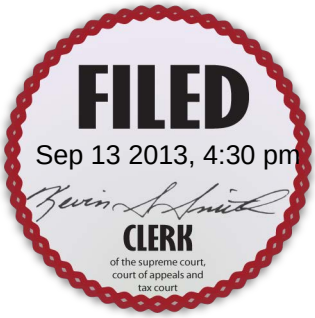
In the
Indiana Supreme Court



CAUSE NUMBER: 94S00-1301-MS-30

ORDER AMENDING INDIANA ADMINISTRATIVE RULES

Under the authority vested in this Court to provide by rule for the procedure employed in all courts of this state and this Court's inherent authority to supervise the administration of all courts of this state, Indiana Administrative Rules 4, 8, 9, 16 and 19 are amended as follows (deletions shown by ~~striking~~ and new text shown by underlining):

Administrative Rules

. . .

Rule 4. Committees

(A) Records Management Committee.

(1) Creation and Members. There is hereby created a committee to be known as the Records Management Committee. The Records Management Committee shall consist of not more than twenty-seven (27) members representative of the agencies responsible for the management and maintenance of the records of the courts throughout the State of Indiana. The members of the Records Management Committee shall be appointed by the Supreme Court and shall serve at the pleasure of the Court. With the exception of the permanent members, each member shall serve a staggered term of three (3) years. A member may serve two (2) consecutive terms, plus any unexpired term of a previous member. A vacancy on the Committee shall be filled by the Supreme Court for the unexpired term of the departing member. Permanent members shall consist of a member of the Supreme Court, appointed by the Supreme Court, who shall serve as chair of the Committee; the State Public Defender; the Executive Director of the Prosecuting Attorneys Council; the Clerk of the Supreme Court, Court of Appeals, and Tax Court; and the Executive Director of the Division of State Court Administration. The remaining membership shall consist of eleven (11) trial court judges and

judicial officers; three (3) members from the staff or administrative agencies of the Indiana Supreme Court and the Court of Appeals; three (3) circuit court clerks; three (3) court administrators; and two (2) practicing attorneys. ~~A member of the Supreme Court shall serve as chair of the Committee.~~ The ~~Executive Director and~~ staff of the Division of State Court Administration shall assist the Committee in the performance of its duties. In making appointments to the Committee, the Supreme Court should seek to ensure that the members represent the geographic, ethnic, racial, and gender diversity of Indiana.

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(D) Indiana Supreme Court Committee on Unrepresented ~~Self-Represented~~ Litigants.

(1) ***Creation, Members and Staff Support*.** There is hereby created a committee to be known as the Indiana Supreme Court Committee on Unrepresented ~~Self-Represented~~ Litigants. The committee shall consist of members representative of the Indiana judiciary, the practicing bar, academia, state and local government and public organizations. The Supreme Court shall appoint the members and shall appoint one of them as chair of the Committee. Except for initial terms, which shall be staggered, the term of each member and chair shall be three (3) years. The members shall serve at the pleasure of the Supreme Court. The Executive Director and staff of the Division of State Court Administration shall assist the Committee in the performance of its duties.

(2) ***Duties of the Committee*.** The Indiana Supreme Court Committee on Unrepresented ~~Self-Represented~~ Litigants shall conduct a continuous study of the practices, procedures, and systems for serving unrepresented ~~self-represented~~ litigants in Indiana courts. The Committee's charge includes but is not limited to providing a long-range strategy for improving access to justice for unrepresented ~~self- represented~~ litigants. Such strategy may involve development of protocols for judges, clerks, and their staffs in addition to providing general guidance to the courts, legal service providers, and public organizations through training about meeting the needs of unrepresented ~~self-represented~~ litigants. The Committee shall from time to time recommend to the Supreme Court the implementation of policies and procedures that promote access to justice in the courts for unrepresented ~~self-represented~~ litigants.

