



Indiana Supreme Court
Division of State Court Administration

Public Notice of Contracting Opportunity
Statewide Electronic Filing Manager

Issued

July 31, 2014

Responses Due

September 15, 2014

Table of Contents

Section 1. General.....	3
1.1 Executive Summary	3
1.2 Background	3
1.3 E-filing Vision.....	4
Section 2. Statement of Work.....	6
2.1 E-filing Architecture	6
2.2 Detailed Requirements.....	9
2.3 Pilot Program.....	9
2.4 Statewide Implementation	10
2.6 Contract Term	11
2.7 Compensation	11
Section 3. Offer Information	12
3.1 Schedule of Events	12
3.2 Revisions to Schedule.....	12
3.3 Vendor Conference	12
3.4 Offer Requirements	12
3.5 Inquiries	14
3.6 Offer Submission.....	14
3.7 Delivery of Offers.....	15
3.8 Offer Opening.....	15
3.9 Offer Evaluation and Award	15
3.10 Reservation of Rights	15
Exhibit A – Indiana Judicial System	16
Exhibit B – Case Filing Types	17
Exhibit C – Indiana Court Statistics	18
Exhibit D – Comparison of Cases From 2003-2012.....	20
Exhibit E – EFSP Pre-Certification Checklist	21
Exhibit F – Execution of Offer.....	24
Exhibit G – Vendor Questionnaire.....	26
Exhibit H – Authorization for Release of Records and Waiver of Liability By Vendor.....	29
Exhibit I – Proposed Trial Rule 86. Electronic Filing and Electronic Service	31

Section 1. General

1.1 Executive Summary

The Division of State Court Administration (“Division”) of the Indiana Supreme Court seeks offers to provide a statewide E-Filing Manager Application (“EFM”) for use in the Indiana trial and appellate courts. The EFM shall be the central component of the Indiana E-Filing System (“IEFS”), a system of networked hardware, software, and service providers approved by the Indiana Supreme Court for the filing and service of pleadings and other court documents or information via the Internet, into and from case management systems used by Indiana courts.

The EFM receives e-filing envelopes from E-File Service Providers (“EFSPs”), provides a review process for the courts, and transmits e-filing data and documents to the appropriate Case Management System (“CMS”). Documents submitted will be electronically served by the EFM to all required parties.

As the central hub for E-Filing operations in the State of Indiana, the EFM must be well integrated with many different systems, particularly EFSPs and Case and Document Management Systems. To achieve this integration, the EFM Vendor shall provide a non-proprietary, standards-based API to third party vendors, law firms and other organizations who become certified EFSPs. This API must fully support all functionality needed to provide a comprehensive and integrated E-Filing and E-Service solution. The EFM Vendor must also adapt its software, as needed, to integrate with multiple case management systems including but not limited to Tyler Technologies’ Odyssey, Computer Systems, Inc.’s JTS (Judicial Tracking System) and CourtView Justice Solutions’ CourtView.

The EFM must provide a centralized store of data, including codes, forms, and a statewide user registry, as defined in Section 2 (Statement of Work). This ensures superior data consistency across the IEFS and reduces total costs as redundant functionality and data are eliminated. The EFM must also (1) provide a payment processor capable of integrating with an EFSP’s software to enable end users to pay statutory filing fees; (2) integrate with the payment processing service managed by the Indiana Department of Administration (IDOA); or (3) integrate with the IN.gov payment processing service managed by the Indiana Office of Technology (IOT).

The EFM Vendor, as part of its offering, shall provide a basic, low cost EFSP solution meeting the minimum certification requirements set forth by the Division. The intent of this requirement is to minimize the cost of participation in the IEFS for the citizens of the State of Indiana.

Section 2 of this document, the Statement of Work, includes detailed requirements for this PNCO. A schedule of events is in Section 3 (Offer Information), which includes instructions on how to properly submit an offer by the September 15, 2014 deadline.

1.2 Background

An overview of the Indiana Judicial System is attached as Exhibit A. A list of case filings types used in Indiana is provided in Exhibit B. A list of civil case filing statistics organized by case type category and

county is attached to this document as Exhibit C. Case filing statistics for all cases statewide from 2003 – 2012 are provided in Exhibit D.

The Indiana trial and appellate courts are currently supported by 3 court case management systems (CMS): Odyssey from Tyler Technologies¹, Judicial Tracking System (JTS) from Computer Systems, Inc.² and CourtView from CourtView Justice Solutions³. The Division estimates that, by the end of 2014, Odyssey, JTS and CourtView will manage 59%, 18% and 12% of all trial court filings, respectively.

The Document Management System (DMS) components of these solutions provide integrated scanning, indexing, and storage for paper documents that are filed with the court. Odyssey and JTS each include an integrated DMS. Two CourtView counties use the DocuWare DMS. The third and largest county using CourtView has a file-based DMS.

In addition, the judicial and clerk components of these systems include support for electronic work flows within the courtrooms.

Local solutions currently exist, or are planned, in many courts that support e-filing by government agencies such as prosecutors and public defenders in criminal and traffic cases. In addition, Lake and Marion counties have piloted local solutions for e-filing in some civil cases.

A statewide electronic filing (e-filing) solution is the logical next step in the process of fully digitizing court records. An e-filing system would allow court filers to remotely submit documents to the court in digital form. The system would confirm receipt of these filings; send a Notice of Electronic Filing (“NEF”) as defined by Proposed Trial Rule 86 (Exhibit I); check them for completeness; and if approved, transfer them into the CMS and DMS where they would be available for review and adjudication by the appropriate court personnel. If the documents that compose the filing do not already exist in electronic form, the paper documents are scanned and included with the electronic documents; the entire package is then electronically submitted to the court.

The objective of the IEFS project is to acquire and implement an electronic court filing (ECF) software solution that satisfies the Indiana trial and appellate courts’ requirements for a commercial off-the-shelf (COTS) software package or licensed service. The initial scope of the IEFS will include initial and subsequent filings in civil and appellate cases by government agencies, public defenders, private attorneys and unrepresented litigants. In the future, the IEFS will be expanded to include subsequent filings by private attorneys and unrepresented litigants in criminal and traffic cases.

1.3 E-filing Vision

In 2006, the Indiana Supreme Court created Administrative Rule 16⁴ to encourage courts to pilot electronic filing and service. In anticipation of statewide e-filing, an advisory committee of practicing lawyers, appellate and trial judges, clerks, court administrators, other users of the court system and persons experienced with the federal CM/ECF system and e-filing pilot projects in Lake and Marion Counties met throughout 2013. The committee completed a comprehensive study of the e-filing/service

¹ <http://www.tylertech.com/solutions-products/odyssey-product-suite>

² <http://www.computer-systems.com/jts.htm>

³ <http://www.CourtView.com/CourtView-case-management>

⁴ http://www.in.gov/judiciary/rules/admin/#_Toc373929756

rules in other states and the federal courts and produced a proposed rule to enable e-filing/service in all Indiana courts. The proposed Trial Rule 86⁵ (Exhibit I) will enable:

- E-filing in all Indiana courts by registered users;
- The initiation of actions by e-filing, service, and signatures;
- The time and effect of e-filing;
- E-filed documents as the official court record; and
- A process for exempting persons who are not able to use e-filing.

