

**STATE OF INDIANA – COUNTY OF CASS
IN THE CASS CIRCUIT AND SUPERIOR COURTS**

**Notice of Proposed Local Rule Amendments and Finding Good Cause to
Deviate From Established Schedule
8 November 2016**

The judges of the Cass Circuit and Superior Courts, pursuant to Trial Rule 81(B), give notice of amendments to the Local Rules pertaining to the appointment of special judges in civil cases (LR09-TR79-5), alcohol/drug programs fees (LR09-AR00-12) and court reporter fees (LR09-AR15-6). Good cause to deviate from the schedule for amending said Local Rules under Trial Rule 81(D) is found. All new text is shown by underlining, and deleted text is shown by ~~striketrough~~.

Notice has been given to the public by posting in the Office of the Cass County Clerk and on the Clerk's website and on the Indiana Judicial Website, and by furnishing a copy to the officers of the Cass County Bar Association. Comments may be made until 20 December 2016, to:

Rick Maughmer, Judge of the Cass Superior Court 2, Attn.: Public Comment on
Local Rules, 200 Court Park, Logansport, IN 46947; or
rick.maughmer@co.cass.in.us.

These rule amendments will be effective on 1 January 2017.

Dated this 8th day of November 2016.



**LEO T. BURNS, JR., JUDGE
CASS CIRCUIT COURT**



**THOMAS C. PERRONE, JUDGE
CASS SUPERIOR COURT 1**



**RICK MAUGHMER, JUDGE
CASS SUPERIOR COURT 2**

Purpose of Rule

This rule is adopted to comply with the requirements of Trial Rule 79(H) of the Indiana Rules of Trial Procedure. It is intended to provide a means of selection of special judges ensuring the effective use of all judicial resources within Administrative District 8 (which is comprised of Cass County, Fulton County, Howard County, and Miami County) and includes each person eligible for appointment under Section (J) of Trial Rule 79.

Central Office Established

There is established a Central Office for the keeping of records of appointment and selection of special judges for this District. The Central Office of this District shall be the Howard Superior Court 4.

The Courts of this County shall hereafter refer to the Central Office of this District whenever selection of a special judge is required under this rule. Each of the Courts of this County shall accept from the Central Administrator the name of the individual to then be appointed as special judge for a given case.

The person serving as the Central Administrator shall have the following responsibilities:

1. To maintain a list of persons qualified to serve as special judge under Section (J) of Trial Rule 79.
2. To take referrals from the several courts of this District, requesting appointment of a special judge.
3. To alternately and on a rotating basis appoint qualified judges from the list maintained for that purpose.
4. To notify the referring court of the individual to be appointed under this rule.

Current Rotation Schedule

The following shall be the rotation schedule used by the Central Administrator:

1. The Judge of the Cass Superior Court I
2. The Judge of the Howard Superior Court III
3. The Judge of the Fulton Superior Court
4. The Judge of the Howard Superior Court II
5. The Judge of the Fulton Circuit Court
6. The Judge of the Howard Circuit Court
7. The Judge of the Miami Superior Court I
8. The Judge of the Howard Superior Court I
9. The Judge of the Cass Circuit Court
10. The Judge of the Miami Circuit Court
11. The Judge of the Cass Superior Court II

12. The Judge of the Howard Superior Court IV

13. The Judge of the Miami Superior Court II

Administrative Fee

Each of the Courts participating under this rule shall pay each year the sum of Fifty Dollars (\$50.00) to the Central Administrator, payable directly to the Administrator by the 15th day of September of each year.

Certification to the Supreme Court

In cases in which no judge is eligible to serve as special judge in a particular case or where the circumstances of a case require it, the Court shall certify those circumstances to the Supreme Court and that Court shall make the appointment.

Credit for Voluntary Acceptance of Certain Special Judge Cases

If, outside the normal rotation schedule, a judge voluntarily accepts a Cass County, Fulton County, Howard County, or Miami County civil case at the request of the parties to the case or at the request of the Court in which the case is pending, that judge may then receive credit for taking that case, with the Central Administrator skipping over that judge the next time that judge's name comes up for appointment for a case under the above-described rotation schedule. In order to receive such credit, the judge shall notify the Central Administrator of his or her voluntary acceptance of such a civil case no later than seven (7) days after his or her formal qualification and assumption of jurisdiction in that case. At the time that such notification is provided to the Central Administrator, the notifying judge shall also provide the Central Administrator the cause number of the civil case that he or she has voluntarily accepted.

