

LAKE COUNTY ADMINISTRATIVE RULES

Caseload Allocation Rule	LR 45-AR1-01
Priority of Bond Schedule	LR 45-AR 00-02
Alcohol and Drug Services Program Fees	LR 45-AR 00-03
Judicial Transfer	LR 45-AR 00-04
Court Reporter Services	LR 45-AR 15-05

LR45-AR1-01 PLAN FOR ALLOCATION OF JUDICIAL RESOURCES

I. Pursuant to TR81(A), the Lake Circuit and Superior Courts adopt this Rule, effective February 2, 2015, governing the assignment of all cases filed in the Lake Circuit or Superior Courts as required by and in accordance with A.R. 1(E). Unless changed by the court through addition, deletion and/or amendment, these rules shall remain in effect until December 31, 2016. Notwithstanding the enactment of the following statutes, IC 33-28-1-2, IC 33-29-1-1.5, IC 33-29-1.5-2 and IC 33-31-1-9, which address jurisdictional issues, the Lake Circuit and Superior Courts adopt the following case assignment schedule:

1. All MR, FA, FB, FC (Murder and Felony Levels 1,2 3,4 and 5 after June 30, 2014) shall be filed in the Criminal Division pursuant to L.R. 45 C.R. 2.2.1 in such a manner so as to ensure the equal distribution of them in the Criminal Division Courts.
2. FD (Level 6 cases after June 30, 2014) cases shall be assigned amongst the four Criminal Division and four County Division Courts pursuant to the requirements of L.R. C.R.-2.2.1 in such a manner so as to ensure the equal distribution of them between the Criminal and County Division Courts.
3. PC, CM, and MC cases shall be filed pursuant to the requirements of L.R. 45 C.R. 2.2.1 with the following exception:

A. an additional 350 CM cases are to be filed in County Division 1 to meet caseload utilization requirements.

4. The filing of IF and OV cases is addressed in LR45-C.R.2.2.1, as modified below:

A. County Division 1 – (D07) will receive 60% of all IF cases filed in the County Division.

B. County Division 2 – (D08) No IF cases shall be filed.

C. County Division 3 – (D09) will receive 25% of all IF cases filed in the County Division.

D. County Division 4 – (D12) will receive 15% of all IF cases filed in the County Division.

5. All JC, JD, JS, JP, JM, and JT cases shall be filed in the Superior Court, Juvenile Division.

6. All CT and PL cases shall be filed in the Clerk's Office in Crown Point. CT and PL cases shall be distributed throughout the Circuit Court and Superior Court, Civil Division, Rooms 1, 2, 4, 5, 6 and 7 in such a manner so as to comply with Administrative Rule 1(E). The Circuit and Superior Court shall cooperate to ensure such compliance. Any new CT or PL case which seeks emergency relief shall be brought to the attention of the Judge of the Lake Circuit Court or a Judge of the Superior Court, Civil Division, Rooms 6 or 7. That Judge shall address the emergency matter. The case shall thereafter be transmitted to the assigned Court as provided in this rule.

7. All MF and MI cases shall be filed in the Clerk's Office in Crown Point, where said cases shall be randomly assigned to the Circuit Court and Civil Division, Rooms 1, 2, 4, 5, 6 and 7, in such a manner so as to ensure an equal division of these cases in each court. However, MI cases seeking a name change may be filed in the Clerk's Office in Crown Point, Gary, Hammond or East Chicago. Such cases shall be randomly assigned by the Clerk at each location in such a manner so as to ensure an equal division of them to the Circuit and Civil Division Courts at each location.

8. CC cases shall be filed in the Clerk's Office in Crown Point, Gary, Hammond and East Chicago. Such cases shall be randomly assigned by the Clerk at each location in such a manner so as to ensure an equal division of them to the Circuit and Civil Division Courts, with the following exception:

A. During any calendar year, no more than 400 CC cases shall be filed in Superior Court, Civil Division, Room 2, sitting at East Chicago.

9. Protective Order (PO) cases may be filed in the Circuit Court, Superior Court, Civil Division and Juvenile Division Courts by court location in the following manner:

A. In PO cases filed in Crown Point, where the parties are married with children and have a pending or previous dissolution case, the PO case shall be assigned to the Court having jurisdiction over the previous or pending case.

B. In PO cases filed in Crown Point, where the parties are married with children but no dissolution case has been filed, the PO case shall be assigned to the Circuit Court.

C. In PO cases filed in Crown Point, where the parties are not married but have children, the PO case shall be assigned to the Juvenile Division.

