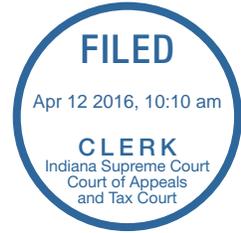


In the
Indiana Supreme Court



Cause No. 94S00-1602-MS-86

Order

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, the Indiana Rules of Appellate Procedure are amended as follows (deletions shown by ~~striking~~ and new text shown by underlining):

...

Rule 2. Definitions

In these Rules, the following definitions apply:

...

P. Case Management System ("CMS"). Case Management System is the system of networked software and hardware used by any Indiana court that may receive, organize, store, retrieve, transmit, and display all relevant documents in any case before it.

Q. Conventional Filing. Conventional Filing is the physical non-electronic presentation of documents to the Clerk or Court.

R. Electronic Filing ("E-Filing"). E-Filing is a method of filing documents with the clerk of any Indiana court by electronic transmission utilizing the Indiana E-Filing System. E-Filing does not include transmission by facsimile or by email.

S. E-Filing Manager ("EFM"). E-Filing Manager is the centralized entity approved by the Supreme Court that receives and transmits all E-Filing submissions between E-Filing Service Provider(s) and the appropriate CMS.

T. E-Filing Service Provider ("EFSP"). E-Filing Service Provider is the organization and software selected by a User and approved by the Supreme Court to receive and transmit all E-Filing submissions between the User and the Indiana E-Filing System.

U. Electronic Service ("E-Service"). E-Service is a method of serving documents by electronic transmission on any User in a case via the Indiana E-Filing System.

V. Indiana E-Filing System ("IEFS"). Indiana E-Filing System is the system of networked hardware, software, and service providers approved by the Supreme Court for the filing and service of documents via the Internet, into the CMS(s) used by Indiana courts.

W. Notice of Electronic Filing (“NEF”). Notice of Electronic Filing is the notice generated automatically when a document is submitted and transmitted through the IEFS, which sets forth the time of transmission, the name of the Court, User, party, attorney, trial court clerk, or Administrative Agency transmitting the document, the title of the document, the type of document, and the name of the Court, attorney, party, or other person meant to receive the Notice. The time noted in an NEF will be the time at the location of the court where the case is pending. An NEF will appear immediately on the User’s screen upon submission of the document for E-Filing.

X. Public Access Terminal. A Public Access Terminal is a publicly accessible computer provided by a clerk or court that allows a member of the public to access the IEFS and public court records.

Y. User Agreement. A User Agreement is an agreement in a form approved by the Division of State Court Administration that establishes obligations and responsibilities of the User within the IEFS.

Z. User. User is a Registered User or Filing User.

- (1) **Filing User.** Filing Users include court and clerk staff, unrepresented litigants, attorneys, or an agent whom an attorney has expressly designated to make a filing on the attorney’s behalf and who has an IEFS user ID, password, and limited authority to file documents electronically.
- (2) **Registered User.** A Registered User is a person or entity with a user ID and password assigned by the IEFS or its designee who is authorized to use the IEFS for the electronic filing or service of documents.

AA. Service Contacts. A Service Contact is a person for whom an email address and other identifying information has been entered into the IEFS by a Registered User.

- (1) **Firm Service Contact.** A Firm Service Contact is a Service Contact associated in the IEFS with an attorney, organization, or law firm.
- (2) **Public Service Contact.** A Public Service Contact is a Service Contact who is listed on the Public Service List for purposes of E-Service. A Registered User may add a Service Contact to the Public Service List only if authorized by the Service Contact.
- (3) **Public Service List.** The Public Service List is a directory of Public Service Contacts who are available for E-Service.

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Rule 9. Initiation of the Appeal

A. Procedure for Filing the Notice of Appeal with the Clerk of the Indiana Supreme Court, Court of Appeals, and Tax Court.

- (1) *Appeals from Final Judgments.* A party initiates an appeal by conventionally filing a Notice of Appeal with the Clerk (as defined in Rule 2(D)) within thirty (30) days

after the entry of a Final Judgment is noted in the Chronological Case Summary. However, if any party files a timely motion to correct error, a Notice of Appeal must be conventionally filed within thirty (30) days after the court's ruling on such motion is noted in the Chronological Case Summary or thirty (30) days after the motion is deemed denied under Trial Rule 53.3, whichever occurs first.

- (2) *Interlocutory Appeals.* The initiation of interlocutory appeals is covered in Rule 14.
- (3) *Administrative Appeals.* A judicial review proceeding taken directly to the Court of Appeals from an order, ruling, or decision of an Administrative Agency is commenced by conventionally filing a Notice of Appeal with the Clerk within thirty (30) days after the date of the order, ruling or decision, notwithstanding any statute to the contrary.
- (4) *Abolition of Praecipe.* The praecipe for preparation of the Record is abolished.
- (5) *Forfeiture of Appeal.* Unless the Notice of Appeal is timely filed, the right to appeal shall be forfeited except as provided by P.C.R. 2.

~~[Grace Period: Effective until January 1, 2014, if an appellant timely files the Notice of Appeal with the trial court clerk or the Administrative Agency, instead of the Clerk as required by App. R. 9(A)(1), the Notice of Appeal will be deemed timely filed and the appeal will not be forfeited.]~~

B. Death Penalty Cases. When a trial court imposes a death sentence, it shall on the same day sentence is imposed, order the Court Reporter and trial court clerk to begin immediate preparation of the Record on Appeal.

C. Joint Appeals. If two (2) or more persons are entitled to appeal from a single judgment or order, they may proceed jointly by conventionally filing a joint Notice of Appeal. The joined parties may, thereafter, proceed on appeal as a single appellant.

D. Cross-Appeals. An appellee may cross-appeal without filing a Notice of Appeal by raising cross-appeal issues in the appellee's brief. A party must file a Notice of Appeal to preserve its right to appeal if no other party appeals.

E. Payment of Filing Fee. The appellant shall pay to the Clerk the filing fee of \$250. No filing fee is required in an appeal prosecuted in *forma pauperis* or on behalf of a governmental unit. The filing fee shall be paid to the Clerk when the Notice of Appeal is filed. The Clerk shall not file any motion or other documents in the proceedings until the filing fee has been paid. A party may proceed on appeal in *forma pauperis* pursuant to Rule 40.

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

- (1) *Party Information.*
 - (a) Name and address of the parties initiating the appeal, and if a party is not represented by counsel, the party's FAX number, telephone number, and electronic mail address, if any;

- (b) Name, address, attorney number, FAX number (if any), telephone number, and electronic mail address of each attorney representing the parties initiating the appeal; ~~and~~
- (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 is filed (Attorneys can review and update their Roll of Attorneys contact information on the Indiana Courts Portal);
- (~~e~~d) Acknowledgement that all orders, opinions, and notices in the matter will be sent to the email address(es) specified by the attorney on the Roll of Attorneys regardless of the contact information listed on the Notice of Appeal; and
- (~~f~~e) Acknowledgment that each attorney listed on the Notice of Appeal is solely responsible for keeping his/her Roll of Attorneys contact information accurate per Ind. Admis. Disc. R. 2(A).

...

- (5) *Request for Transcript.* A designation of all portions of the Transcript necessary to present fairly and decide the issues on appeal. If the appellant intends to urge on appeal that a finding of fact or conclusion thereon is unsupported by the evidence or is contrary to the evidence, the Notice of Appeal shall request a Transcript of all the evidence. In Criminal Appeals, the Notice of Appeal must request the Transcript of the entire trial or evidentiary hearing, unless the party intends to limit the appeal to an issue requiring no Transcript. The appellant must include the email address of the Court Reporter and must send by electronic transmission to the Court Reporter the Notice of Appeal.

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H. Payment for Transcript. The Court Reporter may require from the appellant a fifty percent (50%) deposit based on the estimated cost of the Transcript, except no deposit may be charged for state or county paid Transcript. Within ten (10) days after the filing of a Notice of Appeal a party must enter into an agreement with the Court Reporter for payment of the balance of the cost of the Transcript. Unless a court order requires otherwise, each party shall be responsible to pay for all transcription costs associated with the Transcript that party requests.

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Rule 11. Duties Of Court Reporter

A. Preparation of Transcript. The Court Reporter shall prepare, certify, and file the Transcript designated in the Notice of Appeal with the trial court clerk or Administrative Agency in accordance with Rules 28-, ~~and 29-, and/or 30.~~ Preparation of the ~~separately-bound volumes of~~ exhibits as required by Rule 29 is considered part of the Transcript preparation process. The ~~e~~Court ~~r~~Reporter shall provide notice to all parties to the appeal that the ~~t~~ranscript has been filed with the clerk of the trial court or Administrative Agency in accordance with Rules 28-, ~~and 29-, and/or 30.~~ (See Form # App.R. 11-1) With the

exception of the preparation of documentary exhibits pursuant to Rule 29(A), the Court Reporter may engage the services of outside transcribers or transcription services to assist in all or part of the transcription.

...

C. Extension of Time to File Transcript. If the Court Reporter believes the ~~€~~Transcript cannot be filed within the time period prescribed by this rule, then the Court Reporter shall move the Court on Appeal designated in the Notice of Appeal for an extension of time to file the Transcript pursuant to Rule 35(A) and shall state in such motion the factual basis for inability to comply with the prescribed deadline despite exercise of due diligence. (See Form # App.R. 11-2). The Court Reporter shall serve a copy of the motion on the parties to the appeal in accordance with Rule 24. Motions for extension of time in interlocutory appeals, appeals involving worker's compensation, issues of child custody, support, visitation, paternity, adoption, determination that a child is in need of services, and termination of parental rights are disfavored and shall be granted only in extraordinary circumstances.

D. Failure to Complete Transcript. If the Court Reporter fails to file the Transcript with the trial court clerk within the time allowed, the appellant shall seek an order from the Court on Appeal compelling the Court Reporter to do so. The motion to compel shall be verified and affirmatively state that service as required under Rule 24(A)(1) was properly made and that the appellant has complied with the agreement for payment made in accordance with Rule 9(H). Failure of appellant to seek such an order not later than fifteen (15) days after the Transcript was due to have been filed with the trial court clerk shall subject the appeal to dismissal.

Rule 12. Transmittal Of The Record

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B. Transcript. Within five (5) days of the Court Reporter filing the Transcript, the trial court clerk shall transmit the Transcript to the Clerk in accordance with Rules 28 and 29. ~~In appeals other than Criminal Appeals, the trial court clerk shall retain the Transcript until the Clerk notifies the trial court clerk that all briefing is completed, and the trial court clerk shall then transmit the Transcript to the Clerk. In Criminal Appeals in which the appellant is not represented by the State Public Defender, the Clerk shall notify the trial court clerk when the Appellant's brief has been filed, and the trial court clerk will then transmit the Transcript to the Clerk. In Criminal Appeals in which the appellant is represented by the State Public Defender, the trial court clerk shall transmit the Transcript to the Clerk when the court reporter has completed the preparation, certification and filing in accordance with Rule 11(A). The trial court clerk is entitled to obtain from the appellant reimbursement for the cost of transmitting the Transcript. Any party may withdraw the Transcript or, at the trial court clerk's option, a copy, at no extra cost, from the trial court clerk for a period not to exceed the period in which the party's brief is to be filed. Any party may move the Court on Appeal to order the trial court clerk to transmit the Transcript~~

at a different time than provided for in this Rule.

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Rule 14. Interlocutory Appeals

A. Interlocutory Appeals of Right. Appeals from the following interlocutory orders are taken as a matter of right by conventionally filing a Notice of Appeal with the Clerk within thirty (30) days after the notation of the interlocutory order in the Chronological Case Summary:

- (1) For the payment of money;
- (2) To compel the execution of any document;
- (3) To compel the delivery or assignment of any securities, evidence of debt, documents, or things in action;
- (4) For the sale or delivery of the possession of real property;
- (5) Granting or refusing to grant, dissolving, or refusing to dissolve a preliminary injunction;
- (6) Appointing or refusing to appoint a receiver, or revoking or refusing to revoke the appointment of a receiver;
- (7) For a writ of habeas corpus not otherwise authorized to be taken directly to the Supreme Court;
- (8) Transferring or refusing to transfer a case under Trial Rule 75; and
- (9) Issued by an Administrative Agency that by statute is expressly required to be appealed as a mandatory interlocutory appeal.