The proposed rule is currently being considered for approval by the Supreme Court.

On May 21, 2014, the Supreme Court also issued an order⁶ directing the Division to:

- Acquire a statewide E-filing Manager (EFM) that enables the exchange of documents from multiple E-filing Service Providers (EFSPs) and the CMSs currently in use in Indiana.
- Acquire, with the EFM, a basic EFSP for use in all Indiana courts.
- Develop standards and a certification process for EFSPs
- Hold off any expansion of the current e-filing/service pilots or other projects that may impact the implementation of the IEFS.

The most significant benefits of e-filing, in terms of cost and work savings, can be realized in conjunction with electronic records. Administrative Rule 6⁷ enables a process by which the Division will approve a DMS for use as the official court record.

⁵ <http://www.in.gov/judiciary/files/rules-prop-2014-efiling.pdf>

⁶ <http://www.in.gov/judiciary/files/order-other-2014-94S00-1405-MS-347.pdf>

⁷ http://www.in.gov/judiciary/rules/admin/index.html#_Toc373929745

Section 2. Statement of Work

2.1 E-filing Architecture

This section describes the technical architecture of the IEFS, including the components of the system and the standards that govern the integration of the components.

2.1.1 E-Filing Standards

Integrating an e-filing system requires common functional and technical standards for data and document interoperability. Specifically, two technical standards are critical to interoperability in the IEFS:

- Portable Document Format (PDF), which provides document interoperability.
- OASIS LegalXML ECF 4.01, which provides data interoperability.

PDF

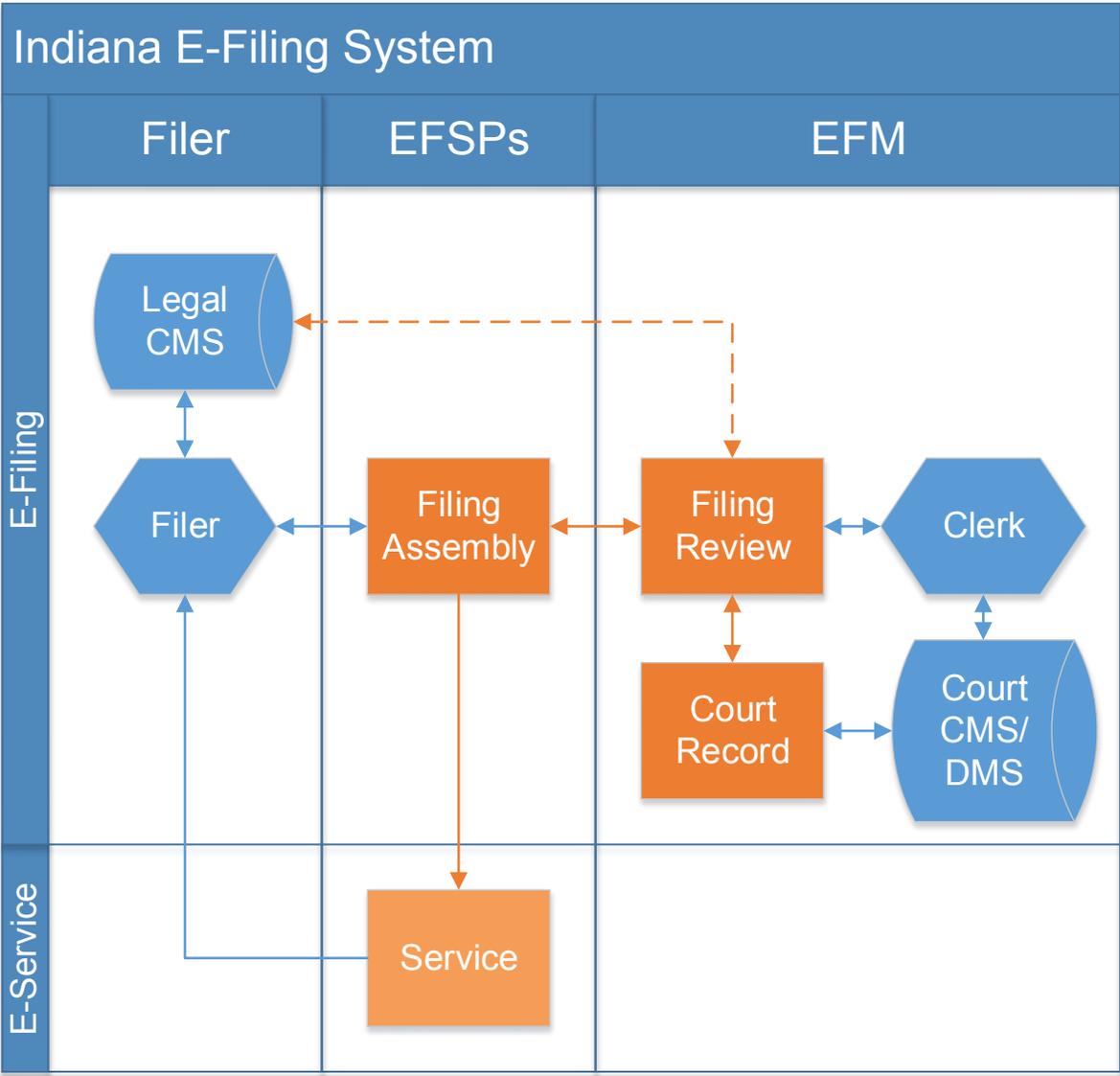
PDF is universally accepted as the document standard for e-filing, and the IEFS will require the use of searchable PDF. To ensure that e-filed documents will still be viewable in the future, the use of the Portable Document Format/Archive (PDF/A) format, a version specialized for the digital preservation of electronic documents, is highly recommended.

OASIS LegalXML ECF 4.01

The OASIS LegalXML Electronic Court Filing (ECF) 4.01 standard was developed based on functional standards for e-filing approved by the Conference of State Court Administrators (COSCA) and the National Association for Court Management (NACM). ECF defines four major design elements (MDEs), or logical groupings of functions, that support a particular part of the e-filing process. They are:

- *Filing Assembly MDE* – Enables a filer to create a filing message for submission to a court and returns filing confirmation to the filer.
- *Filing Review MDE* – Enables a court to receive and review a filing message and prepare the contents for recording in the CMS and DMS.
- *Court Record MDE* – Enables a court to record electronic documents and docket entries, describing them in its CMS and DMS.
- *Service MDE* – Enables a filer or a court to transmit filings to other parties that are participating in the case electronically and are entitled to copies of the filing.

These MDEs work together to provide e-filing capabilities to filers. The most common configuration of these MDEs is shown below. Integrations within the scope of the ECF 4 standard are shown in orange. The remaining integrations are left to the filer, court, or EFSP to define.



