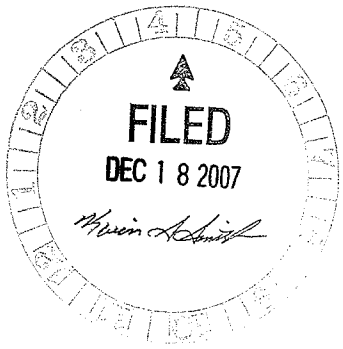
In the
Indiana Supreme Court



IN THE MATTER OF THE	)	
	)	Case No. 31S00-0712-MS- 598
APPROVAL OF LOCAL RULES	)	
	)	
FOR HARRISON COUNTY	)	

ORDER APPROVING AMENDED LOCAL RULES

The judges of the Harrison Circuit and Superior Courts request the approval of amended local rules: for appointment of special judges in accordance with Ind. Trial Rule 79, and regulation of court reporter services in accordance with Ind. Administrative Rule 15. Attached to this Order are the proposed amended local rules.

Upon examination of the proposed rule amendments requested by the Harrison Circuit and Superior Courts, this Court finds that the proposed rule amendments, LR31-TR79-29 and LR31-AR15-27, comply with the requirements of Ind. Trial Rule 79, and Ind. Administrative Rule 15, and accordingly, should be approved.

IT IS, THEREFORE, ORDERED by this Court that Harrison County Local Rules, LR31-TR79-29 and LR31-AR15-27, set forth as an attachment to this Order, are approved effective January 5, 2008, provided further that the rules shall be posted in the county clerk's office(s) and on the county clerk's website, if any, and on the Indiana Judicial Website prior to the effective date.

The Clerk of this Court is directed to forward a copy of this Order to the Hon. Harris Lloyd Whitis, Harrison Circuit Court, P.O. Box 428, Corydon, IN 47112-0428; the Hon. Roger D. Davis, Harrison Superior Court, 1445 Gardner Lane, N.W., #3018, Corydon, IN 47112-2070; and to the Clerk of the Harrison Circuit Court, and to post this Order on the Court's website dealing with local rule amendments.

The Clerk of the Harrison Circuit Court is directed to enter this Order and attachment in the Record of Judgments and Orders for the Courts, to post this Order and attachment for examination

by the Bar and the general public, and if available, to publish this Order and attachment on the county clerk's website.

DONE at Indianapolis, Indiana, this 18th day of December, 2007.

RT Shepard

Randall T. Shepard
Chief Justice of Indiana

LR31-TR79-29

APPOINTMENT OF SPECIAL JUDGES

A. 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, the judge before whom the case is pending shall send notice of the need of the appointment of a special judge to the Administrative District's assignment judge who shall then make such assignment within five (5) days of receiving said notice.

B. Method of Assignment. The Administrative District's assignment judge shall select special judges from a roster of the available judges in the Administrative District. The assignments shall be in a sequential order beginning with the name of the judge following the last judge so assigned. If, however, because of travel considerations a judge has been passed over or if a judge is otherwise disqualified to hear a particular case, that judge shall be deemed to be the next in sequence until assigned a case.

The assignment judge shall maintain a record of all assignments.

C. Travel Considerations. In making the selection of a special judge, the assignment judge shall consider that travel of more than forty (40) miles in one directions is not an effective use of judicial resources.

D. Roster of Available Judges. The roster of available judges in Administrative District 14 shall be maintained by Court designation in the following sequential order and shall include senior judges as available:

(1) Clark Circuit
(2) Clark Superior #1
(3) Clark Superior #2
(4) Clark Superior #3
(5) Crawford Circuit
(6) Floyd Circuit
(7) Floyd Superior #1
(8) Floyd Superior #2
(9) Harrison Circuit
(10) Harrison Superior
(11) Orange Circuit
(12) Orange County
(13) Scott Circuit
(14) Scott Superior
(15) Washington Circuit
(16) Washington Superior

E. Appointment Order. Upon selecting a special judge, the assignment 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.

F. 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.

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

IN THE _____ COURT FOR _____ COUNTY

STATE OF INDIANA

(Caption)

ORDER OF APPOINTMENT

Under the provisions of Trial Rule 79(H) of the Indiana Rules of Trial 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 _____, 20____.

_____
Judge, _____ Court

Assigned this _____ day of _____, 20_____.

_____
Administrative District #14
Assignment Judge

H. Implementation of Rule. In the event a selected judge does not accept an appointment to serve as a special judge under the provisions of Sections (C), (D) or (E) 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.

I. 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.

LR31 - AR15- 27 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 ~~Four Dollars and Fifty Cents ($4.50)~~ Five Dollars ($5.00) per page and ~~Four Dollars and Fifty Cents ($4.50)~~ 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 ~~Four Dollars and Fifty Cents ($4.50)~~ 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 ~~Four Dollars and Fifty Cents ($4.50)~~ 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 Twenty-Five Cents ($2.25)~~ 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)~~ Fifty Dollars ($50.00).

11. If the Court Reporter is requested to prepare an expedited transcript, the maximum per page fee shall be ~~$6.00~~ $7.50 per page if request is for transcript to be prepared within five (5) days; the maximum per page fee shall be ~~$7.50~~ $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 rage 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.