

Lake County, Indiana E-Filing System FAQ

When does the e-filing rule go into effect?

The e-filing rule for new cases went into effect on February 1, 2010 for all MF (Mortgage Foreclosure) cases and for Limited Jurisdiction CT (Civil Tort) PL (Plenary), CC (Collections), and MI (Miscellaneous) in the County Division Courts Room 2 and Room 3 on July 16, 2012, and CC (Collections) in the County Division Court Room 4 on October 1, 2013.

What happens to the existing cases filed before the implementation dates for the eFiled Case Types?

The traditional paper case files remain in place but if you file on an existing case for those case types that are now eFiled, you must file new filings electronically. Existing cases will have files that are part paper for those filings occurring prior to that case type implementation and part digital (for those documents filed on or after the eFiling implementation for that case type).

If you have already appeared on a case that was filed prior to the eFiling implementation, you should show as appeared in CourtView and you will not be charged the \$17.50 appearance fee. If this is not the case, please call the clerk to get added in CourtView, otherwise you will be charged the \$17.50 appearance fee.

Are attorneys required to use the new E-Filing System?

Based on the implementation dates outlined in the first FAQ, all new cases and filings on any existing cases must be e-Filed. The clerk's office will not accept a paper filing over the counter after those implementation dates. To request an Exception to this process please see the Local Rules LR 45A.R. 16D

What if I want multiple attorneys to appear on a case from my firm?

Any number of attorneys can appear for a party.

Through New Filing, in Step 1 select the case, in Step 2 click on the File Appearance button for the desired party, and in Step 5 file the appearance.

Note that:

- The appearance document will be automatically generated and filed.
- Other documents or pleadings can be filed at the same time through Step 4.
- All other attorneys on the case will be E-Served the notice of your appearance.

How do I stop a case once it has already been e-filed? (i.e., just was notified the defendants have declared bankruptcy in a MF case)

Once a new case is submitted it is considered filed at that time. A new pleading or motion filed through the E-Filing System would be required regarding the bankruptcy in the same manner as a paper filed case.

When is a case considered filed?

A new case is considered filed at the time it is submitted on the E-Filing System. That time is the filing time and date, and it will appear on the clerk stamp on all filed documents, and on the CCS entry. Note that for new cases there is also a process date and time when the clerk processes the new case and this time will be different than the filing date and time. The process date and time will also appear on all new filed documents and on the CCS.

What documents does the system generate?

When a new case is filed, the system will automatically generate appearance documents and all summonses (One for each defendant for each address and for each service method). All other documents related to the case must be created and uploaded in PDF form.

What if I file a case on a weekend or after normal working hours?

The filing date and time is the date and time you submitted the case. The case may not be processed by the clerk until the next business day or later, however the filing date and time stamp and the CCS will reflect the date and time that it was submitted by you.

How is a sheriff service handled?

If Sheriff is identified as a method of service, when the Clerk processes the filing, the system will generate copies of all of the required documents for service. The Clerk will print the appropriate documents, and route the paper documents to the Sheriff for service. You will be required to pay a printing charge for those documents at the time of filing.

How is a certified mail service handled?

If there is no service by Sheriff, initial certified mail service will be done by the clerk. You will be required to pay a printing charge for those documents at the time of filing. Thereafter certified mail service is the responsibility of the attorney. Specific rules regarding service are as follows:

F. Service of Documents.

1. Service of Process. A party may not electronically serve a summons or other process and complaint or equivalent pleading, but instead must perfect service according to Trial Rules 4 through 4.17.

a. Service by Sheriff. The copies of the complaint or equivalent pleading and summons or other process, or any other documents such as an order to appear, necessary for service by sheriff shall be printed by the office of the clerk. The copies of the complaint and summons, or other documents, shall be forwarded to the sheriff for service and return. The clerk shall scan and electronically file the return of service and the paper original may then be discarded.

b. Service by Certified Mail - Initial Summons for a Defendant. If a plaintiff does not request service by sheriff, the clerk will upon request electronically issue a summons for service by certified mail, and the initial summons to be served upon a defendant will be printed and served by certified mail by the clerk. The clerk shall scan and electronically file the return receipt or notice of unsuccessful service when received by return mail, and the paper original may then be discarded.

c. Service by Certified Mail – Additional Summons or Other Process after Initial Service.

