

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

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**Notice of Proposed Amendments to Local Court Rules  
June 1, 2015**

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In accordance with Trial Rule 81 of the Indiana Court Rules, the DAVIESS Circuit and Superior Courts hereby give notice to the bar and the public that the Courts propose to amend the Local Rules at **LR14-AR00-3.1** on **Assignment of Cases** and at **LR14-AR15-3.0** on **Court Reporter Services** for the courts of record of DAVIESS County, **effective January 1, 2016**. All new text is shown by underlining and deleted text is shown by ~~striketrough~~. Supreme Court approval is required for Local Rules concerning case allocation and court reporter services and may not take effect until approved by the Supreme Court.

The time period for the bar and the public to **comment** shall **begin** on **June 1, 2015**, and shall **close** on **June 30, 2015**. The proposed amendments to the rule will be adopted, modified or rejected before July 31, 2015, and, if required, the final version of the rule will be submitted to the Indiana Supreme Court for review and approval not later than August 1, 2015.

**Comments** by the bar and the public should be made in writing and mailed, or emailed, to:

Hon. Gregory A. Smith, Judge of the Daviess Circuit Court, Attn: Public Comment on Local Rules, Daviess County Courthouse, 200 East Walnut Street, Washington, Indiana 47501; or e-mail to Judge Smith at [Circuit.court@Daviess.org](mailto:Circuit.court@Daviess.org).

A paper copy of the proposed amended local rule(s) will be made available for viewing in the office of the Clerk of Daviess County, Daviess County Courthouse, 200 East Walnut Street, Washington, Indiana, during normal business hours. Persons with Internet access may view the proposed amended local rules for Caseload Allocation Plan and Court Reporter Services at the following website:

**<http://www.in.gov/judiciary/2957.htm>**

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Gregory A. Smith, Judge  
Daviess Circuit Court

### **LR14-AR00-3.1 Assignment of Cases**

1. All criminal, except neglect or non-support, juvenile offenders waived to adult court, or invasion of privacy, domestic battery, or related offenses allegedly resulting from or involving a protective order, workplace violence restraining order or no contact order issued by the Daviess Circuit Court, all infraction, and ordinance violation cases ~~and all small claims cases in which the filing party is represented by counsel, except those involving landlord tenant disputes, including possession of real or personal property or rent due or money damages involving a tenancy,~~ filed in the Daviess County Courts, or transferred to Daviess County from other jurisdictions, shall be assigned to the Daviess Superior Court. Said assignment shall be non-discretionary.
2. All juvenile delinquent, CHINS, termination of parental rights, adoption, paternity, child support order establishment or enforcement, whether through Title IV-D or non-IV-D, probate, guardianship, domestic relations, mental health, mortgage foreclosures, and protective order cases, and criminal charges for all neglect or non-support, juvenile offenders waived to adult court, or invasion of privacy, domestic battery, or related offenses allegedly resulting from or involving a protective order, workplace violence restraining order or no contact order issued by Circuit Court, and all small claims cases ~~where the filing party is not represented by counsel~~ whether represented by counsel or self-represented, and all small claims cases involving landlord tenant disputes, including possession of real or personal property or rent due or money damages involving a tenancy, filed in Daviess County Courts, or transferred to Daviess County from other jurisdictions, shall be assigned to the Daviess Circuit Court. Said assignment shall be non-discretionary.
3. All other cases may be filed in either Court.
4. Upon dismissal of a case, if the case is redocketed it shall remain in the same court before the same judge exercising jurisdiction at the time of the dismissal.
5. Subsequent Felony Charges: In the interest of judicial economy, if a person has a felony charge pending in the Daviess Circuit Court or the Daviess Superior Court, all subsequent felony charges filed against the same person shall be filed in the court where the original felony charge is pending. This provision shall take precedence over the other provisions of this rule set forth above.
6. The Judges of the Daviess Circuit Court and the Daviess Superior Court shall retain authority to reassign cases between the Courts whenever the work load of each Court or the convenience in handling the case make such reassignment judicially desirable.
7. Transfer of Criminal or Civil Cases: The Judges of the Daviess Circuit Court and the Daviess Superior Court, by appropriate order, may each transfer and reassign to the other Court any pending case, subject to acceptance by the receiving Court.

8. Modification. The Circuit and Superior Courts of Daviess County, Indiana, may from time to time modify the above rules regarding the local assignment of cases to meet the needs of the Courts or the public, in circumstances deemed necessary by agreement of the Judges of the Daviess Circuit and Superior Courts. Instances that may necessitate temporary modification of this assignment of cases rule include, but are not limited to, temporary or extended absence or disability of a judge; a case or cases of a size or complexity as to overburden a particular Court; or temporary case load disparities.

