

**LOCAL RULES OF PRACTICE  
FOR THE COURTS  
OF THE THIRD JUDICIAL  
CIRCUIT  
HARRISON COUNTY, INDIANA**

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## LR31-AR00-01

### APPLICABILITY OF RULES

- A. **SCOPE.** The following local rules of practice and procedure shall apply to cases filed in the Superior and Circuit Courts of Harrison County, Indiana, but shall not apply to criminal cases or cases on the Small Claims Docket unless otherwise indicated.
- B. **EFFECTIVE DATE.** These local rules supersede such rules heretofore enacted by said Courts.
- C. **CITATION.** These rules may be cited using the corresponding ten (10) letters and numbers associated with each rule. The Indiana Rules of Trial Procedure are hereinafter referred to as Trial Rule (#)
- D. **PURPOSE.** These rules are promulgated pursuant to Trial Rule 81 of the Indiana Rules of Trial Procedure and are intended to supplement the Indiana Rules of Trial Procedure.

## LR31-TR07-02

### FORM AND STYLE OF PLEADINGS

- A. **ORDERS AND ENTRIES.** All proposed orders and entries shall reflect the name of the person preparing under the indication “tendered by”, shall be submitted in sufficient number for each person entitled to service and shall contain a distribution list identifying by name and address each person entitled to service.
- B. **SCHEDULING ORDERS.** Proposed orders accompanying motions of the scheduling of matters for hearing, pre-trial conference and trial shall contain adequate space for the insertion of a time and date for a primary setting of the matter and a secondary setting, if desired.
- C. **SERVICE ON SPECIAL JUDGE.** Unless otherwise directed by a special judge, after qualification by a special judge, a copy of each document filed thereafter in the proceeding shall be served on the special judge at his private office or at the Court where he regularly presides and the proof of service shall reflect such service.

## LR31-AR00-03

### MOTIONS

**A. PROPOSED ORDERS REQUIRED.** Proposed orders shall accompany motions or applications in the following matters:

1. to enlarge or shorten time
2. for setting of hearing, conference or trial
3. for continuance
4. for default judgment
5. to compel discovery
6. to withdraw appearance
7. of dismissal
8. for change of venue
9. for restraining order, temporary injunction
10. for summary judgment
11. for such other orders, judgments or decrees as the Court may direct.

**B. HEARING NOT REQUIRED.** At the time of filing, the following motions shall be summarily granted or denied ex parte unless the Court, in its discretion, determines a hearing should be scheduled on any such motion and schedules such hearing:

1. Motion for Enlargement of Time (initial request)
2. Motion to Reconsider
3. Motion for Change of Venue from Judge/County
4. Motion for Default Judgment
5. Joint Motion for Continuance
6. Motion to Dismiss Settled
7. Motion to Set Hearing/Pre-Trial conference/Bench Trial
8. Motion for Temporary Restraining Order/Joint Preliminary Injunction in domestic matters
9. Motion to Withdraw Appearance excepting in Estate, Guardianship or Criminal matters
10. Such matters as permitted by statute or Trial Rule

## **LR31-TR53.5- 04**

### **CONTINUANCES**

**CONTENT OF MOTION** A motion for continuance shall set forth the scheduled date, the reason for continuance, the specific length of time the moving party desires the cause to be delayed, and reference as to whether opposing counsel agrees or disagrees to a continuance of the scheduled hearing or trial.

## **LR31-FL00-05**

### **DISSOLUTION OF MARRIAGE**

**TRANSPARENTING** In any dissolution, separation or post dissolution proceeding where orders are requested regarding unemancipated children, both parties to the proceeding shall attend and complete the Transparenting Seminar by a Court approved provider, unless a party has attended within the prior two (2) years. Failure to register and attend may constitute cause for denial of requested relief including provisional orders and final decrees. This rule shall not be construed to permit any party to delay legal proceedings by not registering or attending the seminar. Failure to comply with this section may be subject the non-complying party to contempt proceedings.

## **LR31-FL00-06**

### **DISSOLUTION OF MARRIAGE SERVICE ON REDOCKETED MATTERS**

Service of process of post-dissolution actions such as petitions for modifications and applications for rule to show cause must be on a party pursuant to Trial Rule 4. Service of process of such actions upon the attorney who represented the party in the underlying dissolution action shall be deemed insufficient.

## **LR31-JR26-07**

### **JURY INSTRUCTIONS**

Proposed final instructions, special or pattern, shall be submitted on letter size (8 ½ x 11) paper, double-spaced, with all designations including indications for the Court's disposition placed on the bottom three (3) inches of the instruction.