Scope of ECF 4.01 technical standards
 Out of scope of technical standards

Multiple E-Filing Service Providers

The IEFS will initially include a single, EFM-provided, “Basic E-filing Services Provider (EFSP)” between the filer and the court that provide the ECF 4.01 Filing Assembly and Service components of the e-filing transaction. The Basic EFSP will enable litigants to:

- Prepare and submit e-filing and e-service in multiple courts through a single portal.
- Receive e-service and deliver the received documents to the intended parties.

However, the architecture will enable other EFSPs and solution/service providers to be approved for use in the IEFS. These EFSPs will provide at least the same services as the Basic EFSP but may also provide value-added services (e.g., organization of cases, alerts, document conversion, document management, fee advances, form completion). This “multi-vendor” business model is intended to:

- Enable integration with multiple legal and court case management systems,
- Give users the most choice in solution/service providers, and
- Avoid the court being locked into a specific solution/service provider.

All EFSPs, including the Basic EFSP, must satisfy the minimum requirements defined by the Division's EFSP pre-certification criteria (Exhibit E).

2.1.3 Single Electronic Filing Manager

A single Electronic Filing Manager (EFM) will provide the ECF 4.01 Filing Review and Court Record modules in the e-filing system. The EFM will enable the clerk to:

- Accept and validate filings from the EFSPs.
- Review and accept the filing.
- Record the filing in the appropriate case and document management systems.

2.1.4 Multiple Case and Document Management Systems

The deployments of the IEFS in four pilot courts will include integration of the EFM with the Odyssey, JTS, CourtView and DocuWare case and document management systems. However, the EFM must support future integration with the case and document management systems in each of the Indiana courts, including city and town courts and the state juvenile case management system (Quest).

Indiana trial courts currently use the following case management systems:

- Odyssey
- JTS
- CourtView

Indiana courts currently use the following document imaging/management systems:

- Canon Imaging
- CSI Imaging
- DocuWare
- Intact Smart Software
- Kodak Archive-writer
- Laserfiche Software
- Software Solutions
- Tyler Odyssey
- Van Ausdall and Farrar

The appellate courts will all use the Tyler Odyssey case and document management system.

The EFM must integrate with the Tyler Odyssey case and document management systems. In addition, the EFM must provide interfaces to other case and document management systems, including JTS, CourtView and DocuWare, that conform to the ECF 4.01 operations between a Filing Review and Court Record MDE. Courts that use the IEFS and use case and document management systems other than the systems and versions of those systems implemented through the pilot will be expected to work with their solution providers to integrate their solutions with the EFM using the ECF-conformant interfaces provided by the EFM.

2.2 Detailed Requirements

The detailed functional and technical requirements for this procurement, including the EFM and the Basic EFSP, are provided in the E-filing Requirements Worksheet. Responses to these requirements must be provided. Proposers must use the Microsoft Excel template provided and complete both the “Functional Requirements” and “Technical Requirements” Worksheets. For each requirement, proposers must fill in the response column with one of the choices below. If the proposer wishes to provide any explanatory details, they should be included in the “Comments” column next to the requirements. The following answer key should be used when responding to the requirements:

- 3 – The requirement is currently supported in its product and service offerings.
- 2 – The requirement is not supported in the current version of the proposed solution and service offerings, but the required feature is currently in development or testing and is planned for the next release of the proposed solution within 6 months of the date of the offer.
- 1 – The requirement is not supported in the proposer’s product and service offerings, but the proposer plans to support the requirement in the proposed solution or as part of this procurement within 1 year of the date of the offer.
- 0 – The requirement is not supported, and the proposer has no plan to support it within 1 year of the offer.

Note: *Proposers must answer requirements with **only one of the above keys**. Any requirement that is answered in any other way will be treated as a negative/non-response.*

2.3 Pilot Program

The IEFS EFM and basic EFSP will be initially deployed in the courts in the following five pilots, not necessarily in this order:

1. Odyssey Trial Court

The trial courts in a county using Odyssey case and document management systems will accept electronic filings in multiple civil case types through the basic EFSP.

2. Appellate Court

All three appellate courts will use the Tyler Odyssey case and document management system and are supported by a single, shared clerk's office. In this pilot, at least one of the appellate courts will accept electronic filings in civil and criminal case types (criminal cases are part of civil case types in the appellate courts) through the basic EFSP.

3. CSI Trial Court

The trial courts in a county using JTS for case management and CSI Imaging for document management will accept electronic filings in multiple civil case types through the basic EFSP.

4. CourtView Trial Court

The trial courts in a county using CourtView for case management and DocuWare for document management will accept electronic filings in multiple civil case types through the basic EFSP.

5. Third-Party EFSP

The inclusion of a third-party EFSP in one or more pilot courts will be considered at any point after the first pilot court is live with the EFM and the Basic EFSP, depending on whether a third-party EFSP provider is certified by the Division for operation in the IEFS.

Initial Filing User participation in the Pilot Program will be voluntary. Participation in the Pilot Program will be limited to attorneys and unrepresented litigants who are registered users of the IEFS. The Division will determine the success of each pilot project and then establish a schedule for mandatory participation according to proposed Trial Rule 86 (Exhibit I).

The official court record in a Pilot Program case shall be the electronic data and documents pertaining to that case, together with any paper documents, attachments, and exhibits filed and scanned. Clerks must scan all paper filings so that the case file is in electronic form. Until further notice, the Clerks of the Pilot Courts shall retain all disks or paper documents submitted that have been scanned and uploaded for filing through the EFM.

The offers must also include a plan that outlines the timeline, resources and milestones for the pilot program, including a recommended order of deployment for the five pilots.

2.4 Statewide Implementation

Following the successful completion of one or more of the pilots, as determined by the Division, e-filing services may be expanded to include 1) additional case types (including criminal and traffic), 2) other counties 3) other types of courts (e.g., appellate, city/town, etc.), 4) other types of filers (e.g., government agencies) and 5) mandatory e-filing.

All offers must include a proposed statewide implementation plan outlining a complete roll-out by case type(s), CMS and DMS.

2.6 Contract Term

The term of the contract shall begin on the date the contract is executed, and shall end no later than five (5) years thereafter. By written agreement of the parties, the contract may be extended annually for up to five (5) consecutive one-year terms on the same terms and conditions. In any such extension, the scope of the contract may be expanded as described above (e.g., additional case types, counties, courts, etc.).

2.7 Compensation

PNCO offers must be accompanied by a completed Pricing Submission Worksheet in order to be considered. Respondents to the PNCO should assume that the Division will compensate the vendors directly for services rendered; for purposes of the evaluation, no filer-paid fees or other user fees should be considered.

Respondents are strongly encouraged to submit offers that include both of the following options:

- **Option 1 - Per-Case:** Variable Per-Case Fees for Statewide Services, with optional Fixed Annual Fee component. PNCO respondents will structure this offer based on a variable fee for each case that has at least one transaction processed through the IEFS. The same fee would be charged per case, regardless of the number of transactions for that case that are processed through the IEFS. Respondents may include a fixed annual fee for statewide services, if a combination of fixed and variable costs is desired. For a purely fixed bid for annual services, enter zero as the per-case fee; for a purely variable bid, enter zero as the fixed annual fee.
- **Option 2 - Per-Transaction:** Variable Per-Transaction fees for Statewide Services, with optional Fixed Annual Fee component. PNCO respondents will structure this offer based on a variable filing fee per transaction (a collection of one or more filings in one or more cases, submitted in a single transaction). The per-transaction fees can be stratified in up to four steps, with per-transaction fees presumably declining as transaction volume increases. Respondents may include a fixed annual fee for statewide services, if a combination of fixed and variable costs is desired.

