

PRACTICING IN INDIANA 101

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INTRODUCTION

Frequently, even now, after decades of practice, I do not always know my Indiana geography as well as I should or what resources are out there to assist me as a practitioner. This guide will assist you in getting to know the layout of the state of Indiana, the types of courts and jurisdiction you will encounter, and where to find the governing rules and codes. You will also have an overview of understanding and deciphering what a case number represents so that you know where your action is located. Lastly, an introduction to the electronic filing system, working with law students, and expectations as to both will be provided.

I. KNOW YOUR STATE AND COUNTIES

The State of Indiana was the 19th state of the United States of America, with its first state capital in the city of Corydon until 1825, when the capital was moved to Indianapolis.¹ Indiana is commonly known as the “Hoosier state,” with “Hoosiers” being the nickname for anyone from Indiana. What is a Hoosier? There is not a definitive answer to this question, but we get close when, in 1848, Bartlett’s Dictionary of Americanisms defined “Hoosier” as “A nickname given at the west, to natives of Indiana.”² While “Hoosier Daddy?” might have been a clever advertising slogan in recent years for DNA paternity testing, there is, in fact, no truth to the theory that Hoosier stands for “Who’s your relative?”³

Indiana, as a state, has around seven million people at the time of printing and shares borders with Ohio, Kentucky, Illinois, and Michigan.⁴ Marion County contains the capital city of Indianapolis, with the immediate surrounding counties (Boone, Hamilton, Hancock, Hendricks, Johnson, Morgan, and Shelby) being referred to as the “donut counties” as they can be seen to make the shape of a donut around Marion county.

There are ninety-two counties in Indiana, each named after a famous

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^{**} This survey piece is meant as a practical guide. As such, matters of common knowledge within Indiana’s legal community are not cited.

1. *Hoosier Facts and Fun*, IND. HIST. SOC’Y, <https://indianahistory.org/education/education-resources/educator-resources/fun-facts/#> [https://perma.cc/Q5AU-HJS6] (last visited Apr. 1, 2025).

2. JOHN RUSSELL BARTLETT, *DICTIONARY OF AMERICANISMS: A GLOSSARY OF WORDS AND PHRASES USUALLY REGARDED AS PECULIAR TO THE UNITED STATES* 201 (2022).

3. IND. HIST. SOC’Y, *supra* note 1.

4. *Quick Facts: Indiana*, U.S. CENSUS BUREAU, <https://www.census.gov/quickfacts/IN> (last visited Apr. 1, 2025).

historical figure or place (i.e., Washington County is named after President George Washington, and Ohio County is named after the Ohio River)⁵:



Each county in Indiana has what's called a county "seat," and that seat is regarded as the main administrative location for that county, meaning that

5. *The Counties of Indiana*, THE HIST. MUSEUM, <https://www.historymuseumsb.org/the-counties-of-indiana/> [https://perma.cc/9AMJ-LST] (last visited Apr. 1, 2025).

generally, that is where the courts and other county administrative offices are located.⁶



County governments typically are made up of a series of elected officials as laid out by the Indiana Constitution, Article 6, Section 2. According to the

6. *Boundary Maps*, STATS IND., <https://www.stats.indiana.edu/maptools/boundary.asp> (last visited Apr. 1, 2025) (click drop-down arrow titled “Counties and Regions;” then, click link titled “Indian Counties and County Seats PDF”).

Indiana Constitution, Article 6, Section 2, the following officers “shall be elected . . . a Clerk of the Circuit Court, Auditor, Recorder, Treasurer, Sheriff, Coroner, and Surveyor.”⁷ The offices of county council, board of county commissioners, and county assessor, however, are not constitutional offices. The General Assembly created these offices by statute.

Each county is also divided into “townships,” which are small governmental allocations within the counties of a population of a certain area. “The Indiana Constitution provides for the existence of townships, and successive state laws have instituted township government and its officers. Within each county, the Board of County Commissioners may create or abolish townships and their boundaries upon the petition of a majority of its citizens.”⁸ Townships in prior years have had a variety of functions, but now primarily focus on township assistance (which provides financial support for housing, utilities) and certain medical or emergency services (such as fire departments). According to a 2023 report issued by the Indiana Township Association, the state’s 1,002 townships typically distribute more than \$20 million in township aid annually, along with other funding available from different sources.⁹

Depending on size and other factors, counties may operate differently from one other in how they establish and organize their townships. Marion County, as an example, is divided into nine townships: Pike, Washington, Lawrence, Wayne, Center, Warren, Decatur, Perry, and Franklin townships.¹⁰ Trustees are elected for each township, and they are responsible for administering the financial support requests as described above. In addition, Marion County townships also operate small claims courts. Judges for the small claims courts are supervised by Marion County Circuit judges, and each court has a township constable responsible for enforcing any subpoenas, warrants, summonses, and orders issued by the small claims court.¹¹

The existence of townships is not without controversy, as many regard them as creating an extra layer of unnecessary government, and there have been many movements that have sought to either abolish townships or merge their functions with county or municipal governments.

7. IND. CONST. art. 6, § 2.

8. Michelle Hale, *Townships*, <https://indyencyclopedia.org/townships/> [<https://perma.cc/SKQ7-YK6X>] (last revised Jul. 2021).

9. Leslie Bonilla Muñiz, *Townships Hope to Prove Their Worth—and Get More Support—In New Report*, IND. CAP. CHRON., (Mar. 2, 2023) <https://indianacapitalchronicle.com/2023/03/02/townships-hope-to-prove-their-worth-and-get-more-support-in-new-report/>.

10. *Boundary Maps*, STATS IND., *supra* note 6 (click drop-down arrow titled “townships;” then, click link titled “Townships Maps, 2010”).

