

# **HANCOCK COUNTY CIRCUIT AND SUPERIOR COURTS**

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**Section 1 - Definitions**

The definitions contained in Administrative Rule 15(B) are adopted for use in this rule and control any question of interpretation. For the purposes of this rule, the regular hours worked by the court reporting staff shall be Monday through Friday from 8:00 a.m. until 4:00 p.m. with one hour for the noon meal. The workweek shall be a seven-day period commencing with Sunday and ending with the Saturday of each week and contain thirty-five hours for which salaried compensation is paid.

**Section 2 - Compensation**

A court reporter shall work directly under the control, direction and direct supervision of the court by which they are employed during all hours of employment. Each court reporter shall be paid an annual salary, as set by the court and approved by the county council, for regular hours worked during a work week. Gap hours shall be separately compensated at a rate equivalent to the hourly rate of the yearly salary and overtime hours shall be separately compensated at a rate equivalent to one and one-half times the hourly rate of the yearly salary.

**Section 3 - Duties and Responsibilities**

The duties of a court reporter shall include:

- a. reporting the evidence presented in proceedings before the court,
- b. preservation and storage of any physical evidence presented in court proceedings,
- c. preparation of chronological case summary entries at the direction of the court and providing notice thereof as required by the rules of trial procedure,
- d. preparation of written documents to effectuate the rulings, orders and judgments of the court or comply with the rules of the Indiana supreme court,
- e. preparation of transcripts of evidence presented in court proceedings requested pursuant to the rules of trial procedure and
- f. such other functions and responsibilities as required by law or the court for its effective administration.

**Section 4 - Transcript Preparation**

A reporter shall prepare transcripts of evidence only during regular hours unless requested or ordered to do so by the court, the Indiana Court of Appeals or the Indiana Supreme Court. If a transcript cannot be completed during regular hours due to applicable appellate deadlines, the reporter shall receive additional salary as follows: gap hours shall be paid in the amount equal to the hourly rate of the annual salary, overtime hours shall be paid in the amount of one and one-half times the hourly rate of the annual salary; or compensatory time off shall be given weighted in the same manner. The manner of the provision of such additional salary or time off shall be determined by a written agreement to be freely negotiated and executed between the court and the reporter.

**Section 5 - Private Practice**

A reporter may elect to engage in the private practice of court reporting, i.e., the recording of and preparation of deposition transcripts; but such activity, regardless of whether the deposition concerns a cause pending before the court, shall be conducted outside of regular hours. If a reporter, in exercise of such private practice, utilizes, with the consent of the court, its facilities, equipment and/or supplies, the reporter shall reimburse the court for such usage pursuant to a written agreement between the court and reporter.

Such agreement shall establish the:

- a. reasonable market rate for the use of the equipment, facilities and supplies,
- b. method by which records are kept for the use of the same and
- c. method by which the reporter shall reimburse the court for such usage.

## **Section 6 - Maximum per Page Fees\***

The reporter shall not charge more than the following rates per page:

- A. Private practice work:
  - 1. Depositions taken by private counsel:
    - a. \$4.50 for originals; and,
    - b. \$2.75 for copies.
  - 2. Depositions taken by pauper counsel:
    - a. \$4.00 for originals; and,
    - b. \$2.50 for copies.
- B. Private transcripts of evidence – effective November 1, 2025 \*\*
  - 1. Cases with private counsel:
    - a. \$8.00 for originals; and,
    - b. \$3.35 for copies.
  - 2. Cases with pauper counsel:
    - a. \$8.00 for originals; and,
    - b. \$2.50 for copies

**\*\* PURSUANT TO JUDICIAL DISTRICT 17 RULE DR17-AR15-00004 TRANSCRIPT RATE,**  
the reporter shall charge a consistent rate of \$8.00 per each page of a transcript prepared.

## **Section 7 - Annual Report**

A court reporter shall annually report all transcript and deposition fees received to the Office of State Court Administration on such forms as may be prescribed.

*\*As amended and approved effective October 1, 2018.*

## Plan Concepts

The Local Plan shall be premised upon a review and evaluation of:

1. Weighted Caseload Measures (WCLM) information for the courts;
2. Resources and needs of individual courts within the Circuit as well as available judicial resources;
3. Measures which would facilitate as well as impede implementation of the Plan; and,
4. Mechanics for the implementation of the Plan.

