

**STATE OF INDIANA – COUNTY OF MARSHALL
IN THE MARSHALL CIRCUIT AND SUPERIOR COURTS**

**Notice of Proposed New Rule or Amendments to Local Court Rules
May 22, 2024**

In accordance with Trial Rule 81 of the Indiana Court Rules, the Marshall Circuit and Superior Courts hereby give notice to the bar and the public that the Courts propose to amend the Local Rules on LR50-TR81 & AR1(E)-MLR-10, Local Caseload Allocation Plan and LR50-AR15-MLR-16, Court Reporters, for the courts of record of Marshall County, effective January 1, 2025.

All new text is shown by underlining and deleted text is shown by ~~striketrough~~. Supreme Court approval is required for Local Rules concerning Marshall County and will not take effect until approved by the Supreme Court. (*if necessary*).

Notice has been given to the public by posting on the website of the Marshall County Clerk and at the Indiana Judiciary webpage for Local Rules (<https://www.in.gov/courts/publications/local-rules/>), and by furnishing a copy to the officers of the Marshall County Bar Association. A paper copy of the proposed amended local rule(s) will be made available for viewing in the office of the Clerk of Marshall County, 211 W. Madison Street, Plymouth, IN 46563, during normal business hours.

The time period for the bar and the public to comment shall begin on June 1, 2024, and shall close on July 6, 2024. The proposed amendments to the rule will be adopted, modified or rejected before July 31, 2024, and, if required, the final version of the rule will be submitted to the Indiana Supreme Court for review and approval no later than August 1, 2024.

Comments by the bar and the public should be made in writing to:

Hon. Curtis Palmer, Judge of the Marshall Circuit Court, Attn: Public Comment on Local Rules, Marshall County Courthouse, 501 N. Center Street, Plymouth, IN 46563, or email amyp@co.marshall.in.us .

DATED this 22nd day of May 2024 on behalf of the Judges of Marshall County.

/s/ Curtis Palmer

Curtis Palmer, Judge
Marshall Circuit Court

LR50 – TR81 & AR1(E) – MLR-10

*Local Caseload Allocation Plan
Transfer, Refiling, and Reassignment*

SECTION ONE, LOCAL CASELOAD ALLOCATION PLAN

In order to meet the statistical requirements mandated by the Indiana Supreme Court, except as noted below in the paragraphs entitled “Exceptions,” original case filing shall be made into the following Courts as listed below effective January 1, 2025.

Marshall Circuit Court

All CT, EM, JC, JD, JS, JP, JM, JQ, JT, PL, MF, RS, TS, TP

Marshall Superior Court No. 1

All LP, DP, MR, F1, F2, PO*, RF

Marshall Superior Court No. 2

All Title 9 F5, Title 9 F6, CM, IF, OV, OE, EV, SC

Marshall Superior Court No. 3

All F3, F4, non-Title 9 F5, non-Title 9 F6, CC, MH

Exceptions:

- (1) If a person is on probation or has a criminal case pending in any Marshall County Court, any new criminal case filing against that person regardless of its classification may be filed in the same or any other Marshall County Court at the State’s discretion.
- (2) If the charged offense contains a Title 9 F5 or F6 and a non-Title 9 F5 or F6 offense, the State of Indiana has the discretion to file the matter in Superior 2 or Superior 3.
- (3) * New PO cases which relate to a previously filed JP, JD, JC, DR, DC, or DN case type shall be filed in the court where the previously filed case already exists.

Additional case types and case divisions:

- (1) The following shall be divided equally in either Marshall Circuit Court or Marshall Superior Court No. 1: All DN, DC, AD, ES, EU, GU, TR.
- (2) The Clerk of Marshall County shall be responsible for monitoring and controlling the division of DN, DC, AD, ES, EU, GU, and TR case types as outlined herein.

- (3) CB, PC, MI, MC, and XP filings shall be made in the most appropriate Court for the matter being adjudicated.
- (4) Transfers shall be permitted between Courts provided both participating judges approve.
- (5) Judicial officers shall be authorized to act and conduct trials and hearings of all types in any of the courts of Marshall County in the event the presiding judge is unavailable or requests assistance.
- (6) Any pending Motion to Revoke Probation regardless of case type shall remain with the Court where it is now pending. Forthcoming revocation or modification proceedings shall be filed in the Court acquiring jurisdiction over the case type for the violation resulting from this rule.

SECTION TWO, TRANSFER, REILING AND SUBSEQUENT FILINGS, AND REASSIGNMENT

(A) TRANSFER

A judge of the Marshall Circuit Court, Marshall Superior Court No. 1, Marshall Superior Court No. 2, or Marshall Superior Court No. 3 may, by appropriate order entered in its record of judgments and orders, transfer and reassign a case or cases to either of the other courts of record in Marshall County with jurisdiction to hear the charged offense, subject to acceptance by the judge of the receiving court.