(3) ***Meetings and Compensation*.** The Indiana Supreme Court Committee on Unrepresented ~~Self-Represented~~ Litigants shall meet not less than four times per year and other times at the call of the chair. The Committee shall act by vote of a majority of the members present at a committee meeting. All members who are public employees shall serve without compensation. Members who are not public employees shall receive a per diem compensation, as the Supreme Court shall fix from time to time. All members shall receive mileage and reimbursement for reasonable expenses necessary for the performance of any duty incidental to service on the Committee.

. . .

(E) Indiana Supreme Court Advisory Commission on Guardian ad Litem ("GAL")/Court Appointed Special Advocate ("CASA")

(1) ***Creation, Members and Staff Support*.** There is hereby created a commission to be known as the Indiana Supreme Court Advisory Commission on GAL/CASA. The Commission shall consist of eighteen (18) members representative of the Indiana judiciary and directors of certified, volunteer based GAL/CASA programs. The Commission shall include three GAL/CASA program directors and one member of the judiciary each from four regions of Indiana (North, South, East, West) and two at-large members of the judiciary. The Indiana Supreme Court shall appoint the members. The term of each member and the chair shall be three (3) years. The terms of the program directors shall be staggered so that one representative is appointed from each region every year. The terms of the judicial representatives shall also be staggered so that two judicial representatives are appointed each year. All members shall serve at the pleasure of the Supreme Court. The Commission members shall elect a Chair. Vice-Chair and other officers at the first meeting of the year. The Executive Director ~~and~~ of the Division of State Court Administration, the Division's GAL/CASA Director and Division staff shall assist the Commission in the performance of its duties. The Division GAL/CASA Director shall serve as ex-officio member of the Commission.

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Rule 8. Uniform Case Numbering System

(A) Application. All trial courts in the State of Indiana shall use the uniform case numbering system as set forth under this rule.

(B) Numbering Ssystem. The uniform case numbering system shall consist of four groups of characters arranged in a manner to identify the court, the year/month of filing, the case type and the filing sequence. The following is an example of the case number to be employed:

. . .

35C01 Huntington Circuit Court

35D01 Huntington Superior Court

35E01 Huntington County Court (abolished)

35I01 Huntington/Roanoke Town Court (abolished)

. . .

48C01 Madison Circuit Court 1

48C02 Madison Circuit Court 2 (effective July 1, 2011, formerly Madison Superior Court 2)

48C03 Madison Circuit Court 3 (effective July 1, 2011, formerly Madison Superior Court 3)

48C04 Madison Circuit Court 4 (effective July 1, 2011, formerly Madison Superior Court 4)

48C05 Madison Circuit Court 5 (effective July 1, 2011, formerly Madison Superior Court 5)

48C06 Madison Circuit Court 6 (effective July 1, 2011, formerly Madison Superior Court 1)

48D01 Madison Superior Court 1 (abolished effective July 1, 2011)

48D02 Madison Superior Court 2 (abolished effective July 1, 2011)

48D03 Madison Superior Court 3 (abolished effective July 1, 2011)

48D04 Madison Superior Court 4 (effective January 1, 2009, formerly Madison County Court 1) (abolished effective July 1, 2011)

48D05 Madison Superior Court 5 (effective January 1, 2009, formerly Madison County Court 2) (abolished effective July 1, 2011)

48E01 Madison County Court 1 (abolished effective January 1, 2009)

48E02 Madison County Court 2 (abolished effective January 1, 2009)

48H01 Madison/Alexandria City Court (abolished)

48H02 Madison/Anderson City Court

48H03 Madison/Elwood City Court

48I01 Madison/Edgewood Town Court

48I02 Madison/Pendleton Town Court

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Rule 9. Access to Court Records

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(G) Court Records Excluded From Public Access.

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(2) *Administrative records.* The following information in administrative records is excluded from public access and is confidential:

(a) All information excluded in sub-sections (a) through (h) of section (G)(1);

(b) Information that is excluded from public access to the extent provided by Indiana statute or other court rule, including without limitation:

. . .

