

In the
Indiana Supreme Court

CAUSE NUMBER: 94S00-1501-MS-22



ORDER AMENDING INDIANA RULES OF APPELLATE PROCEDURE

Under the authority vested in this Court to provide by rule for the procedure employed in all courts of this state and this Court’s inherent authority to supervise the administration of all courts of this state, Appellate Rules 9(F)(1)(c) and (3)(c), 23(C)(9) and (10), 28(A) and (A)(9)(d), 33(B), 40(A)(3), 45(B)(1)(a) and (b), 50(A)(1) and 58(A) and Forms 9-1, 11-3 and 11-4 are amended as follows (deletions shown by ~~striking~~ and new text shown by underlining):

...

Rule 9. Initiation Of The Appeal

...

F. Content of Notice of Appeal. The Notice of Appeal shall include the following:

...

(1) *Party Information.*

...

(c) Certification that the contact information listed on the Indiana Supreme Court Roll of Attorneys for each attorney is current and accurate as of the date of the Notice of Appeal (Attorneys can review and update their Roll of Attorneys contact information on the ~~Clerk of Indiana~~ Courts Portal ~~at~~ <http://appealsclerk.in.gov>);

...

(3) *Designation of Appealed Order or Judgment.*

...

(c) The basis for appellate jurisdiction, delineating whether the appeal is from a Final Judgment, as defined by Rule 2(H); an interlocutory order appealed as of right pursuant to Rule 14(A), ~~(C)~~, or 14(D); an interlocutory order accepted for discretionary appeal pursuant to Rule 14(B) or 14(C); or an expedited appeal pursuant to Rule 14.1; and

...

Rule 23. Filing

...

C. Number of Copies. The following shall be filed:

...

(9) Administrative Rule 9(G)(5) Notices. An original and one (1) copy of any Notice that must be filed per Administrative Rule 9(G)(5).

(10) Other Documents. An original and five (5) copies of all other documents filed with the Clerk.

...

Rule 28. Preparation Of Transcript In Paper Format By Court Reporter

A. Paper Transcript. Except as provided in Rule 30, the eCourt Reporter shall prepare a paper Transcript as follows:

...

(9) Court Records excluded by Administrative Rule 9(G).

...

(d) After the Transcript has been transmitted to the Court on Appeal, any request by a party or person to exclude a Court Record in the Transcript from Public Access must be made to the Court on Appeal and must contain the specific Administrative Rule 9(G)(2) or 9(G)(3) ground(s) upon which that exclusion is based. (See, Form App. R. 11-4.) Upon receipt of an order from the Court on Appeal, the Court Reporter must re-file the Transcript in compliance with the requirements of Administrative Rule 9(G)(5)(b).

...

Rule 33. Record On Agreed Statement

...

B. Content. The agreed statement of the record shall set forth only so many of the facts proved or sought to be proved as are essential to a decision of the questions by the eCourt on aAppeal. The agreed statement shall include:

...

Rule 40. Motion To Proceed ~~In~~In Forma Pauperis

...

A. Appeal From a Trial Court.

...

- (3) *Revocation of Authorization by the Trial Court.* Before or after the Notice of Appeal is filed, the trial court may certify to or find that a party is no longer entitled to proceed ~~in forma pauperis~~ *in forma pauperis*. The trial court shall state in a written order the reasons for such certification or finding .

...

Rule 45. Time For Filing Briefs

...

B. Filing Deadlines.

(1) *Appellant's Brief.* The appellant's brief shall be filed no later than thirty (30) days after:

(a) the date the trial court clerk or Administrative Agency serves its aNotice of eCompletion of Clerk's Record on the parties pursuant to Appellate Rule 10(C) if the notice reports that the Transcript is complete or that no Transcript has been requested; or

(b) in all other cases, the date the trial court clerk or Administrative Agency serves its aNotice of eCompletion of the Transcript on the parties pursuant to Appellate Rule 10(D).

Rule 25(C), which grants a three-day extension of time for service by mail or third-party commercial carrier, does not extend the due date for filing the appellant's brief.

...

Rule 50. Contents Of Appendices

A. Appendices in Civil Appeals and Appeals from Administrative Agencies.

(1) *Purpose.* The purpose of an Appendix in civil appeals and appeals from Administrative Agencies is to present the Court with copies of only those parts of the ~~Record~~ on ~~Appeal~~ that are necessary for the Court to decide the issues presented.

...

Rule 58. Effect Of Supreme Court Ruling On Petition To Transfer

A. Effect of Grant of Transfer. The opinion or ~~not for publication~~ memorandum decision of the Court of Appeals shall be final except where a Petition to Transfer has been granted by the Supreme Court. If transfer is granted, the opinion or ~~not for publication~~ memorandum decision of the Court of Appeals shall be automatically vacated except for:

...

SAMPLE FORMS
Form App. R. 9-1 Notice of Appeal

...

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: _____

If case was heard by a magistrate, date trial judge approved judgment or order: _____

Basis for Appellate Jurisdiction:

- Appeal from a Final Judgment, as defined by Appellate Rule 2(H) and 9(I)
- Appeal from an interlocutory order, taken as of right pursuant to Appellate Rule 14(A), ~~(C)~~, or 14(D)
- Appeal from an interlocutory order, accepted by discretion pursuant to Appellate Rule 14(B)(3) or 14(C)(5)
- Expedited Appeal, taken pursuant to Appellate Rule 14.1

...