The parties shall submit a second set of proposed final instructions containing no designation of who submitted them, or other identifying references, and shall contain only the statement of law. This set of jury instructions may be sent with the jury to the jury room for use during deliberations.

## **LR31-AR00-08**

### **RULE BANNING OR PROHIBITING FIREARMS, EXPLOSIVE DEVICES AND CELL PHONES**

No person, excluding law enforcement, or person exempted by the Court, shall take, carry, transport or possess any firearm or explosive device, in any area, in or adjacent to the Harrison County Courthouse, State of Indiana or in the Harrison County Justice Center in Corydon, Indiana. Additionally, cell phones, pagers, and other electronic devices, shall be placed in the "off" position while in the Courtroom.

## **LR31-JR-09**

### **LOCAL JURY RULES OF HARRISON CIRCUIT COURT**

1. The Administrative Assistant and Bailiff are hereby appointed Jury Administrators for the Harrison Circuit Court.
2. Pursuant to Indiana Jury Rule 4, the Harrison Circuit Court selects by Local Rule the two-tier notice and summons procedure.
3. The Jury Administrators for the Harrison Circuit Court shall compile the jury pool by randomly selecting names from the Master List created by Jury Pool Project and compiled at least quarterly.
4. The jury pool compiled may be used for either petit or grand jury.
5. The Jury Administrators shall mail a jury qualification form and notice of the period during which any service may be performed after names are drawn from the jury pool as required by the Judge of the Harrison Circuit Court.
6. As needed, the Harrison Circuit Court shall inform the Jury Administrators periodically to summon prospective jurors for trials and summonses shall be forwarded by regular mail to the prospective jurors together with a jury information sheet to be furnished by the Harrison Circuit court.
7. The Harrison Circuit Court shall furnish to the Jury Administrators the form of the summons, jury qualification form, notification form and juror information form.
8. Attachment for addition.

## **LR31-CR4-10**

### **SPEEDY TRIAL MOTIONS**

A copy of every Motion for Speedy Trial under Criminal Rule 4 shall be personally delivered to the Judge or Court Reporter by the defendant's attorney or the defendant on the same date the motion is filed with the Court.

## **LR31-CR11-11**

### **NOTICE OF APPEAL AND MOTION TO CORRECT ERRORS**

A copy of every Notice of Appeal or Motion to Correct Errors filed with the Clerk of this Court shall be brought to the attention of the Judge and the Court Reporter. The Clerk of the Court shall serve a copy of Notices of Appeal and Motion to Correct Errors upon the Judge and the Court Reporter.

## **LR-31-CR00-12**

### **PLEA AGREEMENT DEADLINE AND CONTINUANCE OF CRIMINAL JURY TRIALS**

A. The State and the defendant shall file a written and signed Plea Agreement with respect to ANY criminal case no later than twenty-one (21) days prior to the trial date.

B. The defendant, the defendant's attorney, and the Prosecuting Attorney assigned to try the case shall appear in Court, and the State shall inform the defendant in open court of the State's final offer, if any, in any criminal case approximately three (3) weeks prior to the date of the scheduled jury trial.

C. If the State and the defendant fail to file a written and signed Plea Agreement no later than twenty-one (21) days prior to the date the trial is scheduled to begin, the Court will not accept any Plea Agreement unless the parties demonstrate good cause for failure to file a written and signed Plea Agreement in a timely fashion.

D. Any request to continue any jury trial shall be filed no later than twenty-one (21) days prior to the date the trial is scheduled to begin unless good cause is shown for failure to request a continuance of a jury trial sooner.

E. Failure to comply with discovery orders may constitute adequate grounds for either continuance of jury trials (with delay attributable to the party failing to comply with discovery orders) or appropriate sanctions against the party failing to comply with discovery orders.

## **LR31-CR12-13**

### **CHANGE OF VENUE IN CRIMINAL, POST CONVICTION, INFRACTION AND ORDINANCE VIOLATION CASES**

A. This Local criminal rule has the purpose to comply with and to augment Indiana Criminal Rules Number 12 and 13, and is not to supersede same.

B. In criminal, post conviction, infraction and ordinance violation cases where a change of venue from judge motion has been granted, and in instances where a judge recuses or is disqualified, a special judge shall be selected from the following:

- (1) Judge of Crawford Circuit Court;
- (2) Judge of Harrison Circuit Court;
- (3) Judge of Washington Circuit Court;
- (4) Judge of Washington Superior Court; and
- (5) Senior Judges approved for the Harrison Superior Court that agree to accept criminal cases.