11. Hale, *supra* note 8.

A map of the Columbus, Georgia area, showing the following counties and their locations:

- Pike** (top left)
- Washington** (top center)
- Lawrence** (top right)
- Wayne** (middle left)
- Center** (middle center)
- Warren** (middle right)
- Decatur** (bottom left)
- Perry** (bottom center)
- Franklin** (bottom right)

Major highways shown include:

- I-75** (North-South)
- I-85** (North-South)
- I-94** (North-South)
- I-275** (Loop)
- GA-400** (Loop)
- GA-16** (East-West)
- GA-28** (East-West)
- GA-58** (East-West)
- GA-88** (East-West)

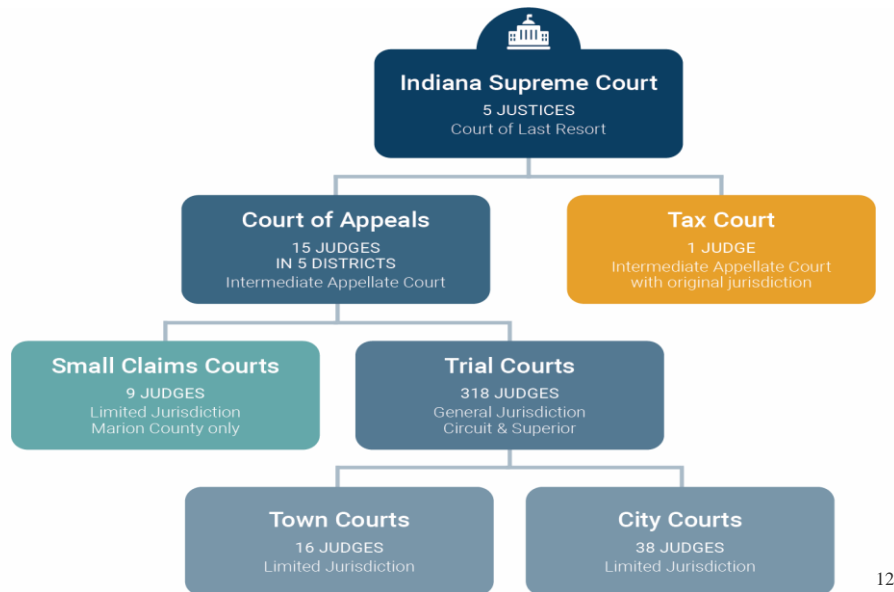
Other labeled areas include:

- Meridian Hills**
- White River**
- Little Creek**
- Snake Creek**
- Warren Park**
- Cumberland**
- Beech Grove**
- Southport**

II. KNOW YOUR COURTS

As a practitioner, you may be exposed to a number of judicial settings. As with every state, there is a hierarchy of judicial authority.

Structure of Indiana Courts



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In Indiana, the lowest level courts are either city or town courts, and their jurisdiction typically is limited to town or city ordinance violations, misdemeanors, and infractions (traffic tickets). Just above those are the trial courts, which have civil and criminal jurisdiction for all cases in their jurisdiction. Trial courts also act as the appellate courts for city or town court appeals. There are a couple of main types of trial courts in Indiana, with the first being the circuit courts, which are courts of original jurisdiction. Circuit courts are presided over by judges who serve for a term of six years and must be admitted to the practice of law. In addition to circuit courts, the General Assembly has created superior courts that often handle similar types of cases to those of circuit courts.¹³ In some cases, counties have more than one superior court.”¹⁴ Most of your cases will likely take place in either circuit or superior trial courts. Small claims courts are also considered to be trial courts.

Should one have an issue with a decision made by a trial court, an appeal may be made directly to the Indiana Court of Appeals, where a review of the record will take place; that record, consisting of the lower court’s decision, briefs submitted by the parties, and an oral argument may or may not be scheduled by the Appellate Court. Appeals are heard and/or reviewed by a panel

12. *Learn About Indiana’s Court System*, IND. JUD. BRANCH, <https://www.in.gov/courts/about/> [https://perma.cc/JGQ6-LBPR] (last visited Apr. 1, 2025).

13. *Id.*

14. *Id.*

of three judges, and that panel may affirm or reverse the trial court or remand and send the case back to the lower court for further action. Should a party disagree with the decision of the Appellate Court, they may appeal to the Supreme Court of Indiana. Indiana also has a Tax Court that handles any cases arising out of Indiana tax laws or appeals from decisions made by the Department of State Revenue of the State Board of Tax Commissioners. Any appeals made on Tax Court cases are sent directly to the Supreme Court of Indiana.

The Indiana Supreme Court consists of five justices and is considered the state's final court of last resort. The Court has the power to review and revise decisions made by lower courts and retains original exclusive jurisdiction over areas such as attorney and judge discipline, unauthorized practice of law, admission to the practice of law, among others.¹⁵

As far as federal courts, Indiana has two federal district courts (federal trial courts): the Northern District and the Southern District. Each district court also has its own bankruptcy court. Any appeals from the district courts go to the Federal Seventh Circuit Court of Appeals, which covers all of Indiana.¹⁶

In Indiana, as in other places, most hearings and records are available to the general public, which means that should one not have practiced in a certain area before and want to observe proceedings, one is generally able to. Why observe? Not only will it give you a sense of the courtroom or hearing space that you will be in, but you will also be able to see how the various court officers go about their duties, where parties sit, where observers sit, where one checks in, and how judges interact with attorneys and their clients. You also get a sense of how the procedure goes in different settings—for instance, in some you check in at the office to let them know you are there for your hearing. In others you check in with the bailiff (who may or may not be sitting next to the judge in the courtroom) to let them know you are ready. When in doubt, never be afraid to ask the clerk in the office—and even if you ask at the wrong clerk's office, they will be able to direct you. Another thing you have freedom to do, is when you check in, should you have a time crunch, or maybe you are waiting for your client, or maybe you are ready to go with your client—always let the clerk know those things. This allows them to put you on the schedule in an order that makes sense for them and you—so if you have a time constraint, you can ask to go first (or as first as is practicable). If your client has not shown up yet, you can let them know when they do and get in line. Lastly, if you are ready to go, do not sit around and wait for them to call your case—let them know you are ready to go so that you can get things done.

What if you will be practicing in an area where hearings are not open to the public—juvenile paternity, for example, or child abuse and neglect cases? Never

15. *About the Court*, IND. JUD. BRANCH, <https://www.in.gov/courts/supreme/about/> [https://perma.cc/9FFG-HYRZ] (last visited Apr. 1, 2025).

