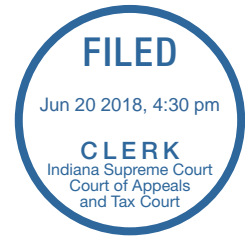


In the
Indiana Supreme Court

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

Supreme Court Case No.
18S-MS-335



ORDER APPROVING AMENDED LOCAL RULES

The judges of the Bartholmew Circuit and Superior Courts request the approval of amended local rules: for caseload allocation in accordance with Indiana Administrative Rule 1(E), 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 Bartholmew Circuit and Superior Courts, this Court finds that the proposed rule amendments, LR03-AR1-1, LR03-CR2.2-1, LR03-TR79-1, LR03-AR15-1, and LR03-AR15-2 comply with the requirements of Indiana Administrative Rule 1(E), Indiana Trial Rule 79, and Indiana Administrative Rule 15, and accordingly, should be approved.

IT IS, THEREFORE, ORDERED by this Court that Bartholmew Circuit and Superior Local Rules, LR03-AR1-1, LR03-CR2.2-1, LR03-TR79-1, LR03-AR15-1, and LR03-AR15-2, set forth as an attachment to this Order, are approved effective July 1, 2018.

Done at Indianapolis, Indiana, on 6/20/2018.

Loretta H. Rush

Chief Justice of Indiana

LR03-AR1-1 Rule 1. Caseload Plan

CRIMINAL CASE FILINGS

See LR03-CR2.2-1

Transfer of Criminal Cases See LR03-CR13-1

CIVIL CASE FILINGS

- (A) Infraction cases (except for juvenile non-driving infractions) shall be filed in Superior Court 2.
- (B) Ordinance Violation cases shall be filed in Superior Court 2.
- (C) Juvenile Chins, Delinquents, Status, Termination, Miscellaneous, Juvenile Infractions, and Juvenile Ordinance Violation cases shall be filed in Circuit Court.
- (D) Civil Plenary, Reciprocal, Adoption, Estates, Guardianships Trusts, and Miscellaneous Civil cases shall be filed between the Bartholomew County Courts on an equal, random and rotating basis , except that all MI cases filed by a governmental entity shall be filed in Circuit Court.
- (E) Civil Tort, Paternity, and Domestic Relations cases shall be filed between the Bartholomew County Courts on an equal, random and rotating basis .
- (F) Mortgage Foreclosure cases shall be filed in Circuit or Superior 1 on an equal, random and rotating basis.
- (G) Civil Collection cases filed by a governmental entity shall be filed in Circuit. All other Civil Collection cases shall be filed on the following random percentage basis:
Circuit Court, 15%, Superior 1, 35%, Superior 2, 50%.
- (G) Small Claim cases shall be filed in Superior Court 2.
- (H) Mental Health cases shall be filed in Superior Court 1.
- (I) Protective Order cases shall be filed between Superior 1, Circuit and Superior 2 Courts on an equal, random and rotating basis. This assignment rate applies unless there is currently filed a case involving the parties in another Bartholomew County Court. If there is a currently filed case involving the parties in another Bartholomew County Court, then the protective order case shall be filed in the court where the other case is filed . All protective order cases where the respondent is a juvenile shall be filed in Circuit Court. Circuit Court shall retain those PO cases where there is currently filed another case in Circuit Court(such as JP, JC, JD, JS, or JT cases).
- (J) The above rules for the assignment of criminal cases may not be manually overridden by anyone without written permission from one of the Bartholomew County Judges.
(Amended effective July 1, 2018)

LR03-CR2.2-1: General Rules for Assignment of Criminal Cases

(A) Superior Court 2. The following types of cases shall be docketed with Superior Court 2:

- (1) all class D, C, B, and Level 6, 5, 4, and 3 felonies related to driving offenses;
- (2) (2) all classes of misdemeanors; and
- (3) all classes of infractions.

(B) Circuit and Superior Court 1. The clerk shall docket the following with the Circuit Court and Superior Court 1 in a random method. The following types of cases shall be docketed with these two courts according to the aforementioned method:

- (1) all Class A-D and Level 1-6 felonies (except those specifically denoted to be filed in Superior Court 2) and
- (2) murder, including capital offenses.
- (3) all class D, Level 6 felony possession of controlled substance offenses.

(C) Domestic Violence Cases. All Class D and Level 6 felony Domestic Battery, Strangulation, Confinement, and Intimidation cases shall be filed in Circuit Court, Superior Court 1, and Superior Court 2 in an equal, random, and rotating basis.

(D) Defendants with Multiple Actions. Notwithstanding LR03-CR2.2-1(a) and (b), when a defendant has a case pending against them in Circuit or Superior Court 1, during the pendency of that case, all subsequent criminal actions filed against that defendant shall be assigned to the court where the initial case was assigned.

(E) Co-Defendants. When two or more defendants are charged with felonies as the result of the same underlying set of facts, they shall all be charged in the same court.

(F) Charges Alleging violation of Protective Order. When a defendant is charged with violation of a Protective Order, those charges shall be filed in the court where the protective order was issued.

(G) Prosecutor's Knowledge of Potential Conflict. In the event the prosecutor has knowledge prior to the filing of a case that a judge should not receive a case because of a conflict, or for some other reason, the prosecutor may request the filing of a case in a specific court by making specific allegations in a written request filed at the time of filing said case. The judge of the Court in which the prosecutor seeks to file said case may approve this request.

