

In the
Indiana Supreme Court

CAUSE NUMBER: 94S00-1101-MS-17



ORDER AMENDING INDIANA ADMINISTRATIVE RULES

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, Indiana Administrative Rules 4, 5, 6, 8, 9 and 14 are amended to read as follows (deletions shown by ~~striking~~ and new text shown by underlining):

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Rule 4. Committees

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(C) Indiana Supreme Court Commission on Race and Gender Fairness.

(1) **Creation and Members.** There is hereby created a commission to be known as the Indiana Supreme Court Commission on Race and Gender Fairness. The commission shall consist of not less than ten (10) and no more than twenty-five (25) members representative of the Indiana judiciary, the practicing bar, academia, state and local government, public organizations, law enforcement, and corrections. The members of the commission shall be appointed by the Supreme Court and shall serve for a period of ~~three~~five (35) years each at the pleasure of the Supreme Court. The Supreme Court shall appoint a chair of the commission. ~~A member of the Indiana Court of Appeals shall serve as vice chair of the commission.~~ A member of the commission shall serve as secretary. The Executive Director and staff of the Division of State Court Administration shall assist the commission in performance of its duties.

(2) **Duties of the Commission.** The Indiana Supreme Court Commission on Race and Gender Fairness shall study the status of race and gender fairness in Indiana's justice system and shall investigate ways to improve race and gender fairness in the courts, legal system, among legal service providers, state and local government, and among public organizations. The Commission shall from time to time recommend to the Supreme Court the implementation of policies and procedures which promote race and gender fairness in the courts, among legal service providers in state and local government and by public organizations.

(3) **Meetings and Compensation.** The commission shall meet at the call of the chair. The commission shall act by vote of a majority of the members present at a commission 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 Commission.

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Rule 5. Payment and Notification Procedures

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(B) Senior Judges. The Division of State Court Administration shall administer the payment procedures for senior judges in accordance with the provisions set forth in this rule.

- (1) *Appointment.* The Court of Appeals, [the Tax Court](#), a circuit, superior or probate court may request that the Supreme Court provide senior judge services. The request must contain the reasons for the request and the estimated duration of the need for senior judge services. Upon approving the request, the Supreme Court may appoint one or more senior judges to serve the requesting court consistent with this rule. The Supreme Court shall fix the term or period of time for the senior judge appointment.

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- (4) *Jurisdiction.* A senior judge shall have the same jurisdiction as the presiding judge of the court where the judge is appointed but only during the days that the senior judge is serving in such court. A senior judge who has been appointed to serve in a court shall have jurisdiction at any time during such appointment to officiate at marriages [and administer oaths](#) the same as the judge of the court of service. A senior judge retains jurisdiction in an individual case on the order of the presiding judge of the court in which the case is pending;
- (5) *Oath of Office.* Upon initial certification as a senior judge, the senior judge shall take an oath of office and shall file it with the Clerk of the Indiana Supreme Court.

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Rule 6. Court Case Records Media Storage Standards

(A) Application of Standards. All courts and clerks of court in the State of Indiana shall meet the standards set forth under this rule regarding the use of: (1) microfilm for the preservation of any record of a court or a court agency; (2) digital imaging technology for the storage and preservation of any record of a court or of a court agency; ~~and~~(3) hybrid systems producing both digital images and microfilm; and, (4) any related system created by advances in technology for the preservation of any record of a court or of a court agency. These standards shall apply to all records, regardless of medium, kept by courts, their clerks, and court agencies, including the methods used to reproduce or create records electronically and to the methods, systems, and formats used to store, archive, and reproduce records electronically for the purpose of maintenance and preservation of records. Only those records or record series which have been approved for microfilming under Administrative Rule 7 shall be eligible for microfilming.

(B) Definitions. The following definitions shall apply to this Administrative Rule 6:

- (1) “*Archival*,” as this term applies to records maintained in electronic form, means that point at which a document is no longer subject to modification and is maintained to ensure reasonably its preservation according to the appropriate record retention schedule as found in Administrative Rule 7.
- (2) “*Clerk*” means the Clerk of the Indiana Supreme Court, Court of Appeals, and Tax Court, or the Clerk of a Circuit, Superior, or Probate Court, the Clerk of a City or Town Court, and the Clerk of a Marion County Small Claims Court, including staff.
- (3) “*Court*” means the Indiana Supreme Court, Court of Appeals, Tax Court, and all Circuit, Superior, Probate, ~~County~~, City, Town, or Small Claims Courts.
- (4) “*Court Agency*” means a section, division, or department performing duties for the Court or Clerk and which has been created by statute or court rule or works at the direction of the court or clerk of court.
- (5) “*Court Case Record*” has the same meaning as “Case Record” that is defined in Administrative Rule 9(C)(2).
- ~~(5)~~ (6) “*Digital Image*” means an electronic file consisting of digital data, which, when reconstructed on a display screen, a hard copy print, or on microfilm, appears as the original document.
- ~~(6)~~ (7) “*Digital Imaging*” means the process by which a document or photograph is scanned by a computer and converted from analog format to a computer-readable digital format.
- ~~(7)~~ (8) “*Digital Duplicate*” means any copy of digital images used for reference or communication.
- ~~(8)~~ (9) “*Digital Imaging File Format*” means the program used to store Digital Masters of Digital Images.
- ~~(9)~~ (10) “*Digital Master*” means the record copy of an electronic record transferred directly from a computer onto an electronic storage medium.
- ~~(10)~~ (11) “*Digital Media*” refers to the physical method for storing digital records and images. There are two types: magnetic and optical. Examples of the former are magnetic disks, tape, and Digital Audio Tape (DAT). Examples of optical media include Compact Disk (C-D, CD-ROM), Write- Once, Read-Many (WORM) disk, Erasable Optical Disk (EO), and Digital Versatile Disk (DVD).
- (12) “*Division*” means the Division of State Court Administration.
- ~~(11)~~ (13) “*DPI*” means dots per inch and is used as a measure of the number of dots recorded in either a vertical or horizontal plane for each inch. It is used to measure scanning resolution.
- ~~(12)~~ (14) “*Hybrid Imaging System*” means a system that produces both micrographic and digital images, either simultaneously or one from the other.
- ~~(13)~~ (15) “*Image Enhancement*” means the process of manipulating a scanned image with software, to lighten or darken the image, to increase sharpness, alter contrast, or to filter out data elements appearing on the document.
- ~~(14)~~ (16) “*Index*” means descriptive locator information attached to a digital image that enables a requestor to identify the file and retrieve it from the electronic storage medium.
- ~~(15)~~ (17) “*In electronic Form*” means any information in a court record in a form that is readable through the use of an electronic device, regardless of the manner in which it

was created.

- (18) “ISO” means International Standards Organization.
- ~~(16)~~(19) “Metadata” means a standardized structure format and control vocabulary which allows for the precise description of record content, location, and value.
- ~~(17)~~(20) “Microfilm” means a photographic film containing an image greatly reduced in size from the original, or the process of generating microphotographs on film.
- ~~(18)~~(21) “Microform” means any form, usually film, which contains microphotographs.
- ~~(19)~~(22) “Migration” means the process of upgrading electronic systems to new technologies while preserving accessibility to existing records. It includes transferring one electronic data format to another when a new computer or data management system is incompatible with its existing system. It also means the process of moving electronic data from one storage device or medium to another.
- (23) “Noise” means background discoloration of paper and stains on paper caused by aging, handling, and accidental spilling of fluids.
- ~~(20)~~(24) “Open System Standard” means a published and commonly available interface specification that describes services provided by a software product. Such specifications are available to anyone and have evolved through consensus and are open to the entire industry.
- ~~(21)~~(25) “Record Series” means a group of related documents, either as to form or content, which are arranged under a single filing system; are kept together as a unit because they consist of the same form, relate to the same subject, result from the same activity; or which have certain similar physical characteristics such as computer magnetic tapes or disks, or as microforms.
- ~~(22)~~(26) “Record Retention Schedules” means a series of documents governing, on a continuing basis, the retention and disposal of records of a Court, Clerk, or Court Agency.
- ~~(23)~~(27) “Refreshing” means the copying of an image or of a whole storage medium for the purpose of preserving or enhancing the quality of a digital image.
- ~~(24)~~(28) “Reproduction” means the process of making an exact copy from an existing document in the same or a different medium.
- ~~(25)~~(29) “Scanning Resolution” means the quality of a digital image resulting from its initial scanning. It is represented in the number of dots per inch (“dpi”), used to represent the image.
- ~~(26)~~(30) “Specifications” means a set of requirements to be satisfied, and whenever appropriate, the procedure by which it may be determined whether the given requirements are satisfied.
- ~~(27)~~(31) “Standard” means a uniformly accepted set of ~~compliance to~~ specifications for a predefined norm. “ANSI/AIIM” means the American National Standards Institute and the Association for Information and Imaging Management. “CCITT” means the Consultative Committee on International Telegraphy and Telephony. Specific standards appear both by number and by name. ~~If a standard is updated or superseded, the most current one applies to those records preserved after its effective date.~~
- ~~(28)~~(32) “Target” means any document or chart containing identification information, coding or test criteria used in conjunction with microfilming. A target is an aid to technical or bibliographical control, which is photographed on the film preceding or following a document or series of documents.

- ~~(29)~~(33) “Thresholding” refers to the level at which data elements are removed from the scanned document. During thresholding, individual pixels in an image are marked as object pixels if their value is greater than some threshold value and as background pixels otherwise. Thresholding is used in eliminating background discoloration of paper and stains on paper caused by aging, handling, and accidental spilling of fluids.
- (34) “WORM” means Write-Once, Read-Many.

(C) Official Case Record.

- (1) A microfilm record produced and documented in accordance with the provisions of this rule, or a duplicate copy of such microform kept by the court, is the official record of the Court or Court Agency, regardless of whether or not an original paper document exists.
- (2) A document generated from a digital image produced in accordance with the provisions of this rule is the official record of the Court or Court Agency, regardless of whether or not an original paper document exists.

(D) Microfilm Specifications. Specifications for microfilm equipment, film, and photographic chemicals must meet appropriate standards referenced in section (G) of this rule. However, before a court, clerk, or court agency shall install such a system to create an official record, systems specifications must be forwarded to the Division, in writing, to determine compliance with Trial Rule 77(J).

(E) Digital Imaging Specifications. Specifications for digital imaging systems must meet appropriate standards referenced in section (H) of this rule. However, before a court, clerk, or court agency shall install such a system to create an official record, systems specifications must be forwarded to the Division, in writing, to determine compliance with Trial Rule 77(J).

(F) ~~(C)~~ General Standards.

- (1) Courts, Clerks and Court Agencies shall ensure that records generated by, or received by, the courts are preserved in accordance with the applicable record retention schedules in Administrative Rule 7.
- (2) Records required to be placed in the Record of Judgments and Orders (RJO) as paper or in electronic format, and records with a retention schedule of fifteen (15) years or more, are classified as permanent. Such records must be scanned using a dpi as specified in ~~(E)(2)(a)(ii)~~ Administrative Rule 6 (H)(2)(a)(ii).
- (3) Microform and Digital Media used for the storage of court records shall be inspected at least annually to verify that no deterioration has occurred, incorporating the appropriate ANSI/AIIM standard for microfilm or for digital data deterioration in accordance with ~~(E)(3)(i)~~ Administrative Rule 6 (H)(3)(i). Such inspection results shall be forwarded to the ~~Division of State Court Administration,~~ on a form available from the Division.

(G) ~~(D)~~ Microfilm Standards.

- (1) Documentation. A formal written documentation file shall be created by the Clerk or the appropriate public agency and retained as ~~a general documentation file~~ for the microfilm process, incorporating the following:

- (a) That every stage of the microfilm process is covered by a written ~~and recorded~~ procedure and kept in the documentation file including:
 - (i) Authority to microfilm specifically ~~enumerated~~ records;
 - (ii) A preparation guide concerning the arrangement of the originals on microfilm;
 - (iii) Any policy ~~of to~~ selecting which filed documents ~~to determine what papers from the file~~ will be placed on microfilm;
 - (iv) Any contracts with in-house record custodians or agents of vendors who will perform the actual microfilming (either in-house or through a vendor);
 - (v) Maintenance of the “Certificate of Destruction” form and approval correspondence letter from the ~~Division of State Court Administration~~.
 - (b) The reproduction processes employed to assure accuracy.
 - (c) Verification of each microfilm image against the original for completeness and legibility. The verification process shall be part of the certification procedure submitted to the ~~Division of State Court Administration, on the form provided by the Division.~~
 - (d) The justification for the microfilming of originals (i.e., space reduction, security) and the written process for the destruction of originals as authorized by an approved retention schedule.
 - (e) The identity of ~~persons who supervise~~ supervisors of the microfilming procedures ~~and~~ who are capable of giving evidence of these procedures.
 - (f) The retention schedule from Administrative Rule 7 for the documentation matching the expected longevity of the microform.
 - (g) Certification of compliance with this documentation procedure to the ~~Division of State Court Administration.~~
- (2) *Legibility.*
- (a) If a standard is updated or superseded, the most current one applies to those records preserved after its effective date.

~~(a)~~ (b) Resolution. A microform system for source documents shall be tested for resolution capability under procedures set forth in the appropriate section of ANSI/AIIM MS23-1998-2004, both upon installation of the system and at the beginning and end of each roll of microfilm, by use of a camera test chart, such as the “Rotary Camera Test Chart,” ANSI/AIIM MS 17-2001; “The Planetary Camera Test Chart,” ANSI/ISO Test Chart No. 2, arranged one in each of the four corners of the image area and one in the center; or any equivalent chart incorporating the appropriate camera test charts. Where camera-generated roll microfilm is not used, a microform of the appropriate camera test chart must be generated weekly. Micrographic systems used for court records must meet the following standards for resolution:

- (i) A micrographic system for source documents must produce a quality index level of not less than 5.0 for third-generation microfilm as measured according to *American National Standard Practice for Operational Procedures/Inspection and Quality Control of First-Generation, Silver-Gelatin Microfilm of Documents*. ANSI/AIIM MS23-

- ~~1998-~~ 2004. In applying this standard, a lower-case letter “e” height of 1.4 millimeters or less must be used;
- (ii) All pattern groups on the camera test chart must be read. The smallest line pattern (highest numerical designation) in which both horizontal and vertical line direction is clearly discernible is the resolving power of that pattern group. The lowest numerical resolving power of all the pattern groups on the camera test chart is the resolving power of the micrographic system;
 - (iii) The film used in reading the camera test chart must be processed to the density standard of ~~(D)(2)(b)(i)~~ Administrative Rule 6 (G)(2)(c)(i);
 - (iv) A computer-output microfilm system must produce quality index of not less than 5.0 for third-generation microfilm as measured according to *American National Standard Practice for Operational Practices/Inspection and Quality Control for Alphanumeric Computer-Output Microforms*. ANSI/AIIM MS1-1996.
 - (v) Conversion of archival data stored on a Digital Master ~~{(E)(1)(g)}~~ [(H)(1)(g)], may occur at a quality index level of 4.0, upon written pre-approval from the ~~Division of State Court Administration~~ .
- ~~(b)(c)~~ Density. Microfilm systems used for court records must meet the following density standards:
- (i) The background ISO standard visual diffuse transmission density on microforms shall be appropriate to the type of documents being filmed. The procedure for density measurement is described in ANSI/AIIM MS23- ~~1998-2004~~ and the densitometer shall be in accordance with ANSI/NAPM 18-1996, for spectral conditions and ANSI/NAPM IT2.19-1994, for geometric conditions for transmission density. Recommended visual diffuse transmission background densities for images of documents are as follows:

Class	Description of documents	Background Density
Group 1....	High-quality, high-contrast printed books, periodicals, and black typing	1.3-1.5
Group 2....	Fine-line originals, black opaque pencil writing, and documents with small high-contrast printing.	1.15-1.4
Group 3....	Pencil and ink drawings, faded printing, and very small printing such as footnotes at the bottom of a printed page.	1.0-1.2
Group 4....	Low-contrast manuscripts and drawing, graph paper with pale, fine-colored lines; letters typed with worn ribbon; and poorly printed, faint documents.	0.8-1.0

- (ii) Background density in first-generation computer-output microfilm must meet ANSI/AIIM MS1-1996.
- (iii) Base Plus Fog Density of Films. The base plus fog density of unexposed, processed films should not exceed 0.10. When a tinted base film is used, the density will be increased. The difference must be added to the values given in the tables in ~~(D)(2)(b)(i)~~ Administrative Rule 6 (G) (2)(c)(i).
- (iv) Line or Stroke Width. Due to optical limitations in most photographic systems, film images of thin lines appearing in the original document will tend to fill in as a function of their width and density. Therefore, as the reduction ratio of a given system is increased, the background density shall be reduced as needed to ensure that the copies produced will contain legible characters.

~~(e)~~(d) Reduction Ratio. Microfilm systems used for court records shall meet the following reduction ratio standards:

- (i) A reduction ratio for microfilm of documents of 25 to 1 or 24 to 1 or less is required;
- (ii) A reduction ratio for microfilm of documents of greater than 25 to 1 may be used only if the micrographics system can maintain the required quality index at the higher reduction;
- (iii) Computer-output microfilm must be at a reduction ratio ranging from 48 to 1 to 24 to 1.

(3) *Permanency.* For records requiring retention of over fifteen years based on an approved retention schedule under Administrative Rule 7, the following standards shall apply:

- (a) Raw stock microfilm shall be of safety-based permanent record film meeting specification of ANSI/NAPM IT9.6-1991 ~~(R 1996)~~.
- (b) The camera generated master negative microfilm shall be silver-halide silver gelatin, meeting the permanency requirements of ANSI/NAPM IT9.1-1996. Microforms shall be processed in accordance with ANSI/NAPM IT 9.1-1996 and in accordance with processing procedures in ANSI/ AIIM MS196 and ~~ANSI/AIIM MS23-1998~~ 2004.
- (c) The master microfilm record meeting the above standards shall be stored at a site other than the producing ~~agency's Clerk, Court, or Court Agency's~~ structure, in a fireproof vault, meeting ~~ANSI/NAPM IT9.11~~ ISO 18911:2010.
- (d) In addition to the master microfilm record, which is a security copy, the ~~agency~~ Clerk, Court, or Court Agency may provide working copies of the microfilm. These may be on silver, diazo, vesicular, dry silver, or transparent electro-photograph film on a safety base of cellulose ester or polyester material.

(H) ~~(E)~~ Digital Imaging Standards.

(1) *Documentation.* A formal written documentation file shall be created by the Clerk or the appropriate public agency and retained for the life of the information stored on the digital medium based upon an approved record retention schedule documenting the following:

- (a) that every stage of the digital imaging process is covered by a written ~~and recorded~~ procedure and kept in the documentation file, including:

- (i) authority to implement digital imaging technology.
 - (ii) any selection policy to determine what documents from any file will be imaged; ~~The indexing process shall also identify documents which are subject to approved criteria for purging prior to conversion to a permanent storage medium, and~~
 - (iii) any contracts with agents of record custodians who will perform the actual digital imaging process;
 - (iv) the metadata for each digital record.
 - (b) the imaging process employed to assure accuracy;
 - (c) verification of the image on a ~~CRT~~ computer screen against the original for completeness and legibility;
 - (d) definition of the indexing system employed with storage in multiple places on the optical disk for security and integrity;
 - (e) the identity of ~~persons who supervise~~ supervisors of the digital imaging procedures ~~and who are capable of giving evidence of these procedures; and~~
 - (f) written certification of compliance with this documentation procedure to the ~~Division of State Court Administration.~~
 - (g) Archival data stored on a digital master shall be converted to microfilm. ~~Before such conversion, records shall have appropriate retention schedules apply on the document level before conversion to microfilm. Retention schedules will be applied to all documents prior to conversion to microfilm.~~ Retention schedules will be applied to all documents prior to conversion to microfilm.
- (2) *Legibility.* The following standards on legibility apply for digital imaging. If a standard is updated or superseded, the most current one applies to those records preserved after its effective date.
- (a) Scanner input shall:
 - (i) Scan office documents at a density of at least 200 dpi.
 - (ii) Scan records deemed permanent according to the retention schedule and as required for placement in the Record of Judgments and Orders, at a minimum of 300 dpi; and
 - (iii) Use a higher scanning resolution, as needed, for poor contrast documents, those containing faded text and those containing fine handwriting or lines, based upon a verification test that includes hard copy reproduction from such scanned documents at various densities, and
 - (iv) Scanning quality must adhere to the standards presented in *Recommended Practices for Quality Control of Image Scanners* ANSI/AIIM MS44-1988 (R1993), incorporating scanner resolution target X441 or X443, depending upon the application.
 - (b) Image enhancement is permissible for lightening or darkening a digital image, improving sharpness or contrast, but applying threshold software to eliminate noise requires prior approval of the ~~Division of State Court Administration.~~
- (3) *Permanency.* The following standards on permanency shall apply for digital imaging: Storage and quality control standards apply only to Digital Masters and not to digital duplicates.
- (a) Digital imaging systems will be built from hardware and software components that are nonproprietary and are based upon open systems architecture.

- (b) Digital imaging systems will use the Digital Imaging File Format known as TIFF Group 4 digital imaging file format meeting ISO Standard 12639: 1998 2004, (or as updated or superseded.)
- (c) Data will be scanned using SCSI [small computer system interface] command “write and verify.”
- (d) System upgrades will provide backward compatibility to existing system or digital data will be converted to the upgrade at the time of such upgrade.
- (e) The digital master will employ WORM technology as the digital medium.
- (f) If a CD-ROM is used as a storage medium, it must comply with ISO 9660-1988, *Volume and File Structure of CD-ROM for Information Interchange*. CD-ROM, EO, and DVD media shall not be used for storage of the digital master but may be used for digital duplicates.
- (g) Digital media will have a pre-write shelf life of at least five years and post-write life of twenty years based upon accelerated aging test results that reports on specific disk areas.
- (h) The digital master shall be stored in a dust-free, temperature and humidity-controlled environment, meeting ANSI/AIIM TR25-1995, *Use of Optical Disks for Public Records*.
- (i) The digital media shall be monitored for deterioration using ANSI/AIIM MS59-1996 *Media Error Monitoring and Reporting Techniques for Verification of Stored Data on Optical Digital Data Disks*, and duplicating data to a new or replacement medium when data deterioration reaches the point of loss as described in this standard.

~~(I)(F)~~ Hybrid Systems. That portion of a hybrid system producing microforms will be governed by Section ~~(D)~~ (G) of this rule; that portion of a hybrid system producing digital images will be governed by Section ~~(E)~~ (H) of this rule.

~~(G)~~ Microfilm Specifications. Specifications for microfilm equipment, film, and photographic chemicals must meet appropriate standards referenced in section ~~(D)~~ of this rule.

~~(H)~~ Digital Imaging Specifications. Specifications for digital imaging systems must meet appropriate standards referenced in section ~~(E)~~ of this rule. However, before a court, clerk or court agency shall install such a system, systems specifications must be forwarded to the Division of State Court Administration, in writing, to determine compliance with Trial Rule 77(J). Annually, courts, clerks, and court agencies shall submit a report to the Division of State Court Administration certifying that digital images remain readable upon modification and upgrade to software, hardware, and systems. The Division shall make a form available for this purpose. Specifications must conform to Chapter Ten, “Image Systems: Strategy, Guidelines, and Standards,” of the State of Indiana’s *Information Processing Policy and Management Procedures*, developed by the Data Processing Oversight Commission.

~~(I)~~ Official Record.

~~(A)~~—A microfilm record produced and documented in accordance with the provisions of this rule, or a duplicate copy of such microform kept by the court, is the official record of the Court or Court Agency, regardless of whether or not an original paper document exists.

~~(B)~~—A record generated from a digital image produced and documented in accordance

~~with the provisions of this rule is the official record of the court or agency, regardless whether or not an original paper document exists.~~

(J) **Access.** Access to a court record created or stored in either or both a microfilm or digital format will be governed according to Administrative Rule 9.

(K) **Disposal of Records.** Court records which have been preserved in accordance with the standards set out in this rule may be destroyed or otherwise disposed but only after the court or its clerk files a “Destruction Certificate” with the ~~Division of State Court Administration~~ certifying that the records have been microfilmed or digitized in accordance with the standards set out in this rule, and the Division issues a written authorization for the destruction of such records. ~~The Division of State Court Administration~~ shall make available a form “Destruction Certificate” for this purpose.

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Rule 8. Uniform Case Numbering System

(A) Application. All trial courts in the State of Indiana shall use the uniform case numbering system as set forth under this rule.

(B) Numbering System. The uniform case numbering system shall consist of four groups of characters arranged in a manner to identify the court, the year/month of filing, the case type and the filing sequence. The following is an example of the case number to be employed:

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(1) Court Identifier. The first group of five characters shall constitute the county and court identifier. The first and second character in this group shall represent the county of filing employing the following code:

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The last two characters of the first group shall distinguish between courts in counties having more than one court of a specific type. The following code sets forth the county and court identifier for all courts:

...

10C01 Clark Circuit Court 1
10C02 Clark Circuit Court 2 (effective January 1, 2012, formerly Clark Superior Court 2)
10C03 Clark Circuit Court 3 (effective January 1, 2012, formerly Clark Superior Court 3)
10C04 Clark Circuit Court 4 (effective January 1, 2012, formerly Clark Superior Court 1)
10D01 Clark Superior Court 1 (abolished effective January 1, 2012)
10D02 Clark Superior Court 2 (abolished effective January 1, 2012)
10D03 Clark Superior Court 3 (abolished effective January 1, 2012)
10E01 Clark County Court (abolished)
10H01 Clark/Charlestown City Court (abolished effective January 1, 2012)
10H02 Clark/Jeffersonville City Court

10I01 Clark/Clarksville Town Court
10I02 Clark/Sellersburg Town Court ([abolished effective January 1, 2012](#))
...
15C01 Dearborn Circuit Court
15D01 Dearborn Superior Court
15D02 Dearborn Superior Court 2
15E01 Dearborn County Court (abolished)
15H01 Dearborn/Aurora City Court ([abolished effective January 1, 2012](#))
15H02 Dearborn/Lawrenceburg City Court
...
29C01 Hamilton Circuit Court
29D01 Hamilton Superior Court 1
29D02 Hamilton Superior Court 2
29D03 Hamilton Superior Court 3
29D04 Hamilton Superior Court 4
29D05 Hamilton Superior Court 5
29D06 Hamilton Superior Court 6
29E01 Hamilton County Court (abolished)
29H01 Hamilton/Carmel City Court
29H02 Hamilton/Noblesville City Court
[29H03 Hamilton/Fishers Town Court \(effective January 1, 2012\)](#)
...
33C01 Henry Circuit Court 1
33C02 Henry Circuit Court 2 (effective July 1, 2011, formerly Henry Superior Court 1)
33C03 Henry Circuit Court 3 (effective July 1, 2011, formerly Henry Superior Court 2)
33D01 Henry Superior Court 1 (abolished effective July 1, 2011)
33D02 Henry Superior Court 2 (abolished effective July 1, 2011)
33E01 Henry County Court (abolished)
33H01 New Castle City Court
33I01 Henry/Knightstown Town Court ([abolished effective October 31, 2011](#))
...

49C01 Marion Circuit Court
49D01 Marion Superior Court, Civil Division 1
49D02 Marion Superior Court, Civil Division 2
49D03 Marion Superior Court, Civil Division 3
49D04 Marion Superior Court, Civil Division 4
49D05 Marion Superior Court, Civil Division 5
49D06 Marion Superior Court, Civil Division 6
49D07 Marion Superior Court, Civil Division 7
49D08 Marion Superior Court, Probate Division
49D09 Marion Superior Court, Juvenile Division
49D10 Marion Superior Court, Civil Division 10
49D11 Marion Superior Court, Civil Division 11
49D12 Marion Superior Court, Civil Division 12
49D13 Marion Superior Court, Civil Division 13
49D14 Marion Superior Court, Civil Division 14
49F07 Marion Superior Court, Criminal Division 7
49F08 Marion Superior Court, Criminal Division 8
49F09 Marion Superior Court, Criminal Division 9
49F10 Marion Superior Court, Criminal Division 10
49F11 Initial Hearing Court
49F12 Marion Superior Court, Environmental/Community Court
49F13 Marion Superior Court, Criminal Division 13
49F15 Marion Superior Court, Criminal Division 15
49F16 Marion Superior Court, Criminal Division 16 (renumbered 49G16 effective 2/1/07)
49F17 Marion Superior Court, Criminal Division 17 (renumbered 49G17 effective 2/1/07)
49F18 Marion Superior Court, Criminal Division 18
49F19 Marion Superior Court, Criminal Division 19
49F24 Marion Superior Court, Criminal Division 24
49G01 Marion Superior Court, Criminal Division 1
49G02 Marion Superior Court, Criminal Division 2
49G03 Marion Superior Court, Criminal Division 3
49G04 Marion Superior Court, Criminal Division 4
49G05 Marion Superior Court, Criminal Division 5
49G06 Marion Superior Court, Criminal Division 6
49G14 Marion Superior Court, Criminal Division 14

- 49G16 Marion Superior Court, Criminal Division 16
- 49G17 Marion Superior Court, Criminal Division 17
- 49G20 Marion Superior Court, Criminal Division 20
- 49G21 Marion Superior Court, Criminal Division 21
- 49G22 Marion Superior Court, Criminal Division 22
- 49G23 Marion Superior Court, Criminal Division 23
- 49H01 [Marion](#)/Beech Grove City Court
- [49I01 Marion/Cumberland Town Court](#)
- 49K01 Marion County Small Claims Court, Center Division
- 49K02 Marion County Small Claims Court, Decatur Division
- 49K03 Marion County Small Claims Court, Lawrence Division
- 49K04 Marion County Small Claims Court, Perry Division
- 49K05 Marion County Small Claims Court, Pike Division
- 49K06 Marion County Small Claims Court, Warren Division
- 49K07 Marion County Small Claims Court, Washington Division
- 49K08 Marion County Small Claims Court, Wayne Division
- 49K09 Marion County Small Claims Court, Franklin Township

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- 85C01 Wabash Circuit Court
- 85D01 Wabash Superior Court
- 85E01 Wabash County Court (abolished)
- 85H01 Wabash/Wabash City Court
- 85I01 Wabash/N. Manchester Town Court ([abolished effective January 1, 2012](#))

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- 91C01 White Circuit Court
- 91D01 White Superior Court
- 91I01 White/Monon Town Court ([abolished effective January 1, 2011](#))

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Rule 9. Access to Court Records

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(G) Court Records Excluded From Public Access.

- (1) *Case records.* The following information in case records is excluded from public access and is confidential:

- (a) Information that is excluded from public access pursuant to federal law;
- (b) Information that is excluded from public access as declared confidential by Indiana statute or other court rule, including without limitation:
 - (i) All adoption records created after July 8, 1941, as declared confidential by Ind. Code § 31-19-19-1 *et. seq.*, except those specifically declared open by Ind. Code § 31-19-13-2(2);
 - (ii) All records relating to chancroid, chlamydia, gonorrhea, hepatitis, human immunodeficiency virus (HIV), Lymphogranuloma venereum, syphilis, tuberculosis, as declared confidential by Ind. Code § 16-41-8-1 *et. seq.*;
 - (iii) All records relating to child abuse as declared confidential by Ind. Code § 31-33-18 *et. seq.*;
 - (iv) All records relating to drug tests as declared confidential by Ind. Code § 5-14-3-4(a)(9);
 - (v) Records of grand jury proceedings as declared confidential by Ind. Code § 35-34-2-4;
 - (vi) Records of juvenile proceedings as declared confidential by Ind. Code § 31-39-1-2, except those specifically open under statute;
 - (vii) All paternity records created after July 1, 1941 as declared confidential by Ind. Code §§ 31-14-11-15, 31-19-5-23, 31-39-1-1 and 31-39-1-2;
 - (viii) All pre-sentence reports as declared confidential by Ind. Code § 35-38-1-13;
 - (ix) Written petitions to permit marriages without consent and orders directing the Clerk of Court to issue a marriage license to underage persons, as declared confidential by Ind. Code § 31-11-1-6;
 - (x) Only those arrest warrants, search warrants, indictments and informations ordered confidential by the trial judge, prior to return of duly executed service as declared confidential by Ind. Code § 5-14-3-4(b)(1);
 - (xi) All medical, mental health, or tax records unless determined by law or regulation of any governmental custodian not to be confidential, released by the subject of such records, or declared by a court of competent jurisdiction to be essential to the resolution of litigation as declared confidential by Ind. Code §§ 16-39-3-10, 6-4.1-5-10, 6-4.1-12-12, and 6-8.1-7-1;
 - (xii) Personal information relating to jurors or prospective jurors, other than for the use of the parties and counsel, pursuant to Jury Rule 10;
 - (xiii) Information relating to protection from abuse orders, no-contact orders and workplace violence restraining orders as declared confidential by Ind. Code § 5-2-9-6 *et. seq.*;
 - (xiv) Mediation proceedings pursuant to Alternative Dispute Resolution Rule 2.11, Mini-Trial proceedings pursuant to Alternative Dispute Resolution Rule 4.4(C), and Summary Jury Trials pursuant to Alternative Dispute Resolution Rule 5.6;
 - (xv) Information in probation files pursuant to the Probation Standards promulgated by the Judicial Conference of Indiana pursuant to Ind. Code § 11-13-1-8(b);
 - (xvi) Information deemed confidential pursuant to the Rules for Court Administered Alcohol and Drug Programs promulgated by the Judicial Conference of Indiana pursuant to Ind. Code § 12-23-14-13;

- (xvii) Information deemed confidential pursuant to the [Drug-Problem-Solving Court Rules](#) promulgated by the Judicial Conference of Indiana pursuant to Ind. Code § ~~12-23-14.5-9~~ [33-23-16-16](#).
- (xviii) All records of the Department of workforce Development as declared confidential by Ind. Code § 22-4-19-6.
- (xix) Information regarding interception of electronic communications that is sealed or deemed confidential as set forth in Ind. Code § 35-33.5 et seq.

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- (2) *Administrative records.* The following information in administrative records is excluded from public access and is confidential:
 - (a) All information excluded in sub-sections (a) through (h) of section (G)(1);
 - (b) Information that is excluded from public access to the extent provided by Indiana statute or other court rule, including without limitation:
 - (i) the work product of an attorney representing, pursuant to state employment or appointment, a public agency, the state, or an individual, pursuant to ~~Ind.~~[Ind.](#) Code § 5-14-3-4(b)(2);

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- (4) *Appellate Proceedings.* In appellate proceedings pending as of or commencing after January 1, 2009, parties, counsel, the courts on appeal, and the Clerk of the Supreme Court, Court of Appeals, and Tax Court (“Clerk”) shall have the following obligations:

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- (c) *Cases in which any public access is excluded by trial court order.* In any case in which all or any portion of the record in the case has been excluded from public access by trial court order (“TCO”),
 - (i)(A) the appellant shall provide notice in the appropriate place on the ~~appellant's case summary~~[Notice of Appeal](#) (see Ind. Appellate Rule ~~159~~) that all or a portion of the record in the case has been excluded from public access by TCO, and attach to the appellant's case summary all TCOs concerning each exclusion; and

...

- (iv) if the appellant does not notify the court on appeal that all or a portion of the record in the case has been excluded from public access by TCO, and attach to the ~~appellant's case summary~~[Notice of Appeal](#) all TCOs concerning each exclusion, as required by (i)(A),
 - (A) the Clerk shall be under no obligation to exclude the information from public access; and
 - (B) the appellant and appellant's counsel shall be subject to sanctions.

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Rule 14. Use of Telephone and Audiovisual Telecommunication

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(C) **Facilities and Equipment.** ~~In relation to~~During any hearing or proceeding conducted under this rule, the court shall assure that:

- (1) The facility and equipment ~~provide enable~~ provide counsel ~~with the ability to confer privately with an out of court party, or with other counsel, off the record, before, during, and immediately following the hearing or proceeding to be present personally with the out of court party and be able to confer privately with such party outside the reach of the camera and audio microphone.~~ Mental health care providers, employees of the Indiana Family and Social Services Administration and its county offices of Family and Children, and county probation officers who appear as witnesses are not parties for the purposes of this section.
- (2) ~~The facility and equipment enable the parties' attorneys to confer with each other off the record.~~When using telephonic and audiovisual telecommunication:
 - (a) All participants are able to fully view and/or converse with each other simultaneously.
 - (b) The facilities have the capacity for contemporaneous transmission of documents and exhibits.
 - (c) Audiovisual images are in color and monitor screens are of sufficient quality, design, and architecture as to allow all parties to observe the demeanor and non-verbal communication of the other parties.
 - (d) The telephonic or audiovisual transmission is of sufficient quality, design, and architecture to allow easy listening and/or viewing of all public proceedings.
 - (e) The use of telephonic or audiovisual technology in conducting hearings and proceedings shall in no way abridge any right of the public.
- ~~(3) When using audiovisual telecommunication, the judge must be able to view fully the out of court party and counsel, though not necessarily at the same time. The out of court party and counsel must be able to view fully the judge and all attorneys present in the courtroom.~~
- ~~(4) The facility must have the capacity, through video equipment or through facsimile or E mail, for the contemporaneous transmission of documents and exhibits.~~
- ~~(5) When using audiovisual telecommunication, images shall be in color; monitor screens shall be no smaller than twenty-five (25) inches.~~
- ~~(6) When using telephonic or audiovisual transmission, such transmission shall be of such quality, design and architecture as to allow easy listening and/or viewing of all public proceedings. The use of telephonic or audiovisual technology in conducting hearings and proceedings shall in no way abridge any right that the public may have to access to the courtroom and or jail.~~
- ~~(7)~~(3) Application may be made~~A trial court may apply~~ to the Indiana Supreme Court, through the Division of State Court Administration, for approval of a plan that uses alternative procedures and technology that meet the intent and objective of this rule.
- (4) The confidentiality accorded to attorney-client communications, and all other privileges

[applicable under Indiana law, apply.](#)

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These amendments shall take effect January 1, 2012.

The Clerk of this Court is directed to forward a copy of this Order to the clerk of each circuit court in the state of Indiana; Attorney General of Indiana; Legislative Services Agency and its Office of Code Revision; Administrator, Indiana Supreme Court; Administrator, Indiana Court of Appeals; Administrator, Indiana Tax Court; Public Defender of Indiana; Prosecuting Attorney's Council; Public Defender's Council; Indiana Supreme Court Disciplinary Commission; Indiana Supreme Court Commission for Continuing Legal Education; Indiana Board of Law Examiners; Indiana Judicial Center; Division of State Court Administration; Indiana Judges and Lawyers Assistance Program; the libraries of all law schools in this state; the Michie Company; and Thomson Reuters. The Clerk is also directed to post this Order to the Court's website.

Thomson Reuters is directed to publish this Order in the advance sheets of this Court.

The Clerks of the Circuit Courts are directed to bring this Order to the attention of all judges within their respective counties and to post this Order for examination by the Bar and general public.

DONE at Indianapolis, Indiana, this 20th day of September, 2011.

/s/Randall T. Shepard
Randall T. Shepard
Chief Justice of Indiana

All Justices concur.