C. Judges previously assigned to the cause shall be ineligible for reassignment to that case.

D. In each instance where a defendant's change of venue from the judge motion has been granted in criminal, post conviction, infraction and ordinance violation case(s), or where a judge has disqualified or recused himself from criminal, post conviction, infraction and ordinance violation cases(s), the same judge shall be selected as the special judge under this rule for all criminal, infraction and ordinance violation cases pending against the defendant in that court for which the regular judge is disqualified. In addition, in any instance where a special judge has already been appointed for a defendant in a pending criminal, infraction and ordinance violation case(s), the same judge shall be selected as special judge if any new criminal, infraction, and ordinance violation case(s) are filed against the defendant and the regular judge grants a change of venue from the judge or disqualifies or recuses himself from any criminal, infraction, and ordinance violation case(s).



Any person arrested for a **new criminal charge** who has **been arrested** for a **criminal charge within one (1) year of the date of the new arrest** shall be **required** to post a **bond** in amount equal to **twice (double) the amount** that would **otherwise be required** to be posted.

In determining the bail for persons that are arrested for a new criminal charge who are on probation or parole the Court finds a person arrested for a **new criminal charge** who is **on parole** or **on probation** for a **felony offense** shall be **held without bond for fifteen (15) days** or until brought before the Court. At the expiration of the fifteen (15) day **hold** the bond shall be **twice (double) the amount** that would **otherwise be required** if the defendant was not on parole or probation for a felony offense.

As a condition of bond, all persons, defendants and/or bond makers posting cash bonds are to be notified that bond will be receipted in the name of the Defendant and may be subject to payment to the Clerk of the Court for fines, Court costs, probation user fees, pre-trial diversion fees, alcohol-drug program fees, alcohol and drug countermeasure fees, drug interdiction fees, restitution, public defender fees or any other assessment pursuant to I.C. 35-33, before any balance will be released to the Defendant or bond maker. The Sheriff is directed to notify each person posting bond of this Order of the Court. Bond maker shall pay a **\$5.00 fee on each bond** for the special death benefit fund as required by law.

Due to the Sheriff's inability to bond all persons that handle cash bonds, the Sheriff of Harrison County, in his discretion, may require all "full cash" bonds to be posted using certified check or money order.

Any person arrested for a crime of domestic violence (as described in I.C. 35-41-1-6.3) **shall not be permitted to post any bond for 8 hours** or until the person is brought before the Court, whichever comes first.

The following No Contact condition of bond Protective Order shall apply only to cases involving a defendant who is charged with committing a violent crime (as defined in I.C. 5-2-6.1-8) that results in bodily injury to a person when ordered by the Court after a hearing. The No Contact condition of bond shall remain in effect until further order of the Court.

#### **NO CONTACT ORDER UPON RELEASE FROM CUSTODY ON BAIL OR PERSONAL RECOGNIZANCE.**

**This is a No-Contact Protective Order. The defendant shall have NO CONTACT with the alleged Victim(s) in this matter, in person, by telephone or letter, through a third party, or an intermediary, or in any way, directly or indirectly while released from custody pending trial, and shall refrain from abusing, stalking, harassing, threatening, intimidating or disturbing the peace of the alleged Victim (s). Defendant shall not use, attempt, or threaten the use of physical force against the alleged Victim(s) that would reasonably be expected to cause bodily injury. Defendant shall not use physical force of any kind against the alleged victim(s). The Court finds this order is necessary to preserve the safety, peace, and dignity of the community. Violation of this Order is a crime, invasion of privacy, under I.C. 35-46-1-15.1. Any person subject to a Protective Order may be prohibited from possessing any firearm or ammunition under federal law. This Order is issued pursuant to I.C. 35-33-8.**

The defendant shall not visit any location during the period of his or her release where the defendant knows the alleged victim(s) to be located. This order remains in effect until further order of the Court. The defendant is forbidden to enter or stay at the alleged victims' residence, even if invited to do so by the alleged victim(s) or any other person. This order for protection may only be canceled or changed by the Court. This order for protection shall be given full faith and credit in any other state or tribal land pursuant to 18 U.S.C. 2265. Pursuant to 18 U.S.C. 922(g), once a defendant has received notice of this order and an opportunity to be heard, it may be a federal violation to purchase, receive, or possess a firearm while subject to this order if the protected person is a current or former spouse, a current or former person with whom the defendant resided in an intimate relationship, or a person with whom the defendant has a child.

#### Victim(s) Information

Name: _____	Name: _____
D.O.B.: _____	D.O.B.: _____
Sex: _____	Sex: _____
Race: _____	Race: _____

\* Intimate partner of defendant.

Defendant had actual notice and an opportunity to participate in a hearing regarding this protective order.