16. *Federal Courts in Indiana*, IND. JUD. BRANCH, <https://www.in.gov/courts/directory/federal> [https://perma.cc/NE2S-VREB] (last visited Apr. 1, 2025).

forget the power of asking and observation; the worst thing a clerk can say if you ask to observe is no. Not only will asking to observe familiarize you with court staff and their duties, but you may also be able to introduce yourself to the judge, make connections, and ask questions.

III. KNOW YOUR JUDICIAL OFFICIAL

Just as we saw with the hierarchy of authority and the different types of courts, there are a variety of judicial officers in Indiana, all of whom may have slightly different names, but perform similar functions. Here is a snapshot of the various types of judges one might see at their hearing, depending on where it is (note that the Court of Appeals, Supreme Court, and Federal Courts are not included here):



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One additional judicial officer that may be conducting your hearing is known as a pro tempore (or “pro tem”). What is a pro tem? “Trial courts often use judges pro tempore, who are licensed attorneys appointed by the regular judges to perform judicial functions when regular judicial officers are not

17. 2020 FORWARD, JUD. CONF. OF IND. 13 (2020), <https://www.in.gov/courts/iocs/files/2020-forward.pdf>.

available.”¹⁸

Trial court judges run for their spot in partisan elections and, if elected, serve a six-year term. They may then seek re-election for additional terms at future electoral races. Magistrates and Commissioners are officials appointed by the sitting judges in the court where they were elected, and perform the same functions as the judge (and each other), with the caveat that for any decision made by a magistrate or commissioner, the judge must give a final approval of said decision before it is final. While they do the same functions, magistrates and commissioners have different titles due to who their employer is. Magistrates are state employees, while commissioners are county employees. Referees, whether full or part-time, are typically court-appointed with a set list of duties that they have been asked to perform, and their duties include overseeing hearings and issuing orders. Lastly, “the small claims courts in Marion County are the only such courts in Indiana. Every township in the county has its own small claims court. Judges on the Indiana Small Claims Courts are elected in partisan elections to serve four-year terms, after which they must run for re-election to serve additional terms.”¹⁹ City and Town judges follow the same term and process as small claims judges—terms are four years, and they must run for re-election should they want to serve additional terms.

IV. KNOW YOUR STATUTES

All laws in Indiana are codified into the Indiana Revised Code. Proposed laws in Indiana are initially drafted as “bills” and go through a process of vetting by the two Indiana General Assembly houses—the Indiana House of Representatives and the Indiana Senate. Once a bill makes it through both houses successfully, it goes to the Governor of Indiana for signature. The Governor has seven days to take action, and may either sign the bill, veto it, or choose to do nothing. Both a signature and inaction cause the bill to become law (a signature creates law at the time of signature, while if no action has been taken for seven days, on the eighth day, the bill becomes law). A veto means that should the General Assembly choose not to act further, the bill dies. Should a veto occur, and the General Assembly want to take further action, with a proper majority and procedure the bill may be able to still become a law.²⁰

The Indiana General Assembly does not meet year-round and is made up of individuals who perform their elected duties on a part-time basis. Depending on the year, the legislature will have either a long or short session. Long sessions occur in odd-numbered years, while short sessions occur in even-numbered years. Each type of session handles different tasks, with the long session

18. *Id.*

19. *Judicial Selection in Indiana*, BALLOTPEDIA, https://ballotpedia.org/Judicial_selection_in_Indiana [<https://perma.cc/6D4A-NYM3>] (last visited Apr. 2, 2025).

20. HOW A BILL BECOMES LAW, STATE HOUSE TOUR OFF. 2, <https://www.in.gov/gov/files/BillintoLaw.pdf>.

specifically longer so that a two-year budget may be created for the state, while the short session is able to focus on other policy matters. Short sessions generally run from January to March, and long sessions run from January to the end of April.²¹

The Indiana Revised Code may be accessed by visiting the Indiana General Assembly's website. Digests and updates to laws passed during the legislative sessions are usually issued by a number of entities following the close of the long or short sessions, and as a practitioner, it is considered a best practice to keep up on current legislative changes to make sure that your work is in full compliance of the current laws.

V. KNOW YOUR STATE AND LOCAL RULES

In addition to making sure that you know the governing code for the actions that you are filing, one must always be sure to check both the State and Local rules for the jurisdictions that you are practicing in. In Indiana, there are several types of State rules that a practitioner must be familiar with, including the Indiana Rules of Trial Procedure, the Indiana Rules of Evidence, the Indiana Child Support Rules and Guidelines, and the Indiana Parenting Time Guidelines, among others. Not only will the State rules give guidelines on what is expected at the state level, but one must also check the local jurisdiction for where your case will be heard to make sure you comply with any relevant local rules. Local rules are published by each county where they exist, and may be located on the Indiana State's website, where one may search by individual county.²²

Why are local rules important? Put simply, one must comply with the jurisdiction in which they find themselves at all levels. Local rules can be organized in several different ways, but one common way is to create a list of the categories where rules have been organized by subject matter. For instance, in Marion County, local rules are in existence for criminal, civil, administrative, probate, family, mass torts, and small claims.

Let's take a look at what this reconciliation of rules looks like. Indiana Rules of Trial Procedure specify how one must conduct themselves prior to, during, and after any trial or filing. One such general overarching rule governs the discovery process that may take place in a case. Variations in allowances for discovery are a very common local rule adjustment that one must pay attention to rather than face an objection. One area where local counties like to differ is in regard to discovery practice. Generally, when unclear about what to do, consult the overarching state rule first, and then consult the county you will file in.

21. *Legislative Priorities*, IND. CNTY. COMMR'S, <https://www.indianacountycommissioners.com/legislation> [https://perma.cc/TJ3Y-TFZE] (last visited Apr. 2, 2025).

22. *Trial Courts & Clerks by County*, IND. JUD. BRANCH, <https://www.in.gov/courts/publications/local-rules/> [https://perma.cc/VDQ6-RUUU] (last visited Apr. 2, 2025).

