



# 2014 COURT EMPLOYEE CONFERENCE

TOM JONES, RECORDS MANAGER

RICHARD PAYNE, STAFF ATTORNEY

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ANGIE JAMES, COURT ANALYST/REPORT SPECIALIST



Statistics



Records  
Retention



JP Non-  
Confidential  
Legislation



TR 77



Judgment  
Docket

← **SESSION TOPICS** →



Angie  
James

Richard  
Payne

Jeff  
Wiese

Tom  
Jones

Libby  
Milliken

# TRIAL COURT MANAGEMENT TEAM



NEW

## ➤ What's New?

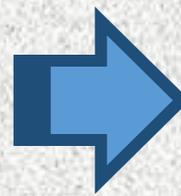
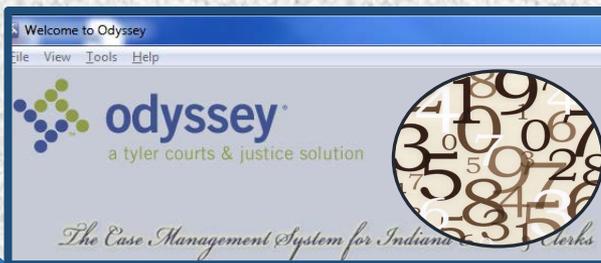


Statistics

- As of April 2014, No case filing necessary for Dept. of Labor Warrants. The Dept. of Labor can file judgments through INCITE
- New Felony Levels on QCSR
  - ❖ Instructions are updated on website at <http://www.in.gov/judiciary/admin/3148.htm>
- Upcoming – new way to count self-represented litigants

# ➤ Projects

- Automatic reminders sent after deadline of quarterly and annual reports
- Odyssey users - import QCSR data from Odyssey to ICOR



# RECORDS RETENTION





## Records Retention

### ➤ **Admin. Rule 7: Judicial Retention Schedules**

- Comprehensive list of retention schedules
- Many of the records are historical and no longer used by the court system
- Many retention schedules call for transfer to the Archives Division, Indiana Commission on Public Records

# ADMINISTRATIVE RULE 7

## Website:

- <http://www.in.gov/judiciary/>
- Menu: Forms and Court Rules
- Indiana Rules of Court
- Administrative Rules are the first on the list of 19
- Table of Contents: Rule 7 - Judicial Retention Schedules



# DATABASE FOR RETENTION SCHEDULES

## ➤ Location:

- <https://mycourts.in.gov/ar7/>
- Same retention schedules in the same format as they exist in the rule
- Searchable by key word or retention number





## Records Retention Format

### ➤ Three Part Number

- year retention schedule created
- jurisdiction
- number

Example-- Adoption Case Files: 85-4.3-04R

85: year created

4.3: Family Law-Adoptions

04R: number—R means that it has been that the retention schedule has been revised

# RETENTION OF CCS

- **Permanent Retention Record**
- **Administrative Rule 7 - Retention Schedule Number 94-10-03 - which is found in final section**



# RETENTION OF RJO

➤ **94-10-04**

➤ **Features:**

- wording very similar to the wording for CCS
- Paper or microfilm
- If maintained electronically, guarantee capacity to generate hard copy on demand



# CONFIDENTIALITY OF PATERNITY CASE RECORDS



- **Records in cases filed and concluded before 7/1/14 remain confidential**
- **Records in cases filed on/after 7/1/14 are public unless confidential under another law or rule – e.g.**
  - Social Security Numbers
  - Account Numbers

# CONFIDENTIALITY OF PATERNITY CASE RECORDS

## ➤ **Records in cases filed before 7/1/14 but still pending or redocketed on/after 7/1**

- Pre-July 1 records remain confidential and require sequestration from public view
- Post-July 1 records are public unless confidential under another law or rule; information that remains confidential will be submitted on light green paper per Admn. Rule 9



