

STATE OF INDIANA

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MARION CIRCUIT AND  
SUPERIOR COURTS

COUNTY OF MARION

In Re Local Court Rules

**Notice of Emergency Local Rule Amendments, Finding Good Cause to Deviate  
from the Schedule for Amending Local Court Rules, and Requesting  
Comments**

The Judges of the Marion County Courts in compliance with the provisions of Trial Rule 81 give Notice of proposed amendments to their local court rule concerning the **Marion County Local Rules**. And, pursuant to Trial Rule 81(D), the Judges find that good cause exists to deviate from the schedule established by the Division of State Court Administration for the publishing of amendments to local rules. Accordingly, the Courts issue the following proposed amendments to the Marion County Local Court Rules and ask for comment from the bar and the public. Underlining indicates proposed additions and ~~striking through~~ indicates deletions. The amended rule will be effective on **October 28, 2016** due to Marion County's adoption of e-filing in all cases except JC, JD, JM, JS and JT.

Due to the emergency need for the local rule amendments to effectuate e-filing, there will be no period for public comment.

All of the above is so ORDERED this 28<sup>th</sup> day of October, 2016.

s/ John M.T. Chavis, II  
\* Judge John M.T. Chavis, II  
Presiding Judge

\* Original signature on file with the Court.

## **LR49-AR16-311 Electronic Filing**

### ~~1. General Provisions:~~

#### ~~1-101 Short Title.~~

~~These rules may be cited as “E-filing rules.”~~

#### ~~1-102 Definitions~~

~~The following terms in this Rule shall be defined as follows:~~

~~(1) “Electronic Filing Service Provider” (EFSP) means the service provided by Lexis-Nexis or a similar provider for E-filing and E-service of documents via the Internet. The service may be accessed via Internet or in person at the courthouse using a Public Access Terminal.~~

~~(2) “Public Access Terminal” means a publicly accessible computer provided by the Court for the purposes of allowing E-filing and viewing of public court records. The public access terminal shall be located in the Marion County Clerk’s office at the courthouse and made available during normal business hours.~~

~~(3) “Electronic Filing” (E-file) means the electronic transmission of documents to the Court, and from the Court, for the purposes of filing.~~

~~(4) “Electronic Service” (E-service) means the electronic transmission of documents to a party, attorney or representative under these rules. Electronic service does not include service of process or summons to gain jurisdiction over persons or property.~~

#### ~~1-103 Authority.~~

~~Electronic filing and electronic service pilot projects are authorized pursuant to Indiana Rules of Court Administrative Rule 16. The rules in this section are adopted by the Marion Superior Court and the Marion County Circuit Court.~~

#### ~~1-104 Scope of Rules.~~

~~(1) As of the effective date of this rule, except as expressly provided herein, all civil courts within Marion County may accept electronic filing and service of pleadings and other documents designated in this rule as valid in only MF and CC cases.~~

~~(2) The Court and the Clerk’s Office may issue, file, and serve notices, orders, and other documents electronically, subject to the provision of these rules.~~

~~(3) The filing of electronic pleadings and other documents is entirely voluntary; however, once the case is initially filed electronically, all subsequent filings in the case shall remain in electronic format until the time for appeal is exhausted.~~

~~(4) Marion Circuit and Superior Courts shall accept the filing of pleadings and other documents in Mortgage Foreclosure (hereinafter referred to as “MF”) and Civil Collection (hereinafter referred to as “CC”) cases designated in this rule by E-file.~~

~~(5) The Court shall publish and maintain a list of Courts and cases where E-filing and E-service is permitted and required.~~

~~(6) The following pleadings may be filed and served electronically:~~

~~a) New case complaint and petitions~~

~~b) Original Answers~~

~~c) Any other pleadings or document including but not limited to motions and appearance forms.~~