Let's see how this works. You are getting ready to file a case in which you will need to request discovery, specifically interrogatories (written questions asking for responses) to the other party. But how do you do that, and what guidance is there about any limitations? You start with Indiana Trial Rule 33—Interrogatories to Parties:

Rule 33. Interrogatories to Parties

(A) Availability--Procedures for use. Any party may serve upon any other party written interrogatories to be answered by the party served or, if the party served is an organization including a governmental organization, or a partnership, by any officer or agent, who shall furnish such information as is available to the party. Interrogatories may, without leave of court, be served upon the plaintiff after commencement of the action and upon any other party with or after service of the summons and complaint upon that party.

(B) Format of interrogatory and response. A party who serves written interrogatories under this rule shall provide, after each interrogatory, a reasonable amount of space for a response or an objection. Answers or objections to interrogatories shall include the interrogatory which is being answered or to which an objection is made. The interrogatory which is being answered or objected to shall be placed immediately preceding the answer or objection.

Each interrogatory shall be answered separately and fully in writing under oath, unless it is objected to, in which event the reasons for objections shall be stated in lieu of an answer. The answers are to be signed by the person making them, and the objections signed by the attorney making them.

(C) Time for service, response, and sanctions. The party upon whom the interrogatories have been served shall serve a copy of the answers and objections within a period designated by the party submitting the interrogatories, not less than thirty (30) days after the service thereof or within such shorter or longer time as the court may allow. The party submitting the interrogatories may move for an order under Rule 37(A) with respect to any objection to or other failure to answer an interrogatory.

The party upon whom the interrogatories have been served may object to the failure to follow the Format requirements in subpart (B) by returning the interrogatories to the party who caused them to be served. If this objection is to be made, the interrogatories shall be returned to

the party who caused them to be served not later than the seventh (7th) day after they were received. If the interrogatories are not returned in that time, then this objection is waived.

(D) Scope--Use at trial. Interrogatories may relate to any matters which can be inquired into under Rule 26(B), and the answers may be used to the extent permitted by the rules of evidence.

An interrogatory otherwise proper is not objectionable merely because an answer to the interrogatory involves an opinion, contention, or legal conclusion, but the court may order that such an interrogatory be answered at a later time, or after designated discovery has been completed, or at a pre-trial conference.

(E) Option to produce business records. Where the answer to an interrogatory may be derived or ascertained from the business records of the party upon whom the interrogatory has been served or from an examination, audit or inspection of such business records, including a compilation, abstract or summary thereof, and the burden of deriving or ascertaining the answer is substantially the same for the party serving the interrogatory as for the party served, it is a sufficient answer to such interrogatory to specify the records from which the answer may be derived or ascertained and to afford to the party serving the interrogatory reasonable opportunity to examine, audit or inspect such records and to make copies, compilations, abstracts or summaries. A specification shall be in sufficient detail to permit the interrogating party to locate and to identify, as readily as can the party served, the records from which the answer may be ascertained.²³

What we learn from the general state rule is that there are certain limitations and expectations about how we draft and submit interrogatories, and to whom. We know that an action (case) must be filed first to then move to asking for discovery, and that interrogatories may be served on any party in the case. Questions must have space following them to allow for an answer. Objections may be made as to certain questions, and no matter what the answering party must sign their responses and an attorney must sign for any objections. Responses are due no more than thirty days after receiving a request, and failure to do so can result in objections being waived as to questions. You may ask anything that may be inquired into pursuant to Indiana Trial Rule 6(B) (which lays out in more detail what is considered "scope" for requests) and lastly, one may also request business records, and there is a procedure for how to obtain those.

Let's say that you have a case in Vigo County, Indiana. You would like to

23. IND. TRIAL R. 33.

serve interrogatories on the opposing party. Indiana Trial Rule 33 gives you the general idea of how and what timeline one should follow, but is there anything else? There is. When one checks the Vigo local court rules, regarding discovery, here is what we find:

L84-TR33-10 INTERROGATORIES

- (A) Form. Interrogatories shall be tailored specifically to each cause in which they are filed. No fill-in the blank or photocopied forms containing interrogatories shall be filed or served upon a party unless all interrogatories on such forms are consecutively numbered and applicable to the case in which the same are filed and served. The intent and purpose of this rule is to prohibit the filing of fill-in the blank or photocopied forms of interrogatories except where the nature of the case or the number of the parties makes the use of such forms necessary and feasible.
- (B) Answers and Objections. Answers or objections to Interrogatories under Trial Rule 33 shall set forth in full the interrogatory being answered or objected to immediately preceding the answer or objection. Any objection to an interrogatory must clearly state in detail the legal basis upon which it is made, or the objection will be waived.
- (C) Number Limited. The number of interrogatories shall be kept to a reasonable limit and shall not require the answering party to make more than one hundred twenty-five (125) responses. For good cause shown and upon leave of Court, additional interrogatories may be propounded if the Court finds this limitation would work a manifest injustice or would be impractical because of the complexity of the issues of the case. Interrogatories shall be used solely for the purpose of discovery and shall not be used as a substitute for the taking of a deposition.²⁴

By taking the general Indiana Trial Rule and the Vigo local rule together, we now know that not only do we need to serve interrogatories in a certain way, but that Vigo County limits the number of responses that one may ask for. While 125 responses may seem like a large number, should a practitioner submit interrogatories with 126 or more responses due, compliance with that discovery is now objectionable based on the local rule, and the responding party need only answer 125 of what has been asked for.

While Vigo limits the number of responses to 125, remember that the same may not be true of other counties. Let's say one is filing the same sort of case

24. VIGO CTY. CT. R. L84-TR33-10.

again, but this time in Greene County, Indiana. We know to start again with the general Indiana Rule of Trial Procedure 33 and would check the local rules for Greene County to see whether there were any rules regarding discovery, and there happens to be one—and it is different.:

LR28-TR33-04 INTERROGATORIES

A. NUMBER OF INTERROGATORIES. The number of interrogatories served pursuant to Rule 33 shall be limited to require the answering party to make no more than fifty (50) answers. This limitation may be waived by the Court upon a showing that such limitation would work a manifest injustice or would be impractical because of the complexity of the issues of the case

B. USE OF FORMS: No duplicated forms containing interrogatories shall be filed or served upon a party unless all interrogatories on such forms are consecutively numbered and applicable to the case in which the same are filed and served. The intent and purpose of this rule is to prohibit the filing of duplicated forms of interrogatories except where the nature of the case or number of the parties makes the use of such forms necessary and feasible.