## Judicial Circuit Plan

Case types shall be docketed in the courts of the Circuit only as indicated:

a. **Circuit Court and Superior Court No. 1**

MR, F1, F2, F3, F4, F5, MC, JD, JS, PL, CC, MF, CT, CE, DN, DC, RS, MH, AD, AH, EM, ES, EU, EV, GU, GM, GV, TR, MI, PO, RF, RA, and XP.

b. **Superior Court No. 2**

All F6, CM, JC, JM, JT, MC, IF, OV, SC

All cases filed in the civil docket of the Hancock Circuit and Superior Court No. 1 shall be filed on a random basis by the Clerk pursuant to a method approved by the courts, with the exception that a manual assignment will occur if there is a related case in another court.

The Judges of the Circuit and Superior Courts retain authority to reassign all types of cases between the courts whenever the workload of each court or convenience in the handling of cases makes case reassignment judicially prudent.

## Plan Impact

Based upon WCLM information for 2024, implementation of the Local Plan will result in the WCLM of each court within the Circuit being approximately equal.

*(As amended and approved effective January 8, 2025.)*

## LR30-CR2.2-1 ASSIGNMENT OF FELONY AND MISDEMEANOR CASES

### Section 1 – Definitions

A misdemeanor case may include a charged infraction but not a felony.

A felony case may include both misdemeanors and infractions in addition to the charged felony. A felony case shall be deemed to be a felony case of the highest class alleged in the information or indictment.

### Section 2 – Case Assignment upon Filing

Immediately upon the filing a case the Prosecuting Attorney shall deliver the file to the appropriate court and advise the court as to whether the defendant is in custody.

The following offenses shall be filed only in **Hancock Superior Court No. 2**:

Ordinance Violations,

## Infractions,

## Misdemeanors,

## Level 6 felonies.

Offenses shall be filed in the Hancock Circuit Court and Hancock Superior Court No. 1 on an alternate basis within each year according to the date of the earliest offense alleged to have been committed on odd days of the month shall be filed in the Hancock Circuit Court and alleging the commission of offense on an even day of the month shall be filed in Hancock Superior Court No. 1.

If an information or indictment alleges a period of time for the commission of an offense rather than a single specific date, the case shall be filed according to the earliest month alleged. Cases involving offenses alleged to have been committed during odd months shall be filed in the Hancock Circuit Court and those alleging the commission of an offense during an even month shall be filed in Hancock Superior Court No. 1. An information or indictment involving both specific alleged dates and period of time shall be filed as though it alleged specific dates only. The same shall apply if only a year for commission is alleged.

Cases filed against other defendants arising out of the same fact situation which are joinable by law shall be filed in the same court. Juvenile Delinquency cases will be filed as civil cases, however if a juvenile has a pending or open case, a new case shall be filed in the same court as the existing case.

### **Section 3 – Refiling and/or Subsequent Filing**

If the State of Indiana dismisses an information or indictment filed against a defendant, any subsequent refilling of such information or indictment charging the same and/or other offenses, arising out of the same underlying factual situation, shall be filed in the same court from which the dismissal was obtained.

## **Section 4 – Reassignment of Cases Due to Disqualification of the Judge**

If the judge before whom a case is pending becomes disqualified from jurisdiction of a case pursuant to the Indiana Rules of Criminal Procedure, Rules of Procedure for Post-Conviction Remedies, Recusal or the Code of Judicial Conduct, the procedures of Indiana Judicial Administrative District Rule DR17-CR-00003 will be followed. *\*As amended and approved effective May 1, 2013.*

*Adopted June 2014; Amended effective July 1, 2017.*

LR30-AR12-3 FILING BY FACSIMILE TRANSMISSION

Pleading by Fax may only be allowed by the permission of the Judge in the appropriate case as an exception to Indiana Trial Rule 86. Pursuant to Administrative Rule 12 of the Indiana Supreme Court the Clerk of the Hancock Circuit Court and Superior Courts is hereby authorized and directed to accept filings of pleading on existing cases by electronic facsimile transmission in all cases pending before such courts if received in compliance with such rule and the requirements hereinafter specified.