Respondents may propose a cost for Pilot Project Start-Up to reflect a portion of the costs of the EFM-side of the integration with the several CMSs. The individual courts in the pilot program will work with their corresponding CMS/DMS vendors to configure their systems to integrate with the EFM.

The selected Vendor will not have an ownership interest in the documents or data processed by the IEFS. The selected Vendor may not transfer documents or data or provide third party access unless authorized by the Division.

Section 3. Offer Information

3.1 Schedule of Events

It is the Division's plan to proceed according to the schedule below for the solicitation process:

EVENT	DATE	TIME
Issue PNCO	July 31, 2014	n/a
Vendor Conference	August 13, 2014	1:00 p.m. EDT
Deadline for Submission of Questions	August 22, 2014	3:00 p.m. EDT
Court's Response to Questions Posted	September 1, 2014	
Deadline for Submission of Offers	September 15, 2014	3:00 p.m. EDT
Product Demonstrations, if requested	TBD	various
Contract Executed	December 31, 2014	
E-Filing Project Launch	TBD, 2015	

3.2 Revisions to Schedule

The Division reserves the right to change the dates in the Schedule of Events. For Deadline for Submission of Offers and Offer Opening, written notification to prospective Vendors will be provided through a posting on the Division's web site at <http://courts.in.gov/admin/3190.htm>.

3.3 Vendor Conference

The Division will host a Vendor conference for potential Vendors, on August 13, 2014 at 1:00 P.M. EDT. The location of the Vendor conference is at the Division of State Court Administration, 30 S. Meridian Street, Ste. 500, Indianapolis, IN 46204. Please email PNCO-EFM2014@courts.in.gov to register to attend the conference and receive instructions to attend in person or via conference call.

3.4 Offer Requirements

- (a) **Costs.** Vendors are responsible for all costs of Offer preparation.
- (b) **Confidential Information.** Vendors are advised that materials contained in any proposals responsive to this announcement are subject to Indiana Supreme Court Administrative Rule 9 and may be subject to the Indiana Access to Public Records Act, Indiana Code § 5-14-3, *et seq.* Vendors requesting non-disclosure of specific documents must place all confidential documents

in a sealed envelope clearly marked "Confidential" and must indicate in each proposal (1) that confidential materials are included, and (2) the basis for declaring the information confidential. Confidential information must not be submitted in electronic format. The Division reserves the right to make final determinations of confidentiality. If the Division determines that the documents were incorrectly declared confidential, then the Division (1) will so inform the Vendor; (2) will destroy or return the documents; and (3) will not consider the documents in relation to the PNCO.

- (c) **Pricing Submission.** The Pricing Submission Worksheet must be fully completed and submitted in Excel format separately from the Response Submission. No price information may be included in any other portion of the Offer.

The Pricing Submission must be clearly marked with the title: "PRICING SUBMISSION for Electronic Filing Manager". The Pricing Submission shall include Vendor's name.

- (e) **Response Submission.** Responses to this PNCO must be formatted as searchable PDF files. The electronic copy may not contain audio or video or use embedded fonts. Submission pages must be numbered and contain an organized, paginated table of contents corresponding to the section of the Statement of Work. Vendors shall include all required information to be returned with its response as specified in the individual section numbers. Listed below is a summary of information required to be included in an offer responding to this PNCO. The Division reserves the right, in its sole judgment and discretion, to waive minor technicalities and errors in the best interest of the State of Indiana.

1. **Vendor Information.** Include the following information related to the responding business entity: formal name and all assumed names used by the business entity; structure of business entity (i.e. sole proprietorship, partnership, corporation, etc.); state in which business entity was formed or incorporated; physical address and mailing address; principal place of business; whether, and to what extent, Vendor has established a physical presence in the State of Indiana including relevant timeframes; and name, title, address, telephone number, facsimile number, and e-mail address of Vendor's primary contact.
2. **High Level Project Plan.** Include a project plan that outlines a timeline for implementation of the system, including dates by which each of the pilot courts will be deployed to the Vendor-provided system. The project plan should include estimates for deployment of the system to the remaining trial and appellate courts statewide.
3. **Experience and Qualifications.** Complete and provide the Vendor Questionnaire (included as Exhibit G in this PNCO). The questionnaire solicits information about Vendor's contacts, references, previous contract terminations, experience, and personnel (including employees and subcontractors).
4. **Financial Solvency and Insurance Information.** Include Vendor's most recent annual financial report or year-end financial statements, and proof of liability insurance and workers compensation coverage. Vendor must execute the Release form attached as Exhibit H to enable the Division or its agents to pursue independent review and consideration of financial information concerning the Vendor.

5. **Conflicts of Interest.** Vendor must include a statement describing any potential conflicts of interest or absence thereof.
6. **Execution of Offer.** The Division will reject offers without an Execution of Offer (included as Exhibit F to this PNCO) signed by a person with authority to bind the Vendor to a contract.
7. **E-filing Requirements.** The E-filing Requirements Worksheet must be fully completed, as described in Section 2.2 – Detailed Requirements, and included in the response to the PNCO as an electronic copy in Microsoft Excel format.

3.5 Inquiries

Any inquiries shall be submitted in writing to the Division and sent to PNCO-EFM2014@courts.in.gov, as specified in Section 3.1 above.

The Division will post written responses to inquiries on its web site. Except as otherwise provided in this Section, upon issuance of this PNCO, other employees and representatives of the Division will not answer questions or otherwise discuss the contents of the PNCO *ex parte* with any potential Vendor or its representatives. Questions and comments should only be addressed during the Vendor's Conference and follow-up sessions, if any. Failure to observe this restriction may result in disqualification of any subsequent response. This restriction does not preclude discussions unrelated to this PNCO.

3.6 Offer Submission

The Pricing and Response Submissions must be submitted either (1) via email to PNCO-EFM2014@courts.in.gov or (2) by U.S. Postal Service or other courier stored on a standard USB drive, CD, or DVD. The subject line of the Response Submission must be "Public Notice of Contracting Opportunity, Statewide Electronic Filing".

Offers may be mailed or delivered to the Division in a separate envelope or package that is clearly marked "**Public Notice of Contracting Opportunity, Statewide Electronic Filing**" and "**Attention: Lilia Judson, Executive Director**". It is the Vendor's responsibility to appropriately mark and deliver the Offer to the Division by the specified date and time. Telephone and facsimile Offers will not be accepted.

The Division will reject late submissions.

