

**PROPOSED AMENDMENT TO THE LOCAL RULES OF COURT AR-10
FOR THE CIRCUIT COURT
OHIO COUNTY, INDIANA**

WHEREAS the undersigned judge of the Ohio Circuit Court, Ohio County, Indiana desire, to amend the above referenced local rule of Ohio County, Indiana, to read as attached hereto.

THEREFORE, the Judge of Ohio County, **PROPOSE** and **REQUEST** that the Indiana Supreme Court Division of State Court Administration publish notice of the same on its website of the opportunity to tender comments to:

Hon. James D. Humphrey
c/o Ohio Circuit Court
413 Main Street
Rising Sun, IN 47040

IT IS FURTHER ORDERED AND DIRECTED that

1. A copy of this entry be distributed to the officers of the Dearborn/Ohio County Bar Association.
2. The Ohio County clerk shall publish this entry in its offices and upon the clerk's website.

After the expiration of thirty (30) days for comment, the Judge **SHALL** consider any changes after the comment period and shall decide on the same on or before **March 3, 2019**.

Unless otherwise amended, the proposed change in local rule **SHALL** become effective on **March 4, 2019**.

DATED this 1st day of February, 2019.


JAMES D. HUMPHREY, Judge
Seventh Judicial Circuit

STATE OF INDIANA – COUNTY OF OHIO
IN THE OHIO CIRCUIT COURT

**Notice of Amended Local Rule, Finding Good Cause to Deviate From
Established Schedule, and Request for Supreme Court Approval
February 1, 2019**

The judge of the Ohio Circuit Court, pursuant to Trial Rule 81(B), give notice of proposed amendments the current local rule on court reporter services at LR15-AR-10, find good cause to deviate from the schedule for amending local rules under Trial Rule 81(D), and request Supreme Court approval for the amended rule. Notice is hereby submitted to officers of the Dearborn/Ohio County Bar Association and shall also be posted for public inspection and comment by the Ohio County Circuit Court Clerk's offices and County Clerk's website and the division of State Court Administration Indiana Judicial website.

Comments may be made until March 1, 2019 to: Hon. James D. Humphrey, 413 Main Street, Rising Sun, IN 47040, or by email at: jhumphrey@dearborncounty.in.gov.

The effective date of the amended rules will be **March 4, 2019**.

Dated this 1st day of February, 2019.

/S/ James D. Humphrey
HON. JAMES D. HUMPHREY, Judge
Seventh Judicial Circuit

AR-10:

**TRANSCRIPTS AND COURT REPORTING COURT
RULES**

- A. In accordance with the requirements of Administrative Rule 15 of the Indiana Supreme Court, the following rule is hereby proposed, subject to Indiana Supreme Court approval, effective ~~March 3, 2015~~ March 4, 2019.

SECTION I. DEFINITIONS

1. A "Court Reporter" is a person who is specifically designated by the 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, 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 Court Room and any 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 Trial Procedure 74.
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" mean 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" mean those hours worked in excess of forty (40) 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 Dearborn 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. "Expedited transcript" means a transcript requested to be completed in thirty (30) days or less.

B. SECTION II. SALARIES AND FEES

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 with the Court Reporter 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 of regular work hours).

C. INDIGENT TRANSCRIPTS (County and State)

~~1. Court Reporters shall not be entitled to bill another governmental entity, body or administrative office for the preparation of any indigent transcript except for claims for gap time or overtime compensation.~~

~~2.1.~~ All indigent transcripts shall be prepared during the regular working hours of the Court. Preparation of said indigent transcripts are a regular task of the Court Reporter of the Circuit and Superior Courts. Should completion of said indigent transcripts require the Court Reporter to work beyond her normal working hours, then she shall be entitled to compensation for gap time and overtime in a manner agreed between the Court and the Court Reporter.

~~3. A fee of One Dollar (\$1.00) per page shall be charged for copies of indigent transcripts regardless of whether they are produced as a hard copy or on a disk.~~

D. PRIVATE TRANSCRIPTS

1. The maximum per page fee a Court Reporter may charge for the preparation of a private transcript shall be:

A ~~Four Dollars and Fifty Cents (\$4.50); Five Dollars (\$5.00) for expedited transcripts; Two Dollars and Twenty-five Cents (\$2.25) for a copy. Five Dollars (\$5.00); Five Dollars and Fifty Cents (\$5.50) for expedited transcripts; Two Dollars and Fifty Cents (\$2.50) for a copy.~~

1. These charges shall be the same regardless of whether the transcript is produced as a hard copy or on disk.

2. An additional charge at the Court Reporter's normal hourly rate may be added for binding the transcript and exhibits.

B. In some instances a retainer may be requested.

C. A bill shall be submitted directly to the lawyer requesting the transcript, said transcript will not be released until payment in full is received.

D. There shall be a minimum fee of Thirty-Five Dollars (\$35.00) on all transcripts.

E. OTHER TRANSCRIPTS

1. In cases where a transcript is requested by a member of the public (not for trial Court or appeal purposes), the per page charge will be ~~Four Dollars and Fifty Cents (\$4.50); Five Dollars (\$5.00) for expedited transcripts; Two Dollars and Twenty five Cents (\$2.25) for a copy. Five Dollars (\$5.00); Five Dollars and Fifty Cents (\$5.50) for expedited transcripts; Two Dollars and Fifty Cents (\$2.50) for a copy.~~
 - A. These charges shall be the same regardless of whether the transcript is produced as a hard copy or on disk.
 - B. The request must be submitted in writing.
 - C. There shall be a minimum fee of Thirty-Five Dollars (\$35.00) on all transcripts.
 - D. An additional charge at the Court Reporter's normal hourly rate may be added for binding the transcript and exhibits.
2. A retainer will always be requested in these instances for at least fifty (50%) percent of the estimated charge.
3. 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 indigent 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.

F. SECTION III. PRIVATE PRACTICE

1. If a Court Reporter elects to engage in private practice through the recording of a deposition and/or preparing of a private 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's equipment for such purpose, the Court and the Court Reporter shall enter into a written agreement which must, at a minimum, designate the following:

2. The reasonable market rate for the use of equipment, work space and supplies.
3. The method by which records are to be kept for the use of equipment, work space and supplies.
4. The method by which the Court Reporter is to reimburse the Court for the use of the equipment, work space and supplies.
5. If a Court Reporter elects to engage in private practice through the recording of a deposition and/or preparing a private transcript, all such private practice work shall be conducted outside of regular working hours. The Court Reporter shall not draw a paycheck from the county for working regular Court hours and bill for private practice work during those same working hours.
6. Said fees are subject to change upon due notice and amendment of this Court Rule.

(Amended effective March 4, 2019)