

In the
Indiana Supreme Court



CAUSE NUMBER: 94S00-1301-MS-30

ORDER AMENDING INDIANA RULES OF APPELLATE PROCEDURE

Under the authority vested in this Court to provide by rule for the procedure employed in all courts of this state and this Court's inherent authority to supervise the administration of all courts of this state, Indiana Rules of Appellate Procedure, Rules 23, 28 and 30 are amended as follows (deletions shown by ~~striking~~ and new text shown by underlining):

Rules of Appellate Procedure

...

Rule 23. Filing

...

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

...

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

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

...

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

A. Paper Transcript. Except as provided in Rule 30, the court reporter shall prepare a paper Transcript~~The court reporter shall prepare the Transcript~~ as follows:

...

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.

...

Rule 30. Preparation of Transcript in Electronic Format Only

A. Preparation of Electronic Transcript. ~~In lieu of or in addition to a paper Transcript as set forth in Rule 28, w~~With the approval of ~~the trial court,~~ all parties on appeal, and the Court on Appeal, the court reporter ~~shall~~may submit only an electronically formatted Transcript in accordance with the following:

~~(1)~~(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. ~~The motion must acknowledge the willingness of the trial court to provide a Transcript in an electronic format consistent with these rules.~~

...

(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.

...

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,)	
)	
[Appellee/Respondent],	)	The Honorable _____,
([Plaintiff/Defendant/Claimant/	)	Judge.
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 or attorneys representing party filing Notice of Appeal, if any (all fields must be supplied):

Name: _____

Attorney # _____

Address:

Tel. No.: _____ Fax No.: _____

E-Mail: _____

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 court reporter 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)(1)(c) provides the basis for this exclusion, was the trial court or agency order issued in accordance with the requirements of Administrative Rule 9(H)?

- 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) and Administrative Rule 9(G)(4) 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 ~~the following in accordance with Rule 24:~~

[list names and addresses of:

- (1) counsel of record in the trial court/administrative agency;
- (2) the trial court clerk/administrative agency clerk;
- (3) the parties served as required by Appellate Rule 14.1(B)(2) and (4) (if applicable);
- (4) the court reporter;
- (5) the Attorney General, if applicable under 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 10-2 Notice Of Completion Of Transcript

IN THE
INDIANA [SUPREME COURT OR COURT OF APPEALS]

Case No.: _____

[insert Supreme Court or Court of Appeals number, if known]

_____,) Appeal from the _____
) Court
)
Appellant(s),)

vs.) Trial Court Case No:
) _____
)
 _____,)
 Appellee (s).) The Honorable _____,
) Judge

NOTICE OF COMPLETION OF TRANSCRIPT

_____, the Clerk of _____ Court, hereby notifies the parties, pursuant to Appellate Rule 10(D), that the Transcript in this case has been completed.

 Clerk

 Date issued
 (see Ind. Appellate Rule 45(B)(1))

CERTIFICATE OF SERVICE

I certify that on [insert date] I ~~sent~~ served a copy of this document upon the following person(s) by [specify means of service]: ~~copies of this document