

Court and Clerk Records

Access and Maintenance:

Amended or Corrected Judgments and Orders

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Periodically every judge will sign an order or judgment that either contains erroneous information, a misdescription of real estate, an incorrect value of an item of property, misspells a person's name, or fails to include an essential paragraph or finding. The realization of the error can occur within a matter of hours or may take weeks or months before it becomes known.

What is the proper way to denote and correct the error? As with an entry in the Chronological Case Summary (CCS), **the original order is never altered, corrected, and an amended order or judgment is never backdated.**

If the correction can be made the same day as the original was signed, a judge may substitute the updated order or judgment for the one originally signed **if the order or judgment has not been distributed to counsel, a party, or the clerk.** Once distribution has occurred, a respect for the integrity of the court's records and party confidence in the integrity of the process or reliance upon the distributed order or judgment requires creation and entry of an amended or corrected order or judgment.

In some situations, or to avoid the perception of *ex parte* contact, the judge will want to convene a brief session with counsel and/or the parties to explain why an amended or corrected order is required. At a minimum, the judge should explain the mistake or error in the text of the amended or corrected order or judgment. A judge will want to promote confidence in the actions of the judiciary as a part of their adherence to the requirements of Canon 1, Rule 1.2 of the Indiana Code of Judicial Conduct.

The new order or judgment is titled as a "corrected" or "amended" order or judgment and is dated as of the date the judge signs it. A new CCS entry is then made showing the entry of the

amended or corrected judgment or order. Neither the order or judgment nor the CCS entry is ever backdated.

Utilization of this method will properly document the progression of orders or judgments for the CCS and the Record of Judgments and Orders.