

Indiana Law Blog Newsletter

Thank you for subscribing to the ILB Newsletter. The Newsletter, as of this issue, has become an occasional publication.

A dozen years ago the legislature, perhaps irretrievably, changed the Indiana Register: How has that worked out?

For nearly 30 years, the official *Indiana Register*, which traced the course of Indiana rulemakings by the state's administrative agencies, as well as gubernatorial executive orders, attorney general opinions, and the like, followed the familiar model of the *Federal Resister*. But then, as reported in a [Res Gestae article I authored in 2006](#):

Just two issues short of completing its 29th volume, representing 29 consecutive years of publication, the familiar *Indiana Register* has been eliminated, in a move that will come as a surprise to most of Indiana's legal community and others reliant on the *Indiana Register* for information about Indiana's administrative rules. On July 1, 2006, the last issue of the *Indiana Register*, Volume 29, Number 10, was published by the Indiana Legislative Services Agency (LSA), the staff agency for the General Assembly.

The issue was posted only online; printed issues of the *Indiana Register* have not been made available, except to legislators, their staff and federal depository libraries in Indiana, for a number of years. * * *

The *Indiana Register*, a serial publication, has been replaced [by a Web page](#) containing links, not to the various pages of the *Register*, but to the individual rulemaking documents submitted by the various state agencies to LSA. * * *

The best of the bad news is that the LSA has revised its initial plan to use the URLs (the Internet links to the documents) as the official method of identifying *Indiana Register* documents. They have replaced these with a semi-intuitive document identification number (DIN), that at least has a basis in dates and document numbers, rather than being tied to the location of a file on the current Web site. Of course, this new DIN would not be necessary if the LSA had not elected to summarily dump the "paged" format of the current *Indiana Register*. * * *

That serial format allowed ready citation to any rulemaking document published in the past 29 years by a simple citation such as "26 IR 3270," which meant Volume 26, page 3270 of the *Indiana Register*.

So how does one to cite to the post-2006 *Indiana Register*?

A 3-page "explanation" of the Document Identification Number (DIN) citation system has been available beginning on [p. 15 of the 94-page *User's Guide to the IR Database*](#) since 2006. It starts:

IV. DOCUMENT IDENTIFICATION NUMBER (DIN)

After July 1, 2006, each document that has been posted on the *Indiana Register* Website (-IR- Database) has been assigned a unique DIN. The Publisher has created the DINs making consistent use of the following conventions:

This "typical DIN" **20060726-IR-317050065FRA** describes:

- a final rule (**FR**)
- that was posted on the -IR- Database (**-IR-**) Website
- on **July 26, 2006**.

This final rule document:

- would add a new rule that amends Title **317** of the *Indiana Administrative Code*
- was assigned LSA Document #05-65 (padded with zeroes **050065**) (which means it was the sixty-fifth rule document brought to the Publisher by a state agency in 2005)

Since this was the first document posted with respect to this document number on the specified date, the DIN ends with:

- a wild card (**A**).

Each individual document that is posted on the -IR- Database Website is internally paginated and stored in a "PDF" format. This permits citation to the DIN and any specific page within the document that is being referenced.

The Indiana Supreme Court is considering whether any changes are necessary with respect to the Court's rules for citing documents published in the *Indiana Register* under its new format.

If you find that difficult to understand, the Indiana Supreme Court's [Appellate Rule 22, Citation Form](#) seems to suggest a contrary approach, that "reference to the appropriate URL is necessary for a reader to locate the official versions of these materials."

I found this DIN number-based citation system totally inadequate in 2006 and continue to do so today. In June of 2006 I suggested this alternative approach to the LSA (but received no response):

Here is an approach that would combine both the old *Register* and the new site, and would address the objections.

The LSA is planning to post documents each week, beginning with Wednesday, July 5. It will be posting a list of individual PDF documents. Why not instead arrange the documents the same way as now (i.e., final rules first, etc.), merge the documents (i.e., electronically put them all together into one stack), place a cover on the result, similar to the July 1 IR cover [which covered the month of June], and number the resultant pages consecutively rather than treating them individually?

The cover page to the July 1, 2006 IR (the last issue of the IR) says: Volume 29, Number 10, Pages 3327-3596, July 1, 2006. The new July 5 ' Weekly Issue' would say: Volume 29, Number 10.1, Pages 3597-xxxx, July 5, 2006. (10.1 for the first week of the month).

Via the LSA site, the user would be able to open or print out the entire July 5 'Issue' (as one can do now to the July issue), or the individual documents. The only difference would be that the individual documents would bear the page numbers of Volume 29, Number 10.1, and the July 5, 2006 date. Otherwise the new LSA site would remain the same.

What would be achieved? (1) No need for the new DIN numbers, and no need to cite any differently than in the past. (2) The old and new Register formats would be neatly bridged. (3) The new, paginated 'Weekly Issue' would indeed meet the requirements of a 'serial publication.'