3.7 Delivery of Offers

Offers shall be submitted to the Division by one of the following methods:

U.S. Postal Service or Overnight/Express Mail	Electronic Mail
Indiana Supreme Court Division of State Court Administration Attn: Lilia Judson, Executive Director 30 S. Meridian Street, Ste.500 Indianapolis, IN 46204	PNCO-EFM2014@courts.in.gov

3.8 Offer Opening

Offers will be opened at the Division of State Court Administration, 30 S. Meridian St., Suite 500, Indianapolis, IN 46204. All submitted Offers become the property of Division after submission. Submitted Offers shall constitute an offer to contract for a period of ninety (90) days or until the Division makes a selection, whichever occurs earlier.

3.9 Offer Evaluation and Award

The Division will award a contract to the Vendor whose offer is considered to provide the best value to the State of Indiana according to the Division's evaluation. Best value will be determined by applying the following criteria and assigned weighted values: technology match - 20%, business requirement match - 30%, company qualifications – 20%, company references -10%, and pricing - 20%. In evaluating Offers to determine the best value for the State, the Division will consider information related to past contract and product performance of a Vendor.

An evaluation committee will determine whether Best and Final Offers are necessary. Award of a contract may be made without Best and Final Offers. The Division may, at its discretion, elect to have Vendors provide oral presentations and respond to inquiries from the evaluation committee related to their Offers. A request for a Best and Final Offer is at the sole discretion of the Division and will be extended in writing.

3.10 Reservation of Rights

The Division reserves the right to reject any and all offers, or to re-solicit or cancel this PNCO, if such action is deemed in the best interest of the State of Indiana and the Division of State Court Administration.

Exhibit A – Indiana Judicial System

The Constitution of Indiana provides that the judicial power of the State of Indiana is vested in a Supreme Court, a Court of Appeals, Circuit Courts, and such other courts as the Legislature may establish. The Supreme Court and the Court of Appeals are appellate-level courts, while the Circuit and Superior Courts are the county level courts of general jurisdiction. There is also a single appellate-level Tax Court, created by the Legislature with statewide jurisdiction over tax appeals.

Traditionally, Indiana's trial court system has been organized on a county basis through enabling legislation establishing courts in specific counties. As provided in the Constitution, the state has been divided into circuits, and the Legislature has predominantly chosen to base these circuits on county lines. As local needs have grown and more trial courts have become necessary, the Legislature has created "Superior," "Probate," and "County" courts. Superior courts have general jurisdiction similar to the Circuit courts. Over the years, most Probate and County Courts have been converted into Superior Courts. Only one Probate court remains, handling probate and juvenile cases. For the most part, individual counties bear the expenses of court operations, except for judges' and prosecutors' salaries which are paid by the State.

The Legislature has also authorized the establishment of city and town courts, which generally handle traffic matters and local ordinance violations, and township courts in Marion County (Indianapolis) handling only small claims cases. For the most part, the individual cities, towns, or townships bear the expenses of these courts' operations, including information technology and judges' salaries.

There is limited uniformity in many of the administrative operations in the courts due to the autonomous nature of the trial courts. Local courts handle many aspects of court operations, including court personnel, in addition to funding. However, the Supreme Court has implemented significant, unified administrative and record keeping procedures in recent years. As a result, Indiana now has a uniform case numbering system for every case filed in the state, a uniform schedule of retention for court records, uniform microfilming standards, a uniform record keeping process, a uniform process for local rules, and a number of other standardized practices.

Exhibit B – Case Filing Types

Indiana has established a uniform case numbering system for trial courts with Administrative Rule 8. Valid case types are listed in Admin. Rule 8(B)(3)⁸.

Administrative Rule 8.1⁹ defines the uniform case numbering system used by the Clerk of the Supreme Court in cases filed in the Supreme Court, Court of Appeals and Tax Court.

⁸ http://www.in.gov/judiciary/rules/admin/index.html#_Toc373929747

⁹ http://www.in.gov/judiciary/rules/admin/index.html#_Toc373929748

Exhibit C – Indiana Court Statistics

Indiana's trial courts and probation departments provide quarterly case and financial statistics to the Division of State Court Administration, which are then published annually in two reports. In addition, these reports include everything from crucial information on court actions to interesting facts about the judicial branch including both state and county operations. The Judicial Service Report includes:

- Statistics from appellate, trial and local courts
- Cases filed, disposed and pending at the beginning and end of the reporting period
- Court financial information, including funding sources and salary details
- Updates and statistics on court-related programs, such as Court Appointed Special Advocates, Alternative Dispute Resolution and Public Defense funding

Detailed statistics for all trial courts in 2012 are available in Microsoft Excel format in the following spreadsheet, where new case filings are detailed on the "2012 New Filings" tab at:

<http://www.in.gov/judiciary/admin/files/rpts-ijs-2012-v2-pending-incoming-disposed-miscellaneous.xls>

The Judicial Service Reports are available at:

<http://www.in.gov/judiciary/admin/2467.htm>

The respective annual caseloads of the Supreme Court, Court of Appeals, and Tax Court are summarized in the tables below¹⁰.

Table 1 - Supreme Court 2012-13 Caseload

Cases Transmitted	1012
Dispositions by Order or Opinion	1005
Oral Arguments	70

Table 2 - Court of Appeals 2012 Caseload

Cases Filed	4160
Dispositions by Order or Opinion	3510
Motions, Petitions – Received	6971
Motions, Petitions - Orders Issued	7210
Oral Arguments	78

Table 3 - Tax Court 2012 Caseload

Cases Filed	83
Dispositions	50
Other Opinions (Non-Dispositive or Rehearing)	7
Trials, Oral Arguments, and Hearings	23

¹⁰ The Court of Appeals and Tax Court data were derived from each Court's annual report for the calendar year 2012. The Supreme Court data were sourced from the Court's annual report for the fiscal year of July 1, 2012, through June 30, 2013.