The Notice of Appeal shall be in the form prescribed by Rule 9, and served in accordance with Rule 9(F)(10).

B. Discretionary Interlocutory Appeals. An appeal may be taken from other interlocutory orders if the trial court certifies its order and the Court of Appeals accepts jurisdiction over the appeal.

- (1) *Certification by the Trial Court.* The trial court, in its discretion, upon motion by a party, may certify an interlocutory order to allow an immediate appeal.
 - (a) **Time for Filing Motion.** A motion requesting certification of an interlocutory order must be filed in the trial court within thirty (30) days after the date the interlocutory order is noted in the Chronological Case Summary unless the trial court, for good cause, permits a belated motion. If the trial court grants a belated motion and certifies the appeal, the court shall make a finding that the certification is based on a showing of good cause, and shall set forth the basis for that finding.
 - (b) **Content of the Motion in the Trial Court.** A motion to the trial court shall contain the following:
 - (i) An identification of the interlocutory order sought to be certified;

- (ii) A concise statement of the issues to be addressed in the interlocutory appeal; and
 - (iii) The reasons why an interlocutory appeal should be permitted.
- (c) Grounds for Granting Interlocutory Appeal. Grounds for granting an interlocutory appeal include:
- (i) The appellant will suffer substantial expense, damage, or injury if the order is erroneous and the determination of the error is withheld until after judgment.
 - (ii) The order involves a substantial question of law, the early determination of which will promote a more orderly disposition of the case.
 - (iii) The remedy by appeal is otherwise inadequate.
- (d) Response to Motion. Any response to a motion for the trial court to certify an interlocutory order shall be filed within fifteen (15) days after service of the motion, and computing time in accordance with Trial Rule 6.
- (e) Ruling on Motion by the Trial Court. In the event the trial court fails for thirty (30) days to set the motion for hearing or fails to rule on the motion within thirty (30) days after it was heard or thirty (30) days after it was filed, if no hearing is set, the motion requesting certification of an interlocutory order shall be deemed denied.
- (2) *Acceptance of the Interlocutory Appeal by the Court of Appeals.* If the trial court certifies an order for interlocutory appeal, the Court of Appeals, in its discretion, upon motion by a party, may accept jurisdiction of the appeal. The motion shall be accompanied by an appearance as required by Rule 16(H).
- (a) Time for Filing Motion in the Court of Appeals. The motion requesting that the Court of Appeals accept jurisdiction over an interlocutory appeal shall be conventionally filed within thirty (30) days after the date the trial court's certification is noted in the Chronological Case Summary.
 - (b) Content of the Motion in the Court of Appeals. The motion requesting that the Court of Appeals accept jurisdiction shall state:
 - (i) The date of the interlocutory order.
 - (ii) The date the motion for certification was filed in the trial court.
 - (iii) The date the trial court's certification of its interlocutory order was noted in the Chronological Case Summary.
 - (iv) The reasons the Court of Appeals should accept this interlocutory appeal.
 - (c) Submissions with ~~to~~-Motion. The party seeking an interlocutory appeal shall attach to submit with its motion a copy of the trial court's certification of the interlocutory order and a copy of the interlocutory order.
 - (d) Response to Motion. Any response to a motion requesting the Court of Appeals to accept jurisdiction shall be filed within fifteen (15) days after service of the motion.

- (3) *Filing of Notice of Appeal.* The appellant shall conventionally file a Notice of Appeal with the Clerk within fifteen (15) days of the Court of Appeals' order accepting jurisdiction over the interlocutory appeal. The Notice of Appeal shall be in the form prescribed by Rule 9, and served in accordance with Rule 9(F)(10). The appellant shall also comply with Rule 9(E).

C. Interlocutory Appeals From Orders Granting Or Denying Class Action

Certification. The Court of Appeals, in its discretion, may accept jurisdiction over an appeal from an interlocutory order granting or denying class action certification under Ind. Trial Rule 23.

- (1) *Time for Filing Motion.* A motion requesting that the Court of Appeals accept jurisdiction over an interlocutory appeal from an order granting or denying class action certification shall be conventionally filed within thirty (30) days after the notation of the order in the Chronological Case Summary. The Motion shall be accompanied by an appearance as required by Rule 16(H).
- (2) *Content of Motion.* The motion requesting that the Court of Appeals accept jurisdiction shall state:
 - (a) The date the order granting or denying class action certification was noted in the Chronological Case Summary.
 - (b) The facts necessary for consideration of the motion.
 - (c) The reasons the Court of Appeals should accept the interlocutory appeal.
- (3) ~~*Attachments-Submissions with to Motion.*~~ ~~A copy of t~~The trial court's order granting or denying class action certification shall be attached-submitted with to the motion requesting that the Court of Appeals accept jurisdiction over the interlocutory appeal.
- (4) *Response to Motion.* Any response to the motion requesting the Court of Appeals to accept jurisdiction shall be filed within fifteen (15) days after service of the motion.
- (5) *Filing of Notice of Appeal.* The appellant shall file a Notice of Appeal with the Clerk within fifteen (15) days of the Court of Appeals' order accepting jurisdiction over the interlocutory appeal. The Notice of Appeal shall be in the form prescribed by Rule 9, and served in accordance with Rule 9(F)(10). The appellant shall also comply with Rule 9(E).

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Rule 14.1. Expedited Appeal for Payment of Placement and/or Services

A. Applicability. This Rule governs appellate review per Indiana Code sections 31-34-4-7(f), 31-34-19-6.1(f), 31-37-5-8(g), and 31-37-18-9(d). All other appeals concerning children alleged to be in need of service or children alleged to be delinquent are not covered by this rule.

B. Notice of Expedited Appeal.

- (1) The Department of Child Services (“DCS”) shall conventionally file a Notice of Expedited Appeal with the Clerk within five (5) business days after the trial court's order of placement and/or services is noted in the Chronological Case Summary. (See Form #App.R. 9-1).
- (2) On the same day DCS conventionally files the Notice of Expedited Appeal, it shall serve the Notice on the trial court judge, the clerk of the trial court, the Court Reporter (if a €Transcript, or any portion of a €Transcript is requested), the county commissioners, the guardian ad litem, CASA, any juvenile who is the subject of the order if 14 years of age or older, counsel for the juvenile, the parents of the juvenile, the Attorney General, in the case of a juvenile delinquency matter the Chief Probation Officer and Prosecutor, and any other party of record.
- (3) The Notice of Expedited Appeal shall include all content required by Rule 9(F).
- (4) The certificate of service attached to the Notice of Expedited Appeal shall include (a) the name and address, and (b) the FAX number and e-mail address if known, of every person to whom it was sent.
- (5) Any party who has received the Notice of Expedited Appeal shall have five (5) business days from service of the Notice of Expedited Appeal to file an Appearance and request any additional other items to be included in the record. Failure to file an Appearance shall remove that party from the Appeal.
- (6) The trial court shall be considered a party to the Appeal if it files a timely appearance.

C. Transcript and Record.

- (1) The completion of the Transcript and the Record on Appeal shall take priority over all other appeal €Transcripts and records. Within ten (10) business days after the filing of the Notice of Appeal is noted in the Chronological Case Summary, the assembly of the Clerk's Record shall be completed and any requested Transcript shall be prepared and filed, after which the clerk shall immediately issue and file a Notice of Completion of Clerk's Record (and a separate Notice of Completion of Transcript if assembly of the Clerk's Record is completed before the €Transcript is filed) and shall immediately serve all parties to the Appeal by both: (i) U.S. mail or third-party commercial carrier; and (ii) personal service, electronic mail, or facsimile.
- (2) The Clerk's Record in appeals governed by this rule shall contain the pre-dispositional report and any attachments thereto, in addition to the other records listed in Appellate Rule 2(E). The trial court clerk is not obligated to index or marginally annotate the Clerk's Record, which shall be the responsibility of DCS.
- (3) On the eleventh (11th) business day following the filing of the €Transcript, the trial court clerk shall transmit the €Transcript to the Clerk without any further notice from the Clerk. Failure to meet this deadline shall require the trial court clerk to show cause to the Court on Appeal why he or she should not be held in contempt. DCS may, but is not required to, file a show cause motion with the Court on Appeal concerning the trial court clerk's failure to meet this deadline.

D. Memoranda.

- (1) Any party on Appeal may file a memorandum, which may be in narrative form and need not contain the sections under separate headings listed in Appellate Rule 46(a).
- (2) Memoranda shall not exceed ten (10) pages unless limited to 4,200 words and shall adhere to the requirements of Appellate Rules 43(A)-(GH), and (J), ~~and (K)~~. Memoranda exceeding ten (10) pages in length shall contain the word count certification required by Appellate Rule 44(F). Any factual statement shall be supported by a citation to a page where it appears in the record.
- (3) DCS shall have five (5) business days from the notation in the Chronological Case Summary of the filing of the Notice of Completion of Transcript (or the Notice of Completion of Clerk's Record if a ~~Transcript~~ transcript was not requested) to file a memorandum stating why the trial court's decision should be reversed. DCS's memorandum shall be accompanied by an Appendix that shall contain copies of all relevant pleadings, motions, orders, entries, and other papers filed, tendered for filing, or entered by the trial court, including but not limited to the pre-dispositional report and all attachments thereto.
- (4) Any responding party shall have five (5) business days after DCS has filed its memorandum to file a responsive memorandum stating why the decision should be sustained or reversed, and to file any accompanying supplemental Appendix.
- (5) No reply memorandum shall be allowed.
- ~~(6) A party shall file its original Memorandum and eight (8) copies.~~

E. Extensions of Time. Extensions of time are not allowed.

F. Rehearing on Appeal. A party may not seek rehearing of an appellate decision issued under this rule.

G. Outcome of Appeal. If DCS prevails on appeal, payment shall be made in accordance with Indiana Code sections 31-34-4-7(g), 31-34-19-6.1(g), 31-37-5-8(h), or 31-37-18-9(e), as the case may be.

H. Petition to Transfer. A Petition to Transfer must be filed no later than five (5) business days after the adverse decision of the Court of Appeals. A party who files a Petition to Transfer by mail or third-party commercial carrier shall also contemporaneously tender a copy to the Clerk's Office via facsimile. The Petition to Transfer shall adhere to the requirements of Appellate Rules 43(A)-(G), (J), and (K). Appellate Rules 43(H) and (I), 44, and 57 shall not apply. The Petition to Transfer shall not exceed one (1) page in length, excluding the front page, signature block, and certificate of service, and shall notify the Supreme Court simply of the party's desire for the Supreme Court to assume jurisdiction over the appeal following the adverse decision of the Court of Appeals. A file-stamped copy of the Court of Appeals' opinion or memorandum decision shall be attached to submitted with the Petition to Transfer. No brief in response shall be allowed. The Supreme Court will consider the merits of the Petition to Transfer based on the party's filings submitted to the Court of Appeals and on the Court of Appeals' opinion or memorandum decision.

I. Certification of Opinion. The Clerk shall certify the Court of Appeals' opinion or memorandum decision six (6) business days after it is handed down unless a timely Petition to Transfer has been filed and served in accordance with the preceding section. The Clerk shall certify any opinion of the Supreme Court immediately upon issuance.

J. Service. ~~If a party provides service~~ ~~Service, if~~ by mail or third-party commercial carrier pursuant to Rule 68(F)(2), then the party, shall also provide service ~~be~~ by contemporaneous fax or email on all parties whose FAX number or e-mail address is known by the serving party. Parties who are served by contemporaneous FAX or e-mail shall not be entitled to the extension of time set forth in Appellate Rule 25(C). Any party filing an appearance after documents have been served shall promptly be served with all documents not previously provided to the later-appearing party.