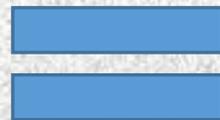
# KEEPING CONFIDENTIAL RECORDS SEPARATE



PRE 7/1 CCS &  
ALL INFO



POST 7/1 CCS  
& INFO

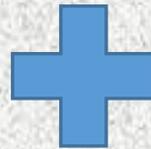


THE CASE FILE

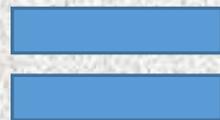
# KEEPING CONFIDENTIAL RECORDS SEPARATE



PRE 7/1 & POST CONFIDENTIAL  
INFO



POST 7/1 CCS

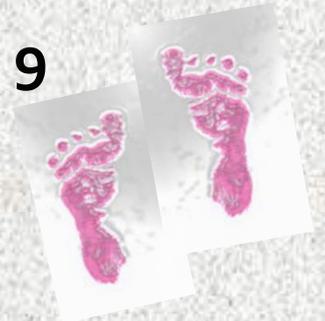


THE CASE FILE

# CONFIDENTIAL JP RECORD ACCESS



- Parties and their lawyers of record always have access
- Admin. Rule 9(e) - Access for Prospective Lawyer and their agents
- If asked to review the file by a party prior to filing an appearance, a lawyer and his agents may have access upon the lawyer filing an Assurance of Confidentiality
- Assurance form appended to Admin. Rule 9



STATE OF INDIANA )  
 ) SS:  
COUNTY OF \_\_\_\_\_ )

IN THE \_\_\_\_\_ COURT  
CASE NO. \_\_\_\_\_

CASE CAPTION )  
)  
)  
)  
)

#### ASSURANCE OF CONFIDENTIALITY

I, (insert attorney name), Attorney Number \_\_\_\_\_, am a member in good standing of the Indiana Bar. A prospective client has asked that I review the confidential Juvenile Paternity case file in the above matter. I affirm that my agents and I who obtain access to the court records and information in this file will maintain confidentiality as governed by Administrative Rule 9 in effect at the date of filing of such records.

\_\_\_\_\_  
(Attorney Signature)

