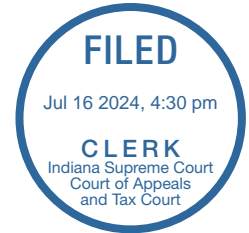


In the Indiana Supreme Court



In the Matter of the Marion County
Expedited Mental Health Appeals Pilot
Project

Supreme Court Case No. 24S-MS-190

Order Establishing the Marion County Expedited Mental Health Appeals Pilot Project

The typical duration of temporary mental health commitments often exceeds the standard appellate timeline. By statute, an individual “alleged to be mentally ill and either dangerous or gravely disabled may be committed for” up to ninety days. Ind. Code § 12-26-6-1. But our Court of Appeals, one of the most efficient appellate courts in the country, is rarely able to reach a merits decision on a commitment order in less than ninety days. And thus, these cases are frequently dismissed as moot, leaving affected individuals without the opportunity for meaningful appellate relief.

This timing challenge, however, may be overcome through innovative technology. In particular, artificial intelligence has advanced in the field of voice-to-text transcription, allowing transcripts to be available shortly after temporary commitment hearings. Marion County has been a pioneer in this effort, with a system in place that has the potential to serve as a viable mechanism for expediting these appeals.

Notwithstanding the Indiana Rules of Appellate Procedure, the Supreme Court, following discussions initiated by members of the Court’s Committee on Rules of Practice and Procedure and continued by counsel for mental health care providers, and representatives from the Court of Appeals of Indiana, the Marion County Judiciary, the Marion County Public Defender Agency, the Office of the Attorney General, and the Office of Judicial Administration, authorizes a limited pilot project in Marion County allowing expedited mental health appeals under the conditions attached to this Order in **Exhibit A**. Expedited appeals initiated under this pilot project shall use the Notice of Expedited Appeal, which is attached to this Order as **Exhibit B**.

Accordingly, there is hereby CREATED the Marion County Expedited Mental Health Appeals Pilot Project. The term of this pilot project shall be two years, commencing with cases filed on September 1, 2024.

Done at Indianapolis, Indiana, on 7/16/2024.

A handwritten signature in black ink that reads "Loretta H. Rush".

Loretta H. Rush
Chief Justice of Indiana

All Justices concur.

Exhibit A

Expedited Appeals Pilot Parameters

Participation

- Only appeals of involuntary temporary commitment cases originating pursuant to Indiana Code chapter 12-26-6 and litigated in Marion County are to be included in the pilot.
- Only respondent-appellants represented on appeal by the Marion County Public Defender Agency may participate in the pilot.
- Cases will be automatically assigned to the expedited appeals process upon filing the Notice of Expedited Appeal. Parties may subsequently seek leave from the appellate court to opt-out—or the appellate court may remove the case from expedited processing *sua sponte*—only for good cause, which may include:
 - After investigation, either party determines the issue(s) on appeal go beyond sufficiency of the evidence;
 - Either or both parties are unable to obtain an adequate interim transcript of the commitment proceeding and must seek a traditional transcript from the Court Reporter;
 - The respondent-appellant is no longer represented by MCPDA;
 - The appeal is belatedly filed;
 - The appellant-respondent seeks leave to file a reply brief; and/or
 - The brief exceeds the word limits of the pilot.

Appeal Filings

- Respondent-appellant shall file a Notice of Expedited Appeal no later than five days after entry of the temporary commitment order on the CCS.
- Shortly after the hearing all parties will be able to access to the interim transcript/recording of the commitment proceeding through www.indy.gov/activity/order-a-court-transcript.
- The trial court clerk shall file the Notice of Completion of the Clerk's Record no later than five days after the filing of the Notice of Expedited Appeal. The Notice should be accompanied by a separate PDF voice to text version of the hearing, which includes a link to the recording of the hearing.
- Parties will brief on abbreviated, overlapping timelines.
 - Appellant shall file a brief **no later than ten days** after the Notice of Completion of the Clerk's Record is served.
 - Appellee shall file a brief **no later than five days** after service of the Appellant's brief.
 - Reply briefs shall not be filed without leave of the court and may subject the case to being removed from the expedited process. **Motion for leave to file the reply brief and tendered reply brief must be filed within three days of service of the Appellee's brief.**
- Briefs will be limited to essential components only and limited in word count.
 - **Brief of Appellant:** Shall include only the Statement of the Issue [which should be limited to sufficiency of the evidence], a Statement of Facts, Argument, and

- Appealed Order. Tables of Contents and Authorities should not be included. It shall be limited to 4,200 words or ten pages.
- **Brief of Appellee:** Shall include the Argument. It shall include a Statement of the Issues and Statement of Facts only to the extent necessary to support issues and argument distinct from those identified in the brief of appellant. Tables of Contents and Authorities should not be included. It shall be limited to 4,200 words or ten pages.
 - **Motions for Leave to File Reply Brief and Reply Brief:** The motion may not exceed 300 words and a reply brief may not exceed 1,000 words.
 - Citations shall refer to both the timestamp and the specific page in the PDF transcript.
 - Any appendices shall be filed on or before the date on which the party's brief is filed.
- Extensions of no longer than three days for extraordinary causes may be granted by the court on appeal. The court on appeal retains the discretion to remove the appeal from the expedited appeal pilot if either party requests an extension of time. The court on appeal shall make its rulings expeditiously.
 - No petitions for rehearing are permitted.
 - Filings before the Supreme Court:
 - Petitions to Transfer must be filed **no later than ten days** after the Court of Appeals issues its opinion.
 - Briefs in Response to Transfer must be filed **no later than five days** after the filing of the Petition to Transfer.
 - Petitions and Response Briefs shall include only the Question Presented on Transfer and Argument and not exceed 1,500 words or five pages.
 - No reply brief shall be permitted.

