



Kevin S. Smith  
Clerk

# CLERK

SUPREME COURT, COURT OF APPEALS, AND TAX COURT

## STATE OF INDIANA

217 STATE HOUSE, INDIANAPOLIS, IN 46204  
317-232-1930 • FAX 317-232-8365

# FILED

MAR 19 2010

*Debra K. Walker*  
Clerk Miami Circuit Court

Cause Number

CLERK OF MIAMI CIRCUIT COURT  
COURT HOUSE  
BOX 184  
PERU, IN 46970

52S00-1003-MS-00152  
Lower Court Number:  
N/A

IN THE MATTER OF THE APPROVAL OF LOCAL RULES/MIAMI COUNTY

You are hereby notified that the

SUPREME COURT

has on this day

3/16/10

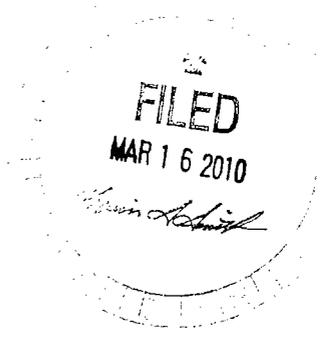
ISSUED THE ENCLOSED ORDER:

WITNESS my name and the seal of said Court,

this 16TH day of MARCH, 2010

*Kevin S. Smith*

Clerk, Supreme Court, Court of Appeals and Tax Court



In the  
Indiana Supreme Court

IN THE MATTER OF THE )  
 )  
APPROVAL OF LOCAL RULES )  
 )  
FOR MIAMI COUNTY )

Case No. 52S00-1003 -MS- 152

ORDER APPROVING AMENDED LOCAL RULE

The Judges of the Miami Circuit and Superior Courts request the approval of an amended local rule for court reporter services in accordance with Ind. Administrative Rule 15. Attached to this Order is the proposed amended local rule.

Upon examination of the proposed rule amendment requested by the Miami Circuit and Superior Courts, this Court finds that the proposed rule amendment, LR52-AR15-1 complies with the requirements of Ind. Administrative Rule 15, and, accordingly, should be approved and posted in the county clerk's office(s) and on the county clerk's website, if any, and on the Indiana Judicial Website.

IT IS, THEREFORE, ORDERED by this Court that amended Local Rule LR52-AR15-1 for Miami County Courts, set forth as an attachment to this Order, is approved effective retroactive to March 15, 2010. The Clerk of this Court is further directed to forward a copy of this Order to the Hon. Robert Spahr, Miami Circuit Court, 25 North Broadway, Peru, IN 46970; the Hon. David Grund, Miami Superior Court No. 1, 25 North Broadway, Peru, IN 46970; the Hon. Daniel C. Banina, Miami Superior Court No. 2, 25 North Broadway, Peru, IN 46970; to the Clerk of the Miami Circuit Court; 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 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 16<sup>th</sup> day of March, 2010.

RT Shepard  
Randall T. Shepard  
Chief Justice of Indiana

## 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 and 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 court room 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, 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.
3. 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 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 (\$4.00).
6. The maximum per page fee a court reporter may charge for the preparation of a private transcript shall be Four Dollars (\$4.00).
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 (\$3.00).
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 (\$1.00) per page.

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

10. 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.

11. A reasonable charge for the office supplies required and utilized 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.

12. 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 March 15, 2010.*