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Rule 16. Appearances

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B. Responding Parties. All other parties participating in an appeal shall file an appearance form with the Clerk. (See Form # App.R. 16-1). When the State is appellee in a Criminal Appeal, the Clerk shall enter the appearance of the Attorney General. The appearance form shall be filed within thirty (30) days after the filing of the Notice of Appeal or contemporaneously with the first document filed by the appearing party, whichever comes first. The appearance form shall contain the following:

- (1) Name and address of the appearing party, and if the appearing party is not represented by counsel, the party's FAX number, telephone number, and electronic mail address, if any;
- (2) Name, address, attorney number, telephone number, FAX number (if any), and electronic mail address of the attorneys representing the parties; ~~and~~
- (3) If it is a civil case, whether ~~A~~appellee is willing to participate in Appellate ADR;
- (4) 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~~ ~~Appearance is filed~~ (Attorneys can review and update their Roll of Attorneys contact information on the ~~Clerk of Indiana~~ Courts Portal at <http://appealsclerk.in.gov>);
- (5) Acknowledgment that all orders, opinions, and notices in the matter will be sent to the email address(es) specified by the attorney on the Roll of Attorneys regardless of the contact information listed on the ~~Notice of Appeal~~ ~~Appearance~~; and
- (6) Acknowledgment that each attorney listed on the ~~Notice of Appeal~~ ~~Appearance~~ is solely responsible for keeping his/her Roll of Attorneys contact information accurate per Ind. Admis. Disc. R. 2(A).

...

E. Correction of Information. Parties shall promptly advise the Clerk of any change in the information previously supplied under this Rule and Rule 9. Attorneys whose contact information changes shall immediately update their contact information on the Indiana Supreme Court Roll of Attorneys using the website designated by the Supreme Court for this purpose.

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H. Appearances in Certain Interlocutory Appeals. In the case of an Interlocutory Appeal under Rules 14(B)(2) or 14(C), a party shall conventionally file an appearance setting forth the information required by Rule 16(B) at the time the motion requesting the Court on Appeal to accept jurisdiction over the interlocutory appeal is filed. (See Form # App. R. 16-2).

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Rule 22. Citation Form

Unless otherwise provided, a current edition of a Uniform System of Citation (Bluebook) shall be followed.

A. Citation to Cases. All Indiana cases shall be cited by giving the title of the case followed by the volume and page of the regional and official reporter (where both exist), the court of disposition, and the year of the opinion, e.g., *Callender v. State*, 193 Ind. 91, 138 N.E. 817 (1922); *Moran v. State*, 644 N.E.2d 536 (Ind. 1994). If the case is not contained in the regional reporter, citation may be made to the official reporter. Where both a regional and official citation exist and pinpoint citations are appropriate, pinpoint citations to one of the reporters shall be provided. Designation of disposition of petitions for transfer shall be included, e.g., *State ex rel. Mass Transp. Auth. of Greater Indianapolis v. Indiana Revenue Bd.*, 144 Ind. App. 63, 242 N.E.2d 642 (1968), *trans. denied by an evenly divided court* 251 Ind. 607, 244 N.E.2d 111 (1969); *Smith v. State*, 717 N.E.2d 127 (Ind. Ct. App. 1999), *trans. denied*.

B. Citations to Indiana Statutes, Regulations, Court Rules, and County Local Court Rules.

- 1. Citations to Indiana statutes, administrative materials, and court rules shall comply with the following citation format for initial references and subsequent references:

INITIAL	SUBSEQUENT
Ind. Code § 34-1-1-1 (20 xx)	I.C. § 34-1-1-1
34 Ind. Admin. Code 12-5-1 (2004)	34 I.A.C. 12-5-1
29 Ind. Reg. 11 (Oct. 1, 2005)	29 I.R. 11
Ind. Trial Rule 56	T.R. 56
Ind. Crim. Rule 4(B)(1)	Crim. R. 4(B)(1)

Ind. Post-Conviction Rule 2(2)(b)	P-C.R. 2(2)(b)
Ind. Appellate Rule 8	App. R. 8
Ind. Original Action Rule 3(A)	Orig. Act. R. 3(A)
Ind. Child Support Rule 2	Child Supp. R. 2
Ind. Child Support Guideline 3(D)	Child Supp. G. 3(D)
Ind. Small Claims Rule 8(A)	S.C.R. 8(A)
Ind. Tax Court Rule 9	Tax Ct. R. 9
Ind. Administrative Rule 7(A)	Admin. R. 7(A)
Ind. Judicial Conduct Rule 2.1	Jud. Cond. R. 2.1
Ind. Professional Conduct Rule 6.1	Prof. Cond. R. 6.1
Ind. Alternative Dispute Resolution Rule 2	A.D.R. 2
Ind. Admission and Discipline Rule 23(2)(a)	Admis. Disc. R. (2)(a)
Ind. Evidence Rule 301	Evid. R. 301
Ind. Jury Rule 12	J.R. 12

Effective July 1, 2006, the Indiana Administrative Code and the Indiana Register are published electronically by the Indiana Legislative Services Agency. For materials published in the Indiana Administrative Code and Indiana Register prior to that date, use the citation forms set forth above. For materials published after that date, reference to the appropriate URL is necessary for a reader to locate the official versions of these materials. The following citation format for initial references and subsequent references shall be used for materials published in the Indiana Administrative Code and Indiana Register on and after July 1, 2006:

Initial: 34 Ind. Admin. Code 12-5-1 (2006)

(see <http://www.in.gov/legislative/iac/>)

Subsequent: 34 I.A.C. 12-5-1

Initial: Ind. Reg. LSA Doc. No. 05-0065 (July 26, 2006)

(see <http://www.in.gov/legislative/register/irtoc.htm>)

Subsequent: I.R. 05-0065

2. Citations to County Local Court Rules adopted pursuant to Ind. Trial Rule 81 shall be cited by giving the county followed by the citation to the local rule, e.g. Adams LR01-TR3.1-1.

C. References to the Record on Appeal. Any factual statement shall be supported by a citation to the volume and page where it appears in an Appendix, and if not contained in an Appendix, to the volume and page it appears in the Transcript or exhibits, e.g., Appellant's

App. Vol. II, p.5; Tr. Vol. I, pp. 231-32. Any record material cited in an appellate brief must be reproduced in an Appendix or the Transcript or exhibits. Any record material cited in an appellate brief that is also included in an Addendum to Brief should include a citation to the Appendix or Transcript and to the Addendum to Brief.

D. References to Parties. References to parties by such designations as “appellant” and “appellee” shall be avoided. Instead, parties shall be referred to by their names, or by descriptive terms such as “the employee,” “the injured person,” “the taxpayer,” or “the school.”

E. Abbreviations. The following abbreviations may be used without explanation in citations and references: Addend. (addendum to brief), App. (appendix), Br. (brief), CCS (chronological case summary), Ct. (court), Def. (defendant), Hr. (hearing), Mem. (memorandum), Pet. (petition), Pl. (plaintiff), Supp. (supplemental), Tr. (Transcript).

Rule 23. Filing

A. Time for Filing. Documents exempted from E-Filing under Rule 68 ~~All papers~~ will be deemed filed with the Clerk when they are:

- (1) personally delivered to the Clerk (which, when the Clerk's Office is open for business, shall mean personally tendering the documents to the Clerk or the Clerk's designee; and at all other times (unless the Clerk specifies otherwise) shall mean properly depositing the documents into the "rotunda filing drop box" located in the vestibule of the east second-floor entrance to the State House);
- (2) deposited in the United States Mail, postage prepaid, properly addressed to the Clerk; or
- (3) deposited with any third-party commercial carrier for delivery to the Clerk within three (3) calendar days, cost prepaid, properly addressed.

Documents not exempted from E-Filing under Rule 68 will be deemed E-Filed with the Clerk, subject to payment of all applicable fees, on the date and time reflected in the Notice of Electronic Filing. See Appellate Rule 68(I).

B. Clerk's Functions. All functions performed by the Clerk are ministerial and not discretionary. The court retains the authority to determine compliance with these Rules.

C. Documents Tendered with Motions Seeking Leave to File. When a document tendered with a motion is ordered filed by the Court, any time limit for a response to that document shall run from the date on which the document is filed. The Clerk shall notify all parties of the date on which any document is deemed filed by the Court.~~**Number of Copies.** The following shall be filed:~~

~~(1) *Notice of Appeal.* An original and one (1) copy of the Notice of Appeal.~~

~~(2) *Appearances.* An original and one (1) copy of any appearance.~~

~~(3) *Motions.*~~

~~(a) An original and one (1) copy of a motion for extension of time, a motion to withdraw the record, a motion to withdraw appearance, and a motion to file an oversize document.~~

~~(b) An original and five (5) copies of all other motions and supporting documents, of all responses and supporting documents, and of all replies and supporting documents.~~

~~(4) Briefs, Addenda to Briefs, Petitions, Additional Authorities. An original and eight (8) copies of all briefs, Addenda to Briefs, Petitions to Transfer, Petitions for Rehearing, Petitions for Review and notices of additional authorities.~~

~~(5) Authorization or Affidavit In Forma Pauperis Proceedings. An original and (1) copy of the trial court authorization to proceed in forma pauperis, or an affidavit that the party was permitted to proceed in forma pauperis in the trial court. See Rule 40.~~

~~(6) Appendices. One (1) copy of any Appendix. See Rule 50.~~

~~(7) Notices by the trial court clerk or Administrative Agency. One (1) original of the Notice of Completion of Clerk's Record and Notice of Completion of Transcript. See Rules 10(C) and (D).~~

~~(8) Acknowledgement of Oral Argument. An original and one (1) copy of any acknowledgement of the order setting oral argument. See Rule 52(C).~~

~~(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.~~

D. Received but not Filed. When the Clerk accepts any document as received but not filed, any time limit for response or reply to that document shall run from the date on which the document is filed. The Clerk shall notify all parties of the date on which any received document is subsequently filed.

E. Signature ~~r~~Required. Every motion, petition, brief, appendix, acknowledgment, notice, response, reply, or appearance must be signed by at least one [1] attorney of record in the attorney's individual name, whose name, address, telephone number, and attorney number shall also be typed or printed legibly below the signature. If a party or amicus is not represented by an attorney, then the party or amicus shall sign such documents and type or print legibly the party or amicus's name, address, and telephone number. The signing of the verification of accuracy required by Rule 50(A)(2)(i) or 50(B)(1)(f) satisfies this requirement for appendices. E-Filed documents submitted through the IEFIS shall comply with Rule 68(H).

F. Confidentiality of Court Records on Appeal.

- (1) Court Records are accessible to the public, except as provided in Administrative Rule 9(G).
- (2) If a Court Record was excluded from Public Access in the trial court in accordance with Administrative Rule 9(G), the Court Record shall remain excluded from Public Access on appeal unless the Court on Appeal determines the conditions in Administrative Rule 9(G)(7) are satisfied.

- (3) Procedures for Excluding Court Records from Public Access on Appeal. Any Court Record excluded from Public Access on appeal must be filed in accordance with Administrative Rule 9(G)(5)-the following procedures:
- (a) Notice to maintain exclusion from Public Access.
- (i) In cases where the Court Record is excluded from Public Access pursuant to Administrative Rule 9(G)(2), 9(G)(3), or 9(G)(4), the party or person submitting the confidential record must provide the separate written notice required by Administrative Rule 9(G)(5)(a) identifying the specific 9(G)(2) or 9(G)(3) ground(s) upon which exclusion is based. (See Form # App.R. 11-5).
- (ii) In cases where all Court Records are excluded from Public Access in accordance with Administrative Rule 9(G)(1), no notice of exclusion from Public Access is required.
- (b) Public Access and Non-Public Access Versions. Where only a portion of the Court Record has been excluded from Public Access pursuant to Administrative Rule 9(G)(2) or 9(G)(3), the following requirements apply:
- (i) Public Access Version.
- a. If an appellate filing contains confidential Court Records to be excluded from Public Access, the confidential Court Record shall be omitted or redacted from this version.
- b. The omission or redaction shall be indicated at the place it occurs in the Public Access version. If multiple pages are omitted, a separate place keeper insert must be inserted for each omitted page to keep PDF page numbering consistent throughout.
- c. If the entire document is to be excluded from Public Access, the Administrative Rule 9(G)(5)(a) Notice filed with the document will serve as the Public Access Version.
- (ii) Non-Public Access Version.
- a. If the omitted or redacted Court Record is not necessary to the disposition of the case on appeal, the excluded Court Record need not be filed or tendered in any form and only the Public Access version is required. The Administrative Rule 9(G)(5)(a) Notice should indicate this fact. (See Form # App.R. 11-6).
- b. If the omitted or redacted Court Record is necessary to the disposition of the case, the excluded Court Record must be separately filed or tendered as follows.
1. The first page of the Non-Public Access Version should be conspicuously marked “Not for Public Access” or “Confidential,” with the caption and number of the case clearly designated.

