

## **E-Filing and the Public Service List December 18, 2017**



The Supreme Court's recent announcement to attorneys concerning changes to e-filing and the Public Service List (PSL) has raised questions. I hope to clear up some of the confusion and offer some tips to prosecutors.<sup>1</sup>

All active Indiana attorneys who are filing attorneys in the e-filing system should have received an e-mail message explaining the main points regarding the changes effective January 1, 2018. Among other things, the message tells us the following:

- All existing contacts on the PSL will be removed to prepare the List for synchronization with the Roll of Attorneys
- Service contacts attached to cases will not be altered in any other way so as not to affect service in those cases, even if they were initially added from the PSL
- All filing attorneys in the e-filing system will be automatically added to the PSL with their contact information from the Roll of Attorneys
- Only attorneys who are set up as filing attorneys in the e-filing system will appear on the PSL

In order to understand what those four points mean, it should first be considered that “the PSL . . . is a directory where filers can find your contact information and select you for service in a case.” For the most part, the PSL is not something prosecutors need worry about. This is because prosecutors initiate criminal proceedings and they will enter a firm service contact (known as an “E-Service Contact” in the Prosecutor Case Management System (INPCMS)) for each case. From the time defense counsel enter an appearance, all service should be delivered to the case’s prosecutor’s firm service contact (E-Service Contact) address. Defense counsel should have no need to look up, let alone serve, prosecutors and their deputies through the addresses found on the PSL. On the other hand, when a prosecutor fails to attach their firm service contact (E-Service Contact) to a case, the defense counsel will have no option but to attach the public service contact.

In smaller counties the prosecutor, chief deputy, and any other deputies might use the same contact information on the PSL and use that address as their only firm service contacts (E-Service Contact). For larger counties, this is not feasible and they are apt to need several firm service contact (E-Service Contact) addresses,<sup>2</sup> such as `homicideprosecutor@largecounty.gov`; `circuitprosecutor@largecounty.gov`. The PSL, then, is something of a failsafe. It should not be the first or primary source defense counsel use to perfect service in a case.

Although addresses listed on the PSL should not ordinarily come into play, there are times when they will. For example, as counties transition to e-filing, it may take time for all counsel to become familiar with the system and process.

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<sup>1</sup> Further, step-by-step information, in the form of tutorials, is available at <http://www.in.gov/judiciary/4703.htm>.

<sup>2</sup> Some offices have adopted one “generic” email and then developed rules in Outlook so that service and notices are delivered to the appropriate personnel. Going forward, it is believed that creating firm service contacts is preferable as it is a simpler solution.

There are also a couple of scenarios that complicate matters. To begin with, it should be noted that the Court requires that attorneys designate an address for service and notifications from the appellate courts. One could use the same e-mail address for all communications. In my case, although the IPAC rarely files matters with the courts, I would prefer that communication regarding our litigation come to me at my IPAC address. Again, it should come through the firm service contact I will enter into a case, but in case it does not, I have it listed that way through the Clerk of Court’s Roll of Attorneys and on the PSL. For routine matters, such as CLE and disciplinary fees, I would prefer those go to my permanent, private e-mail address. Here are a couple of screen shots from the Clerk of Courts portal to help explain.<sup>3</sup>

### Contact Information for Statewide E-service and Appellate E-notices

Choose which contact information to display on the Public Service List for e-filing (effective January 1, 2018). You will appear on the Public Service List only after you are established as a filing attorney in the Indiana e-filing system. Other filers will use this contact to e-serve you in cases where you are not yet added as a service contact through the Indiana e-filing system. You will also receive all notifications from the court in appellate cases (e.g., orders and opinions) here.

Firm Name	Email Address	Mailing Address
<input checked="" type="radio"/> Indiana Prosecuting Attorneys Council  One doesn't have to use the alternate address for this purpose. That is just the one I prefer to use for the public service list in case opposing counsel or other filer doesn't see me in a case's service contacts. It also happens to be my service contact for our "firm."	<input type="radio"/> Primary jt.parker@[REDACTED]  <input checked="" type="radio"/> Alternate jtparker@ipac.in.gov	<input checked="" type="radio"/> Business 302 W. Washington St., E205 Indianapolis, Indiana 46204  <input type="radio"/> Home [REDACTED] Indianapolis, Indiana 46220

Screen shot from the Clerk of Courts portal showing choices for the Public Service List

<sup>3</sup> For further information on these points see <http://www.in.gov/judiciary/3886.htm>.

## Notification Preferences for Education and Annual Registration

Choose where you'd like to receive notices from the Supreme Court.