The clerk will electronically issue any additional summons or other process requested for service by certified mail or special process server, and the summons or other process will be printed and served by certified mail by the party or attorney requesting the documents to issue, or by the special process server appointed for that purpose. The party or attorney shall scan and electronically file the certificate of mailing and/or Service, and the return receipt or notice of unsuccessful service when received by return mail, and retain the original documents.

In other words, 1) the Clerk handles all sheriff summons. 2) The Clerk will print and serve ONLY the initial summons per defendant via certified mail, and ONLY if there has not been a request for service by sheriff.

Here are some examples of how various situations would be handled:

- After the initial summons is sent by certified mail to a defendant, subsequent summons by certified mail will be printed and served by the plaintiff's attorney. The attorney later inputs the return of service (e.g., scans the return and green card) and e-files them.
- If a complaint is filed with a summons to be served by sheriff on Borrower A at the property address, and also a summons to be served on Borrower A at different mailing address by certified mail, the plaintiff's attorney will serve any summons requested for service by certified mail.
- If a complaint is filed with a summons to be served by sheriff on Borrower A at the property address, and also a summons to be served by Sheriff to a different address in Lake County, the Clerk handles both and charges copy costs.
- If first summons was attempted by sheriff and Alias (2nd) summons needed to attempt service on Borrower A again by Sheriff at new address Lake County, Clerk handles and charges copy costs. Additional summons served by sheriff at different addresses are also handled by Clerk. Plaintiff's attorney pays the print costs.

If first summons was attempted by certified mail by Clerk on Borrower A, and Alias (2nd) Summons is now needed to attempt service on Borrower A again this time by Sheriff at new address Lake County, Clerk handles and charges copy costs.

- If first summons was attempted by certified mail by Clerk on Borrower A, and Alias (2nd) Summons is now needed to attempt service on Borrower A again by certified mail at new address Lake County, the law firm would handle service because the Clerk only does one certified mail per defendant.

NOTE: There is a \$13 sheriff fee that is only collected the first time the sheriff is used. If the initial case did not have sheriff and subsequent filing does, then the fee is paid by that filer. If another filer later adds another service by sheriff, no fee is collected.

2. Service of Other Documents. The eFiling System will generate a “Notice of Electronic Filing and Service” when any document is filed and served. This notice will be emailed to each registered user of record in a case, and an electronic service event will be added to the work queue of each registered user of record in the case. The party filing the document should retain a paper or electronic copy of the Notice of Electronic Filing and Service. This notice represents proof of filing and service of the document on registered users of record in that case. The filer shall not be required to conventionally serve any document on any party receiving electronic service.

The filer shall also conventionally serve those parties not designated or able to receive electronic notice or service but who are nevertheless entitled to notice of said pleading or other document in accordance with the Indiana Rules of Civil Procedure and applicable Local Rule(s). In such cases, the filer shall also file a certificate of service, as appropriate.

For certified mail service, what is considered valid proof of service?

Trial Rule 4.11 authorizes the clerk (or attorney) to file the electronically-transmitted (received via the Internet) record of delivery and receipt of the summons or other process, together with or as a substitute for scanning/filing the green card after it has been signed and returned.

How will we know whether a party is registered for electronic service?

An attorney who has e-filed an appearance will receive an email when another attorney e-files an appearance, and the e-filed appearance will appear in each attorney's work queue. A search of the CCS will disclose who has e-filed appearances before the date of your appearance.

What are the fees associated with e-filing?

Each attorney that appears on a case will pay a onetime per case \$17.50 e-filing appearance fee.

For example, if there are three attorneys in a firm appearing on a case, each will pay the \$17.50 e-filing charge for a total of \$52.50. Substitute appearances are also charged the fee. However, each attorney may represent multiple parties in a case. For example, if an attorney files for two parties on a case, the fee is still only \$17.50, even if the attorney appears for another party later on. Any attorney that appears for a defendant is also charged for filing an appearance.

Charges will also be assessed if the Clerk is required to print documents for service by Sheriff or by Certified Mail. The print charge will be \$0.25 per page.