LR09-TR79-5 Appointment of Special Judge-Civil

~~**PURPOSE OF RULE**—This rule is adopted to comply with requirements of Trial Rule 79(H) of the Indiana Rules of Trial Procedure. It is intended to provide a means of selection of special judges insuring the effective use of all judicial resources within Administrative District 8, and includes each person eligible for appointment under Section (J) of Trial Rule 79.~~

~~**CENTRAL OFFICE ESTABLISHED**—There is established a Central Office for the keeping of records of appointment and selection of special judges for this District. The Central Office of this District shall be the Howard Superior Court 4. The Administrator of the Central Office shall be appointed by the Judge of the Howard Superior Court 4.~~

~~The Cass Circuit and Superior Courts shall hereafter refer to the Central Office of this District whenever selection of a special judge is required under this rule. The Cass Circuit and Superior Courts shall accept from the Central Administrator the name of the individual to then be appointed as special judge.~~

~~The person serving as Administrator of the Central Office shall have the following responsibilities:~~

- ~~1. To maintain a list of persons qualified to serve as special judge under Section (J) of Trial Rule 79.~~
- ~~2. To take referrals from the several courts of this District, requesting appointment of a special judge.~~
- ~~3. To alternately and on a rotating basis appoint qualified judges from the list maintained for that purpose.~~
- ~~4. To notify the referring Court of the individual to be appointed under this Rule.~~

~~**CURRENT ROTATION SCHEDULE**—The following shall be the rotation schedule initially used by the Central Administrator:~~

- ~~1. The judge of Cass Superior Court 1.~~
- ~~2. The judge of Howard Superior Court 3.~~
- ~~3. The judge of Fulton Superior Court.~~
- ~~4. The judge of Howard Superior Court 2.~~
- ~~5. The judge of Fulton Circuit Court.~~
- ~~6. The judge of Howard Circuit Court.~~
- ~~7. The judge of Miami Superior Court 1.~~
- ~~8. The judge of Howard Superior Court 1.~~
- ~~9. The judge of Cass Circuit Court.~~
- ~~10. The judge of Miami Circuit Court.~~
- ~~11. The judge of Cass Superior Court 2.~~
- ~~12. The judge of Howard Superior Court 4.~~
- ~~13. The judge of Miami Superior Court 2~~

~~**ADMINISTRATIVE FEE**—Each of the Courts participating under this Rule shall pay each year the sum of Fifty Dollars (\$50.00) to the Central Administrator, payable directly to the Administrator by the 15th of September each year.~~

~~**CERTIFICATION TO SUPREME COURT**—In cases in which no judge is eligible to serve as special judge in a particular case, or where the circumstances of a case require it, the Court shall certify those circumstances to the Indiana Supreme Court, Division of State Court Administration, and the Supreme Court shall make the appointments.~~

LR09-AR00-12 Alcohol/Drug Program Fees

In accordance with I.C. 12-23-14-16(b), the following fees are adopted for alcohol and/or drug program services:

Assessment and Case Management Fee...\$250.00

~~Substance Abuse Education Fee...\$150.00~~

LR09-AR15-6 Court Reporter Fees

The undersigned courts comprise all the courts of record of Cass County, Indiana, and hereby adopt the following local rule by which court reporter 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) *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 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 the 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 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 Cass 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 county 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 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 and 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 ~~\$5.00~~4.25, which will entitle the requesting party a non certified copy in an electronic PDF format. The maximum per page fee a court reporter may charge for a copy of a county indigent transcript shall be \$1.00 per page. The court reporter shall submit a claim to the county for the preparation of or copy of any indigent transcripts.
- (3) The maximum per page fee a court reporter may charge for the preparation of state indigent transcript shall be ~~\$5.00~~4.25. The maximum per page fee a court reporter may charge for a copy of a state indigent transcript shall be \$1.00 per page.
- (4) The maximum per page fees a court reporter may charge for the preparation of a private transcript shall be ~~\$5.00~~4.25. The maximum per page fee a court reporter may charge for a copy of a private transcript shall be \$1.00 per page.
- (5) 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 County 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 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 court 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 practice in private through the recording of a deposition and/or preparing of a deposition transcript, all such private practice work shall be conducted courtside of regular working hours.