

## Marcia Oddi

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**From:** <ksmith@courts.state.in.us>  
**To:** <moddi@iquest.net>  
**Sent:** Tuesday, February 12, 2008 10:37 AM  
**Subject:** Corrections to information conveyed in Feb. 10 post to "Ind. Decisions - More on: OK, where are these opinions?"

Marcia:

I write to bring to your attention some incorrect information you recently conveyed in your February 10, 2008 post entitled "More on: OK, where are these opinions?" I will address them in the order that they appear on your post.

Your opening paragraph states:

On Jan. 23rd, the **ILB** posted an entry headed "*OK, where are these opinions?*" The entry reported that, although the Clerk of the Court's office had changed long-established practice and was no longer making paper copies of opinions available, causing everyone to rely on the copies of the opinions posted online by the Clerk's Office, . . .

This paragraph contains a misleading half-truth. We still serve free paper copies of opinions on all parties of record, amicus, and the affected trial court in each case. What we changed in November 2007 was our practice of providing free paper copies of opinions as a courtesy to certain organizations and members of the media, since those opinions are available on the judiciary's website (except, as you have noted, when there is a computer glitch that is beyond our control). We have never simply given out free paper copies of opinions to anyone who asked (which your paragraph seems to imply by its use of the word "everyone") -- rather, we have always, and continue to, provide paper copies of opinions to anyone who requests them, for the per page copying price dictated by Supreme Court order (a copy of which is, and has been for quite some time, posted outside the Clerk's Office). In other words, the organizations and members of the media who used be provided with free "courtesy" copies when they came into the Clerk's Office are now treated like "everyone [else]" has been treated for years -- they can either download opinions for free from the website or come to the Clerk's Office and pay for a paper copy. That is all that has changed, and we did it to reduce administrative burden and expense and to help our office become more environmentally friendly. Assuming most of those organizations and members of the media will, like most other non-parties, choose the free "electronic copy" option, we roughly estimate we will reduce our office's paper consumption by about 88,000 pages per year.

You then write:

. . . the Office was not keeping up its end of the bargain. NO opinions had been posted by the Office since Jan. 18th, although a large number of opinions had in fact been issued.

The notion that the Clerk's Office "was not keeping up its end of the bargain" is simply untrue. On the day in question, Clerk's Office staff did all that was expected of them to upload opinions onto the judiciary's website, just like they do every day. The problem with opinions not making it onto the website had nothing to do with the Clerk's Office; rather, the problem was the result of problems occurring with the Indiana Office of Technology ("IOT"), the service provider for the opinions portion of the Judiciary's website. Indeed, you later noted as much in a subsequent entry (specifically, you wrote: "Although it now appears that the failure to post opinions online this week was due to a computer glitch"). Therefore, your statement on February 10th that the Clerk's Office "was not keeping up its end of the bargain" is simply false.

You next wrote:

The **ILB** quickly discovered that the failure in timely posting of opinions was only the tip of a much larger iceberg -- the Clerk's Office was far behind in keeping up with the paperwork demands on its office.

Again, the issue we experienced in late January concerning opinions temporarily not getting posted to the judiciary's website had nothing to do with the Clerk's Office. Therefore, your statement above, linking the temporary technical issues IOT experienced, on the one hand, with the backlog the Clerk's Office has been experiencing in processing some filings, on the other hand, was simply false, and given the "computer glitch" comment you made in late January, it would appear that you knew this link was nonexistent as of February 10th and yet repeated that statement anyway.

Finally, you write:

All this occurred on January 23th. The **ILB** believes the beneficial result has been to focus attention on the important responsibilities of the Clerk's Office and the need for the money and manpower for it to do its job.

Confirming this, a story has appeared in the Feb. 6th issue of the **Indianapolis Lawyer**, reporting the above in greater detail. [moddi@iquest.net](mailto:moddi@iquest.net)

Although I very much appreciate the work that the ILB does, I must let you know, very frankly, that its postings on this issue had absolutely nothing to do with the changes that are occurring in the Clerk's Office. We have been aware of our backlog issue for some time and have been working very diligently to address it. We began experimenting with a "night shift" employee last Fall and formulated our plan for a formal night shift and the promotion of employees to Night Shift Supervisor and Office Manager positions around that same time. We finalized and submitted our memorandum proposing the changes in mid-December 2007. Once we received the approval we needed to proceed, we immediately began the process of interviewing, promoting, and hiring to put the plan into place. All of that occurred well before January 23, 2008. Indeed, the conversation between Chief Judge Baker and I that he mentioned to you happened before you ever contacted him. While you often do bring issues to our attention that lead to positive and beneficial changes, this simply was not one of those instances.

Sincerely,

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