

STATE OF INDIANA ) MARION CIRCUIT COURT  
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COUNTY OF MARION )  
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In Re Local Court Rules )

**Notice of Proposed Local Rule Amendments, Finding Good Cause to Deviate from the Schedule for Amending Local Court Rules, and Requesting Comments**

The Judge of the Marion Circuit Court, pursuant to Ind. Code §33-34-3-6 and Trial Rule 81, hereby gives notice of proposed amendments to the Marion County Local Small Claims Rules and, pursuant to Trial Rule 81(D) finds that good cause exists to deviate from the schedule for the publishing of amendments to local rules. Accordingly, the Court issues the following proposed amendments to the Marion County Local Small Claims Rules and asks for comment from the bar and the public. Underlining indicates proposed additions and ~~striking through~~ indicates deletions. The amended rules will be effective on **July 1, 2018**.

Comments to these proposed Local Rule amendments will be received through **Noon on June 29, 2018**. Comments should be e-mailed to Marion Circuit Court, c/o Lena Sanders, at Lena.Sanders@indy.gov or mailed to:

Lena Sanders  
Administrative Special Counsel  
Marion County Circuit Court  
200 East Washington St., W504  
Indianapolis, IN 46204

All of the above is so ORDERED this 21st day of May, 2018.

s/Sheryl Lynch  
Judge Sheryl Lynch  
Marion Circuit Court

\* Original signature on file with the Court.

## **LR49-AR15-106 Court Reporter Services**

Court reporters in all Marion County Small Claims Courts will follow Model One of LR49-AR15-307 in the Marion County Administrative Local Rules. The Court Reporter shall type all transcripts outside of regular work hours and receive payment directly from the ordering party for all transcripts completed at the per page rate. Work on transcripts shall be considered and treated as private practice.

**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 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 28A. A page does not include an Exhibit Page.

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 work week.

7. *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.

8. *Court* means the particular Township Marion County Small Claims Court for which the court reporter performs services.

9. *Marion County Small Claims Court indigent transcript* means a transcript that is paid for from Marion County Township Trustee funds and is for the use on behalf of a litigant who has been declared indigent by a court.

10. *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.

11. *Private transcript* means a transcript that is paid for by a private party.

12. *Expedited Transcript* means a transcript that is to be completed within seven (7) days of the request for the transcript.

13. *Schedule of Transcript Supplies* means those supplies and or services necessary for the binding of the transcript and exhibit binders pursuant to Appellate Rules 28 and 29. Transcript supplies shall include, but not be limited to C-D ROM disks, software disks, tabs and binders.

14. *Minimum Transcript Fee* means the minimum fee charged for the preparation of a transcript or any portion thereof.

15. *Exhibit Page* means all documentary, non-documentary and oversized exhibits and includes an index of exhibits pursuant to Appellate Rule 29.

16. *Government transcript* is a transcript requested by an agent of the county or state on behalf of an indigent party, or by a prosecutor.

### **B. Court Reporter Model.**

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

2. The annual salary paid to the court reporter shall be based upon 37.5 working hours per week.

3. The amount of the annual salary shall be set by the Marion County Small Claims Court salary classification schedule.

4. Court Reporters shall not type any transcripts during regular work hours. The Court Reporter will receive payment directly from the ordering party for all transcripts pursuant to the per page fee schedule.

5. Transcription work may be subcontracted at the discretion of each Township's Marion County Small Claims Court Judge to private court transcription services.

**C. Per Page Fees:** For preparation of a transcript of any proceeding in the Marion County Small Claims Courts, the following fees shall be charged to the requester:

1. For the preparation of a Marion County Small Claims Court indigent transcript --- Three Dollars (\$3.00).

2. For the preparation of a state indigent transcript --- Three Dollars and Fifty Cents (\$3.50).

3. For the preparation of a government transcript --- Four Dollars (\$4.00).

4. For the preparation of a private transcript --- Four Dollars and Fifty Cents (\$4.50).

5. For all expedited transcripts, (those to be completed within seven (7) days of the date of the request) --- Five Dollars and Fifty Cents (\$5.50).

6. The Court Reporter's time spent assembling the transcript and exhibit binders shall be set forth and charged at the Court Reporter's regular hourly rate based upon the court reporter's annual compensation.

7. The maximum fee for copies of any transcript shall be One Dollar (\$1.00) per page.

8. The maximum fee for preparing a Compact Disc recording of a proceeding is the cost of the compact disc, mailing costs if applicable, and a five dollar (\$5.00) fee if the Compact Disc can be certified.

