

40 Years

Working Together for Children
1976 - 2016



June 14 – 17, 2016
Merrillville, Indiana

Indiana Child Support Conference

The Court of Appeals Said What?

OR: How I Learned to Stop Worrying and Enjoy “Not for Publication” Opinions for What They Are!

Why Bother?

- Break from routine
- Expand your knowledge of the world outside of child support
- Even though not published, a given case may replicate real life
- Occasionally not published opinions are published

Indiana Appellate Rule 65(A)

- All Supreme Court opinions are published
- Court of Appeals opinion should be published if the case:
 - Establishes, modifies or clarifies a rule of law;
 - Criticizes existing law; or
 - Involves a legal or factual issue of unique interest or substantial public importance

Indiana Appellate Rule 65 (A)

- Other Court of Appeals cases decided by not-for-publication memorandum decision
- A judge who dissents may designate the dissent for publication if one of the criteria for publication is met

Prior to 2006.....

- Court of Appeals opinions designated as “not for publication” were not published.
- Not available in print or online
- Available from the Clerk of the Appellate Courts
- West published only a weekly disposition table

- What happened in 2006

It was a big job, but the policy was changed!



In the
Indiana Supreme Court



In re: Request from
Indiana Court of Appeals to
Post Unpublished Opinions on
Judiciary Website.

Indiana Supreme Court
Cause No. 94S00-0608-MS- 299

ORDER

Pursuant to I.A. Code § 33-25-3-6, the Indiana Court of Appeals, through its Chief Judge, has requested the Indiana Supreme Court's consent to post the Court of Appeals' not-for-publication memorandum decisions, *see* Ind. Appellate Rule 65(A), on the Indiana Judicial Branch website (see, e.g., <http://www.in.gov/judiciary/opinions/archapp.html> (archived opinions) and <http://www.in.gov/judiciary/opinions/appeals.html> (recent opinions)).

After due consideration, this Court has determined that the request shall be GRANTED, provided, however, the availability of Court of Appeals' "not-for-publication memorandum decisions" on the Internet shall not in any way alter or change their status as a "not-for-publication memorandum decision" for purposes of Appellate Rule 65.

The Clerk shall send a copy of this order to James S. Kirsch, Chief Judge of the Indiana Court of Appeals; to the Administrator of the Indiana Court of Appeals; to the Clerk of the Indiana Supreme Court, Court of Appeals, and Tax Court; to James W. Riley, Jr., President of Indiana State Bar Association; to Kendra G. Gjerdingen, Chair, Appellate Practice Section, Indiana State Bar Association; to the Attorney General of Indiana; and to the Public Defender of Indiana.

Done at Indianapolis, Indiana, this 21st day of August, 2006.

Randall T. Shepard

Randall T. Shepard (for the Court)
Chief Justice of Indiana

Sullivan and Boehm, JJ., concur. Shepard, C.J., Dickson, J., and Ericker, J. concur in result in the interests of comity, notwithstanding their belief that the posting of not-for-publication opinions on the Internet is unwise.

Options for Not for Publication Cases

- Motion to Publish within 30 days (Appellate Rule 65(B))
- Motion to Transfer
- No Precedential Value

Sample Question:

Indiana's Sesquicentennial

Was Celebrated:

Sample Question:

Indiana's Sesquicentennial

Was Celebrated:

Answers:

- A: In the Sasquatch Canyon in Yellowwood State Forrest
- B: In 1966
- C: By an obscure non-denominational religious sect centered in Corydon, Indiana

Question:

- Answer A
- Answer B
- Answer C