(H) The above rules for the assignment of criminal cases may not be manually overridden by anyone without written permission from one of the Bartholomew County Judges.

(Amended effective July 1, 2018)

LR03-TR79-1: Selection of Special Judges

In the event a special judge needs to be appointed, and the parties cannot agree to a special judge under Trial Rule 79 (D), or if the selected judge does not accept the case, then under Indiana Rule of Civil Procedure 79 (H), the clerk shall first assign the case to one of the other Bartholomew Court judges on an equal, random and rotating basis, and if no Bartholomew County judge is eligible to serve, then the following judges shall be eligible for appointment by the clerk of the court on a rotating basis:

Judge of the Brown Circuit Court
Judge of the Decatur Circuit Court
Judge of the Decatur Superior 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, and
Judge of the Jennings Superior Court

All the Judges named above are within this Court's Administrative District Number 21. In the event a case is dismissed and refiled, the Judge last having jurisdiction in the dismissed case shall be the Judge in the new case.

A person selected and appointed to serve under this rule shall accept jurisdiction in the case unless disqualified pursuant to the Code of Judicial Conduct, ineligible for service under Trial Rule 79 or is excused from service by the Indiana Supreme Court.

If the judge selected to serve is disqualified or is excused from service, then the clerk shall appoint the next judge on the list. If no judge on the list is eligible to serve as special judge or the particular circumstances in the case so warrant, the then presiding judge in the case shall certify the matter to the Indiana Supreme Court for the appointment of a special judge pursuant to TR79(H)(3).

(Amended effective July 1, 2018)

LR03-AR15-1: Rules Governing Court Reporters and County Employers

Whether to be paid overtime or credited with time off may be negotiated between the court reporter and the Court and is subject to the decision of the Court.

(A) Salary. A court reporter shall be paid an annual salary for time spent working under the control, direction, and direct supervision of the Court during all regular work hours and overtime hours. Each court, subject to the approval of the Bartholomew County Council, shall set the amount of salary. Such salary shall be based on a regular workweek of forty (40) hours.

(B) Transcripts Prepared for Other Courts. A court reporter may, at the request of another official court reporter, prepare transcripts for another court. Such preparation may not be done during regular workweek hours.

LR 03-AR 15-2: Rules Governing Court Reporters and Private Employers (A)

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, 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 Indian 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.

- (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 that are 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 Bartholomew 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.

(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 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 and county reimbursed for use of equipment, if any.
- (2) 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 directly to the county for the preparation of any county indigent transcripts.
- (3) The maximum per-page fee a court reporter may charge for the preparation of a State indigent transcript shall be \$5.00.
- (4) The maximum per-page fee a court reporter may charge for the preparation of a private transcript shall be \$5.00.

- (5) With the court's approval, a court reporter may charge a maximum per-page fee of \$5.50 for transcripts requested within five (5) working days and a maximum per-page fee of \$6.50 for transcripts requested to be prepared within a twenty-four (24) hour time period (example: a witness' testimony during a jury trial to be used in closing arguments).
- (6) A minimum fee of \$35.00 for total cost of transcript may be charged for any transcript less than ten (10) pages. This includes, but is not limited to, those that require the court reporter's time in searching tapes, i.e., Bartholomew Superior Court 2 transcripts.
- (7) An additional labor charge approximating the hourly rate based upon the court reporter's annual court compensation may be charged for the time spent binding the transcript and the exhibit binders.
- (8) The maximum per-page fee a court reporter may charge for a copy of the previously typed transcript shall be \$1.00. A copy of a transcript shall include all forms of a transcript including, but not limited to, paper, electronic, and digital.
- (9) A reasonable charge for the office supplies required and utilized for the binding and electronic transmission of the transcript is permissible. The costs for these supplies shall be determined pursuant to a Schedule of Transcript Supplies that shall be established and published annually by the judges of Bartholomew County.
- (10) A deposit of at least 1/2 of the estimated cost of the completed transcript will be required by the court reporter BEFORE beginning any transcript.
- (11) Each court reporter shall report, at least on an annual basis, all transcript fees received for the preparation of either county-indigent or private transcripts to the Indiana Supreme Court Office of Court Services. The reporting shall be made on forms prescribed by that office.
- (12) Disk as Official Record. Upon the filing of a written request or praecipe for transcript, the court reporter shall transcribe any court proceedings requested and produce an original paper transcript along with an electronically-formatted transcript. Multiple disks containing the electronically-formatted transcript shall be prepared and designated as "Original Transcript," "Court Reporter's Copy," and "Court's Copy." Each disk shall be labeled to identify the case number, the names of the parties, the date completed, the court reporter's name, and the disk number if more than one disk is required for a complete transcript.

The court's copy of the electronic transcript shall become the official record of the court proceeding in lieu of a paper copy of the transcript and shall be retained in the court where said proceedings were held. The court reporter's copy shall be retained by the court reporter. The original paper transcript along with the disk designated as the original transcript shall be forwarded to the clerk if the transcript was prepared for purposes of appeal. If the transcript was not prepared for purposes of appeal, the original paper transcript shall be delivered to the requesting party.

(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, work space and supplies, and the Court agrees to the use of the court's 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 effective July 1, 2018)