

## ARTICLE 41. COURT REPORTERS

### IC 33-41-1

#### Chapter 1. Powers and Duties

#### IC 33-41-1-1

##### **Appointment and duties of official reporters**

Sec. 1. (a) To facilitate and expedite the trial of causes, the judge of each circuit, superior, probate, and juvenile court of each county shall appoint an official reporter.

(b) The official reporter shall, when required by the recorder's appointing judge, do the following:

- (1) Be promptly present in the appointing judge's court.
- (2) Record the oral evidence given in all causes by any approved method, including both questions and answers.
- (3) Note all rulings of the judge concerning the admission and rejection of evidence and the objections and exceptions to the admission and rejection of evidence.
- (4) Write out the instructions of the court in jury trials.

(c) In counties in which the circuit or probate court sits as a juvenile court, the official reporter of the circuit court or probate court, as the case may be:

- (1) shall report the proceedings of the juvenile court as part of the reporter's duties as reporter of the circuit or probate court; and
- (2) except as provided in subsection (d), may not receive additional compensation for the reporter's services for reporting the proceedings of the juvenile court.

(d) In counties in which a circuit court has juvenile jurisdiction and where there is a juvenile referee and the circuit judge is the judge of the juvenile court, the salary of the juvenile court reporter is one hundred twenty-five dollars (\$125) per month in addition to any compensation the reporter receives as reporter of the circuit court.

(e) The official reporters of juvenile courts shall:

- (1) be paid the same amount for their services and in the same manner;
- (2) have the same duties; and
- (3) be subject to the same restrictions;

as is provided for by law for the official reporters of the other courts. However, in a county having a population of more than two hundred fifty thousand (250,000), the judge of the juvenile court may appoint court reporters as necessary for compliance with the law in regard to the reporting of cases and facilitating and expediting the trial of causes, each of whom is entitled to receive a salary of at least three hundred dollars (\$300) per month.

*As added by P.L.98-2004, SEC.20. Amended by P.L.65-2004, SEC.21.*

### **IC 33-41-1-2**

#### **Gender of appointee; child of judge**

Sec. 2. (a) A person may not be considered ineligible to serve as official reporter because of the person's gender.

(b) A judge may not appoint the judge's son or daughter as an official reporter.

*As added by P.L.98-2004, SEC.20.*

### **IC 33-41-1-3**

#### **Oath of office**

Sec. 3. At the time of appointment, an official reporter shall take an oath before an officer empowered to administer oaths to faithfully perform his or her duties as an official reporter.

*As added by P.L.98-2004, SEC.20.*

### **IC 33-41-1-4**

#### **Removal from office; filling vacancy of office**

Sec. 4. An official reporter may, at any time, be removed by the judge of the court for which the reporter was appointed. In case of a vacancy in the office of official reporter, the judge of the court in which the vacancy occurs shall fill the vacancy as soon after its occurrence as practicable.

*As added by P.L.98-2004, SEC.20.*

### **IC 33-41-1-5**

#### **Transcript of proceedings**

Sec. 5. (a) If requested to do so, an official reporter shall furnish to either party in a cause a transcript of all or any part of the proceedings required by the reporter to be taken or noted, including all documentary evidence.

(b) An official reporter shall furnish a typewritten or printed transcript described in subsection (a) as soon after being requested to do so as practicable.

(c) The reporter shall certify that the transcript contains all the evidence given in the cause.

(d) The reporter may require payment for a transcript, or that the payment be satisfactorily secured, before the reporter proceeds to do the required work.

*As added by P.L.98-2004, SEC.20. Amended by P.L.65-2004, SEC.22.*

### **IC 33-41-1-6**

#### **Powers of court reporter; taking examinations and depositions; bond; seal**

Sec. 6. (a) Every official circuit, superior, criminal, probate, juvenile, and county court reporter appointed under section 1 of this chapter or IC 33-30-7-2 may do the following:

- (1) Take and certify all acknowledgments of deeds, mortgages, or other instruments of writing required or authorized by law to be acknowledged.

(2) Administer oaths generally.

(3) Take and certify affidavits, examinations, and depositions.

(4) Perform any duty conferred upon a notary public by Indiana statutes.

(b) Any official reporter taking examinations and depositions may:

(1) take them in shorthand;

(2) transcribe them into typewriting or longhand; and

(3) have them signed by the deposing witness.