2. The separately filed Non-Public Access version shall consist of a complete, consecutively paginated replication including both the Public Access material and the Non-Public Access material.
3. Use of green paper is abolished for E-Filing. Pages in the Non-Public Access version containing Court Records that are excluded from Public Access shall instead be identified with a header, label, or stamp that states, "CONFIDENTIAL PER A.R. 9(G)" or "EXCLUDED FROM PUBLIC ACCESS PER A.R. 9(G)."

(iii) The requirements in Rule 23(F)(3)(b) do not apply to cases in which all Court Records are excluded from Public Access pursuant to Administrative Rule 9(G)(1).

(4) E-Filing document security codes settings.

- (a) Where only a portion of the Court Record has been excluded from Public Access pursuant to Administrative Rule 9(G)(2) or 9(G)(3), the E-Filing document security codes setting for the Public Access Version shall be "Public Document."
- (b) Where only a portion of the Court Record has been excluded from Public Access pursuant to Administrative Rule 9(G)(2) or 9(G)(3), the E-Filing document security codes setting for the Non-Public Access Version shall be "Confidential document under Admin. Rule 9."
- (c) In cases in which all Court Records are excluded from Public Access pursuant to Administrative Rule 9(G)(1), the E-Filing document security codes setting shall be "Confidential document under Admin. Rule 9."

Rule 24. Service Of Documents

A. Required Service.

- (1) *Notice of Appeal.* A party filing a Notice of Appeal shall contemporaneously serve a copy upon:
 - (a) all parties of record in the trial court or Administrative Agency;
 - (b) the clerk of the trial court or Administrative Agency;
 - (c) the Court Reporter, and also serve the Court Reporter by electronic transmission;
 - (d) any persons identified in Rule 14.1, if applicable;
 - (e) the Attorney General in all Criminal Appeals and any appeals from a final judgment declaring a state statute unconstitutional in whole or in part;
 - (f) the judge of the trial court or hearing officer of an Administrative Agency before whom the case was heard; and,

(g) any other persons required by statute to be served.

(See Form # App.R. 9-1).

(2) *Documents filed in the thirty-day period following the filing of Notice of Appeal.* A party filing any document in the thirty-day period after a Notice of Appeal is filed shall contemporaneously serve a copy upon:

- (a) all parties of record in the trial court or Administrative Agency;
- (b) all parties of record who have filed a Notice of Appeal or an appearance with the Clerk;
- (c) any persons seeking party status, and;
- (d) any persons required by statute to be served.

(3) *Other documents.* Unless otherwise provided by these Rules, all other documents tendered to the Clerk for filing must contemporaneously be served upon:

- (a) all parties of record who have filed a Notice of Appeal or an appearance with the Clerk;
- (b) any persons seeking party status; and;
- (c) any persons required by statute to be served.

(4) *Appendix in Criminal Appeals.* In criminal appeals only, any Appendix or Supplemental Appendix that is conventionally filed need not be served on the Attorney General. Appendices or Supplemental Appendices that are E-Filed in criminal appeals, however, shall be served on the Attorney General.

B. Time for Service. A party shall serve a document no later than the date the document is filed or received for filing.

C. Manner and Date of Service. All E-Filed documents ~~papers~~ will be deemed served when they are electronically served through the IEFIS in accordance with Rule 68(F)(1). Documents exempted from E-Service will be deemed served when they are:

- (1) personally delivered;
- (2) deposited in the United States Mail, postage prepaid, properly addressed; or
- (3) deposited with any third-party commercial carrier for delivery within three (3) calendar days, cost prepaid, properly addressed.

Parties appealing pursuant to Rule 14.1 must comply with the additional requirements found in that Rule.

D. Certificate of Service.

- (1) *Content.* Anyone tendering a document to the Clerk for filing shall:
 - (a) certify that service has been made;

- (b) specifically list the persons served by name;
- (c) specify the date and means of service;
- (d) include any information required by Rule 14.1, if applicable; and,
- (e) if the document is a Notice of Appeal, certify the date on which the Notice of Appeal was filed with the Clerk. (See Form # App.R. 9-1).

(2) *Placement.* The certificate of service shall be placed at the end of the document and shall not be separately filed. The separate filing of a certificate of service, however, shall not be grounds for rejecting a document for filing.

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Rule 25. Computation Of Time

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C. Extension of Time When Served by Mail or Carrier. When a party serves a document by mail or third-party commercial carrier, the time period for filing any response or reply to the document shall be extended automatically for an additional three (3) calendar days from the date of deposit in the mail or with the carrier. This Rule does not extend any time period that is not triggered by a party's service of a document, such as the time for filing a Petition for Rehearing or a Petition to Transfer, nor does it extend any time period when service is made by E-Service pursuant to Rule 68(F)(1).

Rule 26. Electronic Transmission By Clerk

A. Transmission of Orders, Opinions, and Notices to Parties Not Exempted from E-Filing Represented by Attorneys. The Clerk shall electronically transmit orders, opinions, and notices by electronic mail to all parties represented by attorneys to all parties and attorneys of record who are not exempted pursuant to Rule 68(C)(2) from the requirement that they file electronically.

B. Transmission of Orders, Opinions, and Notices to Unrepresented Parties Exempted from E-Filing. The Clerk shall transmit orders, opinions, and notices by regular U.S. mail or personal delivery to parties and attorneys exempted from the requirement that they file electronically, see Rule 68(C)(2), all unrepresented parties unless the party or attorney requests electronic mail transmission or FAX transmission. A request to receive electronic mail or FAX transmission must be in writing, provide the electronic mail address or FAX number at which transmission is to be made, and be signed by the unrepresented exempted party or attorney making the request. A party requesting electronic mail or FAX transmission may request either, but not both.

C. Clerk's Functions. When transmission is made by electronic mail, the Clerk shall retain a copy of the sent electronic mail as a record of transmission.—When transmission is

made by FAX, the Clerk shall retain the machine-generated transmission log as a record of transmission. The Clerk may, without notice, discontinue FAX transmission if the Clerk determines FAX transmission is not practicable. ~~When transmittal is made by electronic mail or FAX, no other transmission will be made.~~

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

A. ~~Paper~~ Transcript. ~~Except as provided in Rule 30, the eCourt rReporter shall prepare an electronic paper tTranscript in accordance with Appendix A. as follows:~~

- ~~(1) — Paper. The Transcript shall be prepared upon 8 1/2 x 11 inch white paper.~~
- ~~(2) — Numbering. The lines of each page shall be numbered and the pages shall be numbered at the bottom. Each page shall contain no less than twenty-five (25) lines unless it is a final page. The pages of the Transcript shall be numbered consecutively regardless of the number of volumes the Transcript requires.~~
- ~~(3) — Margins. The margins for the text shall be as follows:
Top margin: one (1) inch from the edge of the page.
Bottom margin: one (1) inch from the edge of the page.
Left margin: no more than one and one-half (1-1/2) inch from the edge of the binding.
Right margin: one (1) inch from the edge of the page.
Indented text: no more than two (2) inches from the left edge of the binding.~~
- ~~(4) — Header or Footer Notations. The Court Reporter shall note in boldface capital letters at the top or bottom of each page where a witness' direct, cross, or redirect examination begins. No other notations are required.~~
- ~~(5) — Typing. The typeface shall be no larger than 12 point type. Line spacing shall be no greater than double-spacing.~~
- ~~(6) — Binding. The Transcript shall have a front and back cover and shall be bound at the left no more than one-half (1/2) inch from the edge of the page. The Transcript shall be bound using any method which is easy to read and permits easy disassembly for copying. No more than two hundred fifty (250) pages shall be bound into any one volume.~~
- ~~(7) — Title Page and Cover. The title page of each volume shall conform to Form #App.R-28-1, and the cover shall be clear plastic.~~
- ~~(8) — Table of Contents. The Court Reporter shall prepare a table of contents listing each witness and the volume and page where that witness' direct, cross, and redirect examination begins. The table of contents shall identify each exhibit offered and shall show the Transcript volumes and pages at which the exhibit was identified and at which a ruling was made on its admission in evidence. The table of contents shall be a separately bound volume.~~

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

- ~~(a) In cases where all of the Court Records are excluded from Public Access pursuant to Administrative Rule 9(G)(1), the Transcript shall be excluded from Public Access.~~
- ~~(b) If, during the hearing or trial a party or person identified any oral statement(s) to be excluded from Public Access, the Court Reporter must comply with the requirements of Administrative Rule 9(G)(5)(b) with regard to the statement(s) and must note in the Transcript the specific 9(G)(2) or 9(G)(3) ground(s) identified by the party or person.~~
- ~~(c) Additionally, until the time the Transcript is transmitted to the Court on Appeal, any party or person may file written notice with the Trial Court identifying:
 - ~~(i) the transcript page and line number(s) containing any Court Record to be excluded from Public Access; and~~
 - ~~(ii) the specific Administrative Rule 9(G)(2) or 9(G)(3) grounds upon which that exclusion is based. (See Form #App.R. 11-3.)~~~~

~~This written notice must be served on the Court Reporter and, upon receipt of the written notice, the Court Reporter must refile the Transcript in compliance with the requirements of Administrative Rule 9(G)(5)(b) and must note in the Transcript the specific 9(G)(2) or 9(G)(3) grounds(s) identified by a party or person.~~

- ~~(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. 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).~~

B. Certification. The Court Reporter shall certify the Transcript is correct, and file the certificate with the trial court clerk or appropriate administrative officer. The Court Reporter's certification shall be the last page of the last volume of the Transcript, signed by the Court Reporter in accordance with Appendix A.

C. ~~Copy of Paper Transcript in Electronic Format Submission of Electronic Transcript.~~ Following certification of the Transcript, the Court Reporter shall seal the official record and official working copy in an envelope or package bearing the trial court case number and marked "Transcript." The Court Reporter shall retain the Court Reporter's copy of the electronic Transcript. The sealed electronic Transcript copies, separate Exhibit volume(s), and photographic reproductions of oversized exhibits (if included pursuant to Rule 29(C)) shall be filed with the trial court clerk in accordance with Rule 11. All paper Transcripts

~~generated on a word processing system shall be accompanied by a copy of the Transcript in electronic format.~~

~~**D. Electronic Transcripts in Mandate Cases.** In cases arising under Ind. Trial Rule 60.5, the Transcript shall be in an electronic format as set out in Rule 30(A)(2), (6), and (B), or as otherwise ordered pursuant to Rule 61. **Technical Standards.** The Court Reporter shall prepare the electronic Transcript pursuant to the technical standards set forth in Appendix A of these rules.~~

~~**E. Processing and Transmission of Electronic Transcript by Clerk.** Upon receipt of the electronic Transcript, the trial court clerk shall file stamp the envelope that will be used to store the electronic data storage device; the original envelope submitted by the Court Reporter may be used for this purpose, if appropriate. The trial court clerk shall then transmit the electronic Transcript to the Clerk either through the IEFS or by personal delivery, U.S. mail, or third-party commercial carrier. The trial court clerk shall store the electronic records in conformity with Administrative Rule 6.~~

