

**STATE OF INDIANA – COUNTY OF FRANKLIN  
IN THE FRANKLIN CIRCUIT COURTS**

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**Notice of Proposed New Rule or Amendment(s) to Local Court Rule(s)  
May 14, 2024**

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In accordance with Trial Rule 81 of the Indiana Court Rules, the Franklin Circuit Courts hereby give notice to the bar and the public that the Courts propose to amend the Local Rule(s) on special judge selection in civil and criminal cases, court reporter services, caseload allocation, and the bond schedule for the courts of record of Franklin County, effective January 1, 2025.

All new text is shown by underlining and deleted text is shown by ~~striketrough~~. Supreme Court approval is required for Local Rules concerning special judge selection in civil and criminal cases, court reporter services, and caseload allocation, and will not take effect until approved by the Supreme Court.

Notice has been given to the public by posting on the website of the Franklin County Clerk and at the Indiana Judiciary webpage for Local Rules (<https://www.in.gov/courts/publications/local-rules/>), and by furnishing a copy to the officers of the Franklin County Bar Association. A paper copy of the proposed amended local rule(s) will be made available for viewing in the office of the Clerk of Franklin County, 459 Main Street, Brookville, IN 47012, during normal business hours.

The time period for the bar and the public to comment shall begin on June 6, 2024, and shall close on July 6, 2024. The proposed amendments to the rule will be adopted, modified or rejected before July 31, 2024, and, if required, the final version of the rules will be submitted to the Indiana Supreme Court for review and approval not later than August 1, 2024.

Comments by the bar and the public should be made in writing to:

Hon. Clay M. Kellerman, Judge of the Franklin Circuit Court Division 2, Attn: Public Comment on Local Rules, Franklin County Courthouse, 459 Main Street, Brookville, IN 47012, Fax 765-647-4970, or [court@franklincounty.in.gov](mailto:court@franklincounty.in.gov).

DATED this 14<sup>th</sup> day of May 2024 on behalf of the Judges of Franklin County.

\_\_\_\_\_/S/\_\_\_\_\_  
J. Steven Cox, Judge  
Franklin Circuit Court Division 1

\_\_\_\_\_/S/\_\_\_\_\_  
Clay M. Kellerman, Judge  
Franklin Circuit Court Division 2

**FRANKLIN CIRCUIT COURT**

**LOCAL RULES**

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<del><b>L.R. 24-C.R.2.2-2</b></del>	<del><b>Joint Local Criminal Rules</b></del>
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In the event a special judge selected pursuant to Trial Rule 79(D), ~~(E)~~, or ~~(F)~~ does not accept the case, a special judge shall be designated by the Clerk of the Franklin Circuit Court in sequence from the following list of, to-wit:

1. Judge, Wayne Superior Court #3
2. Judge, Rush Superior Court
3. Judge, Union Circuit Court
4. Judge, Fayette Superior Court
5. Judge, Fayette Circuit Court
6. Judge, Wayne Superior Court #2
7. Judge, Wayne Superior Court #1
8. Judge, Wayne Circuit Court
9. Judge, Rush Circuit Court
10. Magistrate, Wayne County

The Clerk shall maintain such records as necessary to assure that selections are rotated in the above sequence beginning with the judge listed as number one and continuing in numerical order thereafter and repeating the sequence as necessary.

In the event it becomes necessary to reassign a Felony or Misdemeanor Case pursuant to Rule 2.4 of the Indiana Rules of Criminal Procedure or Administrative Rule 21, reassignment of a case to another judge shall be assigned in consecutive order from the following list of judges:

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|--|---|
| 1. <u>Judge, Wayne Superior Court #3</u> | 11. <u>Judge, Dearborn Circuit Court</u>      |
| 2. <u>Judge, Rush Superior Court</u>     | 12. <u>Judge, Dearborn Superior Court I</u>   |
| 3. <u>Judge, Union Circuit Court</u>     | 13. <u>Judge, Dearborn Superior Court II</u>  |
| 4. <u>Judge, Fayette Superior Court</u>  | 14. <u>Magistrate, Dearborn Circuit Court</u> |
| 5. <u>Judge, Fayette Circuit Court</u>   | 15. <u>Judge, Ripley Circuit Court</u>        |
| 6. <u>Judge, Wayne Superior Court #2</u> | 16. <u>Judge, Ripley Superior Court</u>       |
| 7. <u>Judge, Wayne Superior Court #1</u> | 17. <u>Judge, Decatur Circuit Court</u>       |
| 8. <u>Judge, Wayne Circuit Court</u>     | 18. <u>Judge, Decatur Superior Court</u>      |
| 9. <u>Judge, Rush Circuit Court</u>      | 19. <u>Magistrate, Decatur County</u>         |
| 10. <u>Magistrate, Wayne Courts</u>      |   |

The Clerk shall maintain such records as necessary to assure that selections are rotated in the above sequence beginning with the judge listed as number one and continuing in numerical order thereafter and repeating the sequence as necessary.

~~L.R. 24 C.R.2.2.2~~ ~~JOINT LOCAL CRIMINAL RULES~~  
~~REASSIGNMENT AND APPOINTMENT~~  
~~OF SPECIAL JUDGE~~

~~—The following individuals have agreed to serve in the event it becomes necessary to reassign a felony or misdemeanor case in the Franklin Circuit Court: Judge of the Fayette Superior Court; Judge of the Fayette Circuit Court; Judge of the Union Circuit Court; and, Judge of the Rush Circuit Court. By order of adoption of these rules, the Indiana Supreme Court, pursuant to I.C. 33-24-6-10 temporarily transfers the above Judges to the Franklin Circuit Court for the purpose of reassignment of felony and misdemeanor cases.~~

~~In the event it becomes necessary to reassign a felony or misdemeanor case, the Judges will be reassigned in consecutive order to the above named Judges.~~

~~In the event no Judge is available for assignment or reassignment of a felony or misdemeanor case, such case shall be certified to the Indiana Supreme Court for the appointment of a Special Judge. In the event the Judge presiding in a felony or misdemeanor case concludes that the unique circumstances presented in such proceeding require appointment by the Indiana Supreme Court of a Special Judge, the presiding Judge may request the Indiana Supreme Court for such appointment.~~

The undersigned courts comprise all of the courts of record of Franklin County, Indiana and hereby adopt the following local rule by which court report services shall be governed.

**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 be limited to, telephones, computer hardware, software programs, disks, tapes, and any other device used for recording and storing, and transcribing electronic data.
- (3) *Workspace* 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 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 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.
- (8) *Overtime hours worked* means those hours worked in excess of forty (40) hours per work week.
- (9) *Work week* means a seven (7) 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 Franklin 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) The maximum per page fee a court reporter may charge for the preparation of a county indigent transcript shall be ~~\$4.00~~ \$4.50 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 ~~\$4.00~~ \$4.50.
- (4) The maximum per page fee a court reporter may charge for the preparation of a private transcript shall be ~~\$4.00~~ \$4.50.
- (5) 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 Division of State Court Administration. The reporting shall be made on forms prescribed by the Division of State Court Administration.

## **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.

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.

The Franklin Circuit Court pursuant to Jury Rule 4 hereby adopts the 2 tier Summons procedure for summoning jurors for jury selection.

- (A) Cases filed on or before July 1, 2007, or not already transferred under L.R.24-A.R.1 (E)-5, shall remain in the court of origin, unless otherwise Ordered.
- (B) Effective January 1, ~~2009~~2025, the limitation of filings will be in place without exception. The allocation of cases will be as follows:

CIRCUIT COURT 2

CRIMINAL: Felonies which include MR (murder), FA (class A felony), FB (class B felony), FC (Class C felony), Level 1 felony, Level 2 felony, Level 3 felony, Level 4 felony, Level 5 felony, MC (Miscellaneous Criminal), and misdemeanors in conjunction with Murder, or A, B, or C felonies, or Levels 1, 2, 3, or 4 felonies. **All RF (Red Flag) case types.**

CIVIL: PL (Civil Plenary), CC (Civil Collection), CT (Civil Tort), DR (Domestic Relations), RS (Reciprocal Support), MH (Mental Health), PO (Protective Orders), MF (Mortgage Foreclosure), AD (Adoption), MI (Miscellaneous), ES, EU, GU, TR (Probate) **All RF (Red Flag) case types, EV-Eviction - Civil.**