D. In PO cases filed in Crown Point, where the parties are not married but have children and have a pending case in the Juvenile Division, the PO case shall be assigned to the Juvenile Division.

E. Notwithstanding the above listed paragraphs A through D, in the event there is an emergency, serious injury, and/or threat of serious injury to the Petitioner, the PO case filed in Crown Point shall be assigned to the Circuit Court, Superior Court, Civil Division or Juvenile Division. After due consideration and determination of the Petition for Protective Order, said court shall transfer any further action on the Protective Order to the Court having jurisdiction over the companion case (dissolution or paternity).

F. In PO cases filed in Crown Point, where there is alleged domestic violence and the parties are not married and have no children, the PO case shall be assigned to the Circuit Court or Superior Court, Civil Division.

G. In PO cases filed in Crown Point, where stalking is alleged, the PO case shall be assigned to the Circuit Court or Superior Court, Civil Division.

H. In PO cases filed in Crown Point, where there has been domestic violence and one of the parties is in custody or criminal charges have been filed, the PO case shall be assigned to the Circuit Court or Superior Court, Civil Division.

I. In PO cases filed in Crown Point, where there has been sexual abuse of a minor alleged, the PO case shall be assigned to the Juvenile Division.

J. In PO cases filed in Gary, where the parties are married with children and have a pending or previous dissolution case in the Superior Court, Civil Division, Room Three, the PO case shall be assigned to Superior Court, Civil Division, Room Three.

K. Notwithstanding the above assignment parameters established for PO cases, all other Protective Orders filed in Crown Point, Gary and Hammond shall be assigned by the Clerk of the Circuit Court and Superior Court, Civil Division in such a manner so as ensure equal case distribution. All PO cases filed in the Clerk's Office on East Chicago shall be assigned to the Superior Court, Civil Division, Room 2 sitting in East Chicago.

L. The Clerk of the Circuit Court, Superior Court, Civil Division and Juvenile Division shall process all PO case filings and have them assigned and delivered to the proper Court consistent with these rules no later than 3:30P.M. unless there has been serious bodily injury or threat of bodily injury.

10. All DR and RS cases shall be filed in either the Circuit Court in Crown Point or in the Superior Court, Civil Division - Room 3 in Gary.

11. All MH, ES, EU GU and TR cases shall be filed in either the Circuit Court or in the Superior Court, Civil Division Rooms 2, 4 and 5. GU petitions filed by the Volunteer Advocates for Seniors and Incapacitated Adults (VASIA) program or any other volunteer adult guardian program shall be filed in Civil Division, Room 7.

12. All Petitions for Guardianship over the person of minors with no assets shall be filed in the Superior Court of Lake County, Juvenile Division. All other Petitions for Guardianship, including those over minors with assets, shall continue to be filed in either Lake Circuit Court or any Lake Superior Court, Civil Division Courtroom having a probate division. This shall not affect any pending GU case in either Lake Circuit Court or Lake Superior Court, Civil Division.

13. All Petitions for Adoption (AD) shall be filed in the Superior Court of Lake County, Juvenile Division. Any such AD case may be transferred to either the Lake Circuit Court or any Lake Superior Court, Civil Division Courtroom by either the Judge of the Juvenile Division or by the Chief Judge of the Lake Superior Court. This shall not affect any pending AD case in either the Lake Circuit Court of Lake Superior Court, Civil Division.

14. The County Division shall have exclusive original jurisdiction of all Small Claims Cases, appeals, and/or Trials De Novo of civil cases from City or Town Courts. The County Division courts shall maintain a Plenary Docket, with limited jurisdiction as more fully described below:

- A. There shall be no random filing of civil cases in the County Division.
- B. The Plenary Docket is limited to cases designated as PL, CT, CC and MI.
- C. Damages awarded in any case filed on the Plenary Docket shall not exceed \$10,000.00 (ten-thousand dollars).
- D. The term “damages” shall include attorney fees, but excludes court costs, post judgment interest and any sanctions that a court may impose.

15. No case seeking equitable relief shall be filed in the County Division except as follows:

- A. Orders directing the Bureau of Motor Vehicles to issue car titles, car registrations and driver’s licenses,
- B. Evictions,
- C. Replevins, provided the value of the property at issue does not exceed \$10,000.00,
- D. Civil proceedings against property related to criminal activities, provided the value of the property does not exceed \$10,000.00.

16. This rule shall not be construed as limiting the powers of the County Division Courts with respect to collecting judgments, punishing contempts or enforcing its orders.

17. These rules should not be construed to exclude a County Division Judicial Officer from adjudicating a case by way of transfer or special judge assignment that would otherwise exceed the jurisdictional limits set forth in these rules for the County Division Courts.