C. FORM OF ANSWERS OR OBJECTIONS: Answers or objections to interrogatories shall set forth in full the interrogatory being answered or objected to immediately preceding the answer or objection.²⁵

What does this tell a practitioner? One may only submit interrogatories to another party and require up to 50 answers—not 125 as in *Vigo*. So, should a practitioner attempt to use the same interrogatories in Greene that they used for *Vigo*, the answering party would be able to choose which of the 125 responses they wanted to give and only need answer 50.

Lastly, what happens when there is not a local rule? What then? Now we have a case to file in Posey County. When we check the local rules and scan the table of contents, we don't see anything about discovery:

25. GREENE CTY. CT. R. LR28-TR33-04.

**LOCAL RULES
OF THE
POSEY CIRCUIT AND SUPERIOR COURTS**

Updated - June 1, 2023

LR65-CR2.2-01	Rule for the Assignment of Criminal Cases in the Posey Circuit and Superior Courts
LR65-CR00-01	Appointment of Pauper Counsel and Pauper Counsel Rate in Criminal and/or Juvenile Delinquent Cases
LR65-AR1-02	Rules for Assignment of Civil Cases in the Posey Circuit and Superior Courts
LR65-AR1-03	Rule for Random Assignment of Felony and Civil Cases
LR65-CR2.2-04	Special Judge Selection in Civil and Criminal Cases
LR65-CR2.2-05	Transfer of Cases
LR65-TR00-01	Appointment of Pauper Counsel and Pauper Counsel Rate in Civil Cases
LR65-TR6-06	Extension of Time to Answer Complaint
LR65-TR16-07	Settlement Conferences
LR65-TR16-08	Original and Post-Dissolution and Paternity Actions
LR65-TR16-09	Guardian Ad Litem
LR65-AR15-10	Court Reporters
LR65-TR79-11	Relief from Local Rules

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This means that we just need to comply with the Indiana Trial Rule 33 direction on interrogatories, and nothing else is required. Note that local rules change from time to time, and whenever one is filing in a new county, it is best practice to consult the local rules prior to filing anything to make sure everything is in order according to the current procedures.

VI. KNOW YOUR CAUSE (CASE) NUMBER

In addition to the Civil, Trial, Criminal, and other rules, Indiana also has the Indiana Administrative Rules. These administrative rules give practitioners guidance on a variety of matters, but perhaps the most useful as a practitioner is Administrative Rule 8, which breaks down what an Indiana case number stands for.²⁷

26. POSEY CTY. CT. R.

27. In Indiana, case assignments are generally referred to as Cause Numbers, instead of Case Numbers, but they are one and the same.

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.²⁸

A case only receives a cause number once it has been filed and accepted. Once accepted by the clerk of the county where it was filed, a typical Indiana Cause number looks like this: 49D14-1011-DR-000123. Believe it or not, each character has an assigned purpose that tells you most of what you need to know about the case. Once one knows what to look for, you will know what type of case it is, when it was filed, where it was filed, and where it is located within the court system. Starting at the beginning, Administrative Rule 8 tells us that the first two characters represent the county in which the case was filed:

49D14-1011-DR-050225

First two characters represent the county where the action was filed:

- 01 Adams County
- 02 Allen County
- 03 Bartholomew County
- 04 Benton County
- 05 Blackford County
- 06 Boone County
- 07 Brown County
- 08 Carroll County
- 09 Cass County
- 10 Clark County

- 11 Clay County
- 12 Clinton County
- 13 Crawford County
- 14 Daviess County
- 15 Dearborn County
- 16 Decatur County
- 17 DeKalb County
-
- 49 Marion County

Based on the above, we know that this case was filed in Marion County, Indiana. What's next? The letter D—also known as the third character:

28. IND. ADMIN. R. 8.

49D14-1011-DR-050225

The third character in the first group shall represent the court of filing employing the following code:

C	Circuit Court
D	Superior Court
E	County Court
F	Superior Municipal Division
G	Superior Court/Criminal Division
H	City Court
I	Town Court
J	Probate Court
K	Township Small Claims Court

Following the D is a 14. So, when we put the first group together, we know that we have a case out of Marion County, Superior Court, Civil Division 14.

49D14-1011-DR-050225

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

49D01	Marion Superior Court, Civil Division 1	49D10	Marion Superior Court, Civil Division 10
49D02	Marion Superior Court, Civil Division 2	49D11	Marion Superior Court, Civil Division 11
49D03	Marion Superior Court, Civil Division 3	49D12	Marion Superior Court, Civil Division 12
49D04	Marion Superior Court, Civil Division 4	49D13	Marion Superior Court, Civil Division 13
49D05	Marion Superior Court, Civil Division 5	49D14	Marion Superior Court, Civil Division 14
49D06	Marion Superior Court, Civil Division 6	49F07	Marion Superior Court, Criminal Division 7
49D07	Marion Superior Court, Civil Division 7	49F08	Marion Superior Court, Criminal Division 8
49D08	Marion Superior Court, Probate Division	49F09	Marion Superior Court, Criminal Division 9
49D09	Marion Superior Court, Juvenile Division	49F10	Marion Superior Court, Criminal Division 10

Our next section consists of 1011:

49D14-1011-DR-050225

The second group of four characters shall represent the year and month of filing.

As shown above, digits one and two of this group denote the last two digits of the calendar year and digits three and four reflect the month of filing.

Now we have more information—not only is our case in Marion County Superior Civil Division 14, but we know that this case was filed in November (11) of 2010 (10). It feels a bit backward, but the key is to remember that the

first two digits represent the last two of the year it was filed, while the last two digits represent the month of that year it was filed.

