

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

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**Notice of Proposed Amended Local Rule on Court Reporters,  
Finding Good Cause to Deviate from Established Schedule,  
Request for Comments and Supreme Court Approval  
January 30, 2017**

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The Judges of the Elkhart Circuit and Superior Courts, under Trial Rule 81(B), give notice of amendments to the local court rule at **LR20-AR15-NACR-15** concerning **Court Reporters**, find good cause to deviate from the schedule for amending local rules under Trial Rule 81(D), and request for comments and Supreme Court approval. New text is shown by underlining and deleted text is shown by ~~striking through~~.

Notice has been given to the public by posting at the Clerk's Office and on the website of the Elkhart County Clerk, if available, and on the Indiana Judicial Website, and by furnishing a copy to the officers of the Elkhart City Bar Association and the Goshen City Bar Association.

Comments may be made until **April 7, 2017** to: Evan S. Roberts, Judge Elkhart Superior Court No. 1, Courthouse, 315 S. Second Street, Elkhart, IN 46516-3138, or by email to: [eroberts@elkhartcounty.com](mailto:eroberts@elkhartcounty.com).

The amended rule will be effective on **May 1, 2017**.

DATED this 30<sup>th</sup> day of January, 2017 on behalf of the Judges of Elkhart County.

/s/ Evan S. Roberts  
Evan S. Roberts, Judge

**LR20-AR15-NACR-15 COURT REPORTERS**

Court reporter services in the Elkhart County Courts shall be governed by following local rule.

**SECTION ONE: DEFINITIONS** The following definitions shall apply under this local rule:

(A) 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.

(B) 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.

(C) 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.

(D) 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.

(E) Recording means the electronic, mechanical, stenographic or other recording made as required by Indiana Rule of Trial Procedure 74.

(F) 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.

(G) Gap hours worked means those hours worked that are in excess of the regular hours worked but hours not in excess for forty (40) hours per work week.

(H) Overtime hours worked means those hours worked in excess of forty (40) hours per work week.

(I) 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.

(J) Court means the particular court for which the court reporter performs services.

(K) 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.

(L) 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.

(M) Private transcript means a transcript, including but not limited to a deposition transcript, that is paid for by a private party.

(N) Expedited or rush transcript is one which is requested for delivery within three days, excluding weekends and holidays.

(O) Copy Rate means the subsequent order of an existing transcript excluding transcripts in appellate form.

## **SECTION TWO: SALARIES AND PER PAGE FEES**

(A) Court reporters shall be paid an annual salary for the 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.

(B) The maximum per page fee a court reporter may charge for the preparation of a county or state indigent transcript shall be ~~\$3.50~~ **\$4.00**; the court reporter shall submit a claim directly to the county for the preparation of any county indigent transcripts. However, whenever possible, county indigent transcripts shall be prepared during regular work hours. When prepared during regular work hours, a per page fee shall not be assessed.

(C) The maximum per page fee a court reporter may charge for the preparation of a state indigent transcript shall be ~~\$3.50~~ **\$4.00**

(D) The maximum per page fee a court reporter may charge for the preparation of a private transcript shall be ~~\$3.50~~ **\$4.00**

(E) The maximum per page fee a court reporter may charge for an expedited or rush transcript shall be \$6.00

(F) The maximum per page copy rate a court reporter may charge is \$2.00 per page.

(G) Each court reporter shall report, at least on an annual basis, all transcript fees 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.

## **SECTION THREE: 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 and the court reporter shall enter into a written agreement which must, at a minimum, designate the following:

- 1) The reasonable market rate for the use of equipment, work space and supplies;
- 2) The method by which records are to be kept for the use of equipment, work space and supplies; and
- 3) The method by which the court reporter is to reimburse the court for the use of the equipment, workspace and supplies

(B) If a court reporter elects to engage in a 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.