\_\_\_\_\_  
Printed Name of Attorney

Attorney Address

Attorney Telephone Number

Attorney Number

# TRIAL RULE 77 OVERVIEW

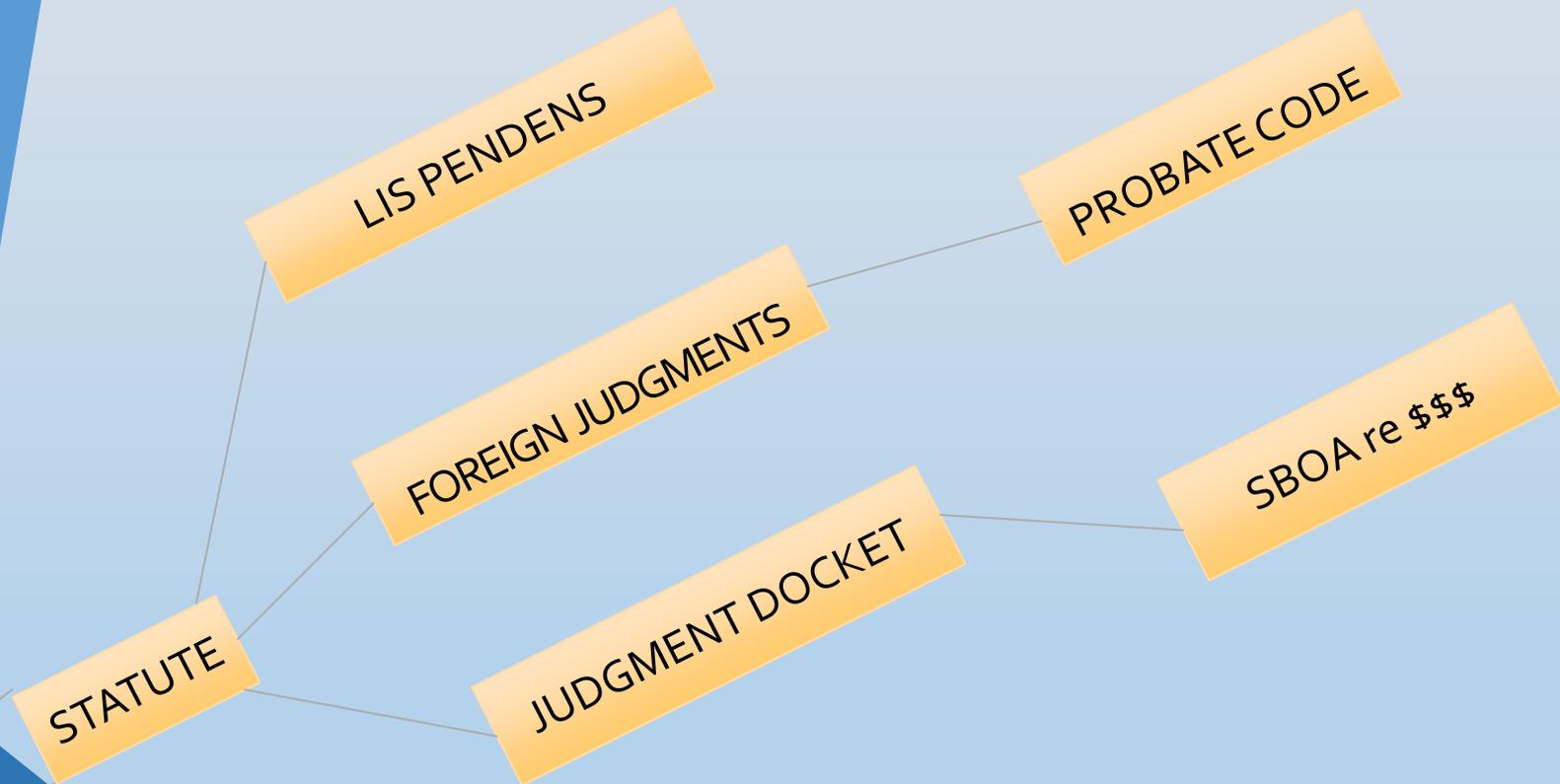


TR 77

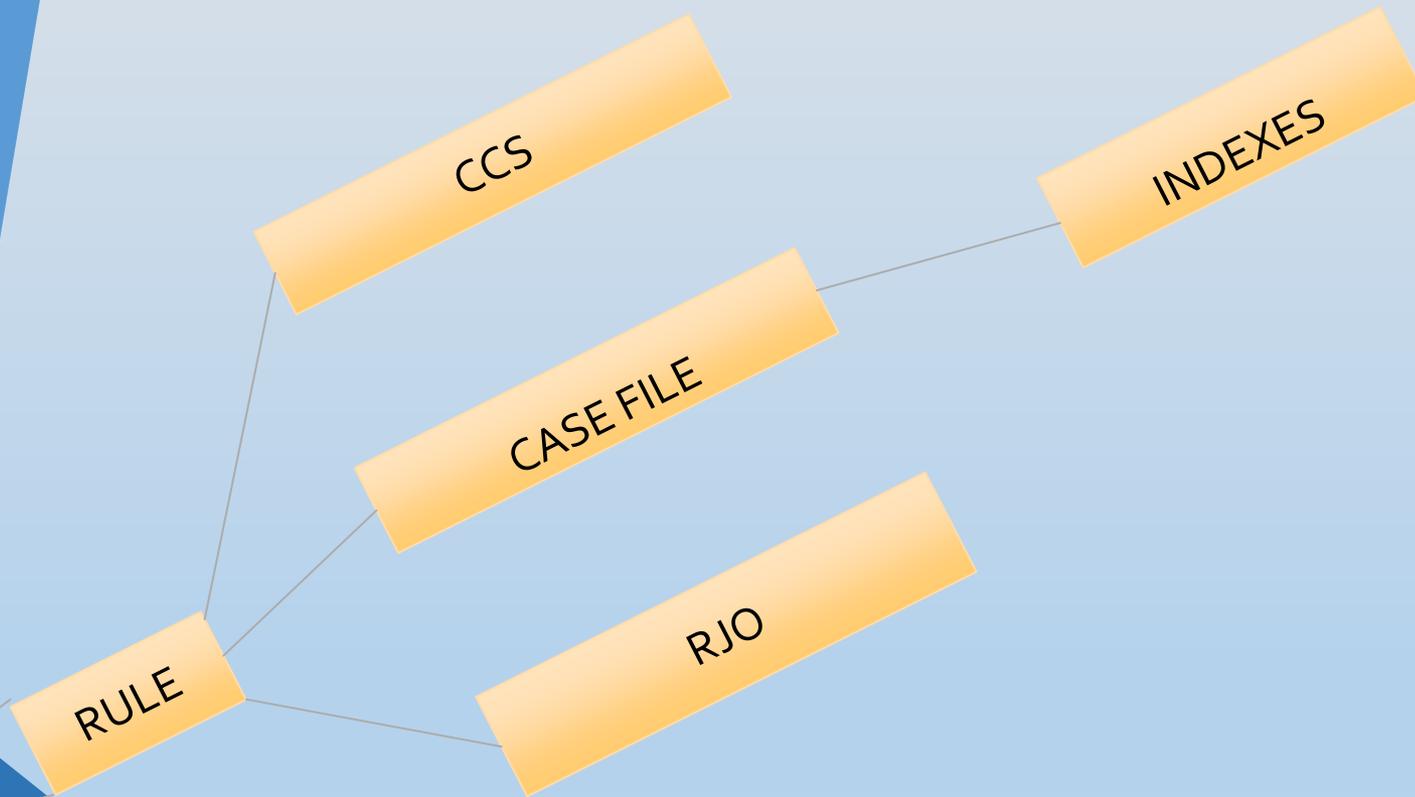
RULE

STATUTORY

# RECORDS REQUIRED BY STATUTE



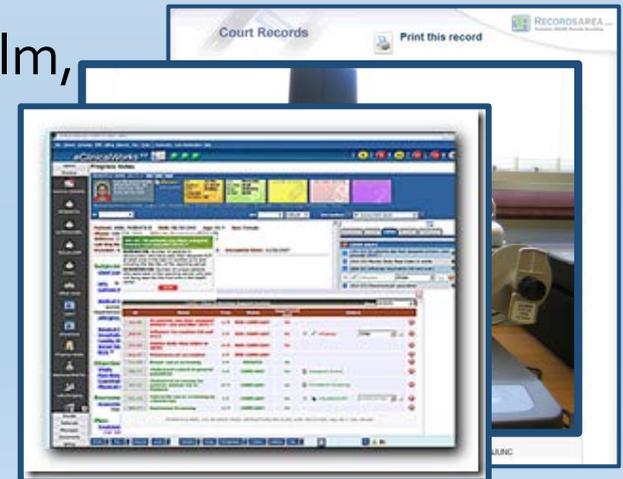
# RECORDS REQUIRED BY SUPREME COURT RULE



# CHRONOLOGICAL CASE SUMMARY AKA "THE CCS"

## ➤ CCS

- Official and permanent record of all trial courts
- Most important record in the system
- A sequential record of all judicial events in a case
- CCS may be kept in paper, microfilm, or electronically



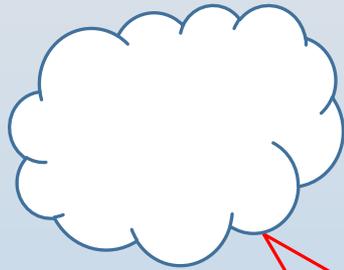
# CHRONOLOGICAL CASE SUMMARY

## ➤ **If maintained electronically**

- The system must be able to create a hard copy (paper) on request
- Courts that choose to maintain the CCS electronically must keep migrating their records forward as hardware and software changes occur

**MISSION:  
MIGRATION**

# CHRONOLOGICAL CASE SUMMARY



## Basic Information for the CCS

- Case Number
- Attorney name, address, phone and attorney number
- Unrepresented party notation and name, address and phone number
- Assessed fees and charges

# CHRONOLOGICAL CASE SUMMARY



## ➤ **Backdating CCS entries is NOT ALLOWED**

- ❑ Always use the date you are actually making the entry on the CCS. The text of the entry should indicate the date the event actually occurred

## ➤ **Altering or Deleting CCS entries is NOT ALLOWED**

- ❑ Make a correcting entry. It is possible to redact some entries if confidential information has been included

# THE HAPPY CASE FILE



➤ **Keep your case files singing their happy song!! Only put documents in that belong and organize them chronologically.**