The Harrison County Sheriff shall use the Terms and Conditions of Bond provided in this rule and the form attached hereto as Exhibit "A" for every person bonding out on any criminal case in Harrison County, Indiana. All employees of the Harrison County Sheriff and all employees of Harrison County shall use their best efforts to fully complete all information required by the Terms and Conditions of Bond (Exhibit "A").

All employees of Harrison County or of the Sheriff of Harrison County shall enter all no-contact protective orders as a condition of bond in the protective order registry.

In any instance where a case number is not available because the criminal case has not yet been filed a case number shall be assigned as follows:

1. The first five digits of the case number shall always be: 31D01.
2. The next four digits of the case number shall coincide with the year and month consistent with the date the defendant bonded out of jail. These four digits shall be the last two digits of the year and the two numerical digits representing the month the defendant bonded out of jail. For example, if a defendant bonded out in June of 2008, the four digits would be 0806.
3. The next two digits shall always be "CM".
4. The next six digits of the case number shall always start with "9" and shall consist of six numbers. The first case entered shall be "900001" and sequentially thereafter. For example, the second case entered in the protective order registry, when a criminal case number is not yet available, shall be "900002".

A criminal case number shall be used when it is available. No-contact protective orders as conditions of bond shall be entered with no expiration. "NON-EXP" shall be used for protective orders that have no expiration date.

**Illegal Aliens** shall be **held without bond** until further order of the Court or the expiration of **three (3) working days** (Holidays and weekends do not count) **after arrest** or until notice by INS of No Hold, whichever comes first. Unless the Court orders otherwise, the defendant's bond shall be in accordance with this **bond schedule after** the expiration of **three (3) working days from** the time of **arrest** or notification from INS that there will be **no hold**. The purpose of this order concerning illegal aliens is to allow the Homeland Security/ Immigration and Naturalization Service (INS) adequate time to investigate and determine whether the INS wishes to detain the defendant for prosecution and/or deportation.

If the true identify of a person is unknown s(he) shall be held until further order of the Court.

All persons arrested for **Driving While Intoxicated, Driving with a B.A.C. of .08 or greater, Minor Consuming or Public Intoxication** shall not be released from custody until a sufficient number of hours have elapsed to permit the alcohol to disperse from the body. The following is the **MINIMUM** number of hours of custody:

<b>B.A.C. HOURS</b>		<b>B.A.C. HOURS</b>		<b>B.A.C. HOURS</b>	
.075	5	.150	10	.225	15
.090	6	.165	11	.240	16
.105	7	.180	12	.255	17
.120	8	.195	13	.270	18
.135	9	.210	14	.285	19
				.300	20
REFUSAL	24				

All persons arrested for **Public Intoxication or Minor Consuming WILL** be held in **custody** until a sufficient number of hours have elapsed to permit alcohol to disperse from the body according to a **B.A.C. test (not P.B.T.)** If the defendant **fails, refuses, or declines a B.A.C.** then (s)he shall be **held for Twenty-four (24) hours.**

All persons over 18 years of age charged with **Minor Consuming may** be held in custody for a **MINIMUM OF TWENTY-FOUR (24) HOURS** unless they voluntarily submit to a B.A.C. test. If they submit to a B.A.C. test they may bond out after the burn off time set forth herein. The police, Sheriff, and Corrections personnel are not required to provide a B.A.C. test.

All persons arrested on any charge(s) who are **under the influence of and are impaired by marijuana or any illegal drug** shall be held in custody for **Twenty-four (24) hours.**

The Jailer or Bond maker is **DIRECTED** to obtain an address and telephone number of the Defendant on the bond.

There shall be no initial bond on persons arrested for being fugitive from another state unless the Court sets a bond in such instances.

**NO** individual, who is arrested, may be released on his or her **OWN RECOGNIZANCE** without the authority of the Judge of the Circuit or Superior Court except as set forth herein. **Bonds or any Bench Warrants** may **NOT** be **changed** except by the Judge of the Circuit or Superior Court. Any of the above provisions can be altered (increased or decreased) by the Judge of the Circuit or Superior Court.

All persons making bond shall complete and sign Terms and Conditions of Bond and shall be subject to the terms and conditions of bond as set forth in Exhibit "A" attached hereto. The defendant shall be given a return date no longer than ten (10) days after being released from jail unless the Court has set a different date.

A "sexually violent predator defendant" has the meaning set forth in I.C. 35-33-8-3.5 and includes a person who is a sexually violent predator under I.C. 35-38-1-7.5 who is arrested for or charged with the commission of an offense that would classify the person as a sex or violent offender (as defined in I.C. 11-8-8-5).

