

STATE OF INDIANA)
) SS:
COUNTY OF PORTER)

IN THE PORTER SUPERIOR COURT
DIVISION 4
VALPARAISO, INDIANA

IN RE:)
GENERAL ORDER)

64D01-1701-CB-_____
64D02-1701-CB-_____
64D03-1701-CB-_____
64D04-1701-CB-_____
64D05-1701-CB-_____
64D06-1701-CB-_____

**ORDER FINDING GOOD CAUSE TO ADOPT A LOCAL COURT RULE AT
TIME OTHER THAN ESTABLISHED SCHEDULE**

The judges of the Porter County Circuit Court and Superior Court, pursuant to Trial Rule 81(D) now find good cause exists to deviate from the schedule established by the Division of State Court Administration for publishing local rules. The amendments regarding the Porter County Local Rules involve venue for filing Criminal Miscellaneous cases seeking a waiver of the Bureau of Motor Vehicles Reinstatement Fees and amendments to the billing schedule for transcript and other fees charged by the Court Reporters serving the Porter County Courts. The proposed rules to be adopted are as follows:

LR64-4000.20(A)(8) Venue for MC Petitions to Waive BMV Reinstatement Fees; and
LR64-7000.20 Salaries and Per Page Fees for Court Reporters

(Affixed hereto)

Copies of this Proposed Modifications to the Local Rules are hereby posted at the following sites for review:

1. Porter County Website (www.porterco.org);
2. At the Office of the Clerk, Valparaiso
3. At the Office of the Clerk, Portage
4. At the Indiana State Court Administration Website:
<http://www.in.gov/judiciary/2907.htm>
5. Sent to all members from the Porter County Bar Association distribution network.

Any comments should be directed to Judge David L. Chidester, 16 Lincolnway Street, Ste. 228, Valparaiso, Indiana 46383 by the 1st day of March, 2017.

SO ORDERED: January 4, 2017

JUDGE, PORTER SUPERIOR COURT #1

JUDGE, PORTER SUPERIOR COURT #2

JUDGE, PORTER SUPERIOR COURT #3

JUDGE, PORTER SUPERIOR COURT #4

JUDGE, PORTER SUPERIOR COURT #5

JUDGE, PORTER SUPERIOR COURT #6

cc: Clerk Karen Martin / Porter County Bar Association/Indiana State Court Administration

4000.20 COUNTY DIVISION CASE ASSIGNMENT AND ALLOCATION

(A) The County Division of the Court shall maintain a felony docket, a misdemeanor docket an ordinance docket and a traffic infractions docket. Filings on the dockets shall be done in accordance with this rule as follows:

(1) **Porter Superior Court #3:** Porter Superior Court #3 shall receive misdemeanor, ordinance, Level 6 felony and infraction filings from the following police departments: Indiana Department of Natural Resources; Beverly Shores Police Department, Northern Indiana Commuter Transit Department; Porter County Sheriff's Department;

(2) **Porter Superior Court #4:** Porter Superior Court #4 shall receive ordinance, infraction, misdemeanor and Level 6 felony filings from the following police departments: City of Valparaiso; Town of Kouts; Town of Hebron; Valparaiso University Police Department; Chesterton Police Department; Burns Harbor Police Department; CN Railroad Infractions; and Town of Porter Police Department.

(3) **Porter Superior Court #6:** Porter Superior Court #6 shall receive ordinance, misdemeanor, Level 6 felony and infraction filings from the following police departments: Portage Police Department; Indiana State Police District 13 and District 21, and Ogden Dunes Police Department.

(4) Narcotics Unit filings are treated as being filed by the police agency making the arrest under the above rules.

(5) Nothing in this section shall prevent the County Division Courts from directing filing between the Courts in order to equalize workloads of the several respective courts.

(6) Any arrest made by Court Security shall be assigned as follows:

(a) Portage Courthouse Security and Juvenile Courthouse Security arrests shall be assigned to Porter Superior Court #3.

(b) Valparaiso Courthouse Security arrests shall be assigned to Porter Superior Court #4.