~~(7) Sealed documents may not be E-filed and shall be filed conventionally.~~

~~\_\_\_\_\_ (8) Parties shall E-file a document either:~~

~~(a) By registering to use the EFSP; or~~

~~(b) In person at the Marion County Clerk's office, by electronically filing through the Public Access Terminal. Parties filing in this manner shall be responsible for furnishing the pleading or instrument on an IBM formatted 3 1/2" computer disk, CD-ROM, or any other disk compatible with the clerk's office system to be uploaded in person.~~

~~(9) All filing shall comply with the requirements of Administrative Rules 9 and 16; and the Indiana Rules of Court, State and Local.~~

~~1-105 Authorized Users.~~

~~For the purposes of accessing the EFSP over the Internet, the following users are authorized to register as EFSP users:~~

- ~~a) Licensed attorneys and their staff, including paralegals, secretaries~~
- ~~b) Pro hac vice attorneys~~
- ~~c) Judges and their staff~~
- ~~d) Court administrative staff, including technical support staff~~
- ~~e) Self-represented litigants~~

~~——— f) Other public users, including media representatives~~

~~1-106 Electronic Case File.~~

~~The Clerk may maintain the original and official case file in electronic format.~~

~~2.——— Filing and Service Procedure.~~

~~2-101 Registration Requirements.~~

~~(1) Persons who are authorized users and who desire to E file or E serve shall register with the EFSP. Upon receipt by the EFSP of a properly executed click-through user agreement, the EFSP shall assign to the user a confidential login and password to the system. Additional authorized users may be added at any time. No attorney or other user shall knowingly authorize or permit his or her user name or password to be utilized by anyone.~~

~~(2) Registered users of the system shall notify the EFSP within 10 days of any change in firm name, delivery address, fax number or e-mail address.~~

~~2-102 Time and Effect of E Filing.~~

~~Any pleading filed electronically shall be considered as filed with the court when the transmission to the EFSP is complete. Any document E filed by 11:59 p.m. local Indianapolis, Indiana time shall be deemed filed on that date. The EFSP is an agent of the Court for the purpose of electronic filing, receipt, service and retrieval of electronic documents. Upon completion of filing, the EFSP shall issue a confirmation receipt that includes the date and time of receipt. The confirmation receipt shall serve as proof of filing. In the event the Court rejects the submitted documents following review, the documents shall not become part of the official Court record and the filer will receive notification of the rejection. Users may be required to refile the instruments to meet necessary filing requirements. Documents may be filed through an E filing system at any time that the Clerk's office is open to receive the filing or at such other times as may be designated by the clerk and posted publicly. Documents filed through the E filing system are deemed filed when received by the Clerk's office, except that documents received at times that the Clerk's office is closed shall be deemed filed the next regular time when the Clerk's office is open for filing. The time stamp issued by the E-filing system shall be presumed to be the time the document is received by the Clerk.~~

~~2-103 Format of Documents.~~

~~(1) All electronically filed and served pleadings shall, to the extent practicable, be~~

~~formatted in accordance with the applicable rules governing formatting of paper pleadings.~~

~~(2) The electronic document title of each pleading or other document shall include:~~

- ~~(a) Party or parties filing/serving the document,~~
- ~~(b) Nature of the document,~~
- ~~(c) Party or parties against whom relief, if any, is sought, and~~
- ~~(d) Nature of the relief sought~~
- ~~(e.g., Defendant ABC Corporation's Motion for Summary Judgment)~~

~~2-104 *Payment of Filing Fees.*~~

~~(1) Registered users shall pay statutory filing fees for E-filed documents electronically to the Court through their EFSP. Filing fees are due and payable at the time of filing.~~

~~(2) An EFSP may charge registered users additional fees to deliver, access and use the service. These fees shall be payable to the EFSP at the time of filing and are in addition to statutory filing fees.~~

~~(3) An electronic E-filing system fee may be established by the City of Indianapolis and Marion County City-Council as provided in Administrative Rule 16(D).~~