JUVENILE: JP (Juvenile Paternity), JD (Juvenile Delinquency), EM, GM, JS (Juvenile Status), JM (Juvenile Miscellaneous), JC (Juvenile CHINS), JT (Juvenile Termination) **All RF (Red Flag) case types, JQ (Child Protection Order)**

ALL CASES IN CONFLICT WITH *Circuit Court 2*

CIRCUIT COURT 2

CRIMINAL: Felonies which include FD (class D Felony), ~~Level 5 felony~~, Level 6 felony, misdemeanors in conjunction with D felonies, misdemeanors in conjunction with Levels ~~5 and 6~~ felonies, CM (class A misdemeanors, class B misdemeanors, class C misdemeanors), ~~and~~ IF (Infractions) OV (Ordinance violations, and OE (Exempted Ordinance Violation.)

CIVIL: SC (Small Claims), ~~PL (Civil Plenary)~~, CC (Civil Collection), CT (Civil Tort), DR (Domestic Relations), RS (Reciprocal Support), PO (Protective Orders), MF (Mortgage Foreclosure), MI (Miscellaneous), ~~and~~ EV (Eviction – Small Claims and Civil.)

ALL CASES IN CONFLICT WITH *Circuit Court 2*

- (C) Assignment of cases, effective January 1, 2025, the Clerk of the Franklin Circuit Court shall perfect the following limitation of filings:
1. ~~(PL) Civil Plenary~~, (CC) Civil Collections, (MF) Mortgage Foreclosures, (CT) Civil Tort, (DR) Domestic Relations, (RS) Reciprocal Support ~~and~~ (MI) Miscellaneous and (EV) Civil Evictions shall be assigned on an alternating basis between the two divisions of the circuit for each category above listed.
  2. (PO) Protective Orders shall be assigned on an alternating basis between the two divisions of the circuit except that multiple cause numbers arising out of same or similar facts shall be assigned as a group before rotation to the next court.

## FRANKLIN COUNTY CIRCUIT COURT BOND SCHEDULE

Comes now the Court and sets the following bail bond schedule for pretrial release of persons incarcerated in the Franklin County Security Center for criminal offenses cited into the Franklin County Circuit Court. This Order supersedes all previous Bail Bond Orders.

<u>OFFENSES</u>	<u>BOND</u>	
<del>I. 1.</del> Murder I.C. <del>35-42-1-1 (1&amp;2)</del>	None	
Attempted to Commit Murder I.C. <del>35-41-5-1</del>	None	
Conspiracy to Commit Murder I.C. <del>35-41-5-1</del>	None	
<del>II. 2.</del> Level 1 & 2 Felonies	None	
	<u>Cash/Surety</u>	<u>Property</u>
<del>III. 3.</del> Level 3 Felonies	\$25,000.00	\$50,000.00
<del>IV. 4.</del> Level 4 Felonies	\$20,000.00	\$40,000.00

For the following offenses, persons incarcerated shall be released upon posting 10% of amounts listed, CASH ONLY, plus an administrative fee of \$50.00 and a death benefit fee of \$5.00. No surety bond shall be accepted, except as otherwise specified. Any person who fails to appear shall be responsible to the Court for the full bond amount.

<del>V. 1.</del> Level 5 Felonies	\$15,000.00
<del>VI. 2.</del> Level 6 Felonies	\$10,000.00
<del>VII. 3.</del> Class A, B & C Misdemeanors	\$5,000.00
<del>VIII. 4.</del> Probation Violation	No Bond until Court Appearance
<del>IX. 5.</del> Non-Support of a Dependent Child	Full amount of unpaid arrearage

The bond amounts listed above for Level 1,2,3 and 4 felony arrests refer to cash or surety bonds. The amounts for property bonds are double the cash/surety amount listed.

If two separate offenses are filed against an individual as a single charge, the amount of bond will be the amount for the highest offense charged.

Any person who has been released on bond or is on probation in any jurisdiction and commits another offense, shall post two times the scheduled bond for the subsequent offense which shall continue to double for each subsequent offense.

