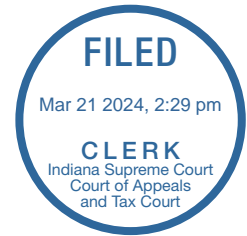


In the  
**Indiana Supreme Court**

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

Supreme Court Case No.  
24S-MS-103



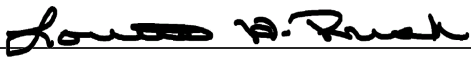
**Order Approving Amended Local Rules**

The Judges of the Greene Circuit and Superior Courts request the approval of amended local rules for caseload allocation in accordance with Indiana Administrative Rule 1(E), for court reporter services in accordance with Administrative Rule 15, for criminal case special judge assignments in accordance with Administrative Rule 21, and for civil 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 Greene Circuit and Superior Courts, this Court finds that the proposed rule amendments to LR28-AR01-01 comply with Indiana Administrative Rule 1(E), the amendments to LR28-AR15-11 comply with Administrative Rule 15, the amendments to DR20-AR21-000 comply with Administrative Rule 21, and the amendments to LR28-TR70-02 comply with Trial Rule 79, and, accordingly, should be approved.

IT IS, THEREFORE, ORDERED by this Court that amended Local Rules, LR28-AR01-01, LR28-AR15-11, DR20-AR21-000, and LR28-TR70-02, for the Greene Circuit and Superior Courts, set forth as attachments to this Order, are approved effective March 22, 2024.

Done at Indianapolis, Indiana, on 3/21/2024.

  
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Loretta H. Rush  
Chief Justice of Indiana

## LR28-AR01-01 CASELOAD ALLOCATION PLAN

- A. ANNUAL REVIEW:** The Judges of the Greene Circuit Court and the Greene Superior Court shall meet annually to review the weighted caseload statistics of each Court and to comply with Orders of the Indiana Supreme Court concerning case assignments.
- B. GREENE CIRCUIT COURT:** The following cases shall be filed exclusively with the Greene Circuit Court:
1. Juvenile.
  2. Adoption.
  3. Guardian.
  4. Estates.
- C. GREENE SUPERIOR COURT:** The following cases shall be filed exclusively with the Greene Superior Court:
1. Small Claims.
  2. Evictions
  3. Infractions.
  4. Minor Offenses and Violations.
  5. Criminal, if each Count is a misdemeanor, a Class D Felony, a Level 6 Felony, or if a Count alleges either a felony or misdemeanor violation of I.C. 9-30-5 et seq.
- D. CONCURRENT ASSIGNMENT:** The Greene Circuit Court and Greene Superior Court shall receive assignments of all other matters, including:
1. Civil Commitments.
  2. Criminal offenses, except cases alleging all misdemeanors, Class D Felonies, Level 6 Felonies, or cases alleging either a felony or misdemeanor violation of I.C. 9-30-5 et seq.
  3. Civil, not otherwise specified.
  4. Civil and Criminal Cases Transferred from Other Counties.
  5. Protective Orders.
  6. Warrantless seizure of firearm from individual believed to be dangerous (for affidavits filed under I.C. 35-47-14-3 Indiana's "red flag" law) (RF).
- from the Clerk of the Greene Circuit Court as follows:
- a. **Random Draw:** When a case is filed, the Clerk will file the case in the court randomly selected by the Odyssey Case Management system.
  - b. **Probation Transfer, Subpoena Duces Tecum, and Search Warrant Cases:** Notwithstanding the above, any case that is a probation transfer from another county, or a case in which the State is filing a motion for subpoena duces tecum, or a case in which the State is seeking a search warrant, the Clerk will file the case randomly, consistent with the procedures set forth in the preceding paragraph.
  - c. **Companion Civil Filings:** In the event two or more civil cases are identified by the filing party as companion cases, arising from the same circumstances, with similar issues of fact and law, the Clerk will file the case in the court randomly selected by the Odyssey Case Management system. All companion cases will then be filed in the selected Court.