	Email Address	Mailing Address
<b>Attorney Registration</b> Used for communications related to annual attorney registration.	<input checked="" type="radio"/> <b>Primary</b> jt.parker@[REDACTED]	
	<input type="radio"/> <b>Alternate</b> jtparker@ipac.in.gov	
<b>Continuing Legal Education</b> Used for notices regarding CLE requirements.	<input checked="" type="radio"/> <b>Primary</b> jt.parker@[REDACTED]	<input type="radio"/> <b>Business</b> 302 W. Washington St., E205 Indianapolis, Indiana 46204
	<input type="radio"/> <b>Alternate</b> jtparker@ipac.in.gov	<input checked="" type="radio"/> <b>Home</b> [REDACTED] Indianapolis, Indiana 46220

Screen shot from Clerk of Court portal showing elections for certain routine matters

The first scenario that may complicate matters is when an attorney leaves the prosecutor's office. That attorney will no longer wish to receive service and opposing counsel will not wish to have electronic communications returned as undeliverable. The person who leaves the prosecutor's office should be removed from the firm's service contacts and another person substituted. The person leaving should change his or her PSL contact information as well. This will not mean that all rotations of personnel will be entirely smooth. Post-conviction relief petitioners might look up the attorney who tried their case in the PSL and serve that attorney even though the attorney may no longer be employed as a deputy prosecutor.

In this first scenario, to the extent the PSL has been used, the court's vendor can open a helpdesk ticket and replace the departing prosecutor's public service contact with the incoming prosecutor's firm service contact (or public service contact) in all cases.

The second – and thornier scenario – involves part-time prosecutors and part-time deputies. Individuals may only have one contact address on the PSL. Those individuals will not wish to be served on criminal cases at an address associated with their outside practice and vice versa. Although this is bound to happen, having a firm service contact (E-Service Contact) entered into each case will reduce these instances and reduce confusion.

In summation, here are some examples of how offices might be set up.

Small Prosecutor's Office #1:

Name	Role	PSL	Firm Service Contact
Mary Doe	Prosecutor	SmallProsOffice1@smallcounty1.gov	SmallProsOffice1@smallcounty1.gov
Jim Roe	Chief Deputy	SmallProsOffice1@smallcounty1.gov	SmallProsOffice1@smallcounty1.gov
Jerry Garcia	CS Attorney	SmallProsOffice1@smallcounty1.gov	SmallProsOffice1@smallcounty1.gov
X, Y, & Z	Office Admin <sup>4</sup>		SmallProsOffice1@smallcounty1.gov

Small Prosecutor Office #2 (This is also a likely model for medium to large offices):

Name	Role	PSL <sup>5</sup>	Firm Service Contact
Jim Doe	Prosecutor	SmallProsOffice2@smallcounty2.gov	CircuitPros@smallcounty2.gov
Mary Roe	Chief Deputy	SmallProsOffice2@smallcounty2.gov	SuperiorPros@smallcounty2.gov
Bob Weir	CS Attorney	SmallProsOffice2@smallcounty2.gov	CSDeputy@smallcounty2.gov
X, Y & Z	Office Admin		Various to back-up attorneys

Small Prosecutor Office #3:

Name	Role	PSL	Firm Service Contact
Sally Doe	Prosecutor	CircuitPros@smallcounty3.gov	CircuitPros@smallcounty3.gov
Bobby Roe	Chief Deputy	SuperiorPros@smallcounty3.gov	SuperiorPros@smallcounty3.gov
Phil Lesh	CS Attorney	CSDeputy@smallcounty3.gov	CSDeputy@smallcounty3.gov
X, Y & Z	Office Admin		Various to back-up attorneys

Small County Prosecutor Office #4:

Name	Role	PSL	Firm Service Contact
Ralph Doe	Prosecutor	RalphDoe@smallcounty4.gov	CircuitPros@smallcounty4.gov
Jill Roe	Chief Deputy	BobbyRoe@smallcounty4.gov	SuperiorPros@smallcounty4.gov CSDeputy2@smallcounty4.gov; PCRDeputy@smallcounty4.gov <sup>6</sup>
Mickey Hart	CS Attorney	CSDeputy@smallcounty4.gov	CSDeputy@smallcounty4.gov
X, Y & Z	Office Admin		Various to back-up attorneys

Please contact me if you have additional questions.

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Deputy Director  
Administrative & Civil Law

<sup>4</sup> Firm service contacts may be non-attorney staff.

<sup>5</sup> In this example, an employee needs to be designated to monitor the email account. Again, the PSL is not the preferred route for service, but it may be used mistakenly or otherwise in lieu of the more appropriate service contact address.

<sup>6</sup> Although one can have only one contact address on the PSL, they can have as many firm service contacts as needed.