What do users today think?

Last week I sent the following inquiry to several information research specialists I know at large Indianapolis law firms:

I'm working on a short article about the *Indiana Register* tentatively titled: "*Is it too late to put the genie back in the bottle?*"

Matters I'd like to address include whether users have grown to accept the DIN system or whether there is continuing confusion from users, citation problems, other obstacles. If you find the current system non-intuitive and complicated, can you suggest a way to transition to a numbering system that is more in the mainstream?

The first response I received was: "I rarely use the freely available Indiana Register site anymore because the Indiana Register is on both Westlaw and Lexis so I'm afraid I can't be of much if any help."

A second respondent's answer really elaborated upon the first:

When the firm had the print *Indiana Register*, new issues were routed to interested attorneys. Requests for sections frequently came to the library and researchers would come in to use the volumes. When the print ceased publication, all requests for Indiana regulations ceased and the attorneys never asked for assistance with the website. A law librarian in another firm had the same experience.

I believe the attorneys switched to using Westlaw or Lexis for Indiana Regulations instead. Westlaw has the archival IAC back to 2002 in addition to the current IAC; the proposed regulations and adopted regulations have a 2 year archive. It is simple to search on Westlaw by keyword or by menu-walking through the titles. Westlaw also offers a regulation tracking service. A similar alert service from the state would have been useful. Lexis also offers the Administrative Code and has a file of the regulations back to 10/1998 in an easy-to-navigate format.

Another response said in essence: "the State should copy the way Westlaw or Lexis present the material -- the DIN method is not the way anyone wants to search."

Finally, this answer:

It is difficult to keep track of individual agency regs as they are put in by document numbers. It would be nice to have some kind of monthly/quarterly summary sheet that lists the new regs by agency as was in the old Indiana Register. We haven't gotten many inquiries recently about the IAC.

ILB: For those of you who don't remember, here is a copy of [the front page of an Indiana Register from 1995](#) (which easily doubled as a summary sheet).

My own initial take on these responses is that the 2006 changes have caused users with the financial resources to turn to the \$\$\$ private publishers, West or Lexis, to keep track of agency rulemakings.

I'd love to hear from the rest of you.

"A Student Solution To Give Utah Debtors A Fighting Chance"

That was the headline to [a story](#) heard on *NPR's Weekend Edition Saturday*. Some quotes:

Let's say you have a debt, it could be a medical bill or a payday loan. There will come a time when the company wants its money, and they go to court to get it. You'll get a complaint and summons sent to you that requires a response. And if you don't respond, in 21 days whatever is written on that paper becomes fact. What it says you owe, you owe.

This is what brings us to Brigham Young University Law School and a class with a purposefully mysterious name: LawX.

Together with BYU, Parker hatched a plan to help people work through this problem. The idea was to create a semester-long design lab that would build a free, online resource for those facing debt lawsuits. Nine students jumped at the opportunity.

To help them get started, two IBM engineers volunteered their time to strategize with the team. They filled a wall with Post-it notes, worked on prototypes and interviewed people in their homes.

More from the story:

The site is called [SoloSuit](#). Through a series of questions, it helps debtors answer the complaint they received in the mail.

Questions like, "What company or person is suing you?" "Who is their lawyer?" On this particular day, the LawX team was struggling with this

question: "Which court should the response be mailed to?" It isn't always clear.

The priority is to make this step-by-step process as simple as possible. What Parker and his team are doing is crafting a highly detailed letter in response to the summons. They don't want someone giving up halfway.

"There are so many rules and if you miss one thing your answer doesn't count," says Cami Schiel, a member of the team and recent BYU Law graduate. * * *

In its first week online, 80 people used SoloSuit. The team is hoping for 1,000 users by the end of the year. But, its impact hasn't stopped at the state line. Alaska will pilot SoloSuit later this year and there have been inquiries from groups in Idaho, Washington and California.

What started as essentially a class project could help shape how some states offer legal help to those who can't afford it.

1/ Do you enjoy this Newsletter? Do you miss the old Indiana Law Blog? So do I ...

2/ Could your organization or firm use some help with a challenging short or long-term project? Then let's talk.

Recommended this week

- ***Battery saving tips for smartphones & tablets.*** Useful, [from AT&T](#).
- ***Masterclass.*** "Learn from the best" - [Intriguing](#), \$\$\$\$. Helen Mirren teaches acting, Shondra Rhimes teaches writing for television, etc.
- ***Google Earth Pro*** has a [clock button](#) that lets you go back in time with old satellite images. (h/t Ren LaForme of Poynter)
- ***"A fascinating series featuring a man methodically restoring vintage hand tools without any narration."*** [Really](#). h/t John Dickerson.



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