STATE OF INDIANA – COUNTY OF MIAMI
IN THE MIAMI CIRCUIT AND SUPERIOR COURTS

Notice of Proposed Local Rule Amendments and Finding Good Cause to Deviate From Established Schedule
June 16, 2021

The judges of the Miami Circuit and Superior Courts, pursuant to Trial Rule 81(B), give notice of amendments to the Local Rules pertaining to transcript fees associated with Court Reporter services (LR52-AR15-1) and find good cause to deviate from the schedule for amending said Local Rules under Trial Rule 81(D). All new text is shown by underlining, and deleted text is shown by ~~strikethrough~~.

Notice has been given to the public by posting in the Office of the Miami County Clerk and on the Clerk's website and on the Indiana Judicial Website, and by furnishing a copy to the officers and other members of the Miami County Bar Association. Comments may be made until July 23, 2021, to:

> Hon. Timothy P. Spahr, Judge of the Miami Circuit Court, Attn.: Public Comment on Local Rules, Miami County Courthouse, 25 North Broadway, Peru, IN 46970; or tspahr@miamicountyin.gov.

These rule amendments will be effective on August 1, 2021.

Dated this 16th day of June, 2021.

TIMOTHY P. SPAHR, JUDGE
MIAMI CIRCUIT COURT

J. DAVID GRUND, JUDGE
MIAMI SUPERIOR COURT I

DANIEL C. BANINA, JUDGE
MIAMI SUPERIOR COURT II

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 Five Dollars and Fifty Cents ~~($5.00)~~ ($5.50).

6. The maximum per page fee a court reporter may charge for the preparation of a private transcript shall be Five Dollars and Fifty Cents ~~($5.00)~~ ($5.50).

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 Four Dollars and Fifty Cents ~~($4.00)~~ ($4.50).

8. Any transcript that is required to be expedited (due within 14 days of written request) will result in an additional fee of Two Dollars ~~One Dollar and Fifty Cents~~ ~~($1.50)~~ ($2.00) 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 March 1, 2017)*~~

(Effective August 1, 2021)