## A. Cover Sheet

Any pleading or proposed order sent to the Clerk for filing or execution pursuant to this rule shall be accompanied by a cover sheet. The cover sheet shall:

1. Identify the sending party and its voice and facsimile telephone numbers;
2. State the title of the pleading or proposed order being sent, the number of pages, the case number to which the pleading or order applies and provide any necessary instructions for filing and;
3. Contain the signature of the pro se party authorizing the filing.

## B. Limitation on Length of Pleadings

The Clerk shall not accept any pleading for filing under this rule greater than nine (9) pages in length. Multiple pleadings or documents per transmission will be accepted as long as the total number of pages received including the cover sheet does not exceed ten (10) pages.

C. Date of Filing

Pleadings received by the Clerk pursuant to this rule shall be filed of record on the date received if they are produced in the Clerk's Office between 8:00 a.m. and 4:00 p.m. Monday through Friday. Pleadings received at any other time of day or other days of the week, holidays, or other days the Clerk's Office is closed shall be shown filed of record on the next normal business day such office is open.

D. Copies for Service and Proposed Orders

In the event a pleading is received for filing which is required to be served upon the adverse party, other than per Trial Rule 5, or which requires the execution of an order, the filer needs only transmit a single copy to the Clerk. The Clerk shall produce duplicate copies for service.

*(Amended effective July 1, 2017)*

#### **LR30-AR3-4 HANCOCK COUNTY ALCOHOL AND DRUG PROGRAM FEES**

The following fees will be assessed for participants in the Hancock County Alcohol and Drug Program (ADAP): Not to exceed Four Hundred Dollars (\$400.00) in all cases.

#### **LR30-AR3-5 Hancock County Behavioral Health Court Fees**

Those persons directed to participate in the Hancock County Behavioral Health Court Program shall pay a \$100 administrative fee as well as a problem-solving court services fee of \$50 for each month of problem-solving court participation in accordance with IC 33-23-16-23. The administrative fee will be due 60 days after admission to the Court. The Clerk of the Court shall collect and transmit these fees within thirty (30) days after the fees are collected, for deposit by the County Auditor or fiscal officer in the Hancock County user fee fund established under IC 33-37-8.

#### **LR30-AR3-6 Hancock County Drug Court Fees**

Individuals directed to participate in the Hancock Circuit Court Drug Court Program shall pay a maximum problem-solving service fee of \$500.00, to be paid at the rate of \$50.00 per month beginning with the second month of participation and for each month of participation thereafter until the amount of \$500.00 is met. The clerk of the court shall collect and transmit these fees within thirty (30) days after the fees are collected and shall be collected by the Auditor and utilized in accordance with I.C. 33-23-16-23.

#### **LR30-TR76-2 SELECTION OF A SPECIAL JUDGE PURSUANT TO TRIAL RULE 79(H)**

##### **Section 1- Change of Judge in Civil Cases.**

Appointment of Special Judges in Civil Cases shall be conducted pursuant to Indiana Judicial Administrative District Rule DR17 - TR79 - 00002.

##### **Section 2- Reserved.**

*\*As amended and approved effective May 1, 2013.*

#### **LR30-JR4-3 SUMMONING JURORS**

Pursuant to Indiana Jury Rule 4, the judges of Hancock County have selected the two-tier system of subparagraph b of Indiana Jury Rule 4 as the method for summoning jurors in Hancock County.

**LR30-TR00-4 CONTINUANCES**

Motion for Continuance. Unless made during trial, a motion for continuance shall be in writing and verified, and state with particularity the grounds and that all opposing parties have been contacted and whether they consent or object to the continuance or if counsel or the party have not been contacted the reasons therefore must be fully set forth. When practical, counsel shall contact the Court with a date for the rescheduling of the case which is acceptable to opposing counsel. (It is helpful to advise the Court of the anticipated time needed for the hearing.)

Time for filing. Motions or Stipulations for Continuance shall be filed as soon after the cause for continuance or delay is discovered by the party seeking same.

