In the
Indiana Supreme Court

IN THE MATTER OF THE	)	
	)	
APPROVAL OF LOCAL RULES	)	Case No. 52S00-1407-MS-462
	)	
FOR MIAMI COUNTY	)	

ORDER APPROVING AMENDED LOCAL RULES

The judges of the Miami Circuit and Superior Courts request the approval of amended local rules: for caseload allocation in accordance with Ind. Administrative Rule 1(E), appointment of special judges in accordance with Ind. Criminal Rule 13, 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 Miami Circuit and Superior Courts, this Court finds that the proposed rule amendments, LR52-AR00-1, LR52-AR00-2, LR52-AR15-1 and LR52-CR2.2-1comply with the requirements of Ind. Administrative Rule 1(E), Ind. Criminal Rule 13, and Ind. Administrative Rule 15, and accordingly, should be approved.

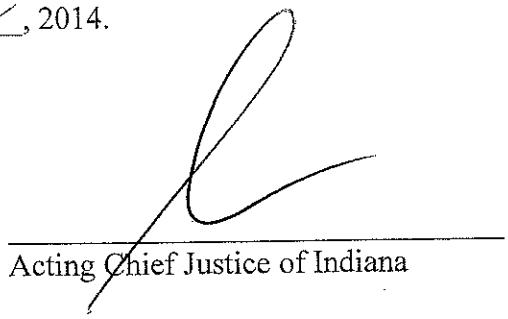
IT IS, THEREFORE, ORDERED by this Court that Miami Circuit and Superior Local Rules, LR52-AR00-1, LR52-AR00-2, LR52-AR15-1 and LR52-CR2.2-1, set forth as an attachment to this Order, are approved effective retroactive to July 1, 2014, provided further that the rules shall be posted in the county clerk's office(s) and on the county clerk's website, if any, and on the Indiana Judicial Website.

The Clerk of this Court is directed to forward a copy of this Order to the Hon. Daniel C. Banina, Miami Superior Court No. 2, 25 North Broadway, Peru, IN 46970; to the Hon. David Grund, Miami Superior Court No. 1, 25 North Broadway, Peru, IN 46970; to the Hon. Timothy Spahr, Miami Circuit Court, 25 North Broadway, Peru, IN 46970; to the Clerk of the Miami Circuit and Superior Courts; and to the Division of State Court Administration. The Clerk is also directed to post this Order on the Court's website.

The Clerk of the Miami Circuit and Superior Courts 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, on July 2, 2014.



Acting Chief Justice of Indiana

LR52-AR00-1
CASELOAD ALLOCATION PLAN

The Miami Circuit Court, Miami Superior Court I, and Miami Superior Court II have previously adopted various rules and orders concerning the filing of certain types of matters in the County Courts. Based upon the 2013 weighted caseload numbers, the judges of all three Courts have agreed upon the following caseload allocations:

(A) **Criminal Cases**

(1) All Murder, Class A and Class B felony, and Level 1, Level 2, Level 3, and Level 4 felony cases (except as noted in subparagraph (A)(3), below) shall be filed in the Miami Circuit Court.

(2) All Class C and Class D felony, all Level 5 and Level 6 felony, and all misdemeanor cases (except as noted in subparagraph (A)(3), below) shall be filed in the Miami Superior Court II.

(3) All traffic-related cases, both felony and misdemeanor, and all felony cases filed against a defendant as a result of one or more criminal acts allegedly committed by the defendant at the Miami Correctional Facility while he or she was a prisoner, employee, or visitor at the Miami Correctional Facility shall be filed in the Miami Superior Court I.

(4) All non-traffic-related misdemeanor cases shall be filed in the Miami Superior Court II.

(B) **Infractions and Ordinance Violations**

All Infraction and Ordinance Violation cases shall be filed in the Miami Superior Court I.

(C) **Juvenile Matters**

(1) All Juvenile Delinquency, Juvenile Status, and Termination of Parental Rights cases shall be filed in the Miami Superior Court II.

(2) All Juvenile CHINS cases shall be filed in the Miami Circuit Court.

(D) **Small Claims Cases**

All Small Claims shall be filed in the Miami Superior Court I.

(E) **Civil Prison Litigation**

All civil cases filed by prisoners at the Miami Correctional Facility or the Miami County Jail other than Small Claims cases and Post-Conviction Relief proceedings shall be filed in the Miami Circuit Court. Post-Conviction Relief proceedings filed by a prisoner at the Miami Correctional Facility or the Miami County Jail shall be filed pursuant to the provisions of Rule PC 1, Section 2, of the Indiana Rules of Procedure for Post-Conviction Remedies.

(F) **All Other Cases**

All other cases not otherwise mentioned above may be filed in any of the three (3) above-named Courts. All litigants and their attorneys are encouraged to equalize their filing of all other cases between the three Courts.