~~2-105 *Signatures.*~~

~~Every pleading, document, and instrument electronically filed or served shall be deemed to have been signed by the judge, clerk, attorney or declarant and shall bear a facsimile or typographical signature of such person, along with the typed name, address, telephone number, and Bar number of a signing attorney. Typographical signatures shall be treated as personal signatures for all purposes under these rules. Documents containing signatures of third parties (i.e., unopposed motions, affidavits, stipulations, etc.) may also be filed electronically by indicating that the original signatures are maintained by the filing party in paper format. Unless otherwise ordered by the Court or Clerk, a printed copy of all documents filed or served electronically, including original signatures, shall be maintained by the party filing the document and shall be made available, upon reasonable notice, for inspection by other counsel, the Clerk or Court. Parties shall retain originals until two (2) years after all time periods for appeal have expired. From time to time, it may be necessary to provide the Clerk or Court with a hard copy of an electronically filed document.~~

~~2-106 *Electronic Orders.*~~

~~All orders shall be filed electronically. Immediately upon the entry of an order of judgment in an action assigned to the electronic filing system, a notice of electronic filing will be transmitted to registered filing users in the case, in electronic form. Electronic transmission of the notice of electronic filing constitutes the notice required by Indiana Rule of Trial Procedure 77 (d). Any order entered electronically without the original signature of a judicial officer has the same force and effect as if the judicial officer had affixed the judicial officer's signature to a paper copy of the order and it had been entered on the docket in a conventional manner. The judicial officer may grant routine orders by way of a text entry upon the CCS. In such a case, no further document will issue and the CCS entry shall indicate that the Court will issue no further written order. The CCS order shall carry the same weight and authority as a written order signed by the judicial officer. If a party is not represented by at least one attorney who is a registered user, the Court must give notice in paper form in accordance with the Indiana Rules of Court. All orders, decrees, judgments, and proceedings of the Court filed electronically will constitute entry on the Court's docket. A hard copy version of all judgments shall be entered in the Court's Record of Judgments and Orders, pursuant to Trial Rule (D).~~

~~2-107 Electronic Service.~~

~~(1) Delivery of E-service documents through the EFSP to other registered users shall be considered as valid and effective service and shall have the same legal effect as an original paper document. Recipients of E-service documents shall access their documents through the EFSP.~~

~~(2) E-service shall be deemed complete when the transmission to the EFSP is completed.~~

~~(3) For the purpose of computing time to respond to documents received via E-service, any document served on a day or at a time when the Clerk's office is not open for business shall be deemed served at the time of next opening of the Clerk's office for business.~~

~~(4) Parties who register with the EFSP may consent to receive E-service documents, other than service of subpoenas or summons.~~

~~2-108 System or User Filing Errors.~~

~~The Court shall deem the E-filing Internet site to be subject to a technical failure on a given day if the site is unable to accept filings or provide access to filed documents continuously or intermittently over the course of any period of time greater than one hour after 12:00 noon of that day. The Clerk shall document any technical failures on the site. When filing by electronic means is hindered by a technical failure, a party may file with the Clerk of Marion County in hard copy. With the exception of deadlines that by law cannot be extended, the time for filing of any paper that is delayed due to technical failure of the site shall be extended for one day for each day on which such failure occurs, unless otherwise ordered by the Court.~~

**~~LR49-TR81-227. MARION COUNTY LAW LIBRARY~~**

**~~A. Taking Books from the Library.~~** No book, periodical, manuscript or other paper or equipment belonging to the Marion County Law Library, located in the City County Building, Indianapolis, Indiana, shall be removed therefrom by any person other than a judge of any of the courts located in the City County Building, without the written consent of one of said judges. Said consent shall be addressed to the Librarian of the Marion County Law Library. Any book or periodical removed from the Library, as aforesaid, may be used only in the City County Building and must not be taken therefrom.

**~~B. Sign-Out Procedure.~~** Any person having authority to remove law books from the Library, as aforesaid, shall sign out for same, giving borrower's name, date of withdrawal and place where book will be used. The borrower shall be held personally responsible for the return of said books to the Marion County Law Library on the same day of their withdrawal. In case the Library is closed said books shall be left with the bailiff of the court where the books were used.