DR represents the case types—and there are so many types of cases. Administrative Rule 8 contains them all, but for our purposes, here is a snapshot of what these codes represent:

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MR-- Murder	CM-- Criminal Misdemeanor	DC-- Domestic Relations with Children
CF-- Criminal Felony (New CF case numbers shall not be issued after 12/31/2001. CF cases filed prior to 1/1/2002 shall continue to bear the CF case type designation.)	MC-- Miscellaneous Criminal	(to be used for cases filed on or after 1/1/2017)
FA-- Class A Felony (to be used for crimes committed on or before 6/30/2014)	IF-- Infraction	DN-- Domestic Relations No Children (to be used for cases filed on or after 1/1/2017)
FB-- Class B Felony (to be used for crimes committed on or before 6/30/2014)	OV-- Local Ordinance Violation	MH-- Mental Health
FC-- Class C Felony (to be used for crimes committed on or before 6/30/2014)	OE-- Exempted Ordinance Violation	XP-- Expungement Petition (for petitions filed under I.C. 35-38-9)
FD-- Class D Felony (to be used for crimes committed on or before 6/30/2014)	CT-- Civil Tort	AD-- Adoption
F1-- Level 1 Felony (to be used for crimes committed on or after 7/1/2014)	CP-- Civil Plenary (New CP case numbers shall not be issued after 12/31/2001. CP cases filed before 1/1/2002 shall continue to bear the CP case type.)	ES-- Estate, Supervised
F2-- Level 2 Felony (to be used for crimes committed on or after 7/1/2014)	PL-- Civil Plenary (Civil Plenary cases filed after 1/1/2002--All Civil cases except those otherwise specifically designated)	EU-- Estate, Unsupervised
F3-- Level 3 Felony (to be used for crimes committed on or after 7/1/2014)	CC-- Civil Collection	EM-- Estate, Miscellaneous
F4-- Level 4 Felony (to be used for crimes committed on or after 7/1/2014)	MF-- Mortgage Foreclosure	GU-- Guardianship
F5-- Level 5 Felony (to be used for crimes committed on or after 7/1/2014)	ML-- Miscellaneous (Civil cases other than those specifically identified--i.e. change of name, appointment of appraisers, marriage waivers, etc.)	TR-- Trust
F6-- Level 6 Felony (to be used for crimes committed on or after 7/1/2014)	CB-- Court Business record--i.e. court orders that refer to non-case matters such as the appointment of judge pro tem, drawing the jury, etc.	JC-- Juvenile CHINS
PC-- Post Conviction Relief Petition	RS-- Reciprocal Support	JD-- Juvenile Delinquency
	SC-- Small Claim	JS-- Juvenile Status
	DR-- Domestic Relation (New DR case numbers shall not be issued after 12/31/2016. DR cases filed before 1/1/2017 shall continue to bear the DR case type.)	JT-- Juvenile Termination of Parental Rights
		JP-- Juvenile Paternity
		JM-- Juvenile Miscellaneous
		PO-- Order of Protection
		TS-- Application for Judgment in a Tax Sale
		TP-- Verified Petition for Issuance of a Tax Deed

Now we know that the case type is that of a domestic relations case (divorce/dissolution).²⁹ So, what about the last six digits?

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The fourth group shall consist of six (6) characters assigned sequentially to a case when it is filed. It shall begin with a "000001" at the beginning of each year for each case classification (or for each docket book or case pool if more than one case classification is grouped within a single docket or case pool) and continue sequentially until the end of the year.

This means that the last six digits represent that this is the # of the type of case that has been filed that year. This is its own individual case number.

All told, this means that we have a divorce/dissolution case that was filed in November of 2010 in Marion County Superior 14. Superior 14 is where any hearings would be held, and where any filings or documents would be located.

29. Note that the case types for a dissolution have been changed from DR to two designations: DC (dissolutions with children) and DN (dissolutions without children) but DR is being used here just for purposes of outlining a cause number. *See* CASE TYPE QUICK REFERENCE GUIDE, IND. GOV., (Jan. 1, 2025), <https://www.in.gov/courts/iocs/files/casetype-quick-reference.pdf>.

VII. ELECTRONIC FILING SYSTEM (E-FILING/IEFS)

Indiana uses an e-filing system, which means that all records are kept and responded to electronically. This system is made up of three main parts: a court case management system, an e-filing service provider, and an e-filing manager.

The court case management system consists of a computer software program that allows courts to keep track of case events, documents, and parties. The main system that most Indiana Courts use is called Odyssey. Courts are able to reconcile multiple different court case management systems through the use of an e-filing manager, which makes sure that no matter what system is used, all results may be integrated.

In Indiana, every attorney must select and use an electronic filing service provider (IEFS). IEFS represents a “type of computer software (usually a website) that an attorney or litigant uses to start a case or respond to a case over the internet.”³⁰ This service must be used to electronically file (e-file) anything case-related. As of the time of publication, Indiana has several options that one may choose from, the approved list and comparison chart is located on the Indiana Judicial Branch’s website.³¹

No matter which provider you choose, all filings must be e-filed if you are an attorney pursuant to Indiana Rules of Trial Procedure Rule 87. Rule 87 states that:

(A) Commencement of an Action.

An action must be commenced:

- (1) By using the IEFS unless exempted under these rules;
- (2) By paying the filing fee unless the fee is waived by an order of the court or pursuant to Trial Rule 86(B)(2)(e); and
- (3) By filing the complaint or equivalent pleading and the required summons(es) in the form set out in Trial Rule 4(C).

(B) Electronic Filing of Documents.

- (1) Unless otherwise permitted by these rules, documents submitted for filing in Indiana courts must be filed electronically with the clerk using the IEFS. The e-filing of documents is controlled by the case number in the IEFS designated by the User.
- (2) Attorneys who wish to be exempted from the requirement that they file electronically may file a petition for electronic filing exception. The petition must be filed in each pending

30. *How it works*, IND. JUD. BRANCH, <https://www.in.gov/courts/efiling/how-it-works/> [https://perma.cc/LBV5-5KGY] (last visited Apr. 2, 2025).