9. The transcript supplies used in the preparation and assembly of the transcript and exhibit binders shall be itemized and charged in accordance with the fee schedule set out in the Schedule of Transcript Supplies and Fees on file with each Small Claims Court Judge.

10. Each Court Reporter shall, on an annual basis, file a writer report with the Indiana Supreme Court, Office of Judicial Administration disclosing all transcript fees received by the Court Reporter for the preparation of Marion County Township Small Claims Court indigent, state indigent, or private transcripts. The report shall be made on forms prescribed by the Office of Judicial Administration and timely filed with that office.

Rule LR49-SC00-604. Appeals

~~The provisions of LR49-TR79.1-228(C) of the Marion County Civil Rules shall govern all appeals from a Small Claims Court.~~

As of July 1, 2018, Marion County Small Claims Courts are Courts of Record. Therefore, any cases filed on or after that date shall be appealed to the Indiana Court of Appeals pursuant to the Indiana Rules of Appellate Procedure and IC 33-34-3-15.1.

### **LR49-TR79.1-304. Appointment of Special Judges**

The judge selected as the Marion County Small Claims Court Presiding Judge shall designate a clerk to serve as the striking clerk for the Marion County Small Claims Court Judges.

A Judge who has recused herself or himself from a case shall promptly refer that case to the striking clerk who shall promptly set a striking panel consisting of three (3) Marion County Small Claims judges.

The striking clerk shall set the striking panel in a random manner that will rotate the Marion County Small Claims Judges to provide for equal participation in appointment to the panel.

The striking panel shall be distributed to the parties by the striking clerk with instructions on how to conduct striking consistent with Trial Rule 79.1(G) of the Indiana Rules of Trial Procedure. The striking clerk shall be responsible for conducting striking for parties that fail to strike in accordance with Trial Rule 79.1(G).

#### Rule LR49-SC02-201. Forms

- A. For the purpose of this section, a “form” shall mean any standardized pleading or order or document approved for use in the Small Claims Courts by the Circuit Court.
- B. For the purpose of this section, a “required form” is a form which must be used by litigants and the Court.
- C. For the purpose of this section, a “suggested form” is a form which will be deemed acceptable by the Court but need not be used by litigants and the Court.
- D. Before a form is deemed required, it must be presented to the various Small Claims Courts and the ~~State Court Administration~~ Office of Judicial Administration for comment. When a proposed required form is for the use of litigants, the Circuit Court shall also solicit comment from bar associations and organizations described in LR49-SC00-202(B) before adopting the same.
- E. The Court shall maintain a supply of preprinted required forms. Required forms shall be posted on the Court website and the Indiana Judiciary website. The Court may charge a fee, not to exceed the cost to the Court, for providing a form subject to a waiver of such costs pursuant to LR49-SC00-202.
- F. The Court may, in its discretion, maintain a supply of suggested forms. Suggested forms shall be available at each Court in a binder for inspection and copying. Suggested forms shall be posted on the Court website and the Indiana Judiciary website.
- G. The Clerk shall assist unrepresented litigants in completing a form, but shall not provide advice as to the use or effect of the form.

*Comment: The intent of LR49-SC02-201(G) is to encourage the provision of clerical assistance to unrepresented litigants in completing Court forms. It is not intended to encourage the provision of advice that could be considered the unauthorized practice of law. For instance, it is permissible to indicate that a form is asking for the facts of the case. It would not be permissible to suggest what facts should be included on the form or how those facts should be presented.*

Citation(s):

REPORT ON THE MARION COUNTY SMALL CLAIMS COURT, FINDINGS OF FACT C(34), p. 11; D(51)-(52), p. 13.

REPORT ON THE MARION COUNTY SMALL CLAIMS COURT, PART C COMPLEMENTARY REFORM 3(a), p. 28; 4, p. 29.

REPORT #1 ON LANDLORD-TENANT COURT PROCEEDINGS IN INDIANA III(B), p. 17.

Adopted Oct. 15, 2012, effective July 1, 2013.

Rule LR49-SC00-601. Court's Jurisdiction Pending Docketing in a New Court

Nothing in these rules shall be construed as divesting the Court of jurisdiction to hear matters arising between the date of filing of a Motion for Change of Venue ~~or a Jury Demand or a Notice of Appeal~~ and the date the case is docketed in the receiving Small Claims ~~or Superior or Circuit~~ Court.