Appellate Rule 29. Exhibits

~~**A. Documentary Exhibits.** Documentary exhibits, including testimony in written form filed in Administrative Agency proceedings and photographs, shall be included in separately-bound volumes that conform to the requirements of Appendix A(1), (2)(a), (11), (12), and (14) Rule 28(A)(6). The eCourt rReporter shall also prepare an index of the exhibits contained in the separately-bound volumes, and that index will be placed at the front of the first volume of exhibits. ~~The Court Reporter shall not utilize any other person, entity, or service to fulfill the obligations contained in this Rule.~~ Documentary exhibit volumes may be submitted in either electronic or paper format. Documentary exhibit volumes submitted in electronic format shall additionally conform to the requirements of Appendix A(15)-(19). The documentary exhibit volumes shall be transmitted to the Clerk with the electronic Transcript, using the same method of transmission as the electronic Transcript.~~

~~**B. Audio and Video Recordings.** Exhibits in the form of audio or video recordings shall be separately submitted to the Clerk on CD, DVD, flash drive, or other physical media at the same time as the Transcript and documentary exhibits are filed.~~

~~**BC. Nondocumentary and Oversized Exhibits.** Nondocumentary and oversized exhibits shall not be sent to the Court, but shall remain in the custody of the trial court or Administrative Agency during the appeal. Such exhibits shall be briefly identified in the Transcript where they were admitted into evidence. Photographs of any exhibit may be included in the volume of documentary exhibits.~~

~~**CD. Administrative Rule 9(G).** If an exhibit was accompanied by the separate written notice required by Administrative Rule 9(G)(5)(a)(i)(b), the eCourt rReporter must comply with the requirements of Administrative Rule 9(G)(5)(b) Appellate Rule 23(F) when the exhibit is thereafter filed with the Trial Court Clerk.~~

Rule 30. [Reserved]

~~Preparation of Transcript in Electronic Format Only~~

A. — ~~Preparation of Electronic Transcript.~~ With the approval of all parties on appeal and the Court on Appeal, the Court Reporter shall submit only an electronically formatted Transcript in accordance with the following:

~~(1) — *Approval by Court on Appeal.* At the time the Notice of Appeal is filed with the Clerk, all parties to the appeal may jointly move the Court on Appeal to accept only an electronically formatted Transcript.~~

~~(2) — *Transcription of Evidence.* Consistent with the standards set forth in this rule, the Court Reporter shall transcribe the evidence on an electronically formatted medium thereby creating an electronic Transcript. The electronic Transcript shall be paginated and the lines sequentially numbered. Marginal notations are not required, but the electronic Transcript shall designate the point at which exhibits, by exhibit number, are considered at trial.~~

~~(3) — *Technical Standards.* Standards for electronic media, transmission methods, and file format shall be determined by the Division of State Court Administration. The Division of State Court Administration shall publish the established standards and distribute copies of such rules to all trial court clerks and Administrative Agencies. See, Appendix B — Standards for Preparation of Electronic Transcripts Pursuant to Appellate Rule 30.~~

~~(4) — *Exhibits.* Rule 29 shall govern the submission of exhibits. Exhibits governed by Rule 29(A) shall be arranged in numerical order, indexed and included in a separate bound volume. See Rule 28(A)(6).~~

~~(5) — *Labeling.* The Court Reporter shall transcribe the evidence on one or more sequentially numbered electronic data storage devices for each complete transcription. Each device shall be labeled or tagged to identify the names of the parties and case number in the proceedings in the trial court; the Court on Appeal case number, if known; the device sequence number, if more than one (1) device is required for a complete Transcript; the signature of the Court Reporter; and whether the device is the official record, official working copy, Court Reporter's copy, or party copy.~~

~~(6) — *Certification of Electronic Record.* The signature of the Court Reporter on the electronic data storage device shall constitute the reporter's certificate.~~

B. — ~~Submission of Electronic Transcript.~~ Following certification of the Transcript, the Court Reporter shall seal the official record and official working copy in an envelope or package bearing the trial court case number and marked “Transcript”. The Court Reporter

~~shall retain the Court Reporter's copy of the electronic Transcript and provide each party with the party's copy of the electronic Transcript. The sealed electronic Transcript copies, paper exhibits, and photographic reproductions of oversized exhibits (if included pursuant to Rule 29(a)) shall be filed with the trial court clerk in accordance with Rule 11.~~

~~**C. — Processing of Electronic Transcript by Clerk.** Upon receipt of an electronic Transcript, the Clerk shall file stamp the envelope that will be used to store the electronic data storage device; the original envelope submitted by the Court Reporter may be used for this purpose, if appropriate. The Clerk shall transmit and microfilm the record in a format as directed by the Court. Standards for the microfilm process shall conform to Administrative Rule 6. The official copy will remain in the custody and control of the Clerk pending the appeal. The official working copy will be employed by the Court on Appeal during its review of the case. Following the completion of the case, a paper or microfilm copy of the electronic Transcript shall be indexed as part of the case.~~

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Rule 31. Statement Of Evidence When No Transcript Is Available

A. Party's Statement of Evidence. If no Transcript of all or part of the evidence is available, a party or the party's attorney may prepare a verified statement of the evidence from the best available sources, which may include the party's or the attorney's recollection. The party shall then file a motion to certify the statement of evidence with the trial court or Administrative Agency. The statement of evidence shall be ~~attached to~~ submitted with the motion.

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Rule 34. Motion Practice

A. Use of Motion. Unless a statute or these Rules provide another form of application, a request for an order or for other relief shall be made by filing a motion ~~in writing~~.

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Rule 41. Motion To Appear As *Amicus Curiae*

A. Content. A proposed ~~amicus curiae~~ amicus curiae shall file a motion to appear as an *amicus curiae*. The motion shall identify the interest of the proposed *amicus curiae* and the party with whom the proposed *amicus curiae* is substantively aligned, and it shall state the reasons why an *amicus curiae* brief would be helpful to the court.

B. Time for Filing. The proposed *amicus curiae* shall file its motion to appear within the time allowed the party with whom the proposed *amicus curiae* is substantively aligned to file its brief or Petition. If an entity has been granted leave to appear as an *amicus curiae* in a case before the Court of Appeals or the Tax Court, that entity need not again seek leave to appear as an *amicus curiae* in any continuation of that case before the Supreme Court.

C. Tender of Brief. The proposed *amicus curiae* shall tender ~~or file~~ its *amicus curiae* brief ~~within the time allowed the party with whom the proposed *amicus curiae* is substantively aligned~~ by submitting it with its motion to appear as *amicus curiae*, ~~except that if an entity has been granted leave to appear as *amicus curiae* in a case before the Court of Appeals or Tax Court, then that entity shall file any briefing pertaining to a petition to transfer jurisdiction or for review to the Supreme Court within the time allowed the party with whom the proposed *amicus curiae* is substantively aligned.~~

D. Belated Filing. The court may permit the belated filing of an *amicus curiae* brief on motion for good cause. If the court grants the motion, the court shall set a deadline for any opposing party to file a reply brief.

E. *Amicus Curiae* Appendix and Addendum to Brief. An entity granted *amicus curiae* status may not file an Appendix or Addendum to the Brief containing documents that are not within the Record on Appeal unless leave to do so has been first granted.

Rule 42. Motion To Strike

Upon motion made by a party within the time to respond to a document, or if there is no response permitted, within thirty (30) days after the service of the document upon it, or at any time upon the court's own motion, the court may order stricken from any document any redundant, immaterial, impertinent, scandalous, or other inappropriate matter.

Rule 43. Form Of Briefs And Petitions

A. Applicability. This Rule governs the form of briefs, Petitions for Rehearing (Rule 54), Petitions to Transfer to the Supreme Court (Rule 57), and Petitions for Review of a Tax Court decision (Rule 63) by the Supreme Court.

B. Page Size Paper. The pages ~~size~~ shall be 8 1/2 by 11 inches. Conventionally filed documents shall use white paper of a weight normally used in printing and typing.

C. Production. The document shall be produced in a neat and legible manner using black ~~typeprint~~. It may be typewritten, printed, or produced by a word processing system. ~~It may be copied by any copying process that produces a distinct black image on white paper. For conventionally filed documents, t~~Text shall appear on only one side of the paper.

D. Print Size. The font shall be Arial, Baskerville, Book Antiqua, Bookman, Bookman Old Style, Century, Century Schoolbook, Courier, Courier New, CG Times, Garamond, Georgia, New Baskerville, New Century Schoolbook, Palatino, or Times New Roman and the typeface shall be 12-point or larger in both body text and footnotes.

E. Spacing. All text shall be double-spaced except that footnotes, tables, charts, or similar material and text that is blocked and indented shall be single-spaced. Single-spaced lines shall be separated by at least 4-point spaces.

F. Numbering. ~~The pages shall be numbered at the bottom~~ All pages of the brief, including the front page (see Rule 43(I)), table of contents, and table of authorities, shall be consecutively numbered at the bottom beginning with numeral one.

G. Margins. All four margins for the text of the document shall be at least one (1) inch from the edge of the page.

H. Page Headers. Each page, except for the front page, of the document shall contain a header that lists the name of the party(ies) filing the document and the document name (e.g., “Brief of Appellant Acme Co.” or “Appellee John Doe’s Brief in Response to Petition to Transfer”). The header shall be aligned at the left margin of the document. ~~Cover Colors.~~ ~~The document shall have a front and back cover in the following colors:~~

~~—Appellant’s Brief and Appendix: Blue.~~

~~—Appellee’s Brief and Appendix: Red.~~

~~—Any reply brief (except as provided below): Gray.~~

~~—Brief of intervenor or amicus curia: Green.~~

~~—Petition for Rehearing: White.~~

~~—Brief in response to a Petition for Rehearing: White.~~

~~—Petition to Transfer or for Review: Orange.~~

~~—Brief in response to a Petition seeking Transfer or Review: Yellow.~~

~~—Reply brief to brief in response to a Petition seeking Transfer or Review: Tan.~~

I. CoverFront Page Content. The front ~~page cover~~ of the document shall conform substantially to Form #App.R. 43-1.

J. Binding. Conventionally filed ~~The~~ documents shall be bound with a single staple or binder clip. ~~They shall not~~ be bound in book or pamphlet form ~~along the left margin.~~ ~~Any binding process which permits the document to lie flat when open is preferred.~~

~~**K. Copy of Document in Electronic Format.** All documents may be accompanied by a copy of the document in electronic format. Any electronic format used by the word processing system to generate the document is permissible.~~

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Rule 46. Arrangement And Contents Of Briefs

A. Appellant's Brief. The appellant's brief shall contain the following sections under separate headings and in the following order:

- (1) *Table of Contents.* The table of contents shall list each section of the brief, including the headings and subheadings of each section and the page on which they begin.
- (2) *Table of Authorities.* The table of authorities shall list each case, statute, rule, and other authority cited in the brief, with references to each page on which it is cited. The authorities shall be listed alphabetically or numerically, as applicable.

- (3) *Statement of Supreme Court Jurisdiction.* When an appeal is taken directly to the Supreme Court, the brief shall include a brief statement of the Supreme Court's jurisdiction to hear the direct appeal.
- (4) *Statement of Issues.* This statement shall concisely and particularly describe each issue presented for review.
- (5) *Statement of Case.* This statement shall briefly describe the nature of the case, the course of the proceedings relevant to the issues presented for review, and the disposition of these issues by the trial court or Administrative Agency. Page references to the Record on Appeal or Appendix are required in accordance with Rule 22(C).
- (6) *Statement of Facts.* This statement shall describe the facts relevant to the issues presented for review but need not repeat what is in the statement of the case.
 - (a) The facts shall be supported by page references to the Record on Appeal or Appendix in accordance with Rule 22(C).
 - (b) The facts shall be stated in accordance with the standard of review appropriate to the judgment or order being appealed.
 - (c) The statement shall be in narrative form and shall not be a witness by witness summary of the testimony.
 - (d) In an appeal challenging a ruling on a post-conviction relief petition, the statement may focus on facts from the post-conviction relief proceeding rather than on facts relating to the criminal conviction.
- (7) *Summary of Argument.* The summary should contain a succinct, clear, and accurate statement of the arguments made in the body of the brief. It should not be a mere repetition of the argument headings.
- (8) *Argument.* This section shall contain the appellant's contentions why the trial court or Administrative Agency committed reversible error.
 - (a) The argument must contain the contentions of the appellant on the issues presented, supported by cogent reasoning. Each contention must be supported by citations to the authorities, statutes, and the Appendix or parts of the Record on Appeal relied on, in accordance with Rule 22.
 - (b) The argument must include for each issue a concise statement of the applicable standard of review; this statement may appear in the discussion of each issue or under a separate heading placed before the discussion of the issues. In addition, the argument must include a brief statement of the procedural and substantive facts necessary for consideration of the issues presented on appeal, including a statement of how the issues relevant to the appeal were raised and resolved by any Administrative Agency or trial court.
 - (c) Each argument shall have an argument heading. If substantially the same issue is raised by more than one asserted error, they may be grouped and supported by one argument.
 - (d) If the admissibility of evidence is in dispute, citation shall be made to the pages of the Transcript where the evidence was identified, offered, and received or rejected, in conformity with Rule 22(C).

