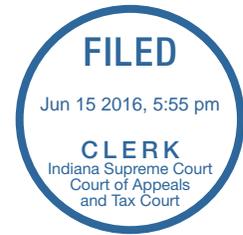


In the
Indiana Supreme Court



In the Matter of the Approval of Local
Rules for LaGrange County

Supreme Court Case No.
44S00-1606-MS-320

Order Approving Amended Local Rules

The judges of the LaGrange Circuit and Superior Courts request the approval of amended local rules: for caseload allocation in accordance with Indiana Administrative Rule 1(E), appointment of special judges in accordance with Indiana Criminal Rule 13, and regulation of court reporter services in accordance with Indiana Administrative Rule 15. Attached to this Order are the proposed amended local rules.

Upon examination of the proposed rule amendments requested by the LaGrange Circuit and Superior Courts, this Court finds that the proposed rule amendments, LR44-AR1-9, LR44-CR2.2-10, LR44-CR2.2-11, and LR44-AR15-13 comply with the requirements of Indiana Administrative Rule 1(E), Indiana Criminal Rule 13, and Indiana Administrative Rule 15, and accordingly, should be approved.

IT IS, THEREFORE, ORDERED by this Court that LaGrange Circuit and Superior Local Rules, LR44-AR1-9, LR44-CR2.2-10, LR44-CR2.2-11, and LR44-AR15-13, set forth as an attachment to this Order, are approved effective the date of this Order.

Done at Indianapolis, Indiana, on 6/15/2016.

A handwritten signature in black ink that reads "Loretta H. Rush".

Loretta H. Rush
Chief Justice of Indiana

LR44-AR1-9

Caseload Allocation Plan

A. Criminal, Infraction and Ordinance Violation Cases

Criminal cases shall be filed pursuant to LR44-CR2.2-10. All infraction and ordinance violation cases shall be assigned to the Superior Court.

B. Probate and Related Cases

Estate, Guardianship, and Trust cases shall be assigned to the LaGrange Circuit Court. Adoption cases shall be equally divided between the LaGrange Circuit and Superior Courts.

C. Juvenile Cases

All juvenile cases including paternity cases shall be assigned to the LaGrange Circuit Court.

D. Small Claims Cases

All small claims cases shall be assigned to the LaGrange Superior Court.

E. Reciprocal Support Cases

All reciprocal support cases shall be assigned to the LaGrange Circuit Court.

F. All Other Civil Case Types

Cases other than those mentioned in the preceding paragraphs may be filed in either Circuit Court or Superior Court, at the discretion of the filing party. However, nothing in this rule shall prohibit a judge of said Court from transferring a case from that Court to the other as allowed by statute, or rule of trial procedure, or to ensure an even distribution of judicial workload between the courts of record in the county.

G. Sitting as Judge

A Judge of a Court in LaGrange County may sit as Judge of all other Courts in LaGrange County in any manner, as if the elected Judge of that Court, with the consent of the Judge of that Court.

H. Re-filed Cases

Except when a change of venue is necessary, whenever a case is dismissed by action of the originating party, the case, if re-filed, must be assigned to the same court that received the original case.

I. Caseload Review

The Judges of the LaGrange Circuit and Superior Court shall meet during the months of July and January, of each year to review the caseloads of the Courts. They shall, at those meetings, make and transfer of cases which they deem necessary to provide for the more expeditious handling of cases in LaGrange County and to help to alleviate any disparity in the Courts' caseload.

Further, the Judges shall meet to discuss caseloads and make transfers at such other times as either Judge may deem necessary.

(As amended effective April 14, 2016)

LR44-CR2.2-10

Criminal Case Assignment

A. Initial Case Assignment.

- (1) All cases arising under Indiana Code Title 9, or in the instance of cases containing multiple counts, where any of the counts arises under Indiana Code Title 9, shall be filed in the LaGrange Superior Court.
- (2) All cases arising under Indiana Code 35-46-1-5 shall be filed in the LaGrange Circuit Court.
- (3) Where a conflict of interest exists, or other good cause is shown, the presiding judge of either court may permit the filing of that case so as to avoid the conflict.
- (4) All other criminal cases shall be filed first with the Clerk of the Court. The Clerk shall docket cases with each court by using a system of "lot" or random selection while ensuring that an equal division of the felony and misdemeanor cases exist between the Courts.
- (5) In the event a cause is dismissed, it may later be re-filed in the same court.

LR44-CR2.2-11

Criminal Case Reassignment

A. Pursuant to Ind. Criminal Rule 2.2(D) and Ind. Criminal Rule 13(C), in the event a change of judge is granted, or a disqualification or recusal is entered, the case shall be reassigned as follows:

- (1) Circuit Court: When it becomes necessary to assign another Judge in any felony or misdemeanor proceeding in the LaGrange Circuit Court, the case shall be reassigned to the LaGrange Superior Court.
- (2) Superior Court: When it becomes necessary to assign another Judge in any felony or misdemeanor proceeding in the LaGrange Superior Court, the case shall be reassigned to the LaGrange Circuit Court.
- (3) Alternative: In the event a reassignment cannot be accomplished pursuant to the rules set forth above, then the Clerk shall appoint an eligible Judge. The successor Judge shall be assigned by the Clerk from a list of the full-time judicial officers from contiguous counties and counties within the administrative district (LaGrange, Noble, Steuben and DeKalb Counties) and Senior Judges.

B. Pursuant to Ind. Criminal Rule 13(D), in the event that the case is not transferred as provided for herein, such case shall be certified to the Indiana Supreme Court for the appointment of a Special Judge. In the event the Judge presiding in a felony or misdemeanor case concludes that the unique circumstances presented in such proceeding require appointment by the Indiana Supreme Court of a Special Judge, this presiding Judge may certify the case to the Indiana Supreme Court for the appointment of a Special Judge.

Court reporter services shall be governed by the following rules:

- A. **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 portions 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 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 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 of which the court reporter performs services. Court may also mean all of the courts in LaGrange County.
11. **County indigent transcript** means a transcript that is paid for from county funds and is for the use of 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.

Salaries and Per Page Fees.

1. Court Reporters shall be paid an annual salary for time spent working under the control, directions and direct supervision of their supervising court during any regular work hours, gap hours or overtime hours. The supervising court shall enter into a written agreement with the court reporters which outlines the manner in which the court reporter is to be compensated for gap and overtime hours; i.e. monetary compensation or compensatory time off regular work hours.
2. The maximum per page fee a court reporter may charge for the preparation of a county indigent transcript shall be \$4.50; the court reporter shall submit a claim directly to the county for the preparation of any county indigent transcripts. Expedited transcript requests shall be charged no less than \$7.00 per page, where the transcript must be prepared within five (5) working days.
3. The maximum per page fee a court reporter may charge for the preparation of a state indigent transcript shall be \$4.50.
4. The maximum per page fee a court reporter may charge for the preparation of a private transcript shall be \$4.50. If a party requests a copy of the transcript, the fee per page shall be in the amount charged for copies by the Clerk of that Court.
5. Each court reporter shall report, at least on an annual basis, all transcript fees received for the preparation of 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.
6. No transcripts shall be prepared during the Court Reporters' regular hours or gap hours.

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 the 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 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.