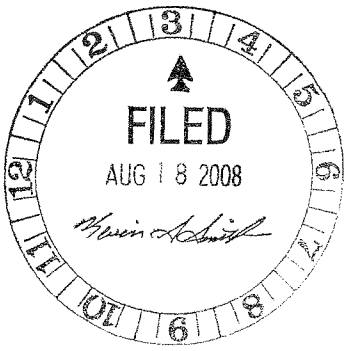

In the
Indiana Supreme Court

IN THE MATTER OF	)	
	)	
APPROVAL OF LOCAL RULES	)	Cause No. 11S00-0808- MS-448
	)	
FOR CLAY COUNTY	)	

ORDER APPROVING AMENDMENT TO LOCAL RULE

Pursuant to Ind. Administrative R. 15, the Hon. Joseph D. Trout and the Hon. J. Blaine Akers, Judges of the Clay County Circuit and Superior Courts, request this Court's approval of amendments to Clay County Local Rule LR11-AR15-1. The Judges are requesting the establishment of an expedited transcript fee of $6.00 per page, an increase in the minimum fee for transcript preparation from $35.00 to $40.00, and an increase in the court reporter per page fees for transcripts from $3.50 to $5.00.

Upon examination of the proposed rule amendments requested by the Clay Circuit and Superior Courts, this Court finds that the proposed rule amendments to Local Rule LR11-AR15-1 should be granted in part and denied in part. The request to increase the court reporter per page fee from $3.50 to $5.00 exceeds the Court's guidelines for increases in court reporter per page fees for transcripts. The Court further finds that the court reporter per page fees for transcripts should be increased to $4.00. The Court further finds that the request to establish an expedited transcript fee of $6.00 per page and an increase in the minimum fee for transcript preparation from $35.00 to $40.00 should be granted. The amendments to Local Rule LR11-AR15-1should be effective thirty (30) days after the rule has been 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 the request from the Clay County Judges for the establishment of an expedited transcript fee of $6.00 per page and an increase in the minimum fee for transcript preparation from $35.00 to $40.00 is GRANTED.

IT IS, FURTHER, ORDERED by this Court that the request for an increase in court reporter per page fees for transcripts from $3.50 to $5.00 is DENIED, and instead Clay County Local Rule LR11-AR15-1, set forth as an attachment to this Order, is amended to provide an increase in court reporter per page fees for transcripts from $3.50 to $4.00. The amendment to Local Rule LR11-AR15-1 shall be effective thirty (30) days after the rule has been 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. Joseph Trout, Clay Circuit Court, 609 East National Avenue, Brazil, IN 47834-2659: the Hon. J. Blaine Akers, Clay Superior Court, 609 East National Avenue, Brazil, IN 47834-2659; and to the Clerk of the Clay Circuit Court.

The Clerk of the Clay 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 August, 2008.

RT Shepard

Randall T. Shepard
Chief Justice of Indiana

LR11-AR15-1 COURT REPORTER SERVICES

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 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 Indiana Rule of Appellate Procedure 7.2.

(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 workweek. Depending on the particular court, these hours may vary from court to court within the county but remain the same for each workweek.

(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 workweek.

(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 Clay 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.

Section Two. Salaries and Per Page Fees.

(1) 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 reporters that outlines 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) The maximum per page fee a court reporter may charge for the preparation of a county indigent transcript shall be three dollars fifty cents ($3.50); the court reporter shall submit a claim directly to the county for the preparation of any county indigent transcripts.

(3) A minimum fee up to ~~$35.00~~ $40.00 per transcript for small transcripts.

(4) Index and Table of Contents pages should be charged at the per page rate being charged for the rest of the transcript.

(5) An additional labor charge approximately the hourly rate based upon the court reporter's annual court compensation may be charged for time spent binding the transcript and the exhibit binders.

(6) A reasonable charge for office supplies required and utilized for the binding and electronic transmission of the Transcript pursuant to Indiana Rules of 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.

(7) The maximum per page fee a court reporter may charge for the preparation of a state indigent transcript shall be three dollars fifty cents ($3.50).

(8) The maximum per page fee a court reporter may charge for the preparation of a private transcript shall be ~~three dollars fifty cents ($3.50).~~ four dollars ($4.00); however expedited transcripts required to be prepared within three (3) days or less shall be $6 per page.

(9) 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.

Section Three. Private Practice.

(1) 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 for the use of equipment, workspace 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, workspace and supplies.

(2) 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.