*(Amended effective July 1, 2014)*

**EXHIBIT "A"**

STATE OF INDIANA )  
 )  
COUNTY OF HARRISON ) IN THE HARRISON SUPERIOR COURT  
CASE NO.: 31D01-\_\_\_\_\_

NAME: \_\_\_\_\_ ALIASES: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_ PHONE NO.: \_\_\_\_\_  
\_\_\_\_\_

INITIAL HEARING: \_\_\_\_\_  
DATE OF BIRTH: \_\_\_\_\_  
SSN: \_\_\_\_\_

**TERMS AND CONDITIONS OF BOND**

The following terms and conditions of bond apply to all criminal cases until further order of the Court:

- 1. Defendant shall appear at every hearing, trial date, presentence interview, and any other time as ordered by the Court and remain until the case is called.
- 2. Defendant shall not violate any state or federal law and not commit any crime.
- 3. Defendant shall notify the Clerk of the Court of any change of address within 72 hours

The following No Contact condition of bond Protective Order shall apply only to cases involving a defendant who is charged with a violent crime (as defined in I.C. 5-2-6.1-8) that results in bodily injury to a person when ordered by the Court after a hearing.

**NO CONTACT ORDER UPON RELEASE FROM CUSTODY ON BAIL OR PERSONAL RECOGNIZANCE.**

This is a No-Contact Protective Order. The defendant shall have NO CONTACT with the alleged Victim(s) in this matter, in person, by telephone or letter, through a third party, or an intermediary, or in any way, directly or indirectly while released from custody pending trial, and shall refrain from abusing, stalking, harassing, threatening, intimidating or disturbing the peace of the alleged Victim (s). Defendant shall not use, attempt, or threaten the use of physical force against the alleged Victim(s) that would reasonably be expected to cause bodily injury. Defendant shall not use physical force of any kind against the alleged victim(s). The Court finds this order is necessary to preserve the safety, peace, and dignity of the community. Violation of this Order is a crime, invasion of privacy, under I.C. 35-46-1-15.1. Any person subject to a Protective Order may be prohibited from possessing any firearm or ammunition under federal law. This Order is issued pursuant to I.C. 35-33-8. The defendant shall not visit any location during the period of his or her release where the defendant knows the alleged victim(s) to be located.

This order remains in effect until further order of the Court. The defendant is forbidden to enter or stay at the alleged victims' residence, even if invited to do so by the alleged victim(s) or any other person.

This order for protection may only be canceled or changed by the Court. This order for protection shall be given full faith and credit in any other state or tribal land pursuant to 18 U.S.C. 2265. Pursuant to 18 U.S.C. 922(g), once a defendant has received notice of this order and an opportunity to be heard, it may be a federal violation to purchase, receive, or possess a firearm while subject to this order if the protected person is a current or former spouse, a current or former person with whom the defendant resided in an intimate relationship, or a person with whom the defendant has a child.

Victim(s) Information

Name: _____	Name: _____
D.O.B. _____	D.O.B. _____
Sex: _____	Sex: _____
Race: _____	Race: _____

\*Intimate partner of Defendant

Defendant had actual notice and opportunity to participate in a hearing regarding this protective order.

SO ORDERED by Local Rule LR31-CR00-14

I understand the above terms and conditions of bond.

\_\_\_\_\_

Date  
Signature

Defendant's Signature

Booking Officer's

\*Intimate partner is defined as a spouse, former spouse, a person who shares a child in common with the defendant, or an individual who cohabitates or has cohabitated with the defendant.

## LR31-CROO-15

### MOTOR CLUBS GUARANTEEING SECURITY FOR MINOR TRAFFIC OFFENSES

The Secretary of State, State of Indiana, has forwarded the following list of Motor Clubs which have filed appropriate plans with the Secretary of State's Office, guaranteeing their membership cards as security for the appearance in Court of members who commit minor traffic offenses:

**AAA Chicago Motor Club**, Attn.: John Chamberlain, Office of the General Counsel, The Auto Club Group, 1 Auto Club Drive, Dearborn, MI 48126; Arrest Bond: \$1,000.

**AAA Hoosier Motor Club**, Attn.: Janet Jackson, P. O. Box 88505, Indianapolis, IN 46208-0505; Arrest Bond: \$1,000; Bail Bond: \$5,000.

**Allstate Motor Club**, Attn.: Bonnie Sue Dohring, 1500 W. Shure Drive, Arlington Heights, IL 60004; Arrest Bond: \$500 limit.

**Ford Auto Club**, Attn.: Elvira Zavala, P. O. Box 224688, Dallas, TX 75222-4688; No limits indicated.

**Mobil Auto Club**, Attn.: Carrie Groat, GE Financial Assurance, 200 North Martingale Road, Schaumburg, IL 60173-2096; Arrest Bond: \$1,000; Bail Bond: \$10,000.

