

In the
Indiana Supreme Court



IN THE MATTER OF)
)
ELECTRONIC FILING AND)
)
ELECTRONIC SERVICE)
)
IN ALL INDIANA COURTS)

Case No. 94S00-1405-MS- 347

ORDER CONCERNING ELECTRONIC FILING AND ELECTRONIC SERVICE

IN ALL INDIANA COURTS

Article 7, Section 4 of the Constitution of Indiana assigns to the Supreme Court of Indiana the responsibility for "supervision of the exercise of jurisdiction by the other courts of this State." Pursuant to this obligation, this Court seeks to enable the courts of Indiana to serve the legal needs of Indiana citizens by utilizing the best methods of judicial administration, in order that our courts may fulfill the directive in Article 1, Section 12, that "[a]ll courts shall be open," and that "[j]ustice shall be administered freely, and without purchase, completely and without denial, speedily, and without delay." Fulfillment of this obligation requires consideration and utilization of the benefits offered by modern technology, including the advantages of widespread common utilization of technology when appropriate.

In 2006, the Indiana Supreme Court promulgated Administrative Rule 16 to encourage courts to pilot electronic filing and service (e-filing/service). Since that time, the Supreme Court Division of State Court Administration (Division), which is charged with reviewing requests for pilot e-filing/service

projects, has received and approved two projects for electronic filing of limited types of cases: one from the Lake County courts and one from the Marion County courts. The Division also approved an electronic filing project for the courts in White County; however, no local rule implementing this pilot project was tendered for review and approval. These pilot projects have served as excellent testing grounds for the provisions of Administrative Rule 16. They have also proven that e-filing/service is beneficial to litigants, lawyers, judges, clerks and their staffs. This Court acknowledges with appreciation the innovation and foresight of the judges, clerks and their staffs who pioneered e-filing in Indiana.

With the approval of the Chief Justice, an advisory committee comprised of practicing lawyers, appellate and trial judges, clerks, court administrators, other users of the court system, as well as persons experienced with the federal court e-filing/service system, and the Lake and Marion County e-filing/service projects, completed a comprehensive study of the e-filing/service rules in other states and in the federal courts. The E-Filing Committee produced proposed rule amendments that would enable e-filing/service in all Indiana courts and submitted its proposal to the Indiana Supreme Court Committee on Rules of Practice and Procedure for its review and publication for public comment. The latter committee has completed its review, and has published for public comment proposed rules for e-filing/service.

In 2007, Indiana entered into an agreement with Tyler Technologies, Inc. for the licensing of its Odyssey case management software. This agreement allows the deployment of Odyssey to all courts in Indiana, including the appellate courts, with no additional licensing costs. Odyssey has already been deployed in many of Indiana's trial courts and handles the majority of Indiana's caseload. Recently, this Court, the Court of Appeals of Indiana, and the Indiana Tax Court have begun transitioning from their

twenty-eight year old case management system to the statewide Odyssey case management system. The appellate courts anticipate completing the transition to Odyssey by the end of 2014.

In light of the likely resulting substantial benefit to Indiana citizens and to the administration of justice, this Court finds that e-filing/service should be available in every Indiana court. This Court finds further that the Division of State Court Administration should be directed to facilitate the expansion of electronic filing and service to all courts in this state.

IT IS, THEREFORE, ORDERED THAT:

1. The Division of State Court Administration (“the Division”), as soon as possible, shall seek competitive bidding for a single, statewide E-Filing Manager (EFM) by releasing a Public Notice of Contracting Opportunity (PNCO). This EFM must enable the exchange of electronic documents between multiple E-Filing Service Providers (EFSPs) and court case management systems used by trial and appellate courts. This EFM must also offer and maintain a very basic EFSP for use in all Indiana courts.
2. The Division shall also develop standards and a certification process that will allow E-Filing Service Providers (EFSPs), other than the basic EFSP maintained by the EFM, to meet the technical requirements to interface with the EFM and to ensure compliance with statutes and court rules. These EFSPs must be able to serve all filers, including lawyers and unrepresented litigants, and it is expected that these EFSPs will differentiate themselves by the levels of service they choose to provide to their users. This will allow Indiana attorneys and litigants to choose from multiple, approved E-Filing Service Providers.
3. The Division shall hold in abeyance any further expansion of the current e-filing/service pilot projects and approval of any new projects under Administrative Rule 16. The Court believes that it is in the best interest of the judiciary, litigants, and the public to allow the existing e-

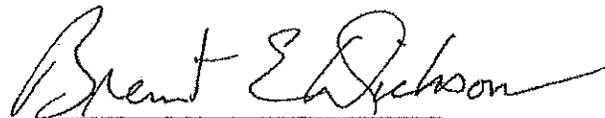
filing/service pilot projects to continue during this period of expansion of e-filing to all courts. It is, therefore, ORDERED that the Lake and Marion County e-filing/service pilot projects may continue as approved until further order of this Court.

4. Further, the Division shall hold in abeyance, until further order of this Court, the granting of any requests for data, interfaces or other connectivity which may impact the implementation of an e-filing/service system for Indiana,

The Clerk of this Court is directed to send a copy of this Order to the Executive Director of the Indiana State Bar Association; to the Hon. Nancy H. Vaidik, Chief Judge of the Court of Appeals of Indiana; the Hon. Martha Blood Wentworth, Indiana Tax Court; to the Executive Director of the Indiana Judicial Center; to the Executive Director of the Division of State Court Administration; to the Supreme Court Public Information Office; to all Indiana trial court judges; and to all Indiana Circuit Court Clerks. Circuit Court Clerks are directed to post this Order for examination by the Bar and the general public. The Clerk of this Court is further directed to post a copy of this order to the Court's website.

DONE at Indianapolis, Indiana on May 21, 2014.

For the Court



Brent E. Dickson
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Chief Justice of Indiana

All Justices Concur.