Case Processing

- Briefs in expedited appeals shall be exempted from the notice of defect process.
- Certification:
 - The Clerk shall certify the Court of Appeals opinion or memorandum decision fourteen days after it is handed down unless a timely Petition to Transfer has been filed.
 - The Clerk shall certify any opinion of the Supreme Court immediately upon issuance.
- The Clerk shall transfer the case to the Supreme Court immediately upon the filing of the Petition to Transfer.

Exhibit B

Expedited Mental Health Pilot Notice of Appeal

IN THE COURT OF APPEALS OF INDIANA

CAUSE NO. _____
NAME,)
)
Appellant,) Appeal from the
Respondent below) _____ Court
)
v.) Trial Court Case No.: _____
NAME,)
) The Honorable _____,
Appellee,) Judge.
Petitioner below.)

NOTICE OF APPEAL

Party Information

Name: _____
Address: _____

The following party information *only if not represented by an attorney*:

Tel. No.: _____ Fax No.: _____

E-Mail: _____

Requesting service of orders and opinions of the Court by:

E-mail or U.S. Mail (choose one)

In forma pauperis: Yes No

Attorney(s) representing party filing Notice of Appeal:

Name: _____

Attorney # _____

Address: _____

Tel. No.: _____ Fax No.: _____

E-Mail: _____

Name: _____
Attorney # _____
Address: _____

Tel. No.: _____ Fax No.: _____
E-Mail: _____

Name: _____
Attorney # _____
Address: _____

Tel. No.: _____ Fax No.: _____
E-Mail: _____

Name: _____
Attorney # _____
Address: _____

Tel. No.: _____ Fax No.: _____
E-Mail: _____

Name: _____
Attorney # _____
Address: _____

Tel. No.: _____ Fax No.: _____
E-Mail: _____

Each attorney specified above:

- (1) certifies that the contact information listed for him/her on the Indiana Supreme Court Roll of Attorneys is current and accurate as of the date this Notice of Appeal is filed;
- (2) acknowledges that all orders, opinions, and notices in this matter will be sent to the attorney at the email address(es) specified by the attorney on the Roll of Attorneys regardless of the contact information listed above for the attorney; and
- (3) understands that he/she is solely responsible for keeping his/her Roll of Attorneys contact information accurate, see Ind. Admis. Disc. R. 2(A).

Attorneys can review and update their Roll of Attorneys contact information on the Indiana Courts Portal

Information for Judgment/Order Being Appealed

Date of Judgment/Order being appealed: _____

Title of Judgment/Order being appealed: _____

Date Motion to Correct Error denied or deemed denied , if applicable: _____

Was the Judgment/Order issued by:

- A magistrate as a final order under Ind. Code 33-23-5-5
- A magistrate and approved by trial judge on _____
- A trial court judge

Trial Court Clerk/Administrative Agency/Court Reporter Instructions

Pursuant to Appellate Rule 10 or 14.1(C), the clerk of [insert name of trial court] is requested to assemble the Clerk’s Record, as defined in Appellate Rule 2(E).

Pursuant to Appellate Rule 11 or 14.1(C), the Court Reporter of the [insert name of the court] is requested to transcribe, certify, and file with the clerk of the [insert name of trial court] the following hearings of record, including: _____

Public Access

Was the entire trial court or agency record sealed or excluded from public access?

- Yes No

Was a portion of the trial court or agency record sealed or excluded from public access?

- Yes No

If yes, which provision in the Rules on Access to Court Records provides the basis for this exclusion: _____

If Rule 6 of the Rules on Access to Court Records provides the basis for this exclusion, was the trial court or agency order issued in accordance with the requirements of this rule?

- Yes No

Attachments

The following SHALL be attached to this Notice of Appeal (in all appeals):

- Copy of judgment or order being appealed

The following SHALL be attached to this Notice of Appeal if applicable (check if applicable):

- Copy of the trial court or Administrative Agency’s findings and conclusion (in civil cases)
- Order denying Motion to Correct Error or, if deemed denied, copy of Motion to Correct Error
- Copy of all orders and entries relating to the trial court or agency’s decision to seal or exclude information from public access
- The documents required by Rule 40(C), if proceeding *in forma pauperis*

Certification

By signing below, I certify that:

- (1) I have reviewed and complied, and will continue to comply, with the requirements of Appellate Rule 9(J), 23(F), and the Rules on Access to Court Records on appeal; and,
- (2) I will make satisfactory payment arrangements for any Transcripts ordered in this Notice of Appeal, as required by Appellate Rule 9(H).

Respectfully submitted,

[Insert Name of Attorney]

Address

Telephone number

Attorney Number

CERTIFICATE OF FILING AND SERVICE

I hereby certify that on this _____ day of _____, 20____, the foregoing was filed with the Clerk of the Indiana Supreme Court, Court of Appeals, and Tax Court.

I also certify that on this _____ day of _____, 20____, the foregoing was served by [insert specific means of service] upon:

[list names and addresses of:

- (1) counsel of record in the trial court;
- (2) the parties served as required by Appellate Rule 14.1(B)(2) and (4) (if applicable);
- (3) the Attorney General, if applicable under Appellate Rule 9(A)(3); and
- (4) any other persons required by statute.]

[Signature]