**Montgomery Ward Auto Club**, Attn.: Carrie Groat, GE Financial Assurance, 200 North Martingale Road, Schaumburg, IL 60173-2096; Arrest Bond: \$1,000.

**Motor Club of America Enterprises**, Attn.: David Kircher, 3200 W. Wilshire Boulevard, Oklahoma City, OH 73116; No limit indicated.

**National Motor Club of America**, Attn.: Paula Shacklett, 6500 North Beltline Road, Suite 200, Irving, TX 75063; No limit indicated.

**Ocamo Industries**, Attn.: Carrie Groat, GE Financial Assurance, 200 North Martingale Road, Schaumburg, IL 60173-2096; No limits indicated.

**Safe Driver Motor Club**, Attn.: Laurie L. Little, Geico Direct, One Geico Plaza, Washington, D.C. 20076-0001; No limit indicated.

**Signature's Nationwide Auto Club**, Attn.: Carrie Groat, GE Financial Assurance, 200 North Martingale Road, Schaumburg, IL 60173-2096; No limits indicated.

**Smart Choice Auto Club**, Attn.: Paul Kainrath, P. O. Box 607, Newburgh, IN 47629-0607; No limit indicated.

**United States Auto Club**, Attn.: Elvira Zavala, P. O. Box 660460, Dallas, TX 75266-0460.

**LR31-CR00-16**

**ALCOHOL DRUG PROGRAM FEE SCHEDULE**

The following schedule of fees applies as follows:

- |  |           |
|--|-----------|
| A. Alcohol/Drug Case Management  | \$ 300.00 |
| B. Alcohol/Drug Education/Treatment  | \$ 300.00 |
| C. Transfer fee  | \$ 100.00 |
| D. Alcohol/Drug Assessment   | \$ 100.00 |
| E. The Court on a case-by-case basis may increase the Alcohol/Drug Case Management fee to  | \$ 400.00 |
| F. The Court may on a case-by-case basis waive fees or decrease fees if justified under the circumstances of the particular case |           |

## **LR 31-JR4-17**

### **LOCAL JURY RULES OF HARRISON SUPERIOR COURT**

- A. The Clerk of the Circuit Court is hereby appointed Jury Administrator for the Harrison Superior Court.
- B. Pursuant to Indiana Jury Rule 4, the Harrison Superior Court selects by Local Rule the two tier notice and summons procedure.
- C. The Jury Administrator for the Harrison Superior Court shall compile the jury pool annually, or more often, if necessary, by selecting names from the list of residents of Harrison County approved by the Indiana Supreme Court. The Jury Administrator shall use the most up-to-date listing of residents for Harrison County approved by the Indiana Supreme Court and shall begin using any updated list as soon as it is reasonably practical to do so.
- D. The jury pool compiled may be used for either petit or grand jury.
- E. The Jury Administrator shall mail a jury qualification form and notice of the period during which any service may be performed after names are drawn from the jury pool as required by the judge of the Harrison Superior Court.
- F. As needed, the Harrison Superior Court shall inform the Jury Administrator periodically to summon prospective jurors for trials and said summons shall be forwarded by regular mail to the prospective jurors together with a jury information sheet to be furnished by the Harrison Superior Court.
- G. The Harrison Superior Court shall furnish to the Jury Administrator the form of the summons, jury qualification form, notification form and juror information form.
- H. This Local Rule shall be effective January 1, 2008.

## LR31-AR15-18

### HARRISON SUPERIOR AND CIRCUIT COURTS LOCAL RULE REGARDING COURT REPORTER FEES FOR TRANSCRIPTS

**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 the Indiana Rule of Appellate Procedure 28.
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 with the county, but remain the same for each 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 the courts in Harrison 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.
14. Appeal transcript means a transcript prepared in any case, civil or criminal, for purposes of an appeal to the Indiana Court of Appeals or the Indiana Supreme Court.