(B) REILING AND SUBSEQUENT FILINGS

When the State of Indiana dismisses a case and chooses to refile the case, the case shall be assigned to the court from which the dismissal was taken.

In the event charges have been filed against a criminal defendant and subsequent charges of a higher level than previously filed are filed in an alternative court, the existing charges pending in the other court, of a lesser degree, may be reassigned to the court where the higher-level felony charge is filed.

(C) REASSIGNMENT

In the event a change of judge is granted, or it becomes necessary to assign another judge in any felony or misdemeanor proceeding, the case shall be returned to the Clerk of the Court for assignment to one of the other courts in Marshall County on an alternating basis contingent upon approval by the judge of the court next in line for assignment. In the event the judge next in line for assignment of a case declines assignment due to a conflict of interest the remaining court shall be subject to assignment of the case unless the presiding judge also declines assignment due to a conflict of interest.

In the event a change of judge is granted, or it becomes necessary to assign the case to another judge and the other judges in Marshall County decline assignment of that case due to a conflict of interest, the clerk of the court shall select a special judge (on a rotating basis) from an alphabetical list that includes:

- (1) eligible judicial officers from within the administrative district; and,
- (2) eligible judicial officers from a contiguous county.

(D) APPOINTMENT OF SPECIAL JUDGE

In the event no judge is available for assignment or reassignment of a felony or misdemeanor case, such case shall be certified to the Indiana Supreme Court for the appointment of a special judge. In the event the judge presiding in the felony or misdemeanor case concludes that the unique circumstances presented in such proceeding require appointment by the Indiana Supreme Court of a special judge, this presiding judge may request the Indiana Supreme Court for such appointment.

(Amended effective January 1, 2025)

LR50-AR15-MLR-16

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 is not limited to, telephones, computer hardware, software programs, disks, tapes and any other device used for recording, storing and transcribing electronic data.
- (3) *Workspace* 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, and 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. Depending on the particular court, these hours may vary from court to court within the county but remain the same for each work week.
- (7) *Gap hours worked* means those hours worked that are in excess of the regular hours worked but which are 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 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 Marshall 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, which 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 supervision 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) All transcripts shall be prepared outside of regular work hours.

- (3) The maximum per page fee a court reporter may charge for the preparation of a county indigent transcript is Five Dollars (\$5.00)~~Four Dollars and Fifty Cents (\$4.50)~~ except as follows:

- (a) If the transcript is requested to be prepared within twenty-four (24) hours, then the maximum per page fee is Seven Dollars (\$7.00)~~Six Dollars and Fifty Cents (\$6.50)~~.

- (b) If the transcript is requested to be prepared within seventy-two (72) hours, then the maximum per page fee is Six Dollars (\$6.00)~~Five Dollars and Fifty Cents (\$5.50)~~.

The court reporter shall submit a claim directly to the county for the preparation of any county indigent transcripts.

- (4) The maximum per page fee a court reporter may charge for the preparation of a state indigent transcript is Five Dollars (\$5.00)~~Four Dollars and Fifty Cents (\$4.50)~~, except as follows:

- (a) If the transcript is requested to be prepared within twenty-four (24) hours, then the maximum per page fee is Seven Dollars (\$7.00)~~Six Dollars and Fifty Cents (\$6.50)~~.

- (b) If the transcript is requested to be prepared within seventy-two (72) hours, then the maximum per page fee is ~~Six Dollars (\$6.00) Five Dollars and Fifty Cents (\$5.50)~~.
- (5) The Maximum per page fee a court reporter may charge for the preparation of a private transcript is ~~Five Dollars (\$5.00) Four Dollars and Fifty Cents (\$4.50)~~, except as follows:
 - (a) If the transcript is requested to be prepared within twenty-four (24) hours, then the maximum per page fee is ~~Seven Dollars (\$7.00) Six Dollars and Fifty Cents (\$6.50)~~.
 - (b) If the transcript is requested to be prepared within seventy-two (72) hours, then the maximum per page fee is ~~Six Dollars (\$6.00) Five Dollars and Fifty Cents (\$5.50)~~.
- (6) Each court reporter shall report, at least on an annual basis, all transcript fees received for the preparation of either 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.
- (7) Minimum transcript fee shall be ~~Fifty~~ Dollars (\$~~5~~40.00).

(C) PRIVATE PRACTICE

- (1) If a court reporter elects to engage in private practice through recording of a deposition or preparing of a deposition transcript, and 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 purposes, 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; and
 - (b) The method by which records are to be kept for the use of equipment, workspace 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 or preparing of a deposition transcript, all such private practice work shall be conducted outside of regular work hours.

(D) REIMBURSEMENT FOR USE OF EQUIPMENT

The court reporter shall reimburse the county for the use of county owned equipment, workspace and supplies for the preparation of all transcripts, regardless of the reason for the transcript, at a rate set by the courts on an annual basis.

| (Amended effective ~~January~~July-1, 2025~~3~~)