**LR30-TR00-5 DISCOVERY****Civil Cases**

In all cases triable by jury, final lists of witnesses and exhibits shall be exchanged at least sixty days before trial and discovery shall be completed thirty days prior to the trial unless otherwise agreed by the parties or ordered by the Court. Independent medical examinations shall be completed at least one hundred twenty days before trial and reports thereon within forty-five days of the examination.

In cases triable to the Court, final lists of witnesses and exhibits shall be exchanged at least thirty days before trial and discovery shall be completed fifteen days prior to the trial unless otherwise agreed by the parties or ordered by the Court.

**Extension of Time**

For good cause shown, time may be extended for completion of discovery.

**Criminal Cases**

The State of Indiana and the Defendant shall provide reciprocal discovery as permitted by applicable case law. Each side shall have an ongoing duty to seek and obtain relevant information and promptly supplement the discovery it has provided. Disclosure deadlines may be modified by a filed written agreement of counsel or by leave of court. The State of Indiana and the Defendant shall file written statements detailing the discovery provided.

Upon the entry of an appearance by an attorney for a defendant, the State shall disclose and furnish all relevant items and information in their possession under this rule to the defendant within thirty days from the date of the appearance, subject to Constitutional limitations and such other limitation as the court may specifically provide by separate order. The defendant shall disclose and furnish all relevant items and information under this rule to the State within ten days after the State's disclosure. A written motion is not required, except:

1. to compel compliance under this rule;
2. for additional discovery not covered under this rule, such as Rule 404 (b) items;
3. for a protective order seeking exemption from the provisions of this rule; or,
4. for an extension of time to comply with this rule.

The State shall disclose the following materials and information within its possession or control:

1. the names and last known addresses of persons whom the State intends to call as witnesses along with copies of their relevant written and recorded statements;
2. any written, oral, or recorded statements made by the accused or by a co-defendant, and a list of witnesses to the making and acknowledgement of such statements;

3. if applicable, the State shall disclose the existence of grand jury testimony of any person whom the prosecuting attorney may call as a witness at any trial or hearing in this case. In addition, the State shall provide a copy of those portions of any transcript of grand jury minutes, within the State's possession, which contain the testimony of such witness or witnesses. If such transcripts do not exist, the defendant may apply to the court for an order requiring their preparation;
4. any reports or statements of experts, made in connection with the particular case, including results of physical or mental examinations and of scientific tests, experiments or comparisons;
5. any books, papers, documents, photographs, or tangible objects that the prosecuting attorney intends to use in the hearing or trial or which were obtained from or belong to the accused;
6. any record of prior criminal convictions that may be used for impeachment of the persons whom the State intends to call as witnesses at any hearing or trial; and
7. any material or information within its possession or control that tends to negate the guilt of the accused as to the offenses charged or would tend to reduce the punishment for such offenses.

Defendant's counsel (or defendant where defendant is proceeding pro se) shall furnish to the State the following material and information within his or her possession or control:

1. the names and last known addresses of persons whom the defendant intends to call as witnesses along with copies of their relevant written and recorded statements;
2. any books, papers, documents, photographs, or tangible objects defendant intends to use as evidence at any trial or hearing;
3. any medical, scientific, or expert witness evaluations, statements, reports or testimony which may be used at any trial or hearing;
4. any defense, procedural or substantive, which the defendant intends to make at any hearing or trial; and
5. any record of prior criminal convictions known to the defendant or defense counsel that may be used for impeachment of the persons whom the defense intends to call at any hearing or trial.

Counsel for the State of Indiana and the Defendant shall only be required to produce criminal records information which they actually have obtained. Absent a showing of good cause neither side shall be required to obtain criminal records for the other party.

The parties may perform these disclosure obligations in any mutually agreeable manner. Compliance may include a notification that material and information being disclosed may be inspected, obtained, tested, copied, or photographed at a specified reasonable time and place.

## **Number**

No party shall serve on any other party more than thirty (30) interrogatories, including subparagraphs, without leave of Court. Any party desiring to serve additional interrogatories shall file a written motion setting forth the proposed additional interrogatories and the reasons establishing good cause for their use.

## **Answers and objections**

Answers and objections to interrogatories under Trial Rule 31 or 33 shall set forth in full the interrogatories being answered or objected to immediately preceding the answer or objections.

