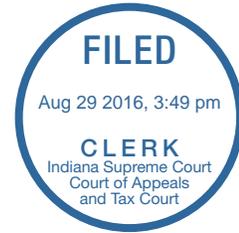


In the
Indiana Supreme Court

Cause No. 94S00-1602-MS-86



ORDER AMENDING INDIANA RULES OF TRIAL PROCEDURE

Under the authority vested in this Court to provide by rule for the procedure employed in all courts of this state and this Court's inherent authority to supervise the administration of all courts of this state, Trial Rule 77 is amended as follows (deletions shown by ~~striking~~ and new text shown by underlining):

Trial Rule 77. Court Records

...

- (A) **Required records.** The clerk of the circuit court shall maintain the records for all circuit, superior, ~~and county~~, probate ~~and municipal~~ courts in the county.

...

- (2) The clerk of the circuit court shall also maintain the following records as specified under this rule:

- (a) Chronological Case Summary (CCS);
- (b) Case file;
- (c) Record of judgments and orders (RJO or order book); and
- (d) Indexes.

- (3) Records may be maintained in the following formats:

- (a) Paper;
- (b) Microfilm, provided the record is authorized to be microfilmed by the provisions of Administrative Rule 7(B), or
- (c) Electronic which means the record is readable through the use of an electronic device regardless of the manner in which it was created.

- (B) **Chronological Case Summary (CCS).** For each case, the clerk of the circuit court shall maintain a sequential record of the judicial events in such proceeding. The record shall include the title of the proceeding; the assigned case number; the names, addresses

(including electronic mail address), telephone, facsimile, and attorney numbers of all attorneys involved in the proceeding, or the fact that a party appears pro se with address (including electronic mail address), ~~and~~ telephone, and facsimile number of the party so appearing; and the assessment of fees and charges (public receivables). The judge of the case shall cause CCS Chronological Case Summary entries to be made of all judicial events. Notation of judicial events in the CCS Chronological Case Summary shall be made promptly, and shall set forth the date of the event and briefly define any documents, orders, rulings, or judgments filed or entered in the case. The date of every notation in the CCS Chronological Case Summary should be the date the notation is made, regardless of the date the judicial event occurred. The CCS Chronological Case Summary shall also note the entry of orders, rulings and judgments in the record of judgments and orders, the notation of judgments in the judgment docket ~~(IC 33-32-3-2)~~, and file status (pending/decided) under section (G) of this rule. The CCS Chronological Case Summary may be kept in a paper format, or microfilm, or electronically. The CCS Chronological Case Summary ~~is~~ shall be an official record of the trial court and shall be maintained apart from other records of the court and ~~shall be~~ organized by case number, if maintained in a paper or microfilmed format.

(C) **Case file.** In each case assigned a case number, the clerk of the circuit court shall maintain a file in a single format, unless it is necessary to maintain a case file in a combination of formats to accommodate a filing that cannot be maintained in a single format. The clerk shall make an entry on the CCS if it is necessary to maintain a single case file in a combination of formats. All case files, whether paper or electronic, shall containing a copy of any order, entry, or judgment in the case placed in the RJO, if the clerk is required to maintain a RJO, and the original or electronic copy of all other documents relating to the case: including pleadings, motions, service of process, return of service, verdicts, executions, returns on executions and, if prepared, certified, and approved, the transcript of the testimony. The RJO shall contain the original order, entry, or judgment ~~shall be maintained as part of the record of judgments and orders,~~ the case file shall contain a copy of such original. Unless necessary to detail the filing chronology, the case file need not include transmittal letters, instructions, envelopes or other extrinsic materials ~~not un~~related to the issues of the case. The case file, if maintained in a paper format, shall contain an index tab listing the case number and an abbreviated designation of the parties and shall note the information required under section (G) of this rule. In the event the court does not maintain a separate evidence file, documents entered into evidence, including depositions, shall be placed ~~in~~ the case file.

(D) **Record of judgments and orders (RJO or order book).**

(1) Unless the court has a scanning system approved under Administrative Rule 6 that directly scans or electronically files documents into the court case management system and saves a digital image of a document as part of the electronic case file, the following provisions apply: The clerk of the circuit court shall maintain a daily, verbatim, compilation of all judgments of the court, designated orders of the court,

orders and opinions of an appellate tribunal relating to a case heard by the court, local court rules under Trial Rule 81, certification of the election of the regular judge of the court, any order appointing a special judge, judge pro tempore, or temporary judge, the oath and acceptance of any judge serving in the court, any order appointing a special prosecutor, and the oath and acceptance of a special prosecutor. The clerk may maintain a separate RJO record of judgments and orders as required for the functional management of the court's business. Except where the RJO record of judgments and orders is maintained electronically, the clerk shall maintain a separate RJO record of judgments and orders for confidential materials ~~shall be maintained~~.

(2) If the court has a scanning system approved under Administrative Rule 6 that directly scans or electronically files documents into the court case management system and saves a digital image of a document as part of the electronic case file, the clerk need not maintain a separate RJO.

(E) Indexes. In addition to any index required under the provisions of this rule, state statute, or duly promulgated rule of a state agency, the clerk of the circuit court shall prepare and maintain indexes of all actions and proceedings in the circuit, superior, and county, probate, ~~and municipal~~ courts in the C county. ~~This index shall be~~ in an alphabetical format which notes the names of all parties, the date on which a party became part of the proceeding, and the case number of the proceeding. In the event courts are not located in the county courthouse, the clerk shall supervise the appropriate preparation of indexes for these courts and provide for the combination of indexes for all circuit, superior, and probate courts in the county. If the court has a case management system that is searchable by party name, date, and case number, or has the ability to produce an index upon demand, the clerk is not required to prepare and maintain the indexes required by this rule.

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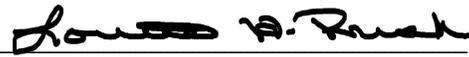
(J) Method of record keeping. Under the direction of the Supreme Court of Indiana, the clerk of the circuit court may, notwithstanding the foregoing sections, keep records in any suitable media. Records, whether required to ~~that must~~ be maintained permanently pursuant to Administrative Rule 7 D. (Retention Schedules) (Trial Rule 77 Schedules (10)), or not, must, if maintained electronically, be kept so that a hard copy can be generated at any time. The record keeping formats and systems and the quality and permanency requirements employed for the CCS Chronological Case Summary, the case file, and the RJO record of judgments and orders (order book) shall be approved by the division of state court administration for compliance with the provisions of this rule.

(K) Electronic Posting of Court Records. The clerk of the circuit court, with the consent of the majority of the judges in the courts of record in that circuit, or the clerk of a city, town, or Marion County small claims court, with the consent of the city, town, or

Marion County small claims court judge, may make available to the public through remote electronic access such as the internet, those court records approved by the Supreme Court of Indiana for electronic posting. ~~including but not limited to the CCS Chronological Case Summary, RJO record of judgments and orders, index, and case file, available to the public through remote electronic access such as the Internet or other electronic method.~~ The records to be posted, the specific information that is to be included, its format, pricing structure, if any, method of dissemination, and any subsequent changes thereto must be approved by the Division of State Court Administration under the direction of the Supreme Court of Indiana. Such availability of court records shall be subject to applicable laws regarding confidentiality.

These amendments shall take effect September 1, 2016.

DONE at Indianapolis, Indiana, on 8/29/2016.



Loretta H. Rush
Chief Justice of Indiana

All Justices Concur