(e) When error is predicated on the giving or refusing of any instruction, the instruction shall be set out verbatim in the argument section of the brief with the verbatim objections, if any, made thereto.

(9) *Conclusion.* The conclusion shall include a precise statement of the relief sought and the ~~s~~Signature of the attorney and *pro se* party.

(10) ~~*Appealed Judgment or Order.* The brief shall include an written opinion, memorandum of decision or findings of fact and conclusions thereon relating to the issues raised on appeal. When sentence is at issue in a criminal appeal, the brief shall contain a copy of the sentencing order.~~

~~(11) *Word Count Certificate* (if necessary). See Rule 44(F).~~

~~(12) *Certificate of Service.* See Rule 24(D).~~

(12) *Appealed Judgment or Order.* Any appealed judgment or order (including any written opinion, memorandum of decision or findings of fact and conclusions thereon relating to the issues raised on appeal) shall be submitted with the brief as a separate attachment. These documents shall be contained within conventionally filed briefs.

B. Appellee's Brief. The ~~A~~appellee's ~~B~~rief shall conform to Section A of this Rule, except as follows:

(1) *Agreement with Appellant's Statements.* The appellee's brief may omit the statement of Supreme Court jurisdiction, the statement of issues, the statement of the case, and the statement of facts if the appellee agrees with the statements in the appellant's brief. If any of these statements is omitted, the brief shall state that the appellee agrees with the appellant's statements.

(2) *Argument.* The argument shall address the contentions raised in the appellant's argument.

(3) *Rule 46(A)*~~(1012)~~. Items listed in Rule 46(A)~~(1012)~~ may be omitted.

C. Appellant's Reply Brief. The appellant may file a reply brief responding to the appellee's argument. No new issues shall be raised in the reply brief. The reply brief shall contain a table of contents, table of authorities, summary of argument, argument, conclusion, word count certificate, if needed, and certificate of service. See Rule 24(D).

D. Cross-Appeals.

(1) *Designation of Parties in Cross-Appeals.* When both parties have filed a Notice of Appeal, the plaintiff in the trial court or Administrative Agency shall be deemed the appellant for the purpose of this Rule, unless the parties otherwise agree or the court otherwise orders. When only one party has filed a Notice of Appeal, that party is the appellant, even if another party raises issues on cross-appeal.

(2) *Appellee's Brief.* The ~~A~~appellee's ~~B~~rief shall contain any contentions the appellee raises on cross-appeal as to why the trial court or Administrative Agency committed reversible error.

(3) *Appellant's Reply Brief.* The ~~A~~ppellant's ~~R~~eplay ~~B~~rief shall address the arguments raised on cross-appeal.

- (4) *Cross-Appellant's Reply Brief.* The ~~C~~ross-~~A~~ppellant's ~~R~~e~~p~~ly ~~B~~rief may only respond to that part of the appellant's reply brief addressing the appellee's cross-appeal.
- (5) *Scope of Reply Briefs.* No new issues shall be raised in a reply brief. A reply brief under this section shall contain a table of contents, table of authorities, summary of argument, argument, conclusion, word count certificate, if needed, and certificate of service. See Rule 24(D).

E. Brief of *Amicus Curiae*.

- (1) *Preparation.* An ~~amicus curiae~~ *amicus curiae* brief shall include a table of contents, table of authorities, a brief statement of the interest of the ~~amicus curiae~~ *amicus curiae*, summary of argument, argument, conclusion, word count certificate, if needed, and certificate of service. See Rule 24(D).
- (2) *Avoiding Repetition.* Before completing the preparation of an *amicus curiae* brief, counsel for an *amicus curiae* shall attempt to ascertain the arguments that will be made in the brief of any party whose position the *amicus curiae* is supporting to avoid repetition or restatement of those arguments in the *amicus curiae* brief.

F. Appendix. Appendices shall be separately ~~bound~~submitted. See Rule 51.

G. Cases with Multiple Appellants or Appellees. In cases involving more than one appellant or appellee, including cases consolidated for appeal, each party may file a separate brief, more than one party may join in any single brief, or a party may adopt by reference any part of any brief of any party.

H. Addendum to Brief. Any party or any entity granted *amicus curiae* status may elect to file a separately ~~bound~~ Addendum to Brief. An Addendum to Brief is not required and is not recommended in most cases. An Addendum to Brief is a highly selective compilation of materials filed with a party's brief at the option of the submitting party. ~~Note that only one copy of the Appendix is filed (see Rule 23(C)(6)), but an original and eight copies of any Addendum to Brief must be filed, in accordance with Rule 23(C)(4).~~ If an Addendum to Brief is submitted, it must be filed and served at the time of the filing and service of the brief it accompanies. An Addendum to Brief may include, for example, copies of key documents from the Clerk's Record or Appendix (such as contracts), or exhibits (such as photographs or maps), or copies of critically important pages of testimony from the Transcript, or full text copies of statutes, rules, regulations, etc. that would be helpful to the Court on Appeal but which, for whatever reason, cannot be conveniently or fully reproduced in the body of the brief. An Addendum to Brief may not exceed fifty (50) pages in length and should ordinarily be much shorter in length. ~~The first document in the Addendum to Brief shall be a table of contents, and documents contained in the Addendum to Brief should be indexed or numbered in some manner that facilitates finding the documents referred to therein, preferably with indexed tabs. The Addendum to Brief shall be bound in book form along the left margin, preferably in a manner that permits the volume to lie flat when opened.~~ The Addendum to Brief shall have a cover front page that is ~~the same color and similarly~~ styled similarly as to the brief it accompanies (see Form App. 43-1), except that it shall be clearly identified as an Addendum to Brief, and the first document in the Addendum to Brief shall

be a table of contents. An Addendum to Brief may not contain argument. All pages of the Addendum to Brief, including the front page (see Rule 43(I)) and table of contents, shall be consecutively numbered at the bottom beginning with numeral one; however, the front page, table of contents, and certificate of service shall not be included in the fifty (50) page length limit of this rule.

Rule 47. ~~Amendment~~ Of Briefs And Petitions

On motion for good cause, the Court may grant leave for a party to file an amended a brief or Petition. The motion shall describe the nature of and reason for the ~~proposed amendment~~amended brief or Petition. The movant shall ~~either~~ tender with the motion the sufficient copies of an amended brief or Petition titled as such on the front page~~(the cover of which shall indicate that it is amended)~~ with its motion or request permission to retrieve the original and all copies of the brief or Petition filed with the Clerk and substitute amended pages. Except as the Court otherwise provides, the ~~amendment filing of an amended~~ of a brief or Petition has no effect on any filing deadlines.

...

Rule 49. Filing Of Appendices

A. Time for Filing. The appellant shall file its Appendix with its on or before the date on which the appellant's brief is filed. The appellee shall file its Appendix, if any, with its appellee's brief. Any party may file a supplemental Appendix without leave of court until the final reply brief is filed. If an appeal is dismissed before an Appendix has been filed and transfer or rehearing is thereafter sought, an Appendix may be filed contemporaneously with the Petition for Rehearing or Transfer and the Briefs in Response.

B. Failure to Include Item. Any party's failure to include any item in an Appendix shall not waive any issue or argument.

...

Rule 51. Form And Assembly Of Appendices

A. Copying. For conventionally filed appendices, ~~t~~The copies shall be on 8 1/2 by 11 inch white paper of a weight normally used in printing and typing. The copying process used shall produce text in a distinct black image on only one side of the paper. ~~The left margin shall be wide enough to permit the text to be read after binding.~~ Color copies of exhibits that were originally in color are permitted and encouraged.

B. Order of Documents. Documents included in an Appendix shall be arranged in the order listed in Rule 50.

C. Numbering. ~~All pages~~ Each Appendix volume~~of the Appendix~~ shall be independently and consecutively numbered at the bottom without obscuring the page numbers existing on the original documents. ~~consecutively,~~ Each volume shall begin with numeral one on its front page~~without obscuring the Transcript page numbers,~~ regardless of the number of volumes the Appendix requires.

D. Volumes. All Appendices shall be ~~submitted bound~~ separately from the brief. ~~An Appendix shall consist of a table of contents (see Rule 51(F)) and one or more additional volumes, and each Appendix volume must be limited in size to the lesser of No more than~~ two hundred fifty (250) pages ~~or 20 megabytes (20 MB). The front page shall be included in the two hundred fifty (250) page limit of this rule. Conventionally filed~~ Each volumes shall be bound ~~with a single staple or binder clip. They shall not along the left margin. The document shall be bound~~ be bound in book or pamphlet form. ~~Each volume shall contain a table of contents for the entire Appendix.~~

E. Front Page Cover. Each volume of an ~~separately bound~~ Appendix shall have a front and back cover. ~~Each cover of a separately bound Appendix shall be the same color as the brief filed by that party, and the front cover shall state the name of the party submitting the appendix and the brief with which it is submitted, if any. The front cover page that shall conform~~s substantially to Form #App.R. 51-1.

F. Table of Contents. ~~An Appendix shall contain a single table of contents for the entire Appendix, which shall be submitted as Appendix Volume 1, regardless of the number of volumes.~~

...

Rule 63. Review of Tax Court Decisions

A. Review of Final Judgment or Final Disposition. Any party adversely affected by a Final Judgment of the Tax Court as defined by Rule 2(H), or a final disposition by the Tax Court of an appeal from a court of probate jurisdiction, shall have a right to petition the Supreme Court for review of the Final Judgment or final disposition.

B. Rehearing. Any party adversely affected by a Final Judgment or final disposition may file a Petition for Rehearing with the Tax Court, not a Motion to Correct Error. Rehearings from a Final Judgment or final disposition of the Tax Court shall be governed by Rule 54. A Petition for Rehearing need not be filed in order to seek Review, but when a Petition for Rehearing is used, a ruling or order by the Tax Court granting or denying the same shall be deemed a final decision and 1(one) Review may be sought.

C. Notice of Intent to Petition for Review. A party initiates a ~~p~~Petition for ~~r~~Review by ~~conventionally~~ filing a Notice of Intent to Petition for Review with the Clerk in accordance with requirements of Rule 9 (except with respect to the filing fee) no later than:

- (1) thirty (30) days after the date of entry in the court's docket of the Final Judgment or final disposition if a Petition for Rehearing was not sought; or
- (2) thirty (30) days after the date of entry in the court's docket of the final disposition of the Petition for Rehearing if rehearing was sought and such Petition was timely filed by any party.

Rule 25(C), which provides a three-day extension for service by mail or third-party commercial carrier, does not extend the due date for filing a Notice of Intent to Petition for Review, and no extension of time shall be granted.

...

Rule 64. Certified Questions Of State Law From Federal Courts

A. Applicability. The United States Supreme Court, any federal circuit court of appeals, or any federal district court may certify a question of Indiana law to the Supreme Court when it appears to the federal court that a proceeding presents an issue of state law that is determinative of the case and on which there is no clear controlling Indiana precedent.

B. Procedure. The federal court shall certify the question of Indiana law and transmit the following to the Clerk:

- (1) a copy of the certification of the question;
- (2) a copy of the case docket, including the names of the parties and their counsel; and
- (3) appropriate supporting materials.