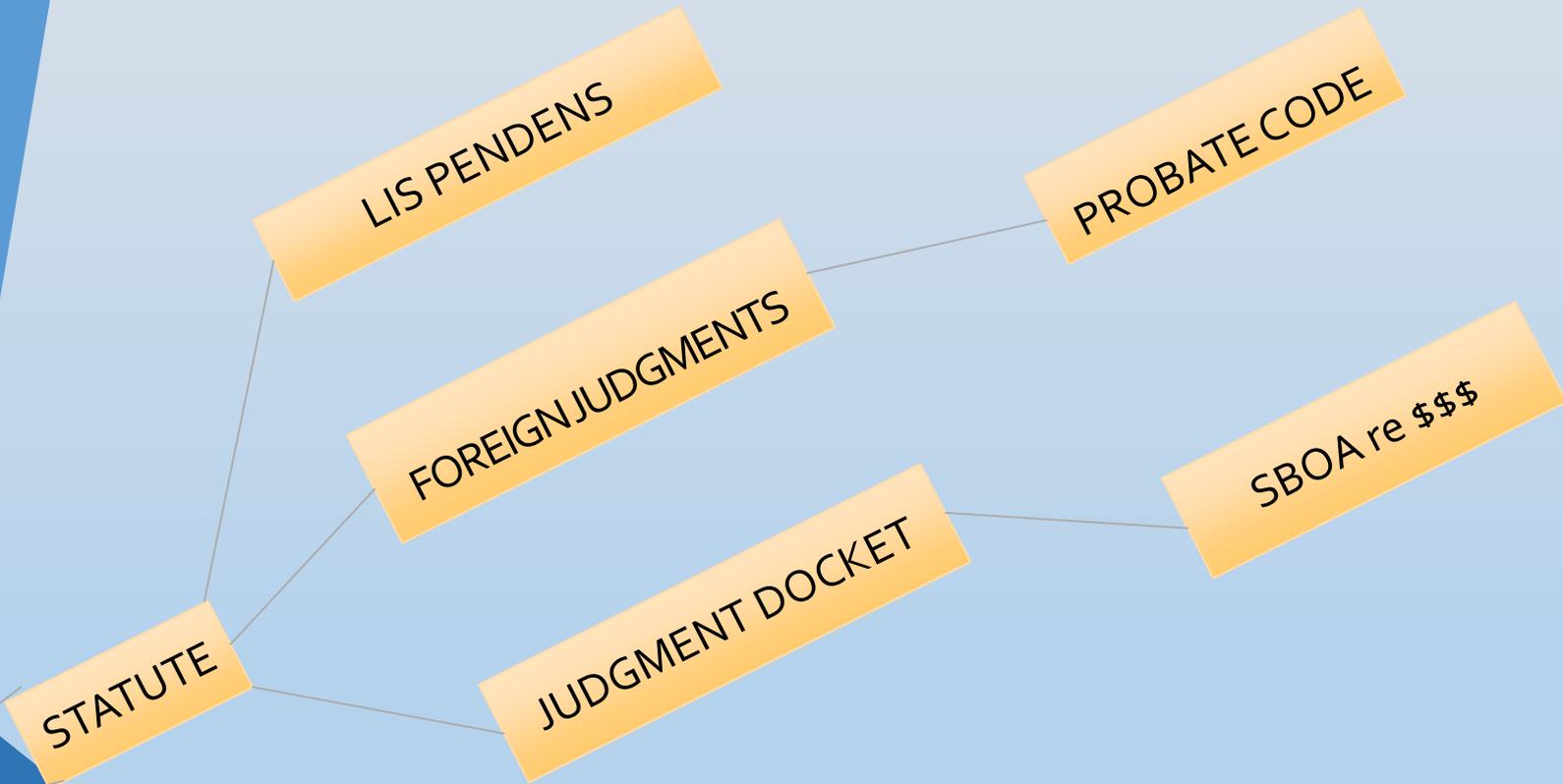
- Pleadings
- Service of process and returns
- Motions
- Verdicts
- COPIES of Judgments and orders placed in the RJO
- Originals of all non-RJO orders
- Certified and approved transcripts of testimony
- Executions

# THE UNHAPPY CASE FILE



- **Unhappy files contain things that DO NOT belong there, are unorganized and do not sing a happy song.**
- **Examples of things that do not belong:**
  - Transmittal letters
  - Instructions
  - Envelopes
  - Unused orders
  - Extrinsic papers unrelated to the issues of the case

# RECORDS REQUIRED BY STATUTE



# JUDGMENT DOCKET

## Purpose:

- Purpose of judgment lien and docketing statutes is to protect judgment creditor by providing creditor with mechanism to notify subsequent purchasers that creditor has valid claim on debtor's property.

*Borgman v. Aikens,*  
App.1997, 681 N.E.2d 213,  
rehearing denied, transfer  
denied 698 N.E.2d 1182

## Trial Rule 77(A)(1)(c):

Judgment Docket ([IC 33-32-3-2](#)), wherein all orders requiring entry in the judgment docket shall include the term “**judgment**” in the title and shall set forth the specific dollar amount of the judgment in the body of the order. . .

