

Court and Clerk Records

Access and Maintenance:

Notice of Rulings, Orders and Judgments

Trial Rule 72(D): Trial Court and Clerks

Contact: Tom Jones; email: tom.jones@courts.in.gov

Mailing of Notice Is Required

The terms “mail” and “mailing” in this chapter encompass electronic mail and electronic mailing.

Ind. Trial Rule 72(D) requires that immediately upon the entry of a ruling on a motion or entry of an order or judgment, the clerk must serve a copy of the entry by mail in the manner provided by T.R. 5 on each party to the case who is not in default for failing to appear.

Additionally, the clerk is required to make a record of the mailing. This is accomplished by the clerk making an entry on the Chronological Case Summary (CCS) noting the mailing of the entry of the ruling, order, or judgment. The mailing is sufficient notice for all purposes for which notice of entry is required by the Rules of Trial Procedure.

In consolidated proceedings involving 10 or more parties, the trial judge may enter an order providing for an alternative method of providing notice to designated parties who will then be responsible for forwarding notice to all the parties.

How to Accomplish Notice by Mail under Trial Rule 5

The rule requires that a copy of the entry be deposited in the United States mail addressed to the person on whom it is being served at his last known address, with

postage prepaid, or the order may also be sent by e-mail. Whenever a party is represented by an attorney, the notice is mailed or e-mailed to the attorney unless the court orders it mailed or e-mailed to the party. If the terms of an order require that it be served, a copy of the order must also be served. The copy of the order may be mailed with the copy of the entry of the ruling, order, or judgment.

Attorneys must have their mailing addresses, including e-mail address, included on the CCS and on all papers they file. Service by mail to the last address provided by the attorney is sufficient. If a party is not represented by an attorney, mailing notice to the last known address or e-mail address provided by the party is sufficient.¹

¹ In a proceeding involving a protective order, workplace violence order or a no contact order, the person initiating the proceeding must provide a public mailing address for purposes of legal service. T.R. 3.1(A)(8).