Federal courts certifying questions to the Supreme Court are exempt from the requirements of Rule 68(C)(1); however, federal courts wishing to submit certified questions and attendant materials electronically rather than conventionally may contact the Clerk. The Supreme Court will ~~then~~ issue an order either accepting or refusing the question. If accepted, the Supreme Court may establish by order a briefing schedule on the certified question.

...

Rule 68. Electronic Filing and Electronic Service

A. User Agreement Required. Every User must execute a User Agreement with one or more Electronic Filing Service Provider(s) before that User may utilize the IEFS.

B. [Reserved]

C. Electronic Filing of Documents.

- (1) Unless otherwise permitted by these rules, all documents submitted for filing in the Indiana Supreme Court or Court of Appeals by an attorney must be filed electronically using the IEFS. The E-Filing of documents shall be controlled by the case number in the IEFS designated by the User.
- (2) Attorneys who wish to be exempted from the requirement that they file electronically may file a motion for electronic filing exemption. The motion must be filed in each pending case to which these rules are applicable. The motion will be granted only upon a showing of good cause.

D. Proof of Filing. Users should print or otherwise save each Notice of Electronic Filing as proof of E-Filing. Confirmation of E-Filing may also be made by referring to the Chronological Case Summary of the court in which the case is pending through the Case Management System of that court.

E. Conventionally Filed Documents. Conventionally filed documents must be entered into the Case Management System by the Clerk. If the original documents cannot be

converted into a legible electronic document, then the originals must be placed into the case file and that action must be noted in the Chronological Case Summary. The filer must also conventionally serve these documents in accordance with these Rules.

F. Service.

- (1) *Service on Public Service Contact.* Registered Users must serve all documents in a case upon every other party who is a Public Service Contact through E-Service using the IEFS. E-Service has the same legal effect as service of an original paper document. E-Service of a document through the IEFS is deemed complete upon transmission, as confirmed by the Notice of Electronic Filing associated with the document. Exempt parties must serve all documents in a case as provided by these Rules.
- (2) *Service on Others.* Service of documents on attorneys of record or on unrepresented parties who are not Public Service Contacts must be as provided by these Rules.

G. Format Requirements.

- (1) Documents filed electronically must be formatted in conformity with these Rules and the requirements of the IEFS.
- (2) All documents must be submitted in the manner required by the EFSP. The IEFS may be accessed via any Internet connection available to the Registered User and at Public Access Terminals located in the office of the Clerk or the office of a county clerk.

H. Signature.

- (1) All documents electronically filed that require a signature must include a person's signature using one of the following methods:
 - (a) a graphic image of a handwritten signature, including an actual signature on a scanned document; or
 - (b) the indicator "/s/" followed by the person's name.
- (2) A document that is signed and E-Filed must be subject to the terms and provisions of Appellate 23(E). A Registered User may include the signature of other attorneys in documents E-Filed with the court but in doing so represents to the court that any such signature is authorized.

I. Time and Effect. Subject to payment of all applicable fees, a document is considered E-Filed on the date and time reflected in the Notice of Electronic Filing associated with the document. E-Filing must be completed before midnight to be considered filed that day, and compliance with filing deadlines is determined in accordance with the time zone in the location of the court where the case is pending. E-Filing under these rules shall be available 24 hours a day, except for times of required maintenance.

J. Official Court Record. The electronic version of a document filed with or generated by the court under this rule is an official court record.

K. [Reserved]

L. Certain Court Records Excluded From Public Access. With respect to documents filed in electronic format, the court may, by rule, provide for compliance with this rule in a manner that separates and protects access to Court Records excluded from Public Access.

M. Inability to E-File.

(1) Indiana E-Filing System Failures.

- (a) The rights of the parties shall not be affected by an IEFS failure.
- (b) When E-Filing is prevented by an IEFS failure, a User or party may revert to conventional filing.
- (c) When E-Filing is prevented by an IEFS failure, the time allowed for the filing of any document otherwise due at the time of the IEFS failure must be extended by one day for each day on which such failure occurs, unless otherwise ordered by the Court.
- (d) Upon motion and a showing of an IEFS failure the Court must enter an order permitting the document to be considered timely filed and may modify responsive deadlines accordingly.

(2) Other Failures Not Caused by the User who was Adversely Affected. When E-Filing is prevented by any other circumstance not caused by the User who was adversely affected, the User may bring such circumstances to the attention of the Court and request relief as provided in Appellate Rule 35, or the User may revert to conventional filing.

...

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

IN THE INDIANA [SUPREME COURT/COURT OF APPEALS/TAX COURT]

CAUSE NO. _____

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

NAME,)
) The Honorable _____,
 [Appellee/Respondent],) Judge.
 ([Plaintiff/Defendant/Claimant/)
 Respondent below]).)

NOTICE OF APPEAL

[insert whether this is an "expedited" appeal under App. R. 14.1]

(Appearance)

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 FAX or U.S. Mail (choose one)

In forma pauperis: Yes No

Attorney(s) representing party filing Notice of Appeal, if any:

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: _____

IMPORTANT: Each attorney specified above:

- (a) 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 ~~of~~ this Notice of Appeal is filed;
- (b) 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
- (c) 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 Clerk of Indiana Courts Portal at <http://appealsclerk.in.gov>.

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),(D)
- Appeal from an interlocutory order, accepted by discretion pursuant to Appellate Rule 14(B)(3)
- Expedited Appeal, taken pursuant to Appellate Rule 14.1

This appeal will be taken to:

- Court of Appeals of Indiana, pursuant to Appellate Rule 5
- Indiana Supreme Court, pursuant to Appellate Rule 4
 - This is an appeal in which a sentence of death or life imprisonment without parole is imposed under Ind. Code § 35-50-2-9 or a post conviction relief case in which the sentence was death
 - This is an interlocutory appeal authorized under Rule 14 involving the death penalty or a life without parole case raising a question of interpretation of Ind. Code § 35-50-2-9
 - This is an appeal from an order declaring a statute unconstitutional
 - This is an appeal involving a waiver of parental consent to abortion under Rule 62
 - This is an appeal involving mandate of funds

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 or Administrative Agency] 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 eCourt rReporter of the [insert name of the court or Administrative Agency] is requested to transcribe, certify, and file with the clerk of the [insert name of trial court or Administrative Agency] the following hearings of record, including exhibits:_____.

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)(4) 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)(a-d)?

Yes No

Appellate Alternative Dispute Resolution

If civil case, is Appellant willing to participate in Appellate Dispute Resolution?

Yes No

If yes, provide a brief statement of the facts of the case. (Attach additional pages as needed.)

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)

Copy of the sentencing order (in criminal 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

If proceeding pursuant to Appellate Rule 14(B)(3), copy of Order from Court of Appeals accepting jurisdiction over interlocutory appeal

The documents required by Rule 40(C), if proceeding *in forma pauperis*

Certification

By signing below, I certify that:

- (1) This case does does not involve an interlocutory appeal; issues of child custody, support, visitation, adoption, paternity, determination that a child is in need of services, termination of parental rights; or an appeal entitled to priority by rule or statute.
- (2) I have reviewed and complied, and will continue to comply, with the requirements of Appellate Rule 9(J), 23(F), and Administrative Rule 9(G) on appeal; and,
- (3) 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 or *pro se* party]

 Address

 Telephone number

 Attorney Number (if represented by counsel)

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 ~~e~~Court ~~r~~Reporter;
- (5) the Attorney General, if applicable under 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. 11-5

IN THE INDIANA

[SUPREME COURT/COURT OF APPEALS/TAX COURT]

CAUSE NO. _____

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

**Notice of Exclusion
of Confidential Information from Public Access**

Contemporaneous with the filing of this notice, [party name] has filed confidential information in accordance with Administrative Rule 9(G) and Appellate Rule 23(F)(3). Pursuant to Administrative Rule 9(G)(5)(a)(i) and Appellate Rule 23(F)(3)(a)(i), [party name]; provides this notice that the confidential information is to remain excluded from public access in accordance with the authority listed below:

Name or description of document containing confidential information

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

[List here]

[List AR 9(G) grounds here.]
[NOTE: If AR 9(G)(2)(a), 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 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]

[Signature]

Form App. R. 11-6

IN THE INDIANA

[SUPREME COURT/COURT OF APPEALS/TAX COURT]

CAUSE NO. _____

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

Notice of Exclusion of Confidential Information
That Is Not Necessary To The Disposition Of The Case

Contemporaneous with the filing of this notice, [party name] has redacted or omitted confidential information in accordance with Administrative Rule 9(G). Pursuant to Administrative Rule 9(G)(5)(b)(ii)(a) and Appellate Rule 23(F)(3)(b)(ii)(a), [party name] provides this notice that the redacted or omitted confidential information “is not necessary to the disposition of the case” and, therefore, “the excluded Court Record need not be filed or tendered in any form and only the Public Access version is required.”

Name or description of document containing confidential information

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

[List here]

[List AR 9(G) grounds here.]
[NOTE: If AR 9(G)(2)(a), 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 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]

[Signature]

...

Form # App.R. 16-1

IN THE INDIANA [SUPREME COURT/COURT OF APPEALS/TAX COURT]

CAUSE NO. _____

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

below]).)

APPEARANCE

I. 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 FAX or U.S. Mail (choose one)

In forma pauperis: Yes No

II. Attorney Information (if party represented by attorney):

Attorney Name: _____

Indiana Attorney #: _____

Address: _____

Tel. No.: _____ Fax No.: _____

E-Mail: _____

Attorney Name: _____

Indiana Attorney #: _____

Address: _____

Tel. No.: _____ Fax No.: _____

E-Mail: _____

Attorney Name: _____

Indiana Attorney #: _____

Address: _____

Tel. No.: _____ Fax No.: _____

E-Mail: _____

Attorney Name: _____

Indiana Attorney #: _____

Address: _____

Tel. No.: _____ Fax No.: _____

E-Mail: _____

IMPORTANT: Each attorney specified above:

- (a) 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 ~~of~~ this Appearance is filed;
- (b) 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
- (c) understands that he/she is solely responsible for keeping his/her Roll of Attorneys contact information current and accurate, *see* Ind. Admis. Disc. R. 2(A).

Attorneys can review and update their Roll of Attorneys contact information on the ~~Clerk of Indiana~~ Courts Portal ~~at~~ <http://appealsclerk.in.gov>.

III. Appellate ADR (in all civil cases) (circle one)

Appellee is is not willing to participate in Appellate ADR.

Respectfully submitted,

Signed: _____

Printed: _____

[Insert Name of Attorney or pro se party]

Address: _____

Telephone number: _____

Attorney Number (if applicable): _____

CERTIFICATE OF SERVICE

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

[List names and address of:

(1) counsel of record or pro se party;

(2) Attorney General, if applicable]

[Signature]

...

[SAMPLE COVER FOR APPENDICES] App.R. 51-1

...

Appendix A. Standards for Preparation of Electronic Transcripts

(1) Page Size. The Transcript shall be prepared using 8 1/2 x 11 inch page size.

(2) Numbering.

(a) Each volume of the Transcript shall be independently and consecutively numbered at the bottom. Each volume shall begin with numeral one on its front page.

(b) The lines of each page shall be numbered. Except as provided below, each page shall contain no less than twenty-five (25) lines unless it is a final page. Page numbers or header notations shall not be considered part of the 25 lines of text.

(c) Exception: A page break may be inserted before and after sidebar conferences, bench conferences, and hearings on motions. Court Reporters are required to reduce the page count for billing purposes by one-half page for every page of Transcript that includes a sidebar conference, bench conference, or hearing on motions that is marked by such a page break.

(3) Margins. The margins for the text shall be as follows:

Top margin: one (1) inch from the edge of the page.

Bottom margin: one (1) inch from the edge of the page.

Left margin: Text shall begin no more than one (1) inch from the edge of the page.

Right margin: Text shall end one (1) inch from the edge of the page.

(4) Indentations. Certain text may be indented as follows:

(a) Q and A. All “Q” and “A” designations must begin at the left margin. A period following the “Q” and “A” designation is optional. The statement following the “Q” and “A” must begin on the fifth (5th) space following the “Q” or “A” (or period if used following the “Q” or “A” designation). Subsequent lines must begin at the left margin.