# 33-32-3-2(A) CIRCUIT COURT JUDGMENT DOCKET; CONTENTS

-- THE CLERK SHALL KEEP A JUDGMENT DOCKET



## (a) The clerk:

- (1) shall keep a circuit court judgment docket; and
- (2) is the official keeper of the circuit court judgment docket

**NEW!**

NUMBER	PLAINTIFF	DEFENDANT
8937	Albra...	University
8938	Albra...	State
8939	Albra...	State
8940	Albra...	State
8976	Albra...	State
8977	Albra...	State
8978	Albra...	State
9022	Albra...	State
9045	Albra...	State
9088	Albra...	State
9159	Albra...	State
9165	Albra...	State
9173	Albra...	State
9174	Albra...	State
9175	Albra...	State
9189	Albra...	State
9198	Albra...	State
9007	Albra...	State
9264	Albra...	State
9292	Albra...	State
9396	Albra...	State
9404	Albra...	State
9479	Albra...	State
9494	Albra...	State
9495	Albra...	State
9496	Albra...	State
9497	Albra...	State
9498	Albra...	State
9517	Albra...	State
9562	Albra...	State
9564	Albra...	State
9568	Albra...	State
9601	Albra...	State
9603	Albra...	State
9684	Albra...	State

# 33-32-3-2(B) CIRCUIT COURT JUDGMENT DOCKET; CONTENTS

-- MAY NOT INCLUDE JUDGMENTS TO STATE, COUNTY, OR GOVERNMENT ENTITY AS A RESULT OF CRIMINAL ACTION OR VIOLATION OF INFRACTION OR ORDINANCE

## ➤ (b) A judgment docket:



### (1) must contain:

- (A) all civil judgments in which one (1) party owes money to another party, including any court costs awarded to a judgment creditor; and
- (B) any entry that is required by a statute; and

### (2) may not include:

- (A) judgments in which money is owed by a person to a state, a county, or another governmental entity as a result of:
  - (i) a criminal conviction; or
  - (ii) a violation of an infraction or ordinance; or
- (B) except for cases in which the state obtains a judgment for unpaid taxes, judgments in which a governmental entity is the sole creditor

# 33-32-3-2(C) CIRCUIT COURT JUDGMENT DOCKET; CONTENTS

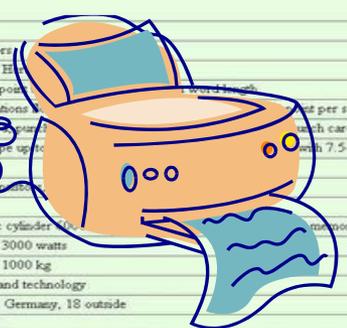
-- FORMAT

➤ (c) The clerk may keep a judgment docket in:

- (1) an electronic format;
- (2) a paper format; or
- (3) both an electronic and a paper format.



Data sheet	
Name of the machine	Z23
Implementation	Transistors
Frequency	150.000 Hz
Numeric unit	Floating point
Average calculation speed	20 operations per second
Input	Keyboard, punch card reader
Output	Punch tape, printer, 7.5-10 characters per second
Word length	40 bits
Number of elements	2700
Number of step switches	none
Memory	Magnetic cylinder, 1000 words, 10 memory slots ferrite core
Power consumption	Approx. 3000 watts
Weight	Approx. 1000 kg
Area of application	Science and technology
Number of machines sold	80 inside Germany, 18 outside
Cost in DEM	200.000
Comments	Smaller than Z22. First machine delivered in 1961. Manufactured in Bad Hersfeld.



# 33-32-3-2(D) CIRCUIT COURT JUDGMENT DOCKET; CONTENTS

-- CONTENTS OF EACH RECORD

- (d) Upon the filing in the office of the clerk a statement or transcript of any judgment for the recovery of money or costs, the clerk shall enter, and index in alphabetical order, in this judgment docket a statement of the judgment showing the following:
- (1) The names of all the parties
  - (2) The name of the court
  - (3) The number of the cause
  - (4) The book and page of the record in which the judgment is recorded
  - (5) The date the judgment is entered and indexed
  - (6) The date of the rendition of judgment
  - (7) The amount of the judgment and the amount of costs

# 33-32-3-2(E) CIRCUIT COURT JUDGMENT DOCKET; CONTENTS

-- JUDGMENTS AGAINST SEVERAL CO-DEFENDANTS

- (e) If a judgment is against several persons, the statement required to be entered under subsection (d) shall be repeated under the name of each judgment debtor in alphabetical order



TO



# 33-32-3-2(F) CIRCUIT COURT JUDGMENT DOCKET; CONTENTS

-- REGISTRATION OF FOREIGN JUDGMENTS

- (f) A person interested in any judgment for money or costs that has been rendered by any state court, or by any federal court of general original jurisdiction sitting in Indiana, may have the judgment entered upon the circuit court judgment docket by filing with the clerk:
  - (1) a **verified** statement setting forth the facts required under subsection (d); or
  - (2) a **verified copy** of the judgment certified under the seal of the court that rendered the judgment