(Effective July 1, 2014)

LR52-AR00-2
REVIEW OF CASELOAD DISTRIBUTION

The judges of the courts of record of Miami County shall meet *en banc* in the second half of April of each even-numbered year for the purpose of reviewing the weighted caseload of each court, and at such other times as may be required to comply with new orders of the Indiana Supreme Court and to comply with the District Plan or any amendments to the District Plan.

(Effective July 1, 2014)

LR52-CR2.2-1
ASSIGNMENT OF CRIMINAL CASES

Pursuant to Rule 2.2 of the Indiana Rules of Criminal Procedure, the Judges of the Miami Circuit Court and Superior Courts hereby establish the following local rules for the assignment of criminal cases:

1. All traffic-related felony, misdemeanor, and infraction cases shall be filed in the Miami Superior Court I. In the event that non-traffic-related felony or misdemeanor charges are filed against a defendant who is also charged with a traffic-related felony or misdemeanor arising from the same set of facts, the non-traffic-related charges shall also be filed in the Miami Superior Court I.
2. All felony cases filed against a defendant as a result of one or more criminal acts allegedly committed by the defendant at the Miami Correctional Facility while he or she was a prisoner, employee, or visitor at the Miami Correctional Facility shall be filed in the Miami Superior Court I.
3. All non-traffic-related misdemeanor cases shall be filed in the Miami Superior Court II.
4. All Class C and D felony and Level 5 and Level 6 felony cases that are not traffic-related and that do not fall within the ambit of Paragraph 2, above, shall be filed in the Miami Superior Court II.
5. All Murder cases and all Class A and B felony and Level 1, Level 2, Level 3, and Level 4 felony cases that are not traffic-related and that do not fall within the ambit of Paragraph 2, above, shall be filed in the Miami Circuit Court.
6. In the event that a change of judge is granted because of a conflict of interest or pursuant to Rule 12 of the Indiana Rules of Criminal Procedure, the case shall first be assigned to a judge of one of the other two Miami County Courts who does not have a conflict of interest. In the event that none of the judges of the Courts of Miami County can preside over a case that was originally filed in the Miami Circuit Court, that case shall be first assigned to the Honorable Brant Parry. If Judge Parry is unable to accept the case, the case shall be assigned to the Honorable Thomas Perrone instead. In the event that none of the judges of the Courts of Miami County can preside over a case that was originally filed in the Miami Superior Court I or the Miami Superior Court II, that case shall be first assigned to the Honorable Thomas Perrone. If Judge Perrone is unable to accept the case, the case shall be assigned to the Honorable Brant Parry instead.

(Effective July 1, 2014)

LR52-AR15-1
COURT REPORTER SERVICES

Section One. Definitions. The following definitions shall apply under this local rule:

- *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.

- *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.

- *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.

- *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.

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

- *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.

- *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.

- *Overtime hours worked* means those hours worked in excess of forty (40) hours per work week.

- *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.

- *Court* means the particular court for which the court reporter performs services. *Court* may also mean all of the courts in Miami County.

- *County indigent transcript* means a transcript that is paid for from county funds and is for the benefit of a litigant who has been declared indigent by a court.

- *State indigent transcript* means a transcript that is paid for from state funds and is for the benefit of a litigant who has been declared indigent by a court.

- *Private transcript* means a transcript, including but not limited to a deposition transcript, that is paid for by a private party.

Section Two. Compensation, Equipment and Transcript Fees.

1. Court Reporters shall be paid an annual salary for the time spent working under the control, direction, and direct supervision of their supervising court during any regular fixed work hours, gap hours, or overtime hours.

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

3. If a court reporter elects to engage in private practice through the recording of a deposition and/or preparing of a deposition transcript; 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 of the use of equipment, work space, and supplies.

    b. The method by which records are to be kept of 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.

4. 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.

5. The maximum per page fee a court reporter may charge for private practice work shall be Four Dollars and Fifty Cents ($4.50).

6. The maximum per page fee a court reporter may charge for the preparation of a private transcript shall be Four Dollars and Fifty Cents ($4.50).

7. The maximum per page fee a court reporter may charge for the preparation of a transcript for a county or state indigent transcript shall be Three Dollars and Fifty Cents ($3.50).

8. Any transcript that is required to be expedited (due within 14 days of written request) will result in an additional fee of One Dollar and Fifty Cents ($1.50) per page.

9. A court reporter may charge a minimum fee of Thirty-Five Dollars ($35.00) per transcript.

10. The court reporter shall submit directly to the county a claim for the preparation of the county indigent transcript.

11. 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 the exhibit binders.

12. A reasonable charge for the office supplies required and utilities for the binding and electronic transmission of the transcript, pursuant to Indiana Rules of Appellate Procedure 28 and 29, is permissible; the costs for these supplies should be determined pursuant to a Schedule of Transcript Supplies which should be established and published annually by the judge or judges of the county.

13. The courts will 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. either monetary compensation or compensatory time off.

(Effective July 1, 2014)