18. By filing suit on the Plenary Docket or by filing a counterclaim or cross claim, a party waives any right to relief that is beyond the County Division's jurisdictional limits set forth in these rules. However, if a party can establish that the claim was mandatory or that due diligence would not have disclosed the need to request such relief prior to filing their suit, or that transfer is appropriate pursuant to T.R. 75(B), upon motion, the case shall be transferred to the Circuit or Civil Division Courts. Upon such transfer, the case shall no longer be constrained by the jurisdictional limits set forth in these rules.

(Amended effective February 2, 2015)

PRIORITY OF BOND SCHEDULE

The Clerk of the Circuit Court, at the time of disposition, in all cases in which fees are owed and there is a cash bond, before bond is released to defendant, or to the attorney pursuant to bond assignment, shall deduct and collect fees from the cash bond in the subsequent manner:

- 1st Restitution when ordered;
- 2nd LADOS Full Program Fee/ LADOS Monitoring Referral Fee/ LADOS Transfer Fee/ LADOS Education Only Fee/ LADOS Evaluation Only Fee. The Clerk of the Circuit Court, is ordered to deposit all funds collected for said LADOS Division 1 Program into the Lake Superior Court, County Division Room 1 (**LADOS Division 1**) **User Fee Fund 217**. The Clerk of the Circuit Court, is ordered to deposit all funds collected for said LADOS Division 2 Program into the Lake Superior Court, County Division Room 2 (**LADOS Division 2**) **User Fee Fund 218**;
- 3rd Administration Probation Fee pursuant to statute;
- 4th All Probation User Fees pursuant to statute;
- 5th Countermeasure and/or any other fee;
- 6th Court Costs

**LR 45-AR 00-03 LAKE SUPERIOR COURT, COUNTY DIVISIONS I AND II,
COURT ADMINISTERED ALCOHOL AND DRUG SERVICE PROGRAM
FEE SCHEDULE**

1. Assessment	\$ 150.00
2. Service Coordination & Case Management	\$ 250.00
3. Assessment, Service Coordination & Case Management with Education	\$ 450.00
4. Education – Level 2	\$ 350.00
5. Education – Level 3	\$ 400.00
6. Transfer	\$ 100.00

LR 45-AR 00-04 JUDICIAL TRANSFER

The Superior Court of Lake County is a unified court system consisting of separate but equal divisions. Thus, subject to any conflicting valid statutory authority, in the event a new court is created or a court is vacated in the Superior Court, a sitting judge of the Superior Court may elect to serve in the new or vacated court. Should more than one judge wish to serve in a court under this provision, the judge with the most seniority shall prevail. In the event two or more judges with equal seniority wish to serve in a court, the decision will be made by lot.

The following rule for the provision of court reporter services in the Civil, County, Criminal and Juvenile Divisions of the Circuit and Superior Courts of Lake County is hereby adopted.

I. Definitions

- A. A *court reporter* is a person who is designated by a court, division or room to perform court reporting services, including the preparation of transcripts.
- B. *Equipment* means all physical property owned by the court or other government entity and used by a court reporter in providing court reporting services. Equipment shall include, but not be limited to, telephones, photocopiers, computer hardware and software, disks, tapes, and any other device for recording, storing, and transcribing electronic data.
- C. *Work space* means those portions of court facilities used by a court reporter while providing court reporting services.
- D. *Page* means the page unit of a transcript prepared in accordance with the Indiana Rules of Appellate Procedure.
- E. *Recording* includes any electronic, mechanical, stenographic or other recording of a proceeding.
- F. *Regular hours worked* means the hours that a court, division or room is officially open each work week.
- G. *Gap hours worked* means those hours worked in excess of the regular hours worked, but not hours in excess of forty hours per work week.
- H. *Overtime hours worked* means those hours worked in excess of forty hours per work week.
- I. A *work week* means Sunday through Saturday.
- J. *Court* means the Circuit and/or Superior Courts of Lake County, including all civil, county, criminal and juvenile divisions.
- K. *Division* means the civil, county, criminal or juvenile division of the court.
- L. *Room* means an individual courtroom of a division of the court.

M. *Transcript* means the original of the transcription of a proceeding. Under the rules of trial, criminal and appellate procedure, the original is usually filed with the clerk of the court.

Deposition transcript means the original and one copy of the transcription of a proceeding. The original and one copy is provided to the requesting party.

N. An *expedited transcript* is a transcript which is required to be delivered to a requesting party within fifteen (15) calendar days.

O. A *daily transcript* is a transcript which is required to be delivered to a requesting party within twenty-four (24) hours.

