

VERMILLION CIRCUIT COURT
LOCAL RULES
(July 16, 2018)

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LOCAL RULE 1

LR 83-TR 5-1 Filing by Facsimile Transmission

The Clerk of the Vermillion County Circuit Court is hereby authorized and directed to accept filings of pleadings by electronic facsimile transmission in all cases pending before such Court, if received in compliance with Administrative Rule 12 of the Indiana Supreme Court and the requirements hereinafter specified:

- 1. Cover Sheet:** Any pleading or proposed Order sent to the Clerk for filing or execution, pursuant to this rule, shall be accompanied by a cover sheet. The cover sheet shall:
 - a. identify the sending party and its voice and facsimile telephone numbers;
 - b. state the title of the pleading or proposed Order being sent, the number of pages, the case number to which the pleading or Order applies, and provide any necessary instructions for filing; and
 - c. contain the signature of the attorney or pro se party authorizing the filing.

- 2. Limitation on Length of Pleadings:** The Clerk shall not accept any pleading for filing under this rule greater than nine (9) pages in length. Multiple pleadings or documents per transmission will be accepted as long as the total number of pages received, including the cover sheet, does not exceed ten (10) pages.

- 3. Date of Filing:** Pleadings received by the Clerk, pursuant to this rule, shall be filed of record on the date received, if they are produced in the Clerk's Office between 8:00 a.m. and 4:00 p.m., Monday through Friday. Pleadings received at any other time of day or other days of the week, holidays, or other days the Clerk's Office is closed shall be shown filed of record on the next normal business day such office is open.

- 4. Copies for Service and Proposed Orders:** In the event a pleading is received for filing, which is required to be served upon the adverse party, other than per Trial Rule 5, or which requires the execution of an Order, the filer need only transmit a single copy to the Clerk. The Clerk shall produce duplicate copies for service.

- 5. Telephone Numbers for Filings:** Fax filings shall be transmitted to the Clerk's Office by using the following number: 1-765-492- 5351.

- 6. Retention of Original Pleading:** The sending party shall retain the original pleading for the duration of the cause of action or litigation. The Clerk shall not file or accept the original of a faxed pleading. Any such original presented to the Clerk or Court may be destroyed.

7. Response to Fax: The Clerk or Court may return by fax any response or order to the sending party of a fax.

8. Fee for Filing by Fax: There shall be a fee of \$1.00 per page, not to exceed \$10.00 for each transmission. Parties who are not required to pay a filing fee, Court appointed attorneys, and guardian ad litem are exempt from this requirement. Failure to timely pay the fees may result in the pleading being dismissed and other additional sanctions.

LOCAL RULE 2

LR 83-TR 79(H)-2 Appointment of Special Judges, Pursuant to TR 79(H)

A. In the event it becomes necessary to appoint a special judge in a civil proceeding under Trial Rule 79 (H) in the Vermillion Circuit Court due to a conflict arising from the sitting judge's previous service as the Chief Deputy Prosecuting Attorney in Vermillion County, or because her husband, Joel Wesch, is involved in the case, the Clerk shall reassign the case to Senior Judge Robert M. Hall. If in these cases he is unable to serve, and in all other cases, the case shall be reassigned as set forth below.

B. Pursuant to Trial Rule 79(H), after consulting with the other Judges within the 11th Administrative District established in Administrative Rule 3(A); having considered the effective use of all judicial resources within such Administrative District; and having considered the accessibility of those Judges who are eligible for appointment as a Special Judge pursuant to Trial Rule 79(J); the following Judges shall comprise the list for such appointments, and shall be selected on a rotating basis:

Judge of the Fountain Circuit Court
Judge of the Montgomery Circuit Court
Judge of the Montgomery Superior Court 1
Judge of Montgomery Superior Court 2
Judge of Parke Circuit Court, and
Judge of Warren Circuit Court

C. In the event that no Judge is eligible to serve as a Special Judge or the particular circumstances of the case warrant selection of a Special Judge by the Indiana Supreme Court, such case shall be certified to the Indiana Supreme Court for the appointment of a Special Judge.

D. After a Special Judge is selected, the caption of all pleadings filed thereafter shall designate "Special Judge _____" immediately below the cause number.

E. A copy of each pleading or each paper filed with the Court after a Special Judge has been appointed shall be mailed or delivered to the office of that Special Judge by the counsel or litigant with service indicated on the certificate of service.

