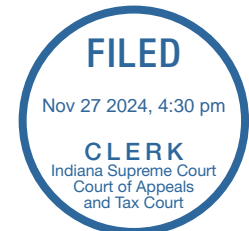


In the Indiana Supreme Court

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

Supreme Court Case No.
24S-MS-404



Order Approving Amended Local Rules

The Judge of the Warren Circuit Court requests the approval of amended local rules for court reporter services in accordance with Administrative Rule 15, for special judge assignments in accordance with Administrative Rule 21, and for special judge assignments in accordance with Trial Rule 79. Attached to this Order are the proposed amended local rules.

Upon examination of the proposed rule amendments requested by the Warren Circuit Court, this Court finds that the proposed amendments to LR86-AR15-120 comply with Administrative Rule 15, the proposed amendments to LR86-AR-21-140 comply with Administrative Rule 21, and the proposed amendments to LR86-TR79-700 comply with Trial Rule 79, and, accordingly, should be approved.

IT IS, THEREFORE, ORDERED by this Court that amended Local Rules, LR86-AR15-120, LR86-AR-21-140, and LR86-TR79-700, for the Warren Circuit Court, set forth as attachments to this Order, are approved effective December 1, 2024.

Done at Indianapolis, Indiana, on 11/27/2024 .

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

Loretta H. Rush
Chief Justice of Indiana

- I. **Definitions.** The following definitions shall apply under this local rule:
 - a. "Court" means the Warren Circuit Court.
 - b. "Expedited transcript" means a transcript which is requested to be prepared sooner than that time set forth by Ind. R. App. P. 11(B) or any transcript prepared pursuant to Ind. R. App. P. 14.1.
- II. **Salaries and Per Page Fees**
 - a. The Court Reporter appointed by the Warren Circuit Court from time to time shall be paid an annual salary as set each year in the budget of the Court and approved by the Warren County Council and said salary shall be paid for time spent working under the control, direction and direct supervision of the Court during any regular working hours, gap hours or overtime hours.
 - b. For hours worked in excess of regular working hours, (i) Gap hours shall be paid in the amount equal to the hourly rate of the annual salary; and overtime hours shall be paid in the amount of one and one-half (1 ½) times the hourly rate of the annual salary; or, (ii) Compensatory time off from regular work hours shall be given in the amount equal to the number of gap hours worked; and compensatory time off from regular work hours shall be given in the amount of one and one-half (1 1/2) times the number of overtime hours worked. The court and each court reporter may freely negotiate between themselves as to which of the preceding two (2) options shall be utilized and the court and court reporter shall enter into a written agreement designating the terms of such agreement.
 - c. Except as provided in paragraph (e), the maximum per page fee a court reporter may charge for the preparation of a county indigent transcript, state indigent transcript and private practice transcript shall be \$4.00. The maximum per page fee shall be \$4.50, if an expedited transcript is requested.
 - d. The maximum fee that a court reporter may charge for paper copies shall be \$1.00 per page. Electronic copies of transcripts or any electronic media files, will be provided on a media format supplied by the Court (typically DVD or CD) at a cost of \$5.00 per DVD/CD required. Once filed with the Court of Appeals, the transcript may be requested directly from the Clerk of the Indiana Court of Appeals, in accordance with their procedures.
 - e. The minimum fee that a court reporter may charge for transcripts is \$35.00.
 - f. 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 exhibits.
 - g. Upon preparation of an indigent transcript, the Court Reporter shall submit directly to the County a claim for the same upon a form designated by the Auditor of Warren County.
 - h. Each court reporter shall report, at least on an annual basis, all transcript fees received for the preparation of either 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.
 - i. The Judge of the Warren Circuit Court may prioritize transcripts to be prepared by any court reporter with the court reporter's regular work assignments, including determining whether or not to expedite a transcript request over other

transcripts required to be completed by Appellate Rules and other duties of the Court Reporter.