9. Bi-Annual Review. The Judges of the Daviess Circuit Court and the Daviess Superior Court shall meet bi-annually at or near the time of the annual Judicial Conference to review the weighted caseload statistics of each Court and to comply with the Orders of the Indiana Supreme Court concerning case assignments and Administrative Rule 1 (E).

### **LR14-AR15-3.0 Court Reporter Services**

In accordance with the requirements of Administrative Rule 15 of the Indiana Supreme Court, the following rule is hereby established:

The Court adopts Model Option One under Section C regarding fees which will be charged for the following transcripts.

1. County indigent transcripts: The per page fee a Court Reporter may charge for a county indigent transcript is:

a. ~~Four Dollars (\$4.00)~~ Four Dollars and Fifty Cents (\$4.50) per page; One Dollar (\$1.00) per page for a copy;

b. A fee of \$ 6.00 per page shall be charged for expedited transcripts to be completed within seven (7) working days of the request. A minimum fee of \$ 50.00 shall be charged for county indigent transcripts. The court reporter shall submit a claim directly to the county for the preparation of any county indigent transcripts.

~~b. c.~~ A claim shall be submitted directly to the County Auditor for payment;

2. State indigent transcripts: The maximum per page fee a Court Reporter may charge for a state indigent transcript is:

a. ~~Four Dollars (\$4.00)~~ Four Dollars and Fifty Cents (\$4.50) per page; One Dollar (\$1.00) per page for a copy;

b. A fee of \$ 6.00 per page shall be charged for expedited transcripts to be completed within seven (7) working days of the request. A minimum fee of \$ 50.00 shall be charged for state indigent transcripts.

~~b. c.~~ A claim shall be submitted directly to the State Public Defender's Office for payment;

3. Private transcripts: The maximum per page fee a Court Reporter may charge for a private transcript is:

a. ~~Four Dollars (\$4.00)~~ Four Dollars and Fifty Cents (\$4.50) per page; One Dollar (\$1.00) per page for a copy;

b. A fee of \$ 6.00 per page shall be charged for expedited transcripts to be completed within seven (7) working days of the request. A minimum fee of \$ 50.00 shall be charged for private transcripts.

~~b. c.~~ In some instances a retainer may be requested;

e d. A bill shall be submitted directly to the attorney requesting the transcript; said transcript will not be released until payment in full is received;

4. Other Transcripts:

a. In cases where a transcript is requested by a member of the public (not for trial court or appeal purposes), the charge will be ~~Four Dollars (\$4.00)~~ Four Dollars and Fifty Cents (\$4.50) per page; One Dollar (\$1.00) per page for a copy;

b. A fee of \$ 6.00 per page shall be charged for expedited transcripts to be completed within seven (7) working days of the request. A minimum fee of \$ 50.00 shall be charged for public (not for trial court or appeal) transcripts.

~~b.~~ c. The request must be submitted in writing; e d. A retainer will always be requested in these instances for at least fifty (50%) percent of the estimated charge;

5. The Court reporter shall charge her current hourly rate for the time involved in the actual binding procedure of all transcripts, including but not limited to county indigent, state indigent and private. The additional labor charge shall be the hourly rate paid to the Court Reporter (as computed by dividing the annual salary paid by Daviess County to the Court Reporter by 35 hours)

6. The Court Reporter shall be compensated at the rate of \$5.00 per page for the Index and Table of Contents pages for any county indigent, state indigent or private ordinary transcripts or member of public transcripts prepared.

~~5.~~ 7. The Court Reporter shall be paid an annual salary for time spent working under the control, direction and direct supervision of the Court during any regular work hours, gap hours or overtime hours;

~~6.~~ 8. The Court Reporter shall report on an annual basis to the Indiana Supreme Court Division of State Court Administration, on forms prescribed by the Division, all transcript fees (either county indigent, state indigent or private) received by the Court Reporter;

~~7.~~ 9. The Court hereby orders that the Court Reporters may not use Court equipment or the facilities for the purpose of taking private depositions; any private recording or preparing of private depositions shall be conducted outside regular court hours; it is further ordered that the Court shall enter into a written agreement with the Court Reporter for gap and overtime hours on the basis of compensatory time off regarding work hours.

~~Said fees are subject to change upon due notice and amendment of this Court Rule.~~

10. Said fees as set forth herein are subject to change upon due notice and amendment of this Court Rule with approval of the Supreme Court.