

E-FILING: FREQUENTLY ASKED QUESTIONS

When is (was) Trial Rule 86 effective?

In its 2014 original order, the Indiana Supreme Court stated that “[t]his amendment [to the Rules of Trial Procedure – i.e., Trial Rule 86,] shall NOT take effect until further Order of this Court.” In its order of July 23, 2015, the court said “that Trial Rule 86 should become effective in the pilot E-Filing courts and in courts in which the Steering Committee subsequently deploys E-Filing in accordance with a schedule to be established”

So, has a schedule been published?

As of August 17, 2015, no schedule has been published. Hamilton County was picked to be the first pilot county for the Odyssey system. Counties currently under consideration are Clark, Floyd, and Harrison Counties. Wells County is being considered as a county to pilot CSI’s JTS and it looks like it will be kick-off in January 2016.

When will the deployment of e-filing be complete?

E-filing should be in place and be the norm throughout Indiana by 2018.

Is it possible to be exempted from the e-filing (Trial Rule 86) requirements; that is, will it still be possible to paper file?

The short answer is “yes.” This question is most relevant to *pro se* litigants, sole practitioners, small firms, and attorneys whose practice rarely involves litigation. The IPAC Technology Committee, the IPAC staff, and the vendor who maintain the INPCMS are all working closely with STAD and Tyler to make e-filing work for Indiana’s Prosecuting Attorneys. Given that Indiana’s prosecutors file the majority of cases in Indiana, the practice of physically filing pleadings and other documents will no longer be practical. Notwithstanding the obvious efficiencies that e-filing offers, Trial Rule 86 also makes traditional filing – i.e., with paper – onerous:

Attorneys or unrepresented litigants who wish to be exempted from the requirement that they file electronically may file a petition for electronic filing exemption. **The petition must be filed in each pending case to which these rules are applicable.** The petition will be reviewed by the judicial officer assigned to that case and granted only upon a showing of good cause.¹

¹ T.R. 86(D)(2) (emphasis added). Interestingly, the questionnaire mentioned in the rule was not appended to the court’s order establishing Trial Rule 86.

We use Quest for juvenile. What is their status?

Quest's situation is complex. It is a system that prosecutors, court staff, and probation officials can all use. It may be possible that it will become certified as an EFSP, much like INPCMS. That course of action would take work on the part of Quest's developers and would mean that their link to the Tyler EFM replicates what Quest can already do. It may be that counties who use Quest will be granted an exception from having to link to the Tyler EFM; that is, they may be allowed to continue e-filing as they do today.

That all being said, information published on STAD's website indicates that an e-filing pilot could occur with Quest as early as March 2016.

Is training available?

State Court Administration routinely offers a webinar. Individuals can register at this website: <http://www.in.gov/judiciary/4315.htm>.

Are any guides or references available?

It is anticipated that STAD will publish a reference guide.