## **Filing**

Interrogatories, depositions or requests for discovery shall not be filed with the Court except as provided in Indiana Trial Rule 5 D (2).

## **Depositions and Experts in Pauper Counsel Cases**

Counsel assigned to a party due to indigency shall not take depositions or retain experts without the prior written approval of the Court. Unless leave is granted for good cause private reporting firms may not be utilized by court-appointed counsel.

## **LR30-TR00-6 WITHDRAWAL OF APPEARANCE**

- A. **Procedure for withdrawal.** All withdrawals of appearance shall be in writing and by leave of Court. Permission to withdraw shall be given only after the withdrawing attorney has given his client ten (10) days written notice of intention to withdraw and has filed a copy of such notice with the Court; or upon a simultaneous or prior entering of appearance by counsel for said client. No request for withdrawal of appearance shall be granted unless the same has been filed with the Court at least ten (10) days prior to trial date except for good cause shown.
- B. **Contents of notice.** Any notice of intention to withdraw shall include an explanation to the client as follows:
  1. the present status of the case;
  2. the date or dates of scheduled hearings or other pending matters which require timely action;
  3. prejudice which might result from failure of a client to act promptly or to secure new counsel.

## **LR30-TR00-7 CONSENT TO ALTERNATE SERVICE**

- A. **Courthouse boxes.** Any Hancock County attorney or any firm of attorneys may, without charge, maintain an assigned Courthouse box in the Hancock County Courthouse for receipt of notices, pleadings, process, orders, or other communications from the Hancock Circuit and Superior Courts or the Clerk, as to matters with such Courts, and other attorneys and law firms.
- B. **How assigned.** Courthouse boxes shall be assigned to each Hancock County attorney or firm of attorneys who shall be deemed to have consented to service therein.
- C. **Effect of consent.** Deposits made in any assigned box of notices, pleadings, process, orders, or other communications made shall be deemed to constitute and be accepted as service equivalent to service in compliance with Trial Rule 5.
- D. **Revocation of consent.** Consent to Alternate Service under this rule shall remain valid until a revocation in writing has been filed with the Hancock Circuit Court. Notice of the revocation shall be given to all courts and members of the Bar who have consented to alternative service by attorney or law firm which has withdrawn its consent to alternative service.

## **LR30-TR00-8 CASH BONDS/ADA FEES**

When permitted by law, all or part of a full cash bond may be retained to cover pauper counsel, community correction or probation user fees; restitution; court costs; fines; special fees authorized by statute; child support; or any other cost or fee Ordered by the Court.

The Defendant, or any person providing cash to a Defendant, agrees that all or part of the cash bond may be retained as stated above. In addition, the Defendant and any person posting a bond for a Defendant does so with notice that any balance of the bond after application under this section will be refunded to the depositor.

**LR30-TR00-9**

## **EVIDENCE HANDLING, RETENTION AND DESTRUCTION**

In all cases, the Court shall proceed pursuant to these Rules unless the Court directs a longer retention period after motion by any party or on its own motion. This section shall not apply to exhibits that are on 8.5 x 11-inch paper or that can otherwise be easily stored in a flat court file.

**1. Civil Cases, Including Adoption, Paternity, and Juvenile Proceedings.** All models, diagrams, documents, or material not on 8 1/2 by 11 paper admitted in evidence or pertaining to the case placed in the custody of the court reporter as exhibits shall be taken away by the parties offering them in evidence, except as otherwise ordered by the Court, four (4) months after the case is decided unless an appeal is taken. If an appeal is taken, all such exhibits shall be retained by the court reporter for two (2) years from termination of the appeal, retrial, or subsequent appeal and termination, whichever is later. The court will destroy or otherwise dispose of items not removed by the parties within a reasonable time of the notice. The court or the parties may substitute photographs for the actual exhibits if approved by the court. The court reporter shall retain the mechanical or electronic records or tapes, shorthand or stenographic notes as provided in Indiana Administrative Rule 7. Small Claims cases. Exhibits capable of being scanned into the Odyssey case management system will be discarded by the Court after scanning unless the party requests the items to be returned either on record at the hearing or in writing prior to the hearing. Exhibits that are not able to be scanned must be taken away by the party tendering the exhibit not later than 45 days after entry of judgment or the exhibits will be discarded by the court. Amended May 21, 2021