- j. In all cases in which a transcript is prepared for an appeal, the requisite Notices filed by the Clerk of the Warren Circuit Court and Clerk of the Supreme Court, Court of Appeals, and Tax Court, will serve as the only notice to the party requesting the transcript of its completion.
- k. Parties who desire to listen to audio recordings of public hearings or hearings in which the party is involved, may schedule times to review them using the Court Reporter's equipment, which may be rescheduled based upon the needs of the Court. Upon motion and due to exigent circumstances, the Court may make an exception and authorize the Court Reporter to provide audio files to party, which may be listened to by downloading a free multimedia player from the vendor's website, (currently www.fortherecord.com). Because the court is unable to edit audio files once they are created, the Court will not grant such exceptions under any circumstances, when confidential proceedings are mixed with public proceedings.

III. 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 purpose, the court reporter shall enter into a written agreement which must, at a minimum, designate the following:
 - i. The reasonable market rate for the use of equipment, work space and supplies;
 - ii. The method by which records are to be kept for the use of equipment, work space and supplies; and
 - iii. The method by which the court reporter is to reimburse the Court for the use of the equipment, work space, and supplies.
- b. The fees set forth in Section II shall apply to work performed in private practice by court reporters.

LR86-AR21-140 SPECIAL JUDGE ASSIGNMENT - CRIMINAL CASES

- I. If it becomes necessary to reassign a criminal case in the Warren Circuit Court, the Clerk or Court Administrator shall reassign the case on a rotating basis to the full time judges and their magistrates, from the following courts:

Fountain Circuit Court

Benton Circuit Court

Vermillion Circuit Court

Tippecanoe Circuit Court

Tippecanoe Superior Court # 1

Tippecanoe Superior Court # 2

Tippecanoe Superior Court # 4

Tippecanoe Superior Court # 5

Tippecanoe Superior Court # 6

Tippecanoe Superior Court # 7

Parke Circuit Court

Montgomery Circuit Court
Montgomery Superior Court #1
Montgomery Superior Court #2

- II. In the event no judge is available for assignment or reassignment of a felony or misdemeanor case, the case may 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 the unique circumstance presented in such proceeding requires appointment by the Indiana Supreme Court of a special judge, this presiding judge may request the Indiana Supreme Court for such appointment.
- III. If the parties agree upon the appointment of a judicial officer, who is not listed in the rotation above, the parties shall first confer with the proposed judicial officer's staff, to confirm that judicial officer will accept appointment in the case, as some judges do not regularly handle all areas of law. Any stipulation on the appointment of a special judge not included on the above list, shall indicate the efforts made by the parties to confirm that judge's willingness to serve and any responses provided.

LR86-TR79-700 SPECIAL JUDGE ASSIGNMENT – CIVIL CASES

- I. If it becomes necessary to reassign a civil case in the Warren Circuit Court, the Clerk or Court Administrator shall reassign the case on a rotating basis to the full time judges and their magistrates, in the following courts:
 - Montgomery Superior Court # 1
 - Fountain Circuit Court
 - Montgomery Superior Court # 2
 - Montgomery Circuit Court
 - Parke Circuit Court
 - Vermillion Circuit Court
 - Benton Circuit Court
 - Tippecanoe Circuit Court
 - Tippecanoe Superior Court # 1
 - Tippecanoe Superior Court # 2
 - Tippecanoe Superior Court # 4
 - Tippecanoe Superior Court # 5
 - Tippecanoe Superior Court # 6
 - Tippecanoe Superior Court # 7
- II. In the event the Judge selected above is disqualified, ineligible or excused from service, the next Judge in order shall be appointed. In the event no Judge is eligible to serve as Special Judge, then such case shall be certified to the Supreme Court.
- III. If the parties agree upon the appointment of a judicial officer, who is not listed in the rotation above, the parties shall first confer with the proposed judicial officer's staff, to confirm that judicial officer will accept appointment in the case, as some judges do not regularly handle all areas of law. Any stipulation on the appointment of a special judge not included on the above list, shall indicate the efforts made by the parties to confirm that judge's willingness to serve and any responses provided.