# 33-32-3-2(G) CIRCUIT COURT JUDGMENT DOCKET; CONTENTS

-- JUDGMENT DOCKET AVAILABLE FOR PUBLIC INSPECTION

➤ (g) The judgment docket shall be made available for public inspection at the office of the clerk during regular office hours. If a judgment docket is kept in an electronic format:

(1) the judgment docket must be searchable; and

(2) a member of the public must be able to:

(A) search the judgment docket for the name of a specific party;  
and

(B) obtain a list of all judgments in the judgment docket concerning the party



# 33-32-3-2(H) CIRCUIT COURT JUDGMENT DOCKET; CONTENTS

-- CLERK NOT REQUIRED TO NOTIFY EMPLOYER WHEN JUDGMENT AGAINST  
GARNISHEE IS SATISFIED

- (h) If the wages of a judgment debtor are being garnished, a clerk is not required to notify the employer of the judgment debtor to suspend the garnishment after the judgment is satisfied. A request to suspend the garnishment must be submitted by the judgment debtor to the court that rendered the judgment. The clerk is not required to take any action under this subsection concerning a garnishment other than to obey the orders of the court that rendered the judgment



**NEW!**

# 33-32-3-3 CIRCUIT COURT JUDGMENT DOCKET; PUBLIC RECORD

- **The circuit court judgment docket is a public record that is open during the usual hours of transacting business for examination by any person**



# 33-32-3-4 DUTIES OF CLERK

➤ A clerk shall:

- (1) enter a judgment or recognizance not more than fifteen (15) days after its rendition; or
- (2) cause a release of judgment to be entered on the judgment docket not more than fifteen (15) days after satisfaction of the judgment



# 33-32-3-5 EXECUTION DOCKET; CONTENTS



- (a) The clerk shall keep an execution docket
- (b) the clerk shall enter all executions on the execution docket as they are issued by the clerk, specifying in proper columns the following information:
  - (1) The names of the parties
  - (2) The amount of the judgment and the interest due upon the issuing of the execution
  - (3) The costs

The clerk shall also prepare an additional column in which the clerk shall enter the return of the sheriff

# 33-32-3-5 EXECUTION DOCKET; CONTENTS CONT.



**(c)** The execution docket entries may be inspected and copied under IC 5-14-3-3.

**(d)** The clerk may keep an execution docket:

**(1)** in hard copy form; or

**(2)** in electronic form, if all information in the execution

docket is available to the public to inspect or copy in the electronic form

# 32-30-11-1 LIS PENDENS RECORD

➤ Each clerk of the circuit court shall keep a lis pendens record. The lis pendens record is a public record. **The clerk of the circuit court may keep the lis pendens record:**

- (1) in hard copy form; or**
- (2) in electronic form, if all information in the lis pendens record is available to the public to inspect or copy in the electronic form**

[EFFECTIVE JULY 1, 2014]





# 32-30-11-2 SUIT ON OFFICIAL BOND; FILING OF WRITTEN NOTICE AND STATEMENT WITH CLERK OF CIRCUIT COURT

- (a) This section applies to a suit commenced upon a bond payable to the state in any of the courts of Indiana or in a district court of the United States sitting in Indiana
- (b) The plaintiff in the case shall file with the clerk of the circuit court a written notice containing:
  - (1) the title of the court; and
  - (2) the names of all parties to the suit and a statement that the suit is upon an official bond

# 32-30-11-3 SUIT TO ENFORCE LIEN; FILING OF WRITTEN NOTICE AND STATEMENT WITH CLERK OF CIRCUIT COURT

(b) The person shall file, with the clerk of the circuit court in each county where the real estate sought to be affected is located, a written notice containing:

- (1) the title of the court;
- (2) the names of all the parties to the suit;
- (3) a description of the real estate to be affected; and
- (4) the nature of the lien, right, or interest sought to be enforced against the real estate

# 32-30-11-6 ATTACHMENT; EXECUTION; INDEXING NOTICE

Upon filing and recording the notices described in this chapter, the clerk shall index the notices by the names of each party whose interest in the real estate might be affected by the suit, attachment, or execution. The clerk shall maintain entries for each notice listing:

- (1) the plaintiff versus the names of all the defendants; and
- (2) each defendant whose real estate is sought to be affected at the suit of the plaintiff.