## **SECTION TWO. Salaries and Per Page Fees:**

1. Court Reporters shall be paid an annual salary for regular work hours under the control, discretion, and direct supervision of the 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 outline 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. Subject to the approval of each County's fiscal body, the amount of the annual salary shall be set by the Court.
3. Regular working hours shall be determined by each Court.
4. Gap hours shall be hours worked in excess of regular working hours (if regular working hours are less than forty (40) hours per week), but not in excess of forty (40) hours per week.
5. Overtime hours shall be hours worked in excess of 40 hours per week.
6. The maximum per page fee a Court Reporter may charge for the preparation of a county indigent appeal transcript shall be Five Dollars (\$5.00) per page and Five Dollars (\$5.00) per page for any non-appeal transcripts. The Court Reporter shall submit a claim directly to the Court for the preparation of any county indigent transcript.
7. The maximum fee a Court Reporter may charge for the preparation of a state indigent appeal transcript shall be Five Dollars (\$5.00) per page.
8. The maximum per page fee a Court Reporter may charge for the preparation of a private appeal transcript shall be Five Dollars (\$5.00).
9. The maximum per page fee a Court Reporter may charge for the copy of any appeal transcript is Two Dollars and Fifty Cents (\$2.50) per page.
10. With respect to any transcript, the Court Reporter may charge a minimum fee of Forty-Five Dollars (\$45.00).
11. If the Court Reporter is requested to prepare an expedited transcript, the maximum per page fee shall be \$7.50 per page if request is for transcript to be prepared within five (5) days; the maximum per page fee shall be \$8.50 per page where the transcript must be prepared within 24 hours or less. Index and Table of Contents will be charged at the same rate as the other pages.
12. The index and table of contents pages will be charged for at the same page rate being charged for the rest of the transcript.
13. An additional labor charge equal to the hourly rate for the Court Reporter at the time the transcript is being prepared may be charged by the Court Reporter for the time spent binding any transcript and exhibits.
14. A reasonable charge for office supplies and any other necessary materials and equipment required and utilized for preparing, binding, and electronic transmission of a transcript may be charged by the Court Reporter. A schedule of transcript supplies will be established and published annually by the Judge or Judges of the County.
15. The 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 Court Administration.

### **Section Three. Private Practice.**

1. If a Court Reporter elects to engage in private practice through recording a deposition and/or preparing of a deposition transcript, trial transcript, hearing transcripts, plea change and sentencing transcripts, or other transcripts, and the Court Reporter desires to utilize the Court's equipment, work space, and supplies, and the Court agrees to the use of Court equipment for such purposes, the Court and the Court Reporter shall enter into a written agreement which must at a minimum designate the following:
  - A) the reasonable market value for the use of equipment, work space and supplies;
  - B) the method by which records are to be kept for the 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 in private practice through recording a deposition and/or preparing a deposition transcript, trial transcripts, hearing transcripts, plea change and sentencing transcripts or other transcripts, all such private practice work shall be conducted outside of regular working hours.

### **SECTION FOUR. Disk as Official Record:**

1. Upon the filing of a written request or praecipe for transcript, the Court Reporter shall transcribe any Court proceeding requested and produce an original paper transcript along with an electronically formatted transcript. Multiple disks containing the electronically formatted transcript shall be prepared and designated as "Original Transcript", "Court Reporter's Copy" and "Court's Copy". Each disk shall be labeled to identify the case number, the names of the parties, the date completed, the court reporter's name, and the disk number if more than one disk is required for a complete transcript. The Court's copy of the electronic transcript shall become the official record of the Court proceeding, in lieu of a paper copy of the transcript, and shall be retained in the Court where said proceeding was held. The court reporter's copy shall be retained by the court reporter. The original paper transcript along with the disk designated as the original transcript shall be forwarded to the Clerk if the transcript was prepared for purposes of appeal. If the transcript was not prepared for purposes of appeal, the original paper transcript shall be delivered to the requesting party.

**LR31-AR-1(E)-19**

**CASELOAD ALLOCATION PLAN**

The Harrison County Caseload Allocation Plan shall be as follows:

- A. Cases filed in Harrison Circuit Court shall be:
- (1) All juvenile delinquent, juvenile status, juvenile paternity and miscellaneous juvenile cases;
  - (2) All child in need of services (CHINS) cases;
  - (3) All juvenile termination of parental rights cases;
  - (4) All domestic relations cases,
  - (5) All civil miscellaneous cases;
  - (6) All uniform reciprocal support cases;
  - (7) All Petitions for an Order for Protection (Protective Orders);
  - (8) All mental health issues;
  - (9) All adoptions;
  - (10) All probate matters, including estates;
  - (11) All guardianships;
  - (12) All trusts;
  - (13) All mortgage foreclosure cases;
  - (14) Civil plenary and civil collection cases wherein the amount in controversy exceeds the jurisdictional limit of the small claims court; and,
  - (15) All civil tort cases.
- B. Cases filed in Harrison Superior Court shall be:
- (1) All criminal (murder, felony, misdemeanor and miscellaneous criminal cases);
  - (2) All infraction and ordinance violations;
  - (3) All small claims; and,
  - (4) Civil collection and civil plenary cases where the total amount of damages or property involved does not exceed the small claims jurisdictional amount.
- C. All revocation of probation and post conviction relief cases shall be filed in the court where the original case is or was last pending.
- D. The Judge of either the Harrison Circuit Court or the Harrison Superior Court may allow the filing of any cases in such court on a case-by-case basis unless another local rule, rule of the Indiana Supreme Court or a statute prohibits the filing of such cases in the court.
- E. Cases already filed in either court shall remain in that court and this case allocation plan shall apply to new cases filed on and after the effective date of this caseload allocation plan.

