by the Judge.
- B. Court reporters may charge a per page fee for preparation of transcripts if the transcripts are prepared on the court reporter's own time outside of any regular work hours, gap hours or overtime hours and are prepared using the court reporter's own paper and the court reporter's own supplies. This would include the ability to assign the transcript to a third party to transcribe or assist in typing the transcript. The total combined per page fee to be paid to the court reporter and/or third party transcriber shall not exceed the maximum per page fee set forth in this rule.
- C. The maximum per page fee a court reporter may charge for the preparation of a county indigent transcript shall be \$4.50; the court reporter shall submit a claim directly to the county for the preparation of any county indigent transcripts.
- D. The maximum per page fee a court reporter may charge for the preparation of a state indigent transcript shall be \$4.50.
- E. The maximum per page fee a court reporter may charge for the preparation of a private transcript shall be \$4.50.
- F. The per page fee for expedited transcripts shall be \$6.00 with 24 hours notice and \$5.00 with three (3) days notice.
- G. The maximum per page fee a court reporter may charge for a copy of a transcript is \$2.50, which includes the cost of paper and binding.

- H. Binding and Exhibit and Index Volume Fees. An additional fee shall be added to the cost of the transcript for the time spent binding the transcript and preparing and indexing the Table of Contents and Exhibit Volume(s) at an hourly rate based on one and one-half (1 ½) times the Court Reporter's hourly rate. This fee will only apply if the Court Reporter binds the transcript and prepares the exhibit and index volumes on the court reporter's own time outside of any regular work hours, gap hours or overtime hours using the court reporter's own paper and the court reporter's own supplies.
- I. If a third party types the transcript for a per page rate equal to the maximum approved in this rule, the court reporter shall not be entitled to any additional per page fee, but with the approval of the Judge, shall complete the review and proofing of the transcript either:
- \* during normal work hours using court equipment, paper and supplies without charging any additional fee whatsoever; or
  - \* on the court reporter's own time outside of any regular work hours, gap hours or overtime hours using the court reporter's own paper, and the court reporter's own supplies at an hourly rate based on one and one-half (1 ½) times the Court Reporter's hourly rate.
- J. 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, Indiana Office of Court Services. The reporting shall be made on forms prescribed by the Indiana Office of Court Services.

### **Section 3: Private Practice**

- A. 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 a purpose, the court and the court reporter shall enter into a written agreement which must, at a minimum, designate the following:
1. The reasonable market rate for the use of the equipment, work space and supplies;
  2. The method by which records are to be kept for the use of equipment, work space and supplies; and
  3. The method by which the court reporter is to reimburse the court for the use of the equipment, work space and supplies.
- B. 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.