~~Any person who has been released on bond for a domestic violence charge shall be required to sign a No Contact Agreement as a further condition of their release on bond, and that said agreement shall be maintained of record in the office of the Sheriff in Franklin County for a period of not less than forty eight hours from the date of release.~~

~~Any person who has been released on bond for a domestic violence charge shall be required to sign a No Contact Agreement as a further condition of their release on bond, and that said agreement shall be maintained of record in the office of the Sheriff in Franklin County for a period of not less than forty eight hours from the date of release.~~

~~Pursuant to the above denominated bond schedule, the Clerk of the Circuit Court shall, at the time the Bench Warrant is issued, endorse upon the Bench Warrant the amount of the bond pursuant to this Schedule, unless otherwise ordered by the Court.~~

No person shall be released with a blood alcohol level of .08% or higher or who appears to be under the influence of drugs so as to be impaired. A law enforcement agency may use the chart set out in I.C. 35-33-1-6 to determine the minimum numbers of hours that a person arrested for either an alcohol related offense or a non-alcohol related offense should be detained before release.

A person arrested for operating while intoxicated shall not be released until such time as there is a reduction in blood alcohol level to .00 Blood or Breath Alcohol Level in grams.

A person arrested for any drug related offense, except marijuana, shall be detained for 8 hours before the arrested person may post bond pursuant to this schedule or otherwise be released. A person arrested for a marijuana related offense may immediately post bond pursuant to this schedule or otherwise be released unless the person appears to be under the influence of drugs so as to be impaired.

A person arrested for Domestic Battery, Invasion of Privacy, Stalking or Intimidation shall be detained for 24 hours before the arrested person may post bond pursuant to this schedule. If the Defendant is arrested on an outstanding Warrant for any of the above offenses, Defendant will be permitted to post bond in the amount as stated on the Warrant without being held for the above mentioned 24 hour period. A person arrested for any of the above offenses, upon release, the arrested person shall be required to sign a No Contact Agreement as a further condition of release forbidding contact with any alleged victim.

All cash bonds shall become a personal asset of the Defendant and shall be held in trust by the Clerk of Franklin County and shall be applied towards defendant's fines, court costs, restitution, judgments, pre-trial diversion fees, private defense attorney fees and public defender/pauper attorney fees.

This Order shall be a part of the record in the Criminal Order Book on the Circuit Court, and shall remain in full force and effect until otherwise modified by proper Court Order.

(Adopted May 17, 2022)

The Franklin Circuit Court shall be comprised of two Divisions, namely, The Franklin Circuit Court and the Franklin Circuit Court, Division 2. The Franklin Circuit Court shall have as its administrator a Presiding Judge who shall be selected by agreement between the two judges of the Circuit. In the event that no agreement can be reached between the two judges of the Circuit, the Presiding Judge shall be selected based upon judicial seniority. The senior-most judge shall be the Presiding Judge and shall hold that position while in office or until such time as the two judges of the Circuit shall otherwise agree. The Presiding Judge shall be responsible for the following:

1. Prepare proposed local rules as are required to expedite and facilitate the court business;
2. Insure efficient operation of the court system and compliance with local rules; reassign cases to any judge within the division as needed;
3. Maintain and distribute to the other judge the bond schedule, caseload allocation schedules, juror excusal policy and other items necessary for the operation of the court system;
4. Provide direction and supervision of the court administrative offices and personnel including, but not limited to, court reporters, bailiffs, probation officers and probation staff;
5. Submit an annual budget for the court system; review and approve all claims for the court system;
6. Provide liaison between the Court and government and civic agencies;
7. Recommend appointments as specified in I.C. 33-4-10-5(1) and by local ordinance;
8. Allocate courtrooms and ancillary space as well as court personnel, and provide a schedule outlining upon which days cases shall be scheduled within the circuit for the efficient administration of court business;
9. Contract with the Bar for the provision of indigent defense within the circuit;
10. Provide a final resolution to any administrative dispute which may arise within the circuit which resolution shall be binding upon the entire circuit.

This Local Rule shall be effective January 1, 2009, and shall remain in effect thereafter until revised or repealed.