**2. Retention Periods for Evidence Introduced in Criminal Misdemeanor, Class D, Class C Felonies and Level 3, 4, 5 and 6 Felonies.** Unless otherwise agreed to by the parties, and except for deoxyribonucleic acid (DNA) evidence, all models, diagrams, documents, or material not on 8 1/2 by 11 paper and admitted in evidence or pertaining to the case placed in the custody of the court reporter as exhibits shall be taken away by the parties offering them in evidence except as otherwise ordered by the Court, 180 days after the case is dismissed or the defendant is found not guilty. If the defendant is sentenced, unless an appeal is taken, exhibits shall be taken away after two (2) years. If an appeal is taken, all such exhibits shall be retained by the court reporter for two (2) years from termination of the appeal, retrial, or subsequent appeal and termination, whichever is later, unless an action challenging the conviction or sentence, or post-conviction action, is pending. The court will notify the parties at their last known address, including last known email address, when the items need to be removed. The court will destroy or otherwise dispose of items not removed by the parties within a reasonable time of the notice. The court or the parties may substitute photographs for the actual exhibits if approved by the court. The court reporter shall retain the mechanical or electronic records or tapes, shorthand or stenographic notes as provided in Indiana Administrative Rule 7.

**3. Retention Periods for Evidence Introduced in Criminal Class B and A Felonies and Level 1 and 2 Felonies.** Unless otherwise agreed to by the parties, and except for deoxyribonucleic acid (DNA) evidence, all models, diagrams, documents, or material not on 8 1/2 by 11 paper and admitted in evidence or pertaining to the case placed in the custody of the court reporter as exhibits shall be taken away by the parties offering them in evidence, except as otherwise ordered by the Court, one (1) year after the case is dismissed or the defendant found not guilty. If the defendant is sentenced, unless an appeal is taken they shall be taken away after 10 years. If an appeal is taken, all such exhibits shall be retained by the court reporter for ten (10) years from termination of the

appeal, retrial, or subsequent appeal and termination, whichever is later, unless an action challenging the conviction or sentence, or post-conviction action, is pending. The court will notify the parties at their last known address, including last known email address, when the items need to be removed. The court will destroy or otherwise dispose of items not removed by the parties within a reasonable time of the notice. The court or the parties may substitute photographs for the actual exhibits if approved by the court. The court reporter shall retain the mechanical or electronic records or tapes, shorthand or stenographic notes as provided in Indiana Administrative Rule 7. The court reporter will either scan or photograph as much evidence as possible and courts and parties reminded of the requirements of Appellate Rule 29(B).

**4. Murder.** Except for deoxyribonucleic acid (DNA) evidence, all models, diagrams, documents, or material not on 8 ½ by 11 paper and admitted in evidence or pertaining to the case placed in the custody of the court reporter as exhibits shall be taken away by the parties offering them in evidence, except as otherwise ordered by the Court, 2 years after the case is dismissed or the defendant is found not guilty. If the defendant is sentenced, the exhibits shall be taken away after fifty (50) years. If an appeal is taken, all such exhibits shall be retained by the court reporter for fifty (50) years from termination of the appeal, retrial, or subsequent appeal and termination, whichever is later, unless an action challenging the conviction or sentence, or post-conviction action, is pending. The court will notify the parties at their last known address when the items need to be removed. The court will destroy or otherwise dispose of items not removed by the parties within a reasonable time of the notice. The court or the parties may substitute photographs for the actual exhibits if approved by the court. The court reporter shall retain the mechanical or electronic records or tapes, shorthand or stenographic notes as provided in Indiana Administrative Rule 7. The court may photograph as much evidence as possible and remind parties of the requirements of Appellate Rule 29(B).

**5. Non-documentary and Oversized Exhibits.** Non-documentary and oversized exhibits shall not be sent to the Appellate level Court but shall remain in the custody of the trial court or Administrative Agency during the appeal and shall be disposed of pursuant to the preceding rules. Such exhibits shall be briefly identified in the Transcript where they were admitted into evidence. Photographs of any exhibit may be included in the volume of documentary exhibits. Under no circumstances should drugs, currency, or other dangerous or valuable items be included in appellate records.