# 32-30-11-7 SATISFACTION OF LIENS

Upon the final determination of any suit brought:

- (1) for the purposes described in section 2 or 3 of this chapter; and
- (2) adversely to the party seeking to enforce a lien upon, right to, or interest in the real estate;

the court rendering the judgment shall order the proper clerk to enter in the lis pendens record a satisfaction of the lien, right, or interest sought to be enforced against the real estate. When the entry is made, the real estate is forever discharged from the lien, right, or interest.

# 32-30-11-8 CERTIFICATE OF DISMISSAL OR SATISFACTION

(a) This section applies when:

- (1) an attachment is dismissed or the judgment rendered on it is satisfied; or
- (2) the execution is satisfied without a sale of the lands seized or levied upon, or upon a redemption of the real estate within the time allowed by law after a sale of the real estate upon execution.

(b) The clerk of the court that issued the attachment or execution shall make a certificate of the dismissal or satisfaction and:

- (1) enter the certificate upon the lis pendens record, if the appropriate record is kept in that clerk's office; or
- (2) forward the certificate to the county in which the real estate is located, to be recorded in the lis pendens record of that county.

(c) When the certificate is entered or recorded, the real estate is discharged from the lien of attachment or execution.

# PROBATE RECORDS

## **29-1-1-23 Record of proceedings**

The following records of proceedings under this article shall be maintained in addition to other records as the court having probate jurisdiction shall provide for:

- (1) An index in which estates of deceased persons shall be indexed under the name of the decedent, and those pertaining to guardianships under the name of the protected person. After the name of each shall be shown the docket number and page wherein entries pertaining to such decedent's or ward's estate appear
- (2) Decedent's and guardianship estate dockets, in which shall be listed in chronological order under the name of the decedent or protected person, all documents filed or issued and all orders, judgments, and decrees made pertaining to the estate, the date, and a reference to the volume and page of any other book in which any record shall have been made of such document.
- (3) A record of wills, properly indexed, in which shall be recorded all wills admitted to probate and a record of the testimony of a witness examined, subscribed by the witness and attested by the clerk with the clerk's signature and seal of office. The will with the testimony and attestation to be certified by the clerk to be a complete record.
- (4) An order book, in which shall be entered all proceedings with respect to the estate in conformity with the law pertaining to order books of circuit courts of this state and with the rules of the court

# Nunc Pro Tunc Entries

## Purpose:

- “[A]n entry made *now* of something which was actually previously done, to have effect as of the former date.”
- Such an entry may be used to either record an act or event not recorded in the court's order book or to change or supplement an entry already recorded in the order book
- Its purpose is “to supply an omission in the record of action really had, but omitted through inadvertence or mistake.”

*Cotton v. State*,  
658 N.E.2d 898  
Ind., 1995

# Nunc Pro Tunc Entries

## Requirements:

- The trial court's record must show that the unrecorded act or event actually occurred
- A written memorial must form the basis for establishing the error or omission to be corrected by the nunc pro tunc order
- In order to provide a sufficient basis for the nunc pro tunc entry, the supporting written memorial
  - Must be found in the records of the case;
  - Must be required by law to be kept;
  - Must show action taken or orders or rulings made by the court; and
  - Must exist in the records of the court contemporaneous with or preceding the date of the action described.
- CCS entries may provide a sufficient written memorial to serve as a basis of a nunc pro tunc entry

*Cotton v. State,*  
658 N.E.2d 898  
Ind., 1995

# RESOURCES ON INCITE

## BENCHBOOKS:

- Appointed Judicial Officers Deskbook
- City and Town Court Manual
- Civil Benchbook
- Court Reporters Handbook
- Criminal Benchbook
- Domestic Relations Benchbook
- Jury Management Deskbook
- Juvenile Justice Benchbook – TPR
- Juvenile Justice Benchbook – Delinquency
- Juvenile Justice Benchbook – Paternity
- Juvenile Justice Benchbook – CHINS
- Managing Cases with Pro Se Litigants
- Probate Deskbook
- Protection Order Deskbook
- Security Documents
- Senior Judge Handbook
- Traffic Misdemeanor Small Claims Benchbook
- Trial Court Administration Manual

# HOW TO GET ACCESS TO INCITE:

- 1. Ask your supervisor to login to INcite website and download appropriate user agreement form**
- 2. Fill out request for access and have your supervisor sign off and submit request**
- 3. Requests may be faxed or scanned and e-mailed to the following destinations:**
  - [jtac.helpdesk@courts.in.gov](mailto:jtac.helpdesk@courts.in.gov)
  - Fax: 1-317-234-2605

# CONTACT INFORMATION

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