31. *Compare Providers and Plans*, E-FILE IND., <https://www.in.gov/courts/files/e-filing-efsp-comparison.pdf> [https://perma.cc/FQG3-S28Y] (last visited Apr. 2, 2025).

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.

- (3) Until further order of the Supreme Court, unrepresented litigants are not required but are encouraged to file using the IEFS.³²

Once you select a provider, you will create an account and register, and by doing so, you are agreeing to the terms and conditions of that respective provider. The email address you provide in creating your account registration will be where you agree to receive any notices and documents regarding your court cases. Indiana does provide a basic, free e-filing service in addition to the certified providers so that pro se and other individuals may have access to the filing system at no cost.

How you will file a case into your filing system will depend on the provider you choose, but most require you to specify the county where the case will be filed, the type of case you are filing (i.e., civil or criminal), and the specific case designation (i.e., custody). A quick reference chart to the types of designations used for cases is available on the Indiana Judicial Branch's website.³³ Once you enter all of the orienting information for your case (county, parties, etc.), you will then be directed to upload all of the pleadings and motions that you are ready to file. PDFs are generally the required format for any uploaded documents.

For each document you file, you will have the option to select whether that document should be confidential (as in the Notice of Confidential Information Form) or public record (generally, most things are public records). Anything marked as confidential will be accounted for by the clerk accepting the filing but not available publicly on the Internet. Anything noted as being open to the public will be publicly available on the internet. In using e-filing, it is your responsibility to ensure that information that is considered confidential under the Rules on Access to Court Records does not appear in public court documents. Should any confidential documents not be properly designated or redacted when filed, "they may be stricken and you may be sanctioned by the court or incur liability to third parties."³⁴

After you upload all your filing documents, you will then have an opportunity to identify the service contacts for your case, meaning that you will have some sort of step to identify yourself and your role to the party you represent, and then select the opposing party's information so that they may also receive service. There are two main designations of service contacts, the first

32. IND. T.R. 87.

33. CASE TYPE QUICK REFERENCE GUIDE, IND. GOV., (Jan. 1, 2025), <https://www.in.gov/courts/iocs/files/casetype-quick-reference.pdf>.

34. E-FILING USER GUIDE, E-FILE IND. 9, (Mar. 29, 2023), <https://www.in.gov/courts/files/efiling-user-guide.pdf>.

being “firm service contacts” and the second being the “Public Service List.” “The Public Service List is the directory of attorneys who have been established as a firm attorney within the Indiana E-filing System. Any attorney of record in an appellate or e-filing trial court case must appear on the Public Service List.”³⁵

What if the party on the other side is not an attorney, a pro se, or an attorney not yet on the Public Service List? The E-Filing User Guide provides:

If a non-attorney party you wish to serve is not already listed as a service contact on the case, you must execute service conventionally. Likewise, if the attorney you wish to serve is not already added as a service contact in the case and is not yet on the Public Service List, you must serve them conventionally.³⁶

Once you file all the documents and identify service contacts; if you are commencing an action, there will be a page where you may pay the filing fee for the type of action that you are filing. Typically, most e-filing service providers accept credit cards, with some accepting other forms of payment as well. There is typically a “convenience fee” added onto the filing fee cost for the ease of being able to electronically file (i.e., for filing an expungement for convictions, the filing fee is \$157.00. E-file adds on a fee of \$5.10 for using a credit card, making the total \$162.10). Make sure to inform your client of this added cost, as that higher amount with the fee will show up on their credit card statement.

Once you pay the necessary fees, you will generally have to acknowledge all of what you filed, double-check that all the information appears as it should, and then you will submit. Once you submit, those documents will be electronically routed to the county clerk in which you filed, and you will receive an e-service notification email. Once the clerk receives your documents and formally accepts them, you will receive a Cause Number for your case, as well as file stamped copies emailed to the address you provided. Should you need to file anything into that particular case later on, you will e-file into an existing case, and provide your assigned Cause Number in order to do so.

Once your case has been filed, you will receive email notices of any documents you or your opposing party e-file, any orders issued by the court, and any other documents filed regarding your case. If you withdraw from a case, you must remove your contact information from the list of service contacts for that case.

VIII. CERTIFIED LEGAL INTERNS (CLI)

Many times, in a law firm or as an attorney, you will want some additional help, and that can come in the form of paralegals and law clerks, and also, in

35. *Id.* at 12.

36. *Id.* at 10.

Indiana, Certified Legal Interns (CLI). CLI status is the supervised temporary licensure vehicle for law students who are midway through their law school education. Graduate Legal Interns (GLI) have the same status as CLIs but have graduated from law school and have not received the results from the first bar exam they have taken (or when they pass, until they get sworn in). To be certified as a legal intern, students must have completed half of their required legal education (around 45 hours) and completed (or are currently enrolled in) an ethics /professionalism course.

Both CLIs and GLIs are authorized by the Indiana Rule for Admission to the Bar, Rule 2.1:

Rule 2.1. Legal Interns

Section 1. Requirements

(a) A law student may serve as a legal intern when the following requirements are met:

- (i) The law student is enrolled in a school accredited as set forth in Rule 13(1)(a).
- (ii) The law student has satisfactorily completed one-half of the educational requirements for a first professional degree in law.
- (iii) The law student has received permission from the dean of the law school to participate in a legal intern program determined to be beneficial to the law student's training pursuant to the guidelines jointly developed by the law schools of this state.
- (iv) The law student has completed or is enrolled in a legal ethics or professional responsibility course as set forth in Rule 13(1)(c).

(b) A law school graduate may serve as a legal intern when the following requirements are met:

- (i) The law school graduate is eligible to take the bar examination under Rule 13.
- (ii) The law school graduate has received permission from an attorney who is a member of the Indiana bar to serve as a legal intern under that attorney's direct supervision.

Section 2. Length of Intern Status

(a) A law student may serve as a legal intern until graduation from law school or for a lesser period if designated by the dean of the law school.