(c) Before performing any official duty as authorized, an official reporter must:

(1) provide a bond as is required for notaries public; and

(2) procure a seal that will stamp a distinct impression indicating the reporter's official character, to which may be added any other device as the reporter chooses.

*As added by P.L.98-2004, SEC.20.*

### **IC 33-41-1-7**

#### **Small claims courts; transcript fee**

Sec. 7. (a) This section applies to the small claims court established under IC 33-34.

(b) The person who is designated by a judge of the court to prepare transcripts may collect a fee of not more than five dollars (\$5) for each transcript from a person who requests the preparation of a transcript.

*As added by P.L.98-2004, SEC.20.*

## **IC 33-41-2**

### **Chapter 2. Salaries**

## **IC 33-41-2-1**

### **Census defined**

Sec. 1. As used in this chapter, "census" means the last preceding United States federal decennial census.

*As added by P.L.98-2004, SEC.20.*

## **IC 33-41-2-2**

### **County salary defined**

Sec. 2. As used in this chapter, "county salary" means that part of a court reporter's salary that is paid by the county.

*As added by P.L.98-2004, SEC.20.*

## **IC 33-41-2-3**

### **Judicial circuit defined**

Sec. 3. As used in this chapter, "judicial circuit" means any county comprising a single judicial circuit or any combination of one (1) or more counties comprising a single judicial circuit.

*As added by P.L.98-2004, SEC.20.*

## **IC 33-41-2-4**

### **Official court reporter defined**

Sec. 4. As used in this chapter, "official court reporter" means any court reporter who is appointed as the official court reporter by the judge of any circuit, superior, or probate court in Indiana.

*As added by P.L.98-2004, SEC.20.*

## **IC 33-41-2-5**

### **Salary defined**

Sec. 5. As used in this chapter, "salary" means the amount of the state salary and the amount of the county salary added together.

*As added by P.L.98-2004, SEC.20.*

## **IC 33-41-2-6**

### **State salary defined**

Sec. 6. As used in this chapter, "state salary" means that part of a court reporter's salary that is paid by the state.

*As added by P.L.98-2004, SEC.20.*

## **IC 33-41-2-7**

### **Appropriation for county salaries**

Sec. 7. County councils shall appropriate annually a sufficient amount to pay the county salaries authorized by this chapter.

*As added by P.L.98-2004, SEC.20.*

## **IC 33-41-2-8**

### **Multiple county judicial circuit**

Sec. 8. If a judicial circuit is composed of more than one (1)

county, all the counties comprising the circuit, for purposes of this chapter, are considered as one (1) county. Each county in a circuit shall pay part of the county salary in the same proportion as its individual classification factor bears to the classification factor of the judicial circuit.

*As added by P.L.98-2004, SEC.20.*

**IC 33-41-2-9**

**Counties graded on basis of population and gross assessed valuation; percentage ratio**

Sec. 9. For the purpose of this chapter:

- (1) counties are graded on the basis of population and gross assessed valuation; and
- (2) each county is set up on the percentage ratio it bears to the state with the whole state being considered as one hundred percent (100%).

*As added by P.L.98-2004, SEC.20.*

**IC 33-41-2-10**

**Classes of counties based on unit factor system; factors**

Sec. 10. (a) The nine (9) classes of counties as set out in this chapter are based on a unit factor system. The factors are determined by the relation of the county to the state as established and certified to each county auditor by the state board of accounts not later than July 1 of each year. The factors are as follows:

- (1) Population.
- (2) Gross assessed valuation, as shown by the last preceding gross assessed valuation, as certified by the various counties to the auditor of state in the calendar year in which the calculation is made.

(b) The factors for each of the nine (9) classes set out in this chapter shall be obtained as follows:

- (1) The population of each county shall be divided by the population of the entire state.
- (2) The gross assessed valuation of each county shall be divided by the gross assessed valuation of the entire state.
- (3) The results obtained in subdivisions (1) and (2) shall be added together and the sum obtained for each county shall be divided by two (2).
- (4) The result obtained under subdivision (3), multiplied by one hundred (100), determines the classification of each county according to the following schedule:

**CLASSIFICATION FACTORS**

	HIGH	LOW	CLASS
No Limit		8.00	1
All under	8.00	2.25	2
All under	2.25	1.25	3
All under	1.25	.85	4
All under	.85	.70	5
All under	.70	.60	6

All under	.60	.50	7
All under	.50	.35	8
All under	.35	No limit	9

*As added by P.L.98-2004, SEC.20.*

### **IC 33-41-2-11**

#### **Court reporter annual salary; additional increments to minimum salary**

Sec. 11. The annual salary of each court reporter shall be fixed as provided in this chapter according to the county or counties in which the court reporter holds office. A county or counties may add additional increments to the minimum annual salary according to the usual budget procedures. The salaries shall be paid in equal monthly installments.