Exhibit D – Comparison of Cases From 2003-2012

Cases Filed--All Courts

	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
Criminal/Civil Violations										
Murder	243	234	232	228	209	209	225	205	193	235
Felony	0	0	0	0	0	0	0	0	0	0
Class A Felony	2,505	2,577	2,671	2,829	2,765	2,784	2,745	2,589	2,666	2,424
Class B Felony	5,902	5,982	5,747	5,906	5,741	6,187	6,578	6,889	7,108	7,289
Class C Felony	9,500	9,596	10,025	10,039	10,009	9,808	9,227	8,866	9,638	9,719
Class D Felony	44,690	47,498	48,266	48,985	51,230	52,172	51,524	50,661	51,720	52,363
Misdemeanor	200,347	203,161	201,711	197,372	200,071	195,551	188,889	183,946	173,408	168,472
Post Conviction	1213	1,072	970	878	999	992	1,049	1,207	1,362	1,460
Misc. Criminal	17,642	26,259	21,306	24,335	26,859	25,560	27,881	31,372	32,844	35,102
Infractions	740,201	641,144	691,506	774,286	852,868	930,004	912,591	822,226	721,089	662,213
Ordinance Violations	97,205	91,521	86,084	102,065	96,234	108,686	111,880	107,037	99,640	99,451
Sub-Total	1,119,448	1,029,044	1,068,488	1,166,923	1,246,985	1,331,953	1,312,589	1,214,998	1,099,668	1,038,728
Juvenile										
CHINS	8,655	9,574	9,865	8,861	10,143	12,681	12,625	12,160	10,665	11,325
Delinquency	25,861	26,653	26,926	27,835	24,706	23,939	21,914	20,585	19,553	18,480
Status	6,832	6,460	6,661	7,448	6,091	5,307	4,081	4,586	4,442	4,589
Paternity	17,813	16,710	18,277	20,651	21,057	20,544	16,732	22,217	21,978	21,313
Miscellaneous	7,616	7,245	7,159	8,969	10,281	13,568	15,458	12,506	11,457	12,147
Term Parental Rights	1801	2,097	2,224	2,553	2,504	3,485	3,378	3,502	2,718	2,222
Sub-Total	68,577	68,739	71,112	76,317	74,782	79,524	75,188	75,556	70,813	70,076
Civil										
Plenary	28,346	22,981	20,687	21,475	20,457	20,005	20,692	17,658	17,600	16,943
Mortgage Foreclosure	29,827	30,867	34,142	40,896	43,804	45,394	40,905	41,274	30,272	33,876
Civil Collections	60,021	66,355	63,667	68,709	82,139	101,616	96,659	94,899	71,526	75,301
Tort	13,565	15,387	13,588	12,916	11,747	11,379	10,434	10,500	10,502	10,797
Small Claims	298,477	297,891	296,240	282,943	281,530	289,925	272,602	276,296	253,255	253,834
Domestic Relations	38,360	37,410	39,039	37,491	37,861	38,845	42,187	41,095	37,822	36,663
Reciprocal Support	3,078	2,843	2,837	3,063	3,123	3,225	2,774	3,157	2,898	2,660
Mental Health	5,991	6,568	6,748	6,833	7,305	7,226	8,091	7,772	7,804	8,570
Protective Orders	25,067	27,004	28,373	29,323	31,953	34,736	36,494	36,534	35,579	36,313
Miscellaneous	11,367	11,883	12,013	12,306	11,690	12,077	13,314	15,548	16,709	14,691
Sub-Total	514,099	519,189	517,334	515,954	531,609	564,427	544,152	544,732	483,967	489,648
Probate/ Adoption										
Adoption	3,430	3,616	3,549	3,640	3,722	3,867	3,511	3,645	3,855	3,955
Adoption Histories	0	0	0	0	0	0	0	0	0	0
Estate	15,428	15,240	15,086	14,386	14,187	14,409	13,777	13,672	14,473	14,923
Guardianship	6,469	6,671	6,657	6,695	6,814	7,088	6,957	6,832	7,118	6,914
Trusts	432	432	474	444	443	463	575	435	518	507
Sub-Total	25,759	25,958	25,766	25,165	25,166	25,827	24,820	24,584	25,964	26,299
Grand Total	1,727,883	1,642,930	1,682,700	1,784,359	1,878,542	2,001,731	1,956,749	1,859,870	1,680,412	1,624,751

Exhibit E – EFSP Pre-Certification Checklist

Category	Requirement	Completed
<u>Infrastructure</u>	Provision servers and related infrastructure for integration to the State of Indiana's EFM	
	Implement antivirus scanning of documents submitted by filers	
	Secure a public IP address	
	Obtain an X.509 RSA based certificate from a public certificate authority	
<u>Firm Management</u>	Invocation of AddUserRole	
	Invocation of AttachServiceContact	
	Invocation of CreateAttorney	
	Invocation of CreatePaymentAccount	
	Invocation of CreateServiceContact	
	Invocation of DetachServiceContact	
	Invocation of GetAttorney	
	Invocation of GetAttorneyList	
	Invocation of GetFirm	
	Invocation of GetPaymentAccount	
	Invocation of GetPaymentAccountList	
	Invocation of GetPaymentAccountTypeList	
	Invocation of GetServiceContact	
	Invocation of GetServiceContactList	
	Invocation of GetUser	
	Invocation of GetUserList	
Invocation of RegisterUser		
Invocation of RemoveAttorney		

Method names do not have to match those listed exactly. The service(s) merely need to support the functionality indicated by these methods.

	Invocation of RemovePaymentAccount	
	Invocation of RemoveServiceContact	
	Invocation of RemoveUser	
	Invocation of RemoveUserRole	
	Invocation of ResendActivationEmail	
	Invocation of ResetUserPassword	
	Invocation of UpdateAttorney	
	Invocation of UpdateFirm	
	Invocation of UpdatePaymentAccount	
	Invocation of UpdateServiceContact	
	Invocation of UpdateUser	
<u>User Management</u>	Invocation of AuthenticateUser	
Method names do not have to match those listed exactly. The service(s) merely need to support the functionality indicated by these methods..	Invocation of ChangePassword	
	Invocation of GetPasswordQuestion	
	Invocation of ResetPassword	
<u>Payment Processing</u>	Integrate your filing portal with a payment gateway for registering filer credit cards	
<u>ECF 4.01 Filing & Service Operations</u>	Invocation of GetFeesCalculation	
	Invocation of GetFilingList	
	Invocation of GetFilingStatus	
	Invocation of GetPolicy	
	Invocation of ReviewFiling	
	Invocation of GetCase	
	Invocation of GetCaseList	
	Invocation of GetServiceInformation	

Invocation of ServeFiling	
Implement NotifyFilingReviewComplete	

Exhibit F – Execution of Offer

NOTE: THIS EXHIBIT MUST BE SIGNED AND RETURNED WITH THE OFFER. OFFERS THAT DO NOT INCLUDE THIS EXHIBIT WILL BE DISQUALIFIED. THE OFFER SHALL BE VOID IF FALSE STATEMENTS ARE CONTAINED IN THIS EXHIBIT.

By its signature, Vendor certifies that:

All statements and information prepared and submitted in the response to this PNCO are current, complete, and accurate.

Vendor has not given, offered to give, nor intends to give at any time hereafter, any economic opportunity, future employment, gift, loan, gratuity, special discount, trip, favor, or service to a public servant or agent of the public servant in connection with the submitted response.

Neither Vendor nor the firm, corporation, partnership, or institution represented by Vendor or anyone acting for such firm, corporation, or institution has (1) violated the antitrust laws of the State of Indiana, or the federal antitrust laws; or (2) communicated the contents of this Offer either directly or indirectly to any competitor or any other person engaged in the same line of business during the procurement process for this PNCO.

When an Indiana business address is shown, that address is, in fact, the legal business address of Vendor and Vendor qualifies as an Indiana business under Indiana Code 5-22-15-20.5.

No person who prepared the specifications or this PNCO has any financial interest in Vendor's Proposal. If Vendor is not eligible, then any contract resulting from this PNCO shall be immediately terminated. Furthermore, the Vendor certifies that the individual or business entity named in this bid or contract is not ineligible to receive the specified contract and acknowledges that no contract shall be formed or, if any such contract is held to have been formed, it shall be void *ab initio* if this certification is inaccurate.