- d. **Subsequent Criminal Filings:** The Circuit Court and the Superior Court state that the policy of the Courts is to have all criminal felony cases, excluding Class D Felonies, Level 6 Felonies, or violations of I.C. 9-30-5 et seq., pending against an individual filed in the same Court. Therefore, when a criminal case is filed which charges an accused with a Level 5 Felony and above, excluding violations of I.C. 9-30-5 et seq., the Prosecuting Attorney and the Clerk shall determine if the accused has another felony charge pending in either Court. “Another felony charge pending” means both a felony case where judgment has not yet been entered and a felony case in which a Petition to Revoke has been filed. If there is another felony charge pending in either Court, the new charge shall be filed in the same Court where the previous felony charge is pending.
- E. **TRANSFER:** The Judge of the Greene Circuit Court or the Greene Superior Court, by appropriate order entered in the Record of Judgments and Orders, may transfer and reassign any case to the other Court, subject to acceptance by the receiving Court.
- F. **REFILINGS:** When the State of Indiana dismisses a case and chooses to refile that case, the case shall be assigned to the Court from which the dismissal was taken.
- G. **APPOINTMENT OF SPECIAL JUDGES IN CRIMINAL CASES:** When it is necessary to appoint a special judge pursuant to Administrative Rule 21, it shall be done in accordance with District 20 Rule on appointment of special judge in criminal cases at **DR20-AR21-000**.

#### **DR 20-AR21-000 APPOINTMENT OF SPECIAL JUDGE IN CRIMINAL CASES**

Each county within the Administrative District shall amend its local rules, pursuant to Administrative Rules 1(E)(6) and 21, to allow for appointment of Special Judges utilizing the following elements.

- A. **Eligibility for Special Judge Service.**
  - 1. **Available to Serve.** Pursuant to Administrative Rule 21 the full-time Judicial Officers of Administrative District 20 and contiguous counties shall be deemed in agreement to serve as a Special Judge.
  - 2. **Prior Service Excluded.** The appointment of Special Judge shall apply unless the appointed Judicial Officer has previously served as Judge or Special Judge in the case, is disqualified by interest or relationship, or is excused from service as a Special Judge by the Indiana Supreme Court.
- B. **Appointment within the Administrative District.** In order to improve the coordination within the Administrative District, and pursuant to Administrative Rule 21, appointments of a Special Judge in criminal cases shall be made among the Judicial Officers of the Administrative District.
- C. **Appointment of a Special Judge.** In the event of the need for the regular, sitting Judicial Officer to recuse herself/himself from a normally assigned case, Special Judge appointment shall be made by the Administrative District 20 Facilitator.

- 1. Priority Given to Local County Appointments.** Pursuant to Administrative Rule 1(E)(6), appointments of a Special Judge shall be made in the same manner as set forth within the Local Rules of the Local County. Following the appointment of the Special Judge, the Special Judge may request that the case be forwarded to the court of the Special Judge.
  - 2. District (Outside County) Appointments.** In the event that no Local Judicial Officer is available, a Special Judge shall be appointed, on a rotating basis, from the available full-time Judicial Officers within the Administrative District and counties contiguous to Greene County.
- D. Acceptance of Appointment.**
- 1. Acceptance Mandatory.** Pursuant to Administrative Rule 21(A), a person appointed to serve as Special Judge under these rules must accept jurisdiction in the case, unless the appointed Special Judge is disqualified pursuant to the Code of Judicial Conduct, ineligible for service under these rules, or excused from service by the Indiana Supreme Court.
  - 2. Documentation.** An oath or additional evidence of acceptance of jurisdiction is not required.
- E. Supreme Court Certification.** In the event that no Judicial Officer in the Administrative District is eligible to serve as a Special Judge, or the regular, sitting Judicial Officer in the court in which the case is pending sets out particular circumstances why appointment under these rules should not be made, then the regular, sitting Judicial Officer shall certify the same to the Indiana Supreme Court for appointment of a Special Judge.
- F. Discontinuation of Special Judge Service.** The provisions of A.R. 21(F) if a Special Judge ceases to serve following assumption of jurisdiction.
- G. Method for Assignment and Related Records.** The District Facilitator has maintained a method for rotation for appointments and maintained records related thereto which will be continued. Any amendments to the method will be made by votes cast by the Judicial Officers of Administrative District 20.