(Amended effective July 1, 2011; further amended July 16, 2018)

LOCAL RULE 3

LR 83-CR 2.2-3 Assignment and reassignment of felony and misdemeanor cases

Pursuant to CR2.2 and 13(C), and in the event it becomes necessary to assign a Judge in the Vermillion Circuit Court on a Felony or Misdemeanor case, due to a conflict arising from the sitting judge's previous service as the Chief Deputy Prosecuting Attorney in Vermillion County, or because her husband, Joel Wesch, is involved in the case, the Clerk shall reassign the case to Senior Judge Robert M. Hall. If in these cases he is unable to serve, and in all other cases, the case shall be assigned as follows:

Judge of the Fountain Circuit Court,
Judge of the Parke Circuit Court,
Judge of the Warren Circuit Court,
Judge of Vigo Superior Court 1
Judge of Vigo Superior Court 2
Judge of Vigo Circuit Court/Superior Court 3
Judge of Vigo Superior Court 4
Judge of Vigo Superior Court 5, and
Judge of Vigo Superior Court 6

or any Senior Judge approved to serve in the Vermillion Circuit Court. In the event no Judge is available for assignment or reassignment of a Felony or Misdemeanor case, such case shall be sent to the Indiana Supreme Court for the appointment of a Special Judge. In the event the Judge presiding in a Felony or Misdemeanor case concludes that the unique circumstances presented in such proceeding require the appointment by the Indiana Supreme Court of a Special Judge, the Presiding Judge may request the Indiana Supreme Court for such appointment.

(Amended effective July 16, 2018)

LOCAL RULE 4

LR 83 –JR04-4 Summoning Jurors

A two-tier notice for summoning jurors will be used. A jury qualification form and notice will be the first tier and summoning the prospective juror at least one week before service will be the second tier.

LOCAL RULE 5

LR 83-AR00-5 Caseload Management Plan

As the only Court of record in Vermillion County, the Vermillion Circuit Court will handle all cases filed in the Vermillion County Clerk's Office.

LOCAL RULE 6

LR 83-AR00-6 Rules for Evidence Handling, Retention and Disposition

In all cases the Court shall proceed pursuant to these rules unless the Court directs a longer retention period after motion by any party or on its own motion.

RETENTION PERIOD FOR EVIDENCE INTRODUCED IN CIVIL CASES

- a) **Civil Cases, Including Adoption, Paternity and Juvenile Proceedings.** All models, diagrams, documents or material admitted in evidence or pertaining to the case placed in the custody of the court reporter as exhibits shall be taken away by the parties offering them into evidence, except as otherwise ordered by the court, four (4) months after the case is decided unless an appeal is taken. If an appeal is taken, all such exhibits shall be retained by the court reporter for two (2) years from termination of the appeal, retrial or subsequent appeal and termination, whichever is later.

The court reporter shall retain the mechanical or electronic records or tapes, shorthand or stenographic notes as provided in Administrative Rule 7.

RETENTION PERIOD FOR EVIDENCE INTRODUCED IN CRIMINAL MISDEMEANOR, CLASS D AND CLASS C FELONIES AND ATTEMPTS

- b) **Misdemeanor, Class D and C Felonies and Attempts.** All models, diagrams, documents or material admitted in evidence or pertaining to the case placed in the custody of the court reporter as exhibits shall be taken away by the parties offering them in evidence except as otherwise ordered by the Court, three (3) years after the case is dismissed, the defendant found not guilty or the defendant is sentenced, unless an appeal is taken. If an appeal is taken, all such exhibits shall be retained by the court reporter for three (3) years from termination of the appeal, retrial or subsequent appeal and termination, whichever is later, unless an action challenging the conviction or sentence or post-conviction action is pending.

The court reporter shall retain the mechanical or electronic records or tapes, shorthand or stenographic notes as provided in Administrative Rule 7.

RETENTION PERIOD FOR EVIDENCE INTRODUCED IN CRIMINAL CLASS B AND A FELONIES, MURDER AND ATTEMPTS

- c) **Class B and A Felonies, Murder and Attempts.** All models, diagrams, documents or material admitted in evidence or pertaining to the case placed in the custody of the court reporter as exhibits shall be taken away by the parties offering them in evidence, except as otherwise ordered by the court, twenty (20) years after the case is dismissed, the defendant found not guilty or the defendant is sentenced, unless an appeal is taken. If an appeal is taken, all such exhibits shall be retained by the court reporter for twenty (20) years from termination of the appeal, retrial or subsequent appeal and termination, whichever is later, unless an action challenging the conviction or sentence, or post-conviction action is pending.

The court reporter shall retain the mechanical or electronic records or tapes, shorthand or stenographic notes as provided in Administrative Rule 7.