The names and social security numbers of any person or entity holding at least a twenty-five percent (25%) ownership interest in the business entity submitting the Offer are as follows:

Name:	Social Security Number:
Name:	Social Security Number:
Name:	Social Security Number:

Vendor certifies that no principal of Vendor was an employee of the Division within the past year, and that no employee of Vendor who was an employee of the Division within the past year will perform services if Vendor is awarded this contract.

Vendor agrees that any payments due under this contract will be applied towards any debt, including but not limited to delinquent taxes and child support that is owed to the State of Indiana.

Vendor certifies (1) that the responding entity and its principals are eligible to participate in this transaction and have not been subjected to suspension, debarment, or similar ineligibility determined by any federal, state or local governmental entity; (2) that Vendor is in compliance with the State of Indiana statutes and rules relating to procurement; and (3) that Vendor is not listed on the federal government's terrorism watch list as described in the President's Executive Order (EO) 13224, Executive Order on Terrorist Financing – Blocking Property and Prohibiting Transactions With Persons Who Commit, Threaten to Commit, or Support Terrorism, effective 9/24/2001 and any subsequent changes made to it. Entities ineligible for federal procurement are listed at <http://www.epls.gov>.

Vendor represents and warrants that the individual signing this Execution of Offer is authorized to sign this document on behalf of Vendor and to bind Vendor under any contract resulting from this Offer.

VENDOR (COMPANY): _____

SIGNATURE (INK): _____

NAME (TYPED/PRINTED) _____

TITLE: _____ **DATE:** _____

STREET: _____

CITY/STATE/ZIP: _____

TELEPHONE AND FACSIMILE NUMBERS: _____

Exhibit G – Vendor Questionnaire

NOTE: THIS FORM MUST BE COMPLETED AND RETURNED WITH THE PUBLIC NOTICE OF CONTRACTING OPPORTUNITY (PNCO). PNCOs THAT DO NOT INCLUDE THIS FORM WILL BE DISQUALIFIED. (Note: This information may be submitted in a form provided by the vendor, but the content must be presented with all information in the same order as shown in this questionnaire.)

THE PNCO SHALL BE VOID IF FALSE STATEMENTS ARE CONTAINED IN THIS EXHIBIT.

- A. **Vendor’s Contact Person.** Vendor must list the name, title, email address, mailing address, phone number and fax number of the individual who will be the contract person for the term of any Purchase Order resulting from this PNCO.

Name:	
Title:	
Mailing Address:	
Telephone:	
Fax:	
Email:	

- B. **References.** Vendor must provide a list of at least four (4) state agencies, corporations, or other entities for which Vendor has provided the requested services in the PNCO during the past three (3) years. Vendor must include dates when requested services were provided, names, telephone numbers and e-mail addresses of Indiana state agency’s or firm’s contact person. If none, check None

1.	State Agency or Other Entity:	
	Description of Services Provided:	
	Date Services Provided:	
	Name of Contact:	
	Telephone number of Contact:	
	E-mail address of Contact:	

2.	State Agency or Other Entity:	
	Description of Services Provided:	
	Date Services Provided:	
	Name of Contact:	
	Telephone number of Contact:	
	E-mail address of Contact:	

3.	State Agency or Other Entity:	
	Description of Services Provided:	
	Date Services Provided:	
	Name of Contact:	
	Telephone number of Contact:	
	E-mail address of Contact:	

4.	State Agency or Other Entity:	
	Description of Services Provided:	
	Date Services Provided:	
	Name of Contact:	
	Telephone number of Contact:	
	E-mail address of Contact:	

- C. **Cancellations or Terminations.** Vendor must list all contracts or purchase orders that Vendor executed or accepted within the last three (3) years and which were canceled or terminated prior to completion by any state agency or other entity with which Vendor contracted. For each such contract or purchase order, Vendor must include a detailed explanation for the cancellation or termination and final resolution of the matter. Include the names and telephone numbers of each such state agency's or firm's contact person. If none, check None

State Agency or Other Entity:	
Explanation for Cancellation or Termination:	
Final Resolution:	
Name of Agency / Other Contact:	
Telephone number of Contact:	

- D. **Profile.** Vendor must include the following profile that:

(a)	Describes the general nature of previous similar work performed by Vendor, particularly work in the last three (3) years:
(b)	Describes the size and scope of all operations, including number of Vendor's employees and years in business:
(c)	Describes Vendor's prior contracting experience with Indiana state agencies and similar entities:
(d)	List any other information Vendor believes is pertinent to this PNCO:

Exhibit H – Authorization for Release of Records and Waiver of Liability By Vendor

AUTHORIZATION FOR RELEASE OF RECORDS AND WAIVER OF LIABILITY BY VENDOR

To: _____
Name of Financial Institution

Address of Financial Institution

From: _____
Name of Vendor

Address of Vendor

Date: _____

Release: I, _____, (name of representative of Vendor) serve as the
_____ (Position with Vendor)
and I am authorized to give a release and waiver of liability on behalf of the Vendor.

I hereby authorize, request and direct the Financial Institution specified above to immediately release, disclose, and provide unrestricted access to financial records and documents pertaining to the above-named Vendor to the following state entity:

**Indiana Supreme Court, Division of State Court Administration
Attn: Lilia Judson, Executive Director
30 S. Meridian St., Suite 500
Indianapolis, IN 46205**

This release and waiver of liability is given so that the Division of State Court Administration may make a due diligence assessment of the Vendor's public bid to provide services to the Division of State Court Administration in response to the Division's Public Notice Contracting Opportunity issued July 31, 2014.

On behalf of the Vendor and with authority to do so, I and the Vendor expressly waive the privilege of confidentiality of the requested records, documents, and information with respect to the Financial Institution in this Release. I and the Vendor further release and exonerate the Financial Institution

from any and all liability attendant to, or arising as a consequence of the release of information to the Indiana Supreme Court, Division of State Court Administration.

This authorization shall not expire after a particular period but rather shall remain valid and in effect unless and until canceled in writing by me.

Printed Name

This instrument was sworn to and acknowledged before me, the undersigned authority, by _____ on this the ____ day of _____ 20____.

Notary Public

County of Residence: _____

My Commission Expires: _____

Exhibit I – Proposed Trial Rule 86. Electronic Filing and Electronic Service

(A) Definitions.

