

In the Indiana Supreme Court

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

Supreme Court Case No.
24S-MS-254



Order Approving Amended Local Rules

The Judges of the Franklin Circuit Courts request the approval of amended local rules for caseload allocation in accordance with Administrative Rule 1(E), court reporter services in accordance with Administrative Rule 15, civil special judge assignments in accordance with Trial Rule 79, and criminal special judge assignments in accordance with Administrative Rule 21. Attached to this Order are the proposed amended local rules.

Upon examination of the proposed rule amendments requested by the Franklin Circuit Courts, this Court finds that the proposed rule amendments to L.R.24-A.R.1 (E)-5 comply with Administrative Rule 1(E), the amendments to L.R. 24-A.R. 15-3 comply with Administrative Rule 15, the amendments to L.R. 24-T.R. 79-1 comply with Trial Rule 79, and the amendments to L.R. 24-A.R. 21 comply with Administrative Rule 21, and, accordingly, should be approved.

IT IS, THEREFORE, ORDERED by this Court that amended Local Rules, L.R.24-A.R.1 (E)-5, L.R. 24-A.R. 15-3, L.R. 24-T.R. 79-1, and L.R. 24-A.R. 21, for the Franklin Circuit Courts, set forth as attachments to this Order, are approved effective January 1, 2025.

Done at Indianapolis, Indiana, on 7/26/2024 .

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

Loretta H. Rush
Chief Justice of Indiana

L.R.24-A.R.1 (E)-5

CASE ALLOCATIONS

- (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, 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*

CIRCUIT COURT

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

CIVIL: SC (Small Claims), 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. (CC) Civil Collections, (MF) Mortgage Foreclosures, (CT) Civil Tort, (DR) Domestic Relations, (RS) Reciprocal Support, (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.

In the event a special judge selected pursuant to Trial Rule 79(D), 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.

L.R. 24-A.R. 21**SPECIAL JUDGE SELECTION IN CRIMINAL CASES**

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:

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

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.

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 \$4.50. 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 \$4.50.
- (4) The maximum per page fee a court reporter may charge for the preparation of a private transcript shall be \$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.