Non-documentary and Oversized Exhibits. Non-documentary and oversized exhibits shall not be sent to the Appellate level Court, but shall remain in the custody of the trial court during the appeal. Such exhibits shall be briefly identified in the transcript where they were admitted into evidence. Photographs of any exhibit may be included in the volume of documentary exhibits. Under no circumstances should drugs, currency or other dangerous or valuable items be included in appellate records.

Notification and Disposition. In all cases, the Court shall provide actual notice, by mail, to all attorneys of record and to parties only if unrepresented by counsel, that the evidence will be destroyed by a date certain if not retrieved before that date. Counsel and the parties have the duty to keep the Court informed of their current addresses and notice to the last current address shall be sufficient. Court reporters should maintain a log of retained evidence and scheduled disposition date and evidence should be held in a secure area. At the time of removal, a detailed receipt shall be given to the court reporter by the party receiving and removing the evidence and the receipt will be made a part of the Court file. In all cases, evidence which is not retaken after notice should be disposed of by the Sheriff on the Court's order. The Sheriff should be ordered to destroy evidence if its possession is illegal or if it has negligible value. Evidence of some value should be auctioned by the Sheriff with proceeds going to the county general fund.

Biologically Contaminated Evidence. A party who offers biologically contaminated evidence must file a pretrial notice with the trial Court and serve all the parties so that the Court can consider the issue and rule appropriately before trial. A party can show contaminated evidence or pass photographs of it to the juror, but no such evidence, however contained, shall be handled or passed to jurors or sent to the jury room.

(Effective January 1, 2013)

LOCAL RULE 7

LR 83-AR 15-7 Court Reporters

1. **Definitions:** All definitions set forth in Administrative Rule 15 of the Indiana Supreme Court are adopted for the purposes of this Rule.
2. **Salary:** The Court Reporter 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, gap hours, or overtime hours.
3. **County Indigent Work (Transcripts for litigant declared indigent):** A maximum per page fee for County indigent transcripts shall be set at \$4.00 per page, plus an additional labor charge at the hourly rate of \$20.00 per hour for time spent binding the transcript and the exhibit binders may be charged. The Court Reporter shall submit a claim directly to the County for the preparation of the County indigent transcript. A minimum fee of per transcript may be charged.
4. **State Indigent Work (Transcripts for litigant declared indigent):** A maximum per page fee for State indigent transcripts shall be set at \$4.00 per page, plus an additional labor charge at the hourly rate of \$20.00 per hour for time spent binding the transcript and the exhibit binders may be charged. The Court Reporter shall submit a claim directly to the State for the preparation of the State indigent transcript. A minimum fee of per transcript may be charged.
5. **Private Transcripts (Transcripts paid for by a Private Party):** A maximum per page fee for private transcript work shall be set at \$4.00 per page, plus an additional labor charge at the hourly rate of \$20.00 per hour for time spent binding the transcript and the exhibit binders may be charged. A maximum per page fee for copies of transcript shall be set at \$2.00 per page. If the Court Reporter is requested to prepare an expedited transcript, the maximum per page fee shall be: \$7.00 per page, where the transcript must be prepared within 24 hours or less; and \$5.50 per page, where the transcript must be prepared within three (3) working days.
6. **Payment Arrangements of Private Party Ordering Transcript:** The party requesting the transcript must pay 100% of the projected cost.
7. **Annual Report:** The Court Reporter shall report on an annual basis to the Indiana Supreme Court Division of State Court Administration on forms prescribed by the Division, all transcript fees (either county, indigent, state indigent, or private) received by the Court Reporter

8. Depositions: The Court Reporter shall not engage in private practice through recording of a deposition and/or preparing of a deposition transcript by the use of the Court's equipment, work space, or supplies. **If** the Court Reporter elects to engage in private practice through recording of a deposition and/or preparing of a deposition transcript, the Court Reporter shall do so using the Reporter's own equipment, supplies, and work space, and any and all of such private practice shall be conducted outside the regular working hours of the Court on the Reporter's own time.

9. Transcripts: All transcript preparation, required by law to be prepared by the Court Reporter, shall be prepared during regular business hours, when possible, but not until all other duties necessary for operation of the Court are completed. In the event the Court Reporter prepares county indigent, or state indigent transcripts or private transcripts, and the same involves gap and/or overtime hours, the Court and the Reporter shall enter into a written agreement, outlining the manner in which the Reporter is to be compensated for such gap and overtime hours. Either compensation shall be paid for gap hours at the hourly rate, and overtime hours paid one and one half (1 1/2) times the hourly rate, or one (1) hour of compensatory time off for each gap hour worked, and one and one half (1 1/2) hour compensatory time off each hour of overtime worked.

(Amended effective January 1, 2013)