(b) Depositions read at trial. The indentations for “Q” and “A” must be the same as described above. In the Transcript, each question and answer read from a deposition must be preceded by a quotation mark. At the conclusion of the reading, a closing quotation mark must be used.

(c) Colloquy. Speaker identification must begin on the tenth (10th) space from the left margin, followed immediately by a colon. The statement must begin on the third (3rd) space after the colon. Subsequent lines must begin at the left margin.

(d) Quotations. Quoted material other than depositions must begin on the tenth (10th) space from the left margin, with additional quoted lines beginning at the tenth (10th) space from the left margin, with appropriate quotation marks used.

(5) Header Notations. The Court Reporter shall note in boldface capital letters at the top of

each page where a witness' direct, cross, or redirect examination begins. Header notations of other types of persons and/or events are permitted but not required. Listing the last name of the witness or other party and the type of examination or other event is sufficient.

(6) *Typeface and Line Spacing.* The font, which must be 12-point type or smaller, shall be one of the fonts listed in Appellate Rule 43(D) and black in color, beginning July 1, 2016 and ending on June 30, 2018. Effective July 1, 2018, all Transcripts shall use the font Calisto MT, 12-point or smaller, and be black in color. Lines shall be double-spaced.

(7) *Interruptions of Speech.* Interruptions of speech must be denoted by the use of a dash at the point of interruption, and again at the point the speaker resumes speaking.

(8) *Reporting Verbal Expressions.* Except as noted below, the Transcript must contain all words and other verbal expressions uttered during the course of the proceeding.

(a) *Striking of Portions of the Proceeding.* No portion of the proceeding must be omitted from the record by an order to strike. The material ordered stricken, as well as the order to strike, must appear in the Transcript.

(b) *Editing of Speech.* The Transcript must provide an accurate record of words spoken in the course of proceedings. All grammatical errors, changes of thought, contractions, misstatements, and poorly constructed sentences must be transcribed as spoken.

(c) *Indiscernible or Inaudible Speech.* Every effort should be made to produce a complete Transcript; however, the Court Reporter may label a portion of the Transcript “indiscernible” or “inaudible” if it is impossible to transcribe the record.

(d) *Private Communications.* Private communications and off the record conversations inadvertently recorded must not be included in the Transcript.

(e) *Standard Summary Phrases.*

(i) *Call to Order, Swearing in, Affirmation of Witnesses or Jurors, and other customary introductory statements must be noted in the Transcript using standard summary phrases.*

(ii) *Standard summary phrases must appear in parentheses or brackets and begin with an open parenthesis or bracket on the fifth (5th) space from the left margin, with the phrase beginning in the sixth (6th) space from the left margin.*

Examples: (Call to Order of the Court)

(The Jury is Sworn)

(The Witness is Sworn)

(The Witness is Affirmed)

(f) *Identification of Speakers.* All speakers must be properly identified throughout the Transcript, initially by their full name, thereafter by the following designations or courtesy titles, in capital letters indented ten (10) spaces from the left margin.

The judge shall be identified as THE COURT

An attorney shall be identified as MR., MRS., MS., or MISS (last name)

A witness shall be identified as THE WITNESS

An interpreter shall be identified as THE INTERPRETER

The defendant in a criminal case shall be identified as THE DEFENDANT

(9) *Speaker/Event Identification.* References to speakers and events that occur throughout proceedings must be properly noted in capital letters and centered on the appropriate line.

Examples: AFTER RECESS

DIRECT EXAMINATION

CROSS EXAMINATION

REDIRECT EXAMINATION

RECROSS EXAMINATION

FURTHER REDIRECT EXAMINATION

PLAINTIFF'S EVIDENCE

PLAINTIFF RESTS

DEFENDANT'S EVIDENCE

DEFENDANT RESTS

PLAINTIFF'S EVIDENCE IN REBUTTAL

(10) *Parenthetical Notations.* Parenthetical notations must begin with an open parenthesis or bracket on the fifth (5th) space from the left margin, with the remark beginning on the sixth (6th) space from the left margin. Parenthetical notations in a Transcript are a Court Reporter's own words, enclosed in parentheses or brackets, recording some action or event. Parenthetical notations should be as short as possible but consistent with clarity and standard word usage.

Parenthetical notations are used for (a) customary introductory statements such as a call to order of court or swearing in a witness, and (b) indicating non-verbal behavior, pauses, and readback/playback.

(a) The following parenthetical notations should be used to designate portions of proceedings:

(i) Proceedings Started, Recessed, and Adjourned, with Time of Day and Any Future Date Indicated where Appropriate.

Examples: (Recess at 12:00 p.m.)

(Recess at 12:00 p.m. until 1:30 p.m.)

(Proceedings concluded at 5:00 p.m.)

(ii) Jury In/Out.

Examples: (Jury out at 2:15 p.m.)

(Jury in at 2:40 p.m.)

If a jury is involved, it is essential to indicate by the proper parenthetical notation whether the proceeding occurred: in the presence of the jury, out of the presence of the jury, out of the hearing of the jury, prior to the jury entering the courtroom, or after the jury left the courtroom.

(iii) Defendant Present/Not Present. In criminal trials, this designation must be made if not stated in the record by the judge.

(iv) Bench/Side Bar Conferences. This designation must note whether the bench/side bar conference is on or off the record. If all the attorneys in court are not participating in bench/side bar conference, the parenthetical notation must so indicate.

Examples: (Bench conference on the record)

(Bench conference off the record with Mr. Johnson and Ms. Smith)

(At side bar on the record)

(At side bar)

(End of discussion at side bar)

(v) Discussions off the Record. This designation must note where the discussion took place.

(vi) Chambers Conferences. This designation must note the presence or absence of parties in chambers.

Examples: (Discussion off the record in chambers with defendant not present)

(Discussion on the record in chambers with defendant present)

(b) The following parenthetical notations should be used for nonverbal behavior, pauses, and readback/playback.

(i) Nonverbal Behavior, Pauses. Attorneys, and judges in some instances, should note for the record any nonverbal behavior (e.g. physical gestures, lengthy pauses by witnesses). Parenthetical phrases may be used to indicate physical gestures to which attorneys or judges refer.

Examples: (Nods head up and down)

(Shakes head from side to side)

(Indicating)

If an attorney or judge refers to a physical gesture, but the nature of the gesture is specified in the log notes, then the transcriber may use the parenthetical phrase

“(inaudible response).”

(ii) Readback/Playback. All readbacks and/or playbacks and the party requesting must be noted parenthetically as follows:

If the question and/or answer requested to be read or played back appears on the same page as the request, the following parenthetical must be used: (The last question and/or answer was read/played back)

If the question and/or answer, or both, appear on a previous page, the Court Reporter should restate the question and/or answer in full, with appropriate quotation marks and parentheses.

(11) Volume. A Transcript volume shall be a single PDF or PDF/A file consisting of no more than the lesser of two hundred fifty (250) pages or twenty megabytes (20 MB). Each volume shall be numbered at the bottom starting with numeral one on each volume’s front page.

(12) Front Page. The front page of each volume shall conform to Form #App.R. 28-1.

(13) Table of Contents. The Court Reporter shall prepare a table of contents listing each witness and the volume and page where that witness's direct, cross, and redirect examination begins. The table of contents shall identify each exhibit offered and shall show the Transcript volumes and pages at which the exhibit was identified and at which a ruling was made on its admission in evidence. The table of contents shall be a separate volume.

(14) Court Records Excluded by Administrative Rule 9(G).

(a) In cases where all of the Court Records are excluded from Public Access pursuant to Administrative Rule 9(G)(1), the Transcript shall be excluded from Public Access.

(b) If, during the hearing or trial a party or person identified any oral statement(s) to be excluded from Public Access, the Court Reporter must comply with the requirements of Appellate Rule 23(F) with regard to the statement(s) and must note in the Transcript the specific Administrative 9(G)(2) or 9(G)(3) ground(s) identified by the party or person.

(c) Additionally, until the time the Transcript is transmitted to the Court on Appeal, any party or person may file written notice with the Trial Court identifying:

(i) the Transcript page and line number(s) containing any Court Record to be excluded from Public Access; and

(ii) the specific Administrative Rule 9(G)(2) or 9(G)(3) grounds upon which that exclusion is based. (See Form #App.R. 11-3).

This written notice must be served on the Court Reporter and, upon receipt of the written notice, the Court Reporter must refile the Transcript in compliance with the requirements of Appellate Rule 23(F) and must note in the Transcript the specific Administrative Rule 9(G)(2) or 9(G)(3) grounds(s) identified by a party or person.

(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. 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).

Appendix B – Standards for Preparation of Electronic Transcripts Pursuant to Appellate Rule 30

~~The following standards shall apply when the Court on Appeal grants a motion pursuant to Appellate Rule 30(A)(1) to accept an electronically formatted Transcript.~~

~~**Standard 1.** The electronic Transcript must comply with all of the requirements set out in Appellate Rule 30.~~

~~**Standard 2.** (15) *File Formatting and Size.* The electronic Transcript of the evidence may be prepared in any commercially available word processing software system must be saved in one (1) or more files in either searchable Portable Document Format (“searchable PDF”) or in searchable Portable Document Format for Long-Term Preservation (“searchable PDF/A”). Each file must be limited in size to the lesser of two hundred fifty (250) pages or 20 megabytes¹ (20 MB). Each file must be named using the following convention: *CaseNumber-DocumentsType-volume#.pdf* (e.g., 53C031601MI00123-Transcript-1.pdf, 53C031601MI00123-Transcript-2.pdf, 53C031601MI00123-Exhibit-1.pdf, 53C031601MI00123-Exhibit-2.pdf). Valid document types include: Table of Contents, Transcript, Index, and Exhibit.~~

~~**Standard 3.** Pursuant to Appellate Rule 30(A)(5)~~28~~, (16) *Electronic Storage Devices.* ~~the~~ The Court Reporter shall transcribe the evidence on one or more sequentially numbered electronic data storage devices for each complete transcription. Approved media for electronic storage include USB flash memory drives, compact discs (CDs), and digital versatile discs (DVDs) specifically formatted to store electronic data in a File Allocation Table (FAT) or File Allocation Table 32 (FAT-32) file system. CDs and DVDs should be prepared for distribution (e.g., finalized, closed session) to ensure that the files can be opened by the Clerk. Each electronic data storage device shall be labeled or tagged to identify the names of the parties and case number in the proceedings in the trial court; the Court on Appeal case number, if known; the device sequence number, if more than one (1) device is required for a complete Transcript; the Signature of the Court Reporter; and whether the device is the official record, official working copy, Court Reporter's copy, or party copy prepared and designated as:~~

~~a. —“Official record”~~

~~b. —“Official working copy”~~

¹ Twenty megabytes equals 20,480 kilobytes and 20,971,520 bytes of storage.

c. ~~“Court Reporter's copy”~~

d. ~~“Party copy”~~

~~The Court Reporter must convert the “official record,” the “official working copy” and the “party copy” into Portable Document Format (PDF) and transmit these copies in PDF format as set out in Appellate Rule 30.~~

~~**Standard 4.** Pursuant to Appellate Rule 30 (B) ~~28~~, (17) *Original Version*. The Court Reporter shall retain a signed, read-only “court reporter's copy” copy of the electronic Transcript in the original word processing version used for the transcription.~~

~~(18) *Signature*. All electronic documents that require a signature must include a person's signature using one of the following methods:~~

~~(a) a graphic image of a handwritten signature, including an actual signature on a scanned document; or~~

~~(b) the indicator “/s/” followed by the person's name.~~

~~(19) *Malware*. The Court Reporter shall take reasonable steps to ensure that the Transcript and other files do not contain malicious software (“malware”), such as viruses, worms, and Trojan horses. The Clerk will scan all files for malware. Any files that contain malware will be rejected by the Clerk and will not be processed. Rejection of a filing because it contains malware will not necessarily excuse a late filing.~~

These amendments shall take effect on July 1, 2016.

Done at Indianapolis, Indiana, on 4/12/2016 .



Loretta H. Rush
Chief Justice of Indiana

All Justices concur.