In the
Indiana Supreme Court

FILED
Jul 24 2015, 4:51 pm
CLERK
of the supreme court, court of appeals and tax court

IN THE MATTER OF THE	)	
	)	
APPROVAL OF LOCAL RULES	)	Case No. 85S00-1507-MS-442
	)	
FOR WABASH COUNTY	)	

ORDER APPROVING AMENDED LOCAL RULE

The Judges of the Wabash Circuit and Superior Courts request the approval of an amended local rule for court reporter services in accordance with Indiana Administrative Rule 15. Attached to this Order is the proposed amended local rule.

Upon examination of the proposed rule amendment requested by the Wabash Circuit and Superior Courts, this Court finds that the proposed rule amendment, LR85-AR15-4 complies with the requirements of Indiana Administrative Rule 15, and, accordingly, should be approved and posted in the county clerk's office(s) and on the county clerk's website, if any, and on the Indiana Judicial Website.

IT IS, THEREFORE, ORDERED by this Court that amended Local Rule LR85-AR15-4 for Wabash Circuit and Superior Courts, set forth as an attachment to this Order, is approved effective September 1, 2015.

DONE at Indianapolis, Indiana, on 7/24/2015.

Loretta H. Rush
Chief Justice of Indiana

LR85-AR15-4 Court Reporter Transcript and Preparation

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 preparation of 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, 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 that results when a recording is transcribed in the form required by Indiana Rule of Appellate Procedure 7.2.

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

(6) *Regular hours worked* means those hours which the court is regularly scheduled to work during any given work week. Depending on the particular court, these hours may vary from court to court within the county but remain the same for 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 of the courts in Wabash County.

(11) *County indigent transcript* means a transcript that is paid for from county funds and is used 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.

Section Two. Salaries and Per Page Fees

(1) Court Reporters shall be paid an annual salary for time spent working under the control, direction and direct supervision of their supervising court during any regular work hours, gap hours or overtime hours. The supervising court shall enter into a written agreement specifying the manner in which the court reporter is to be compensated for gap and overtime hours; i.e. monetary compensation or compensatory time off regular work hours.

(2) The maximum per page fee a court reporter may charge for the preparation of a county indigent transcript shall be $4.50 per page; the court reporter shall submit a claim directly to the court for the preparation of any county indigent transcripts. Further, if the court reporter uses county equipment, he/she shall pay the county five cents ($.05) per page. The court reporter may reduce the fee charged by this amount or may submit payment to the Auditor of Wabash County with an attached statement indicating a description of payment rendered.

(3) The maximum per page fee a court reporter may charge for the preparation of a state indigent transcript shall be $4.50 per page. Further, if the court reporter uses county equipment, he/she shall pay the county five cents ($.05) per page. The court reporter may reduce the fee charged by this amount or may submit payment to the Auditor of Wabash County with an attached statement indicating a description of payment rendered.

(4) The maximum per page fee a court reporter may charge for the preparation of a private transcript shall be $5.00 per page. Further, if the Court Reporter uses county equipment, he/she shall pay or arrange for payment to the county of the fee set out in the schedule in paragraph 6 hereof. Further, if the court reporter uses county equipment, he/she shall pay the county ten cents ($.10) per page. The court reporter shall submit payment to the Auditor of Wabash County with an attached statement indicating a description of payment rendered.

(5) The maximum fee that a court reporter may charge for an expedited transcript is an additional $1.00 per page (anything prepared in ten (10) days or less).

(6) The minimum fee that a court reporter may charge for a private transcript is $35.00.

(7) Index and Table of Contents pages should be charged by the court reporter at the per page rate being charged for the balance of the transcript.

(8) An additional labor charge approximating the hourly rate based upon the court reporter's annual court compensation may be charged for the time spent binding the transcript and exhibits.

(9) Each court reporter shall report, at least on an annual basis, all transcript fees received for the preparation of either county indigent, state indigent or private transcripts to the Indiana Supreme Court Division of State Court Administration. The reporting shall be made on forms prescribed by the Division of State Court Administration.

(10) A reasonable charge for the office supplies required and utilized for the binding and electronic transmission of the transcript, pursuant to the Indiana Rules of Appellate Procedure 28 and 29, is permissible. Any office supplies purchased by Wabash County and utilized in transcript preparation shall be reimbursed to the Auditor of Wabash County at the rate the item was purchased. If the court reporter has purchased office supplies independently, reimbursement shall be made to the court reporter and included in the court reporter's invoice at the rate the item was purchased.

Section Three. Private Practice.

(1) If a court reporter elects to engage in private practice through the recording of a deposition and/or preparing of a deposition transcript, and the court reporter desires to utilize the court's equipment, work space, and supplies, and the court agrees to the use of the court equipment for such purpose, the court and the court reporter shall enter into a written agreement which must, at a minimum, designate the following:

(a) The reasonable market rate for the use of equipment, workspace, 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, workspace and supplies.

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