P. An *hourly transcript* is a transcript which is required to be delivered to a requesting party within the same day.

Q. *County indigent transcript* means a transcript that is paid for from county funds.

R. *State indigent transcript* means a transcript paid for from state funds.

S. *Private transcript* means a transcript, including but not limited to a deposition transcript that is paid for from funds other than county or state funds.

T. *Independent transcript* means a transcript that is prepared by a *contract transcriber*.

U. In a court, division or room currently without a court reporter on its payroll or assigned for the court's use, whose duties include the preparation of transcripts, a *contract transcriber* is a person not on a court's payroll, but who is designated by a court, division or room, pursuant to a memorandum of understanding consistent with the requirements of Administrative Rule 15, to prepare transcripts and who is prohibited from using court or county equipment, work space or supplies.

II. Compensation

A. A court reporter shall be paid an annual salary for time spent working under the control, direction and direct supervision of the court, a division or a room during any regular work hours, gap hours or overtime hours. A written agreement consistent with the personnel policies of the court reporter's division which outlines the manner in which the court reporter is to be compensated for gap hours and overtime hours worked shall be entered into between a court reporter and the court, division or courtroom for which the court reporter provides services.

B. The fee that a court reporter or contract transcriber may charge for the preparation of a county indigent transcript four dollars (\$4.00) per page.

C. A claim for the preparation of a county indigent transcript shall be submitted directly to the county.

D. The fee that a court reporter or contract transcriber may charge for the preparation of a state indigent transcript four dollars (\$4.00) per page.

E. The fee that a court reporter or contract transcriber may charge for the preparation of an indigent deposition transcript is four dollars (\$4.00) per page.

The fee that a court reporter or contract transcriber may charge for the preparation of a private deposition transcript is four dollars and twenty-five cents (\$4.25) per page.

F. The fee that a court reporter or contract transcriber may charge for the preparation of all other private transcripts is four dollars and fifty cents (\$4.50) per page, with a minimum fee of forty dollars (\$40.00).

G. The fee that a court reporter or contract transcriber may charge for an additional copy of a transcript two dollars (\$2.00) per page.

H. A court reporter or contract transcriber may charge up to an additional one dollar (\$1.00) per page for an expedited county transcript.

I. A court reporter or contract transcriber may charge up to an additional one dollar and fifty cents (\$1.50) per page for an expedited private transcript.

J. A court reporter or contract transcriber may charge up to an additional two dollars and fifty cents (\$2.50) per page for a daily transcript.

K. A court reporter or contract transcriber may charge up to an additional three dollars and fifty cents (\$3.50) per page for an hourly transcript.

L. A court reporter or contract transcriber may charge up to an additional one dollar and 25 cents- (\$1.25) per page for a private transcript consisting primarily of technical testimony.

M. A court reporter or contract transcriber may charge up to an additional one dollar (\$1.00) per keyword index page for a private or indigent transcript with a keyword index.

N. A court reporter or contract transcriber may charge up to an additional twenty-five cents (\$0.25) per page for a private or indigent transcript which is printed in a condensed format.

O. A court reporter or contract transcriber may charge thirty cents (\$0.30) per page for photocopying of exhibits for private transcripts.

P. A court reporter or contract transcriber may charge an additional labor charge approximating an hourly rate based upon the court reporter's annual court compensation or contract transcriber's hourly rate of pay for the time spent binding the transcript and the exhibits pursuant to Indiana Rules of Appellate Procedure 28 and 29.

Q. A court reporter or contract transcriber shall be reimbursed for the cost of office supplies required and utilized for the binding and electronic transmission of the transcript, pursuant to Indiana Rules of Appellate Procedure 28 and 29, as itemized in the "Schedule of Supplies".

R. The county shall provide supplies for the preparation of notices of filing private transcripts and motions for extension.

S. At least once each year a court reporter shall report all transcript fees received to the Indiana Supreme Court, Division of State Court Administration.

III. Private Practice

A. If a court reporter elects to engage in private practice through the recording of a deposition or preparing of a deposition transcript and the court reporter desires to use the court's equipment, work space or supplies, the court reporter shall enter into a written agreement which must, at a minimum, designate the following:

1. the reasonable market rate for the use of the equipment, work space and supplies;
2. the method by which records are to be kept for the use of equipment, work space and supplies; and,
3. the method by which the court reporter is to reimburse the court for the use of equipment, work space and supplies.

B. If the court reporter elects to engage in private practice through the recording of a deposition or preparing of a deposition transcript, all such private practice shall be conducted outside of regular working hours.