

In the  
Indiana Supreme Court



IN THE MATTER OF AMENDING THE  
INDIANA RULES OF ADMINISTRATIVE  
PROCEDURE

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Cause No. 94S00-1401-MS-57

ORDER

Article 7, § 4 of the Constitution of the State of Indiana assigns to the Supreme Court of Indiana the supervision of the exercise of jurisdiction by the other courts of the State. The fulfillment of such constitutional responsibilities includes supervisory attention to the procedures and practices (a) of electronic case management of the trial and appellate courts, (b) of information sharing between and among all Indiana courts and various other public agencies, currently including, for example, the Bureau of Motor Vehicles; the Department of Correction; the Board of Health; the Department of Revenue; various prosecutorial agencies and probation departments; various state, county, and municipal law enforcement agencies; and various federal government agencies. Technological advancements are now available and/or are being developed to facilitate such information sharing, to enhance public safety, to provide for electronic filing and processing of court documents, and to increase the availability of court records to the public in furtherance of the directive of Article 1, § 12 of the Constitution of Indiana that all courts shall be open. It is the responsibility and authority of the Supreme Court of Indiana to supervise the implementation and use of technology in the performance of the responsibilities of the Judicial Branch of Indiana government.

The Indiana General Assembly has conferred upon the Supreme Court Division of State Court Administration the duty to examine the administrative and business methods and systems employed in the offices of the clerks of court and other offices related to and serving the courts and to make recommendations for necessary improvement under Indiana Code § 33-24-6-3. On May 21, 2014, this Court issued an *Order Concerning Electronic Filing and Electronic Service in All Indiana Courts*, which expressed the Court's intent to move Indiana's courts from paper to electronic records and which directed State Court Administration to seek public, competitive proposals for a single E-Filing Manager; and that selection process is ongoing under the auspices of the Court.

The court records of each Indiana county and court are the exclusive property of the courts, and the offices of the Clerk of the Circuit and Superior Courts in each Indiana county have been historically understood to serve the courts as custodians of said records, subject to the authority and direction of the Supreme Court of Indiana, the Court of Appeals of Indiana, and the

respective local courts.

IT IS NOW THEREFORE ORDERED AND DECREED THAT the following amendments to Administrative Rules 4 and 10 are adopted (deletions shown by ~~striking~~ and new text shown by underlining):

#### **Administrative Rule 4. Committees**

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##### **(B) — ~~Judicial Technology and Automation Committee.~~**

- (1) — ~~Creation and Members.~~** In order to develop a uniform policy on implementation of information technology by the Indiana judicial system, there is hereby created a committee to be known as the Indiana Judicial Technology Automation Committee. The members of the Committee shall be appointed by the Supreme Court and shall serve at the pleasure of the Court. 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.
- (2) — ~~Duties of the Committee.~~** The Judicial Technology and Automation Committee shall conduct a continuous study of information technology applications for Indiana's judicial system. The Committee's charge includes but is not limited to the development of a long-range strategy for technology and automation in Indiana's judicial system. Such strategy may involve approaches for funding and implementation as well as the development of standards for judicial information case management systems, judicial data processing, electronic filing, deployment and use of judicial information on the Internet, and for all related technologies used in the courts. The Committee shall from time to time recommend to the Supreme Court the implementation of policies, standards and rules which promote effective use of technology and automation in the courts.
- (3) — ~~Meetings and Compensation.~~** The Committee shall meet at the call of the chair. The Committee shall act by a 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.

#### **Administrative Rule 10. Security of Court Records**

- (A) Court Responsibilities.** All court records are the exclusive property of the courts and subject to the authority of the Supreme Court of Indiana. Each judge is administratively responsible for the integrity of the judicial records of the court and must ensure that (a) the judicial records of the court are recorded and maintained

pursuant to Supreme Court directives, and (b) measures and procedures are employed to protect such records from mutilation, false entry, theft, alienation, and any unauthorized alteration, addition, deletion, or replacement of items or data elements.

*[No amendment to Commentary to Administrative Rule 10(A)]*

- (B) Clerk Responsibilities.** Each Clerk is the custodian of all court records and ~~Each Clerk~~ is responsible for the maintenance of court records pursuant to ~~in a manner consistent with the directives of the Supreme Court of Indiana, and the judges of the trial courts directly served by the Clerk, and other pertinent authority. In all instances,~~ ~~€~~ The Clerks of the court must safeguard the integrity and security of all court records in his or her ~~their~~ custody and diligently guard against any prohibited practice.

These amendments shall take effect immediately.

The Clerks of the Circuit and Superior Courts are directed to bring this Order to the attention of all judges (including any town, city, or municipal court judges) within their respective counties and to post this Order for examination by the Bar and general public.

Done at Indianapolis, Indiana, this 20<sup>th</sup> day of November, 2014.

/s/ Loretta H. Rush  
Chief Justice of Indiana

All Justices concur.