(vii) administrative or technical information that would jeopardize a record keeping, ~~or~~ security system or court security plan described in Indiana Administrative Rule 19, pursuant to Ind. Code § 5-14-3-4(b)(10);

. . .

Rule 16. Electronic Filing and Electronic Service Pilot Projects

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(B) Approval. Courts wishing to establish an electronic filing or an electronic service pilot project pursuant to these rules must submit a written request for approval and a plan to the Division of State Court Administration. The Division shall define the necessary elements of the plan. At a minimum, the plan must state if and how the system is compatible with the clerk's office and other court users, if it is accessible to the public, if it is accessible to unrepresented ~~self-represented~~ litigants, if and what sort of fees will be charged, and all technical details relevant to the approval process. The plan must also include a process for archival record retention that meets the permanent and other record retention requirements of the Indiana Rules of Court.

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(H) Original Document. Until such time that a Court implements a process approved by the Division of State Court Administration for the permanent retention of electronically transmitted, served or maintained documents, the Court must maintain a traditional paper copy of all electronic documents required to be maintained pursuant to the Indiana Rules of Court in the medium required. Upon the approval by the Division of State Court Administration of a permanent record retention process for electronically filed and served documents, a Document filed or served through an E-filing system shall be deemed an original record. Attorneys and unrepresented ~~self-represented~~ parties must retain signed copies of such electronically filed documents and, upon the Court's request, must provide such documents to the Court.

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Appendix. The Necessary Elements of a Proposed Plan to Implement Electronic Filing or An Electronic Service Pilot Project Pursuant to Administrative Rule 16

Pursuant to Administrative Rule 16(B), the following provisions relate to the necessary elements required in any written request for approval of an electronic filing or an electronic service pilot project. The Division of State Court Administration may modify these provisions at any time.

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II. Elements

A proposed plan submitted pursuant to Administrative Rule 16(B) must contain the following elements:

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N. Accessibility by Unrepresented ~~Self-Represented~~ Litigants

A detailed description of whether unrepresented ~~self-represented~~ litigants are permitted to use the system, and if so, how they will be accommodated. In addition, the plan must describe how documents filed in hard copy by unrepresented~~self- represented~~ litigants will be served to the other parties.

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Rule 19. Court Security Plans

Each court shall develop and implement a court security plan to ensure security in court facilities. If more than one court occupies a court facility, the courts shall collectively develop and implement a single court security plan. The plan shall give due consideration to the provisions of the Indiana Courthouse Security Minimum Standards unanimously adopted by the Judicial Conference of Indiana in 2002 and any other provisions necessary to satisfy court facility safety and security.

To ensure security in court facilities, a court security plan, including any security policy and procedures manual adopted as part of the security plan, shall be excluded from public access pursuant to Admin. R 9(G)(2(b)vii.

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These amendments shall take effect on January 1, 2014.

The Clerk of this Court is directed to send a copy of this Order to the clerk of each circuit court in the state of Indiana; Attorney General of Indiana; Legislative Services Agency and its Office of Code Revision; Indiana Supreme Court Administration Office; Court of Appeals of Indiana Administration Office; Indiana Tax Court Administration Office; Public Defender of Indiana; Indiana Prosecuting Attorney Council; Indiana Public Defender Council; Indiana Supreme Court

Disciplinary Commission; Indiana Supreme Court Commission for Continuing Legal Education; Indiana State Board of Law Examiners; Indiana Judicial Center; Division of State Court Administration; Indiana Judges and Lawyers Assistance Program; the libraries of all law schools in this state; the Michie Company; and Thomson Reuters. The Clerk is also directed to post this Order to the Court's website.

Thomson Reuters is directed to publish this Order in the advance sheets of this Court.

The Clerks of the Circuit and Superior Courts are directed to bring this Order to the attention of all judges within their respective counties and to post this Order for examination by the Bar and general public.

DONE at Indianapolis, Indiana, on September 13, 2013.

/s/Brent E. Dickson
Brent E. Dickson
Chief Justice of Indiana

All Justices concur.