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 Administrative Rule 9(G) provides the basis for this exclusion:

If Administrative Rule 9(G) provides the basis for this exclusion, was the trial court or agency order issued in accordance with the requirements of Administrative Rule 9(HG)(4)?

Yes No

...

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/administrative agency;
- (2) the trial court clerk/administrative agency clerk;
- (3) the parties served as required by Appellate Rule 14.1(B)(2) and (4) (if applicable);
- (4) the court reporter;
- (5) the Attorney General, if applicable under Appellate Rule 9(A)(3);
- (6) the judge of the trial court or hearing officer of an Administrative Agency before whom the case was heard; and,
- (7) any other persons required by statute.]

[Signature]

...

Form App. R. 11-3

**STATE OF INDIANA
IN THE _____ COURT
COUNTY OF _____**

_____, _____)
_____)

Plaintiff(s), _____)

) Case No: _____

vs. _____)

)

_____, _____)

Defendant(s) _____)

**Administrative Rule 9(G)(5) Notice of Exclusion
of Court Record from Public Access
(TRANSCRIPT ON APPEAL)**

~~Pursuant to Administrative Rule 9(G)(5)(a)(i)(c) and Appellate Rule 28(A)(9)(b), [party name], provides this notice that the following Court Record contained in the transcript on appeal should be filed on green paper and remain excluded from public access in accordance with the authority listed below:~~

~~Transcript page and line number(s):~~

~~Administrative Rule 9(G) grounds upon which
exclusion is authorized:~~

~~{List here}~~

~~{List 9(G) grounds here.}~~

~~{NOTE: If 9(G)(2)(a) or 9(G)(2)(b), or
9(G)(3)(b) provides the basis for exclusion, you
must also list the specific law, statute, or rule
declaring the Court Record confidential.}~~

Respectfully submitted,

{Signature}

CERTIFICATE OF SERVICE

I certify that on this _____ day of _____, 20____, the foregoing was served upon the following by [state method of service]:

—[list names and addresses of counsel of record on appeal and court reporter]

{Signature}

Form App. R. 11-3

STATE OF INDIANA
IN THE _____ COURT
COUNTY OF _____

_____) _____
_____) _____
Plaintiff(s), _____)
_____) Case No: _____
vs. _____)
_____) _____
_____) _____
Defendant(s) _____)

**Appellate Rule 28(A)(9)(c) Notice of Exclusion
of Confidential Information from Public Access
(TRANSCRIPT ON APPEAL)**

Pursuant to Appellate Rule 28(A)(9)(c), [party name], provides this notice that the following confidential information contained in the transcript on appeal should be filed on green paper and remain excluded from public access in accordance with the authority listed below:

Transcript page and line number(s).

Administrative Rule 9(G) grounds upon which exclusion is authorized.

[List here]

[List 9(G) grounds here.]

[NOTE: If 9(G)(a)(2) or (3) provides the basis for exclusion, you must also list the specific law, statute, or rule declaring the information confidential.]

Respectfully submitted,

[Signature]

CERTIFICATE OF SERVICE

I certify that on this _____ day of _____, 20____, the foregoing was served upon the following by [state method of service]:

[list names and addresses of counsel of record on appeal and court reporter]

[Signature]

Form App. R. 11-4

IN THE INDIANA
[SUPREME COURT/COURT OF APPEALS/TAX COURT]
CAUSE NO. _____

_____)	
Appellant/Petitioner,)	
([Plaintiff/ Defendant/ Claimant/ Respondent] below),)	[Appeal or Petition] from the
)	_____ Court or Administrative Agency
)	
v.)	Trial Court [or Administrative Agency
)	number] Case No.: _____
)	
_____)	The Honorable _____, Judge.
Appellee/Respondent)	
([Plaintiff/ Defendant/ Claimant/ Respondent] below),)	

**Appellate Rule 28(A)(9)(d) and Administrative Rule 9(G)(5) Notice of Exclusion
of Confidential Information from Public Access
(TRANSCRIPT ON APPEAL)**

Pursuant to Appellate Rule 28(A)(9)(d), [party name], provides this notice that the following confidential information contained in the transcript on appeal should be filed on green paper and remain excluded from public access in accordance with the authority listed below:

Transcript page and line number(s).

Administrative Rule 9(G) grounds upon which
exclusion is authorized.

[List here]

[List 9(G) grounds here.]

[NOTE: If 9(G)(a)(2) or (3) provides the basis
for exclusion, you must also list the specific law,
statute, or rule declaring the information
confidential.]

Respectfully submitted,

[Signature]

CERTIFICATE OF SERVICE

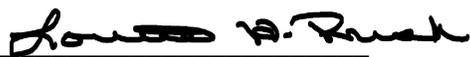
I certify that on this _____ day of _____, 20____, the foregoing was
served upon the following by [state method of service]:

[list names and addresses of counsel of record on appeal and court reporter]

[Signature]

These amendments shall take effect on January 1, 2016.

DONE at Indianapolis, Indiana, on 8/17/2015.



Loretta H. Rush
Chief Justice of Indiana

All Justices concur.