(7) Any arrest charging a violation of the terms and restrictions of a Specialized Driving Permit pursuant to IC 9-30-16-5 shall be assigned to the courtroom that issued the Specialized Driving Privilege Permit.

- (8) Petitions to waive a Bureau of Motor Vehicle reinstatement fee filed pursuant to Indiana Code 9-29-10-2, shall be filed using an MC case designation based upon the residence of the Petitioner consistent with the police force serving the Petitioner's residence as mentioned above in Local Rule 4000.20(A)(1-3). Petitioner shall file a current driving record to the Petition to verify proper venue.

LR64-AR15-7000 COURT REPORTER SERVICES

The undersigned courts comprise all of the courts of record of Porter County, Indiana, and hereby adopt the following local rule by which court reporter services shall be governed.

7000.10 DEFINITIONS

- (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) Regular Page means the page unit of transcript which results when prepared in non- appellate fashion.
- (5) Appellate page means the page unit of transcript which results when prepared with marginal notes, footnotes, or headers, and Table of Contents in the form required by Indiana Rules of Appellate Procedure.
- (6) Recording means the electronic, mechanical, stenographic or other recording made as required by Indiana Rule of Trial Procedure 74.

- (7) 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 court but remain the same for each work week.
- (8) 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.
- (9) Overtime hours worked means those hours worked in excess of forty (40) hours per work week.
- (10) 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.
- (11) Court means the particular court for which the court reporter performs services. Court may also mean all of the courts in Porter County.
- (12) 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.
- (13) 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.
- (14) Private transcript means a transcript, including but not limited to a deposition transcript, that is paid for by a private party.
- (15) Expedited transcript means any transcript requested to be delivered sooner than one week before the record is due to be filed with the Clerk of the Court of Appeals.

7000.20 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 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 a regular page rate of ~~\$3.50~~ 4.00 per page; ~~\$3.75~~ 4.25 per page, appellate pay rate; and an expedited rate of ~~\$6.50~~ 7.00 per page for expedited transcripts. The court reporter shall submit directly to the county a claim for the preparation of the county indigent transcript. In setting this rate, we take into account the use of county equipment for transcription.
- (3) The maximum per page fee a court reporter may charge for the preparation of a state

indigent transcript shall be a regular page rate of ~~\$4.00~~ 4.50 per page, payable as follows: ~~\$3.50~~ 4.00 per page directly to the court reporter and \$.50 per page paid directly to the county if county equipment is used for transcription; and ~~\$4.25~~ 5.75 (0 + 1) per page, appellate page rate, payable as follows: ~~\$3.75~~ 5.25 (0 + E) per page payable directly to the court reporter and \$.50 per page paid directly to the county if county equipment is used for transcription; and an expedited rate of ~~\$6.50~~ 7.00 per page for expedited transcripts, with \$.50 per page paid directly to the county if county equipment is used for transcription.

- (4) The maximum per page fee a court reporter may charge for the preparation of a private transcript shall be a regular page rate of ~~\$5.00~~ 5.50 per page, payable as follows: ~~\$4.50~~ 5.00 per page payable directly to the court reporter and \$.50 per page paid directly to the county if county equipment is used for transcription; ~~\$5.25~~ 6.75 per page, appellate page rate, payable as follows:

~~\$4.75~~ 6.25 per page payable directly to the court reporter and \$.50 per page payable directly to the county if county equipment is used for transcription; and an expedited rate of ~~\$8.50~~ 9.00 per page for expedited transcripts, with \$.50 per page paid directly to the county if county equipment is used for transcription.

- (5) The maximum fee that a court reporter may charge for copies shall be ~~\$2.00~~ 2.50 per page.
- (6) The minimum fee that a court reporter may charge for transcripts is ~~\$35.00~~ 50.00.
- (7) An additional labor charge of the hourly rate based upon the court reporter's annual court compensation may be charged for the time spent binding the transcript and exhibits. **Scanning exhibits and creating folders within CD's for the transcript, table of contents, and exhibits shall also be compensated.**
- (8) 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.