**6. Notification and Disposition.** In all cases, the Court shall provide notice, by mail or email, to all attorneys of record and to parties if unrepresented by counsel, that the evidence will be destroyed by a date certain if not retrieved before that date. Counsel and parties have the duty to keep the Court informed of their current addresses and notice to the last current address or email address shall be sufficient. Counsel's last known address or email address shall be ascertained by reference to the Indiana Roll of Attorneys maintained by the Indiana Supreme Court. Court reporters should maintain a log of retained evidence and scheduled disposition date and evidence shall be held in a secure area. At the time of removal, the party receiving and removing the evidence shall give a detailed receipt to the court reporter, and the receipt will be made part of the court file. In all cases, the Court, or the sheriff on the Court's order, should dispose of evidence that is not retaken after notice. The sheriff may destroy evidence if its' possession is illegal or if it has negligible value. The sheriff should auction evidence of some value with proceeds going to the county general fund. These Rules and their retention periods will implement the exception under Indiana Code I.C. 35-33-5-5(d)

**7. Biologically Contaminated Evidence.** A party who wants to offer biologically contaminated evidence shall notify the trial court that the evidence may be biologically contaminated prior to offering the evidence at

trial. A party can show contaminated evidence or pass photographs of it to jurors, but no such evidence, however contained, shall be handled or passed to jurors or sent to the Jury Room unless specifically ordered by the Court.

**LR30-TR00-10      Remote Appearance Requests**

Verified Motions to appear by virtual or telephone shall, when reasonably possible, be filed at least seven (7) days in advance of the hearing at which a remote appearance is being requested. The Court reserves the right to grant motions to appear outside the required time limit if the Court has the time necessary prior to the hearing to create a Zoom hearing and issue the Zoom link to the parties and circumstances reasonably suggest that a verified motion for virtual or telephonic appearance should be granted. Nothing in this rule shall be interpreted to modify the standard contained in Interim Administrative Rule 14.

## **RULES AND PLAN**

### **DR17-AR03-00001 COORDINATION WITH COUNTY LOCAL RULES.**

- A. Purpose. The purpose of these rules is to coordinate motions practice in cases which may involve judicial officers from throughout the Administrative District.
- B. Scope. These rules shall govern the processes described therein and shall supersede any local rules inconsistent therewith.

### **DR17-TR79-00002 APPOINTMENT OF A 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 17 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 pursuant to Trial Rule 79(D) fail, Special Judge appointment shall be made by the Johnson County Court Administrator.
  - 1. Priority Given to Local County Appointments. Special Judge appointments shall be made within the local County, on a rotating basis. 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, a Special Judge shall be appointed, 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. 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 the 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 for Assignment and Related Records. The Administrative District Executive Committee shall approve:
  - 1. The methodology by which the rotation of Judicial Officers for selection as Special Judge is made; and,
  - 2. The maintenance of any records related thereto.

### **DR17-CR12-00003 APPOINTMENT OF A SPECIAL JUDGE IN CRIMINAL CASES.**

- A. Eligibility for Special Judge Service.
  - 1. Available to Serve. Pursuant to Indiana Administrative Rules 1(E)(6) and 21, the Judicial Officers of Administrative District 17 shall be deemed eligible to serve as a Special Judge only for those case type(s) which compose that judicial officer's typical caseload, as determined by the local Caseload Allocation Plan.

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, Special Judge appointment shall be made using the following procedures:
  1. Priority Given to Local County Appointments. Pursuant to Criminal Rule 2.4, and Administrative Rule 21, upon granting a change of judge or the disqualification or recusal of a judge in a criminal case, post-conviction proceeding, infraction, or ordinance violation, the case must first be returned to the local Clerk to be assigned in the same manner as the initial judge.
  2. District (Outside County) Appointments. In the event that no local Judicial Officer is available, a Special Judge shall be appointed by the Johnson County Court Administrator, on a rotating basis from an alternative assignment list of full-time judicial officers from contiguous counties and counties within Administrative District 17 and senior judges. Except for those serving pursuant to Criminal Rule 2.4(E)(6), judges previously assigned to the case are ineligible for reassignment.
- C. 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.
- D. 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.
- E. Discontinuation of Special Judge Service. The provisions of AR 1(E)(6) and 21 Administrative Rule 21(D) if a Special Judge ceases to serve following assumption of jurisdiction.
- G. Method for Assignment and Related Records. The Administrative District Executive Committee shall approve:
  1. The methodology by which the rotation of Judicial Officers for selection as Special Judge is made; and,
  2. The maintenance of any records related thereto.