- (1) *Case Management System (“CMS”)*. Case Management System is the system of networked software and hardware used by any Indiana court that may receive, organize, store, retrieve, transmit and display all relevant documents in any case before it.
- (2) *Conventional Filing*. Conventional Filing is the physical non-electronic presentation of documents to the clerk or court.
- (3) *Electronic Filing (“E-filing”)*. E-filing is a method of filing documents with the clerk of any Indiana court by electronic transmission utilizing the Indiana E-Filing System. E-filing does not include transmission by facsimile or by email.
- (4) *E-Filing Manager (“EFM”)*. E-Filing Manager is the centralized entity approved by the Supreme Court that receives and transmits all E-filing submissions between E-Filing Service Provider(s) and the appropriate Case Management System.
- (5) *E-Filing Service Provider (“EFSP”)*. E-Filing Service Provider is the organization and software selected by a User and approved by the Supreme Court to receive and transmit all E-filing submissions between the User and the Indiana E-Filing System.
- (6) *Electronic Service (“E-service”)*. E-service is a method of serving documents by electronic transmission on any User in a case via the Indiana E-Filing System.
- (7) *Indiana E-Filing System (“IEFS”)*. Indiana E-Filing System is the system of networked hardware, software, and service providers approved by the Supreme Court for the filing and service of documents via the Internet, into the Case Management System(s) used by Indiana courts.
- (8) *Notice of Electronic Filing (“NEF”)*. Notice of Electronic Filing is the notice generated automatically when a document is submitted and transmitted through the Indiana E-Filing System, which sets forth the time of transmission, the name of the court, User, party or attorney transmitting the document, the title of the document, the type of document, and the name of the court, attorney, party or other person meant to receive the Notice. The time noted in a Notice of Electronic Filing will be the time at the location of the court where the case is pending. A Notice of Electronic Filing will appear immediately on the User’s screen upon submission of the document for E-filing.
- (9) *Public Access Terminal*. A Public Access Terminal is a publicly accessible computer provided by clerk or court that allows a member of the public to access the Indiana E-Filing System and public court records.
- (10) *User Agreement*. A User Agreement is an agreement in a form approved by the Division of State Court Administration that establishes obligations and responsibilities of the User within the Indiana E-Filing System.
- (11) *User*. User is a Registered User or Filing User.
 - (a) *Filing User*. Filing Users include court and clerk staff, unrepresented litigants, attorneys, or an agent whom an attorney has expressly designated to make a filing on the attorney’s behalf and who has an Indiana E-Filing System user ID, password, and limited authority to file documents electronically.

(b) *Registered User.* A Registered User is a person or entity with a user ID and password assigned by the Indiana E-Filing System or its designee who is authorized to use the Indiana E-Filing System for the electronic filing or service of documents.

(B) User Agreement Required. Every User must execute a User Agreement with one or more Electronic Filing Service Provider(s) before that User may utilize the Indiana E-Filing System.

(C) Commencement of an Action. An action must be commenced:

- (1) electronically, using the Indiana E-Filing System unless exempted by these rules; and
- (2) by filing a paper complaint and furnishing to the clerk the requisite number of copies of all documents required by Trial Rule 3 by the close of the court's next business day.

(D) Electronic Filing of Documents.

(1) Unless otherwise permitted by these rules, all documents submitted for filing must be filed electronically with the clerk using the Indiana E-Filing System.

(2) Attorneys or unrepresented litigants who wish to be exempted from the requirement that they file electronically may file a petition for electronic filing exemption and a completed and verified Electronic Filing Technical Requirements Questionnaire, which is appended hereto as E-Filing Form 1. The petition and Questionnaire must be filed in each pending case to which these rules are applicable. The petition and Questionnaire will be reviewed by the judicial officer assigned to that case and granted only upon a showing of good cause.

(E) Proof of Filing. Users should print or otherwise save each Notice of Electronic Filing as proof of E-filing. Confirmation of E-filing may also be made by referring to the Chronological Case Summary of the court in which the case is pending through the Case Management System of that court.

(F) Conventionally Filed Documents. Conventionally filed documents must be entered into the Indiana E-Filing System by the clerk or court. If the original documents cannot be converted into a legible electronic document, then the originals must be placed into the case file and that action must be noted in the Chronological Case Summary. The filer must also conventionally serve these documents in accordance with these Rules and applicable Local Rule(s) and file a certificate of service.

(G) Service of Pleading and Other Papers:

(1) *Service on Registered Users.* Registered Users must serve all documents in a case upon every other party who is a Registered User through E-service using the Indiana E-Filing System. E-service has the same legal effect as service of an original paper document. E-service of a document through the Indiana E-Filing System is deemed complete upon transmission, as confirmed by the Notice of Electronic Filing associated with the document. Exempt parties must serve all documents in a case as provided by Trial Rules 4 or 5.

(2) *Service on Others.* Service of documents on attorneys of record who are not Registered Users or on unrepresented parties must be as provided by Trial Rules 4 or 5.

(H) Format Requirements.

(1) Documents filed electronically must be formatted in conformity with this Rule and the requirements of the Indiana E-Filing System.

(2) All documents must be submitted in the manner required by the E-Filing Service Provider. The Indiana E-Filing System may be accessed via any Internet connection available to the Registered User and at Public Access Terminals located in the offices of the county clerk.

(I) Signature.

(1) All documents electronically filed that require a signature must include a person's signature using one of the following methods:

- (a)** a graphic image of a handwritten signature, including an actual signature on a scanned document; or
- (b)** the indicator "/s/" followed by the person's name.

(2) A document that is signed and E-filed must be subject to the terms and provisions of Trial Rule 11(A). A Registered User may include the Signature of other attorneys in documents E-filed with the court but in doing so represents to the court that any such Signature is authorized.

(J) Time and Effect. Subject to payment of all applicable fees pursuant to Section (J), a document is considered E-filed with the court on the date and time reflected in the Notice of Electronic Filing associated with the document. E-filing must be completed before midnight to be considered filed that day, and compliance with filing deadlines is determined in accordance with the time zone in the location of the court where the case is pending. E-filing under these rules shall be available 24 hours a day, except for times of required maintenance.

(K) Official Court Record. The electronic version of a document filed with or generated by the court under this rule is an official court record.

(L) Fees. All applicable fees for E-filing are due and payable at the time of E-filing unless waived by order of the court. Failure to timely pay a required fee may cause the document submitted through the Indiana E-Filing System to be refused by the clerk or stricken by the court.

(M) Certain Court Records Excluded From Public Access. When a document to be filed contains confidential information to be excluded from public access pursuant to Indiana Administrative Rule 9, the User must identify that confidential information and e-file both an unredacted copy of the document and a copy with the confidential information redacted. The User must file the unredacted document in a manner designated by the E-Filing Service Provider that protects the confidentiality of the information.

(N) Inability to E-file.

(1) Indiana E-filing System Failures.

- (a)** The rights of the parties shall not be affected by an Indiana E-Filing System failure.
- (b)** When E-filing is prevented by an Indiana E-Filing System failure, a User or party may revert to conventional filing.
- (c)** With the exception of deadlines that by law cannot be extended, when E-filing is prevented by an Indiana E-Filing System failure, the time allowed for the filing of any document otherwise due at the time of the Indiana E-Filing System failure must be extended by one day for each day on which such failure occurs, unless otherwise ordered by the court.
- (d)** Upon motion and a showing of an Indiana E-Filing System failure the court must enter an order permitting the document to be considered timely filed and may modify responsive deadlines accordingly.

(2) Other Failures Not Caused by the User who was Adversely Affected. When E-filing is prevented by any other circumstance not caused by the User who was adversely affected, the User may bring such circumstances to the attention of the court and request relief as provided in Trial Rule 6(B), or the User may revert to conventional filing.