

# STATE OF INDIANA – COUNTY OF VANDERBURGH IN THE VANDERBURGH CIRCUIT AND SUPERIOR COURTS

Notice of Amendment to Local Rule LR82-AR15-1.28

January 30, 2024

The Judges of the Vanderburgh Circuit and Superior Courts, pursuant to Trial Rule 81(B), give notice of Amendment to Local Rule LR82-AR15-1.28 in the Civil Rules of the Vanderburgh Circuit and Superior Courts. We find good cause to deviate from the schedule for amending local court rules under Trial Rule 81(D). The Judges of the Vanderburgh Circuit and Superior Courts respectfully request the Supreme Court's approval.

A copy of the proposed Amendment is available in the William H. Miller Law Library, Room 207 Courts Building, Civic Center Complex, and the Vanderburgh County Clerk's Office. In addition, a copy has been furnished to the officers of the Evansville Bar Association.

Comments may be made from **February 1, 2024 to March 4, 2024** to: Leanne M. Garbers, Court Administrator, Civic Center Complex Room 114, 825 Sycamore Street, Evansville, IN 47708, or by email to: [lmgarbers@vanderburghgov.org](mailto:lmgarbers@vanderburghgov.org).

The new rule will be submitted for approval on **March 15, 2024**.

The new rule will be effective on **April 1, 2024**.

DATED this 30<sup>th</sup> day of January, 2024 on behalf of the Judges of Vanderburgh County Circuit and Superior Courts.

/s/ Wayne S. Trockman

Judge, Vanderburgh Superior Court

# LR82-AR15-1.28 Court Reporters

**(A) 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 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 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 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 week.

(7) Gap hours worked means those hours worked that are in excess of the regular hours worked but 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 work week.

(9) Work week means a seven (7) consecutive day week that consistently begins and ends on the same day 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 Vanderburgh 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 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.

## **(B) 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 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 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 ~~Four~~ **Five** Dollars and ~~Seventy~~ **Twenty**-five Cents (~~\$4.75~~ **\$5.25**) for

appellate transcripts and Four Dollars and ~~Twenty~~**Seventy**-five Cents (~~\$4.25~~**\$4.75**) for all other transcripts. The Court Reporter shall, after approval by the Court, submit a claim directly to the county for the preparation of any county indigent transcripts. All transcripts will be subject to a minimum fee of Thirty-five Dollars (\$35.00).

(3) The maximum per page fee a court reporter may charge for the preparation of a state indigent transcript shall be ~~Four~~**Five** Dollars and ~~Seventy~~**Twenty**-five Cents (~~\$4.75~~**\$5.25**) for appellate transcripts and Four Dollars and ~~Twenty~~**Seventy**-five Cents (~~\$4.25~~**\$4.75**) for all other transcripts. All transcripts will be subject to a minimum fee of Thirty-five Dollars (\$35.00).

(4) The maximum per page fee a court reporter may charge for the preparation of a private transcript shall be ~~Four~~**Five** Dollars and ~~Seventy~~**Twenty**-five Cents (~~\$4.75~~**\$5.25**) for appellate transcripts and Four Dollars and ~~Twenty~~**Seventy**-five Cents (~~\$4.25~~**\$4.75**) for all other transcripts. All transcripts will be subject to a minimum fee of Thirty-five Dollars (\$35.00).

(5) The maximum per page fee a court reporter may charge for the preparation of copies of a transcript shall be One Dollar and Fifty Cents (\$1.50).

(6) 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 exhibit binders.

(7) An additional \$2.00 per page fee may be charged for the preparation of an expedited transcript (one which is to be completed within 10 calendar days).

(8) Each court reporter shall report, at least on annual basis all transcripts to the Indiana Supreme Court Division of State of Court Administration. The reporting shall be made on forms prescribed by the Division of State of Court Administration.

### **(C) 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, the court reporter desires to utilize the court's equipment, workspace 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, work space 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, work space 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.