*(Amended effective January 1, 2014)*

## LR31-TR79-20

### APPOINTMENT OF SPECIAL JUDGES

- A. **Selection of Administrative Judge.** On or before November 1<sup>st</sup> of each year, (or as soon thereafter as possible) the Judges of the Circuit and Superior Courts of Harrison County shall meet in person or electronically with the presiding judges of the Administrative District 24 for the purpose of selecting a judge who is designated as the Administrative Judge. The Administrative Judge shall serve for a period of twelve (12) months, ending December 31, or until a replacement is selected after December 31.
- B. **Section H Appointments.** In the event it becomes necessary to appoint a special judge under Section H of Trial Rule 79 of the Indiana Rules of Trial Procedure or Indiana Rules of Criminal Procedure, the judge on the case shall send notice of the need of the appointment of a special judge to the District's administrative judge who shall then make such assignment within five (5) days of receiving said notice.
- C. **Method of Assignment.** The District's administrative judge shall select special judges from a roster of the available judges in the Administrative District. The assignments shall take into account the number of appointments required for each Court and the fact that current rules require that Special Judges in Criminal Cases serve in a contiguous county. The administrative judge shall maintain a record of all assignments and shall issue a summary report of the assignments on a quarterly basis.
- D. **Special Considerations.** If the Administrative Judge determines that newly selected Judges would benefit from a policy of "exchanging" cases to avoid excessive travel to multiple courts, assignments may be based upon these special temporary circumstances.
- E. **Roster of Available Judges.** The roster of available judges in Administrative District 24 shall include the following judges:  
Judge of the Harrison Superior Court  
Judge of the Crawford Circuit Court  
Judge of the Harrison Circuit Court  
Judge of the Orange Circuit Court  
Judge of the Orange Superior Court  
Judge of the Washington Circuit Court  
Judge of the Washington Superior Court  
Senior Judges approved for the requesting Court (s).
- F. **Appointment Order.** Upon selecting a special judge, the administrative judge shall prepare an Order of Appointment and forward said Order to the judge before whom the case is pending who shall then sign and enter the Order of Appointment and forward a copy of the Order to the special judge and the attorneys of record.

**G. Acceptance of Jurisdiction.** The Order of Appointment, when entered by the judge before whom the case is pending, shall constitute acceptance of jurisdiction by the appointed special judge unless the judge is otherwise disqualified, and no special appearance, oath or additional evidence of acceptance shall be required. When one of the sitting Judges of District 24 accepts appointment as Special Judge through a different selection method, such as Supreme Court Appointment, stipulation by parties, or by striking, that Judge may ask the Appointing Judge to add these appointments to the record for assignments and consider such service in making additional appointments.

**H. Form of Order.** The Order of Appointment shall be in the following form:

IN THE \_\_\_\_\_ COURT OF \_\_\_\_\_ COUNTY  
STATE OF INDIANA

(Caption)

**ORDER OF APPOINTMENT**

Under the provisions of Trial Rule 79(H) of the Indiana Rules of Trial Procedure or the Indiana Rules of Criminal Procedure, the Honorable \_\_\_\_\_ of the \_\_\_\_\_ Court of \_\_\_\_\_ County is hereby appointed to serve as special Judge in the above-captioned case.

So ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Judge, \_\_\_\_\_ Court

Assigned this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Administrative District 24  
Administrative Judge

**I. Implementation of Rule.** In the event a selected Judge does not accept an appointment to serve as a special Judge under the provisions of section (D), (E) or (F) of Trial Rule 79 of the Indiana Rules of Trial Procedure, the judge before whom the case is pending shall notify the assignment judge of the need for an appointment of a special judge under this local rule.

**J. Certification to Supreme Court.** If, under the provisions of this rule, no judge is eligible to serve as a special judge in a case, the assignment judge shall notify the judge before whom the case is pending who shall then certify such fact to the Indiana Supreme Court for the appointment of a special Judge.

If the Judge before whom the case is pending is of the opinion that the particular circumstances of a case warrants selection of a special judge by the Indiana Supreme Court, said judge shall certify such facts to the Indiana Supreme Court for the appointment of a special Judge. Under such circumstance this Rule shall not be implemented unless the Indiana Supreme Court declines to appoint a special Judge.