#### **DR17-AR15-00004 TRANSCRIPT RATE.**

Each county within the Administrative District shall amend its local rules, pursuant to Administrative Rule 15 to provide for a consistent rate of \$8.00 per each page of a transcript prepared.

#### **DR17-AR03-00005 ADMINISTRATIVE DISTRICT WORK.**

- A. History of Administrative District Work.
  1. Administrative District 17 was created by modification to Administrative Rule 3, effective January 1, 2011.
  2. Prior to the creation of Administrative District 17, there was little recent history of Hancock, Johnson, and Shelby Counties working together as an Administrative District.
  3. The services and programs operating in each County of the Administrative District vary greatly, due, at least in part, to the disparity in population among the counties.
- B. Future of Administrative District Work.
  1. The Judiciary of each County in the Administrative District is interested in the benefits of district-level coordination and potential benefits derived therefrom.
  2. The local rules of each County are being reviewed to determine where local procedures could be made more efficient and productive.

3. The local rules of each County will be amended, pursuant to direction from the Indiana Judicial Conference, in order to improve coordination across county lines, with the Administrative District.

#### **DR17-AR03-00006 ADMINISTRATIVE DISTRICT LEADERSHIP.**

- A. Executive Committee. The Administrative District Executive Committee shall serve as the governing authority of the Administrative District.
- B. Selection of Executive Committee.
  1. Local County Representatives. Each County shall select a Judicial Officer to represent that County on the Administrative District Executive Committee.
  2. Term of Service.
    - a. Each County Representative shall serve on the Executive Committee for a term of three (3) years and for a maximum of no more than two (2) complete terms, without a break in service.
    - b. Each County Representative's term of service shall begin on January 1 and shall continue until her / his successor has been selected.
  3. Initial Term of Service. In order to ensure that terms of service on the Executive Committee are staggered, the initial terms of service are hereby established as follows:
    - a. Hancock County. The Hancock County Representative shall serve an initial term of one (1) year, which initial term shall terminate on or about December 31, 2013. At the discretion of the Executive Committee, the term of service for the Hancock County Representative need not include the initial term of service.
    - b. Johnson County. The Johnson County Representative shall serve an initial term of two (2) years, which initial term shall terminate on or about December 31, 2014. At the discretion of the Executive Committee, the term of service for the Johnson County Representative need not include the initial term of service.
    - c. Shelby County. The Shelby County Representative shall serve an initial term of three (3) years, which initial term shall terminate on or about December 31, 2015.
- C. Chair of the Executive Committee.
  1. No later than February 1 of each year, the Members of the Executive Committee shall select one (1) of their number to serve as the Chair.
  2. The Chair shall serve a term of one (1) year, which may be renewed.
  3. Chair of the Executive Committee shall schedule and preside over the meetings of the Executive Committee.
  4. The Chair of the Executive Committee shall serve as the Representative to the Indiana Judicial Conference Board of Directors. This provision shall initially take effect at the conclusion of the Annual Meeting of the Indiana Judicial Conference / Board of Directors meeting on or about September 20, 2013 and shall continue thereafter in compliance with I.C. 33-38-9-4.
- D. Meetings of the Executive Committee.
  1. The Executive Committee shall meet at least two (2) times each year.
  2. The meetings shall occur no later than April 30 and October 30 of each year.
  3. Attendance at meetings via electronic or telephonic means is acceptable.

#### **DR17-AR03-00007 EFFECTIVE DATE.**

Subject to the approval of the Indiana Supreme Court, these Administrative District Rules become effective January 1, 2013.

*Adopted December 2012; Approved by the Indiana Supreme Court, 5/13/13; Effective May 1, 2013; Modified September 1, 2025. Modified November 1, 2025.*