*As added by P.L.98-2004, SEC.20.*

### **IC 33-41-2-12**

#### **Classes of salary for court reporters**

Sec. 12. The annual salary of each court reporter shall be:

Class 1	\$7,000
Class 2	\$6,800
Class 3	\$6,500
Class 4	\$6,000
Class 5	\$5,500
Class 6	\$5,200
Class 7	\$5,000
Class 8	\$4,800
Class 9	\$4,500

*As added by P.L.98-2004, SEC.20.*

### **IC 33-41-2-13**

#### **Population change affecting classification of judicial circuit**

Sec. 13. If the classification of any judicial circuit is changed by reason of change in population as determined by the census, the salaries of the court reporters of the judicial circuit is governed as provided by this chapter for judicial circuits of the population class into which it is placed. However, a judicial circuit may not be reduced in classification for determining the salary of any court reporter unless the minimum population of any class on July 1, 1965, was reduced more than five percent (5%) by the last preceding United States federal decennial census.

*As added by P.L.98-2004, SEC.20.*

### **IC 33-41-2-14**

#### **Construction of chapter**

Sec. 14. This chapter may not be considered to repeal or amend IC 33-41-1-1.

*As added by P.L.98-2004, SEC.20.*

## **IC 33-41-3**

### **Chapter 3. Depositions**

#### **IC 33-41-3-1**

##### **Applicability of chapter**

Sec. 1. This chapter does not apply to contracts for court reporting services for any of the following:

- (1) A court.
- (2) An agency or instrumentality of a state or political subdivision.
- (3) An agency or instrumentality of the government of the United States.

*As added by P.L.98-2004, SEC.20.*

#### **IC 33-41-3-2**

##### **Employee defined**

Sec. 2. As used in this chapter, "employee" includes the following:

- (1) A person who provides reporting or other court services under a contractual relationship with a person interested in the outcome of litigation, including anyone that may be ultimately responsible for payment.
- (2) A person who is employed to provide reporting or other court services part time or full time under a contract or otherwise by a person that has a contractual relationship with a party.

*As added by P.L.98-2004, SEC.20.*

#### **IC 33-41-3-3**

##### **Depositions for use in court proceedings**

Sec. 3. A deposition to be used in a proceeding in a circuit, superior, probate, county, city, or town court, the court of appeals, or the supreme court must be taken before an individual who:

- (1) is described in section 4 of this chapter; and
- (2) does not have a prohibited interest or relationship described in section 5 of this chapter.

*As added by P.L.98-2004, SEC.20.*

#### **IC 33-41-3-4**

##### **Before whom depositions must be taken**

Sec. 4. A deposition must be taken before:

- (1) a hearing officer;
- (2) a judge, a clerk, a commissioner, or an official reporter of a court;
- (3) a notary public; or
- (4) another individual authorized by law to take a deposition.

*As added by P.L.98-2004, SEC.20.*

#### **IC 33-41-3-5**

##### **Persons who may not take depositions**

Sec. 5. (a) Subsection (b)(4) does not apply to a relative or employee of the attorney of one (1) of the parties to a proceeding.

(b) A deposition may not be taken by a person who is:

(1) a party to the proceeding;

(2) a relative, an employee, or an attorney of one (1) of the parties to the proceeding;

(3) someone with a financial interest in the proceeding or its outcome; or

(4) a relative, an employee, or an attorney of a person with a financial interest in the proceeding or its outcome.

*As added by P.L.98-2004, SEC.20.*

### **IC 33-41-3-6**

#### **Void depositions**

Sec. 6. A deposition that is not taken in conformity with section 3 of this chapter is void.

*As added by P.L.98-2004, SEC.20.*

### **IC 33-41-3-7**

#### **Transcription of depositions**

Sec. 7. A person, when reducing a deposition to writing, shall transcribe a page unit of the deposition in the same form as the form required for a record of proceedings under Indiana Rule of Appellate Procedure 7.2.

*As added by P.L.98-2004, SEC.20.*