Here is an example:

A case is filed with service by sheriff for one defendant at two different addresses. The attorney uploaded a complaint (4 pages) and an exhibit (2 pages). When the clerk prints the filing, three hard copies are printed, plus three hard copies of system-generated appearances and summons.

In this example, these documents are printed:

4 page complaint
2 page exhibit
2 page appearance
2 page summons
10 pages total x 3 copies = 30 pages

30 pages x 2 addresses = 60 pages (the defendant has two addresses)

At .25/page, 60 pages will generate a \$15.00 fee.

All other charges are the same as the new case filing charges assessed when filing a new case.

Can my accounting people run reports off the e-filing system for billing purposes?

Yes, there a number of standard reports that can be generated.

What if my firm's support staff completes work for more than one attorney in my firm?

Support staff can complete work for any of the attorneys in the firm. The Firm information setup defines a default attorney for each support person, however a drop down of all of the attorneys in the firm allows the support person to select and complete work for any attorney in the firm.

What types of payment methods are accepted?

All fees for activities related to electronic filing are automatically billed to the default credit or debit card on file for that attorney. Firms may set up multiple credit cards and associate them to individual attorneys. For example, a firm may assign all attorneys to one credit card, or can assign a separate credit card to each attorney, or can assign groups of attorneys to a credit card.

Where can I find the e-filing rules that apply to the Lake County system?

The current and proposed local rules for Lake County Courts are available at the State of Indiana web site: <http://www.in.gov/judiciary/files/lake-local-rules.pdf>

Is there a limit to how many defendants I can enter?

No limit.

Is there a limit to how many plaintiffs I can enter?

No limit.

Is there a limit to how many addresses we can list for plaintiffs or defendants?

No limit.

What does it mean if I received a "defective" message for my filing?

The clerk reviews all electronic scanned documents for defects as required by the State of Indiana. The clerk may identify a document as defective if the document was either blank or illegible, or if it were obvious that the wrong document was submitted. The clerk will provide a note as to why they felt the document was defective. Note that documents identified as defective remain part of the official record, and will be kept in the file with the note from the clerk. The clerk is not permitted to modify or delete any document submitted as part of a filing. The filing attorney is responsible for re-filing any documents that are correctly identified by the clerk as defective.

What happens if I discover a typo in the information I input into the E-Filing System?

Go back and input the correct information, have the summons issued, and pay the appropriate print costs.

How do I add a party to a filed case?

Use Step 3 Add Parties of the New Filing Wizard to add a new party. All new parties are added as Proposed Parties, and you must select the party type, service, and identify if they are represented by you, the filing attorney. You should also file any motions and pleadings that may be required regarding the party addition. Appearance and Summons documents will be automatically generated as required, and service will be initiated as defined.

If I need to change information about my firm in Firm Management do I need to do anything in Courtview?

No.

Why are appearances and summons listed in my new case wizard?

Appearances and Summons are automatically created by the system using the Firm/Attorney information and the Case/Party information.

Do I still need to submit appearance or summons documents?

There is no need for the attorney to create separate Appearance or Summons documents on new cases.

Do I still need to submit CCS Entry forms?

No. The system will automatically place the appropriate notation on the CCS.

Is there a maximum character length for party names? What do I do if my party name is longer than the maximum?

The maximum company name is 250 characters. Abbreviate as necessary.

Are there specifications for the files I upload?

The file must be a PDF and have a minimum resolution of 300 DPI.

How will I know when my summons and appearances are available for me to retrieve?

You will receive an email service notification, and the event will appear in your Current Submission Status list as a New Filing Filed. The documents from the event can be opened directly from the Current Submission Status list, or you can click on the event to open the detailed view of the event, including links to open all documents. You can also click on the CCS tab from the detailed event view to list the Chronological Case Summary, which also includes links to all documents for all case events.

How quickly will my new case or filing be processed?

In many cases processing should occur on the current or next business day.

How do I sign up?

In order to use the E-Filing system, you must register. To register, please contact:

Barb Gray
County Data Processing Office
bgray@lakecountyin.org
(219)755-3635

You must also be registered in the Online Docket system.