**DR 20-TR79-000      APPOINTMENT OF SPECIAL JUDGE IN CIVIL CASES**

- A. Eligibility for Special Judge Service:**
- 1. Agreement to Serve.** Pursuant to Trial Rule 79(H), the full-time Judicial Officers of Administrative District 20 shall be deemed in agreement to serve as a Special Judge.
  - 2. Prior Service Excluded.** The appointment as Special Judge shall apply unless the appointed Judicial Officer has previously served as Judge or Special Judge in the case, is disqualified by interest or relationship, or is excused from service as a Special Judge by the Indiana Supreme Court.
- B. Appointment of a Special Judge:** In the event of the need for the regular, sitting Judicial Officer to recuse herself/himself from a normally assigned case, or should the

appointment of a Special Judge through agreement by the Parties fail, the Special Judge appointment shall be made by the Administrative District 20 Facilitator:

1. **Priority Given to Local County Appointments.** Special Judge appointments shall be made within the Local County. Following the appointment of the Special Judge, the Special Judge may request that the case be transferred to the court of the Special Judge.
2. **District (Outside County) Appointments.** In the event that no Local Judicial Officer is available, the case will be forwarded to the District 20 Facilitator who will appoint a Special Judge on a rotating basis, from the available Judicial Officers within the Administrative District.

**C. Acceptance of Appointment:**

1. **Acceptance Mandatory.** Pursuant to Trial Rule 79(H), a person appointed to serve as Special Judge under these rules must accept jurisdiction in the case, unless the appointed Special Judge is disqualified pursuant to the Code of Judicial Conduct, ineligible for service under these rules, or excused from service by the Indiana Supreme Court.
2. **Documentation.** An oath or additional evidence of acceptance of jurisdiction is not required.

**D. Supreme Court Certification.** If no Judicial Officer in the Administrative District is eligible to serve as a Special Judge, or the regular, sitting Judicial Officer in the court in which the case is pending sets out particular circumstances why appointment under these rules should not be made, then the regular, sitting Judicial Officer shall certify the same to the Indiana Supreme Court for appointment of a Special Judge.

**E. Discontinuation of Special Judge Service.** The provisions of T.R. 79(I) apply if a Special Judge ceases to serve following assumption of jurisdiction.

**F. Method of Assignment and Related Records.** The District Facilitator has maintained a method for rotation for appointments and maintained records related thereto which will be continued. Any amendments to the method will be made by votes cast by the Judicial Officers of Administrative District 20.

## **LR28-AR15-11 COURT REPORTER SERVICES**

**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 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 that 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 workweek. Depending on the particular Court, these hours may vary from Court to Court within the county, but remain the same for each workweek.
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 in excess of forty (40) hours per workweek.
9. *Workweek* means a seven (7) consecutive day week that consistently begins and ends on the same days throughout the year, e.g. 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 Greene 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 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. Notwithstanding the above, if a private party requests a transcript to be prepared in less than 30 days, a Court Reporter may charge an additional \$1.50 per page as a surcharge if the surcharge is approved by the presiding Judge of the Court.
5. The maximum per page fee a Court Reporter may charge for a copy of a county indigent transcript, state indigent transcript, or private transcript shall be \$1.00.
6. The minimum fee per transcript shall be \$35.00.
7. The fee for the preparation of the Index and Table of Contents pages shall be at the same rate charged per page for the remainder of the transcript.
8. The Court Reporter may charge an additional labor charge for the time spent binding the transcript and the exhibit binders. The additional labor charge shall be the hourly rate paid to the Court Reporter (as computed by dividing the annual salary paid by Greene County to the Court Reporter by 35 hours). If the Reporter preparing the transcript is not a salaried

employee, the charge shall be \$15.00 per hour for the time expended to bind the transcript and exhibits.

9. The Court Reporter may charge for the required office supplies purchased by the Court Reporter and used for the binding and the electronic transmission of the transcript pursuant to the Indiana Rules of Appellate procedure 28 and 29. The costs of these supplies shall be determined pursuant to a Schedule of Transcript Supplies that will be established and published annually by the Judges of the Greene Circuit and Superior Courts. If the Court Reporter desires to use the Court's equipment, work space and supplies, and if 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, workspace and supplies;
  - b. The method by which records are to be kept for the use of equipment, work space and supplies;
  - c. The method by which the Court Reporter is to reimburse the Court for the use of the equipment, workspace and supplies.

Such agreement shall be attached to the Schedule of Transcript Supplies and published annually.

10. 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 Office of Judicial Administration. The report shall be made on forms prescribed by the Office of Judicial Administration.

**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, all such private practice work shall be conducted outside of regular working hours. In the alternative, if such work is conducted during regular working hours with the approval of the Court, the Court Reporter shall use vacation time or compensatory time to perform such work.