(b) A law school graduate may serve as a legal intern from the date of graduation until the graduate has taken and been notified of the results of the first bar examination for which the graduate is eligible under Rule 13, or if successful on that examination, until the first opportunity thereafter for formal admission to the Indiana bar.³⁷

37. IND. ADMIS. DISC. R. 2.1.

CLIs and GLIs are certified by the law school they are attending/have graduated from with the law school certifying that they satisfy the requirements in Rule 2.1 (1) and (2) above. The second piece that is needed is for a volunteer supervising attorney who is a member of the Indiana Bar to notify the board of law examiners:

Section 3. Certification

- (a) The dean of a law school sponsoring a legal intern program shall advise the State Board of Law Examiners of those students who qualify to be legal interns and the length of that internship.
- (b) An attorney who is a member of the Indiana bar and who wishes to sponsor and supervise a graduate as a legal intern shall advise the Board. And the dean of the law school from which the graduate received their first professional degree in law shall advise the Board of both the date of graduation and the date at which the graduate will be first eligible for examination under Rule 13.³⁸

To become a CLI or GLI, students must fill out an application and then sign an agreement. Their supervising attorney and dean must also sign the agreement and then submit it to the Board of Law Examiners. This paperwork available online at the Indiana Board of Examiner's website.³⁹

The scope of what a CLI/GLI may do is the same, in that both are able to practice law in Indiana as long as they are supervised by the attorney that signed off on their application and agreement.

Students who have been certified under one particular attorney may not then practice under any attorney anywhere, meaning should a student want to work with multiple attorneys not in the same firm, the student will need a separate application and form for each. As an example of what this means is when a student enrolls in an externship or a law school clinic course, students are usually certified as legal interns under the supervision of a professor attorney for those courses. Those class-related certifications do not qualify the student to then go and work for a law firm or another attorney without getting re-certified that someone at the firm or that attorney is acting as their supervisor. CLIs/GLIs can do everything a licensed attorney may do provided that their work is supervised, and whenever speaking in open court, has their supervising attorney present at that hearing:

Section 4. Scope of Conduct

Except as otherwise permitted in Section 4(b), a legal intern may practice law in Indiana, provided such practice is supervised and

38. *Id.* 3.

39. *Student Legal Internships*, IND. BOARD OF L. EXAMINERS <https://myble.courts.in.gov/appinfo.action?id=4> (last visited Apr. 2, 2025) (click link titled "Browse Student Legal Internship Forms" to view various relevant forms).

approved by an attorney who is a member of the Indiana bar. A legal intern shall inform each client of their intern status and that they are not a licensed attorney.

(a) A legal intern shall not interview any person represented by an attorney without the express permission of such attorney. In no event may a person (including private corporations) be charged for the services of a legal intern acting in a representative capacity. The personal presence of a supervising attorney is required in any proceeding in open court.

(b) A law school graduate serving as a legal intern under Section 2(b) who is otherwise qualified for admission and has been notified of their successful results on the Indiana bar examination may practice law in Indiana without the direct supervision of an attorney who is a member of the Indiana bar, including appearing in any proceeding in open court without the presence of a supervising attorney, if the law school graduate is employed in any of the following capacities:

- (i) A legal services organization or public defender office that provides legal assistance to persons of limited means.
- (ii) The Indiana Department of Child Services where the law school graduate is providing litigation services in child welfare cases.
- (iii) The office of a prosecuting attorney.⁴⁰

The law school graduate's authority to practice law under this provision is limited to matters assigned in the course and scope of their employment with the employers listed above. Law school graduates practicing under this provision are not admitted to the Indiana bar until the admission ceremony set out in Rule 21.⁴¹ Employers must allow law school graduates practicing under this provision time to attend the admission ceremony.

Should you want to employ a student as a CLI/GLI, you may want to contact the law school's offices that manage employment and externships to see if they can advertise your opportunity. Otherwise, if you are interviewing for a law clerk position and you want them to get certified as part of their work with you, you just need to make sure they meet the requirements and then you would submit a signed agreement and application along with them to the Board of Law Examiners.

When and if you have clients work with a CLI/GLI, you will want to make sure that the client is aware of and agrees to work with a law student. Typically, you can have the client sign a form acknowledging that they understood and agree, such as this one:

40. IND. ADMIS. DISC. R. 4.

41. *Id.* 21.

[NAME OF YOUR FIRM]
CERTIFIED LEGAL INTERN
INFORMATION AND ACKNOWLEDGMENT

This form acknowledges your consent to allow a law student to represent and work with you on your case.

The Indiana Supreme Court certifies law students to practice law under the supervision of licensed attorneys who are admitted to practice law in Indiana. [STUDENT CLI NAME HERE], the person who has been assigned to represent you is a Law Student who is working as a legal intern directly under the supervision of our office attorneys.

In representing you, the Legal Intern may interview you to determine the nature of your legal issues, contact others to obtain further information, or negotiate with others to solve your legal problem. The Legal Intern may also appear on your behalf at administrative or court hearings. Everything you tell the Legal Intern is confidential, and will not be discussed outside the office without your permission.

If you have any questions that are not answered by the Legal Intern or wish to withdraw your consent to have the Legal Intern represent you, contact [ATTORNEY SUPERVISOR] at [CONTACT INFORMATION].

If you consent to be represented by a Legal Intern, please sign the bottom of this form as an acknowledgment and consent allowing the Legal Intern to represent and work with you.

Client's signature

Client's printed name

Dated: _____

Certification that a copy of form was given to client

CLI Name/Date

Once you have the client acknowledge and give permission, you may then treat the CLI/GLI as any other young lawyer associate, remembering to supervise all their work and making sure to appear with them in any court setting.

CONCLUSION

Hopefully once you have made it this far in this article, you have a decent grasp on many of the basics one needs when starting to practice in Indiana. No

matter what, no matter where one practices, keep in mind the relationship between the layers of rules that exist to govern civil procedure. Also keep in mind that just as the law changes, rules and practices change, and it is a good idea to keep up with legislative amendments and rule changes as they occur. With this in mind, and many of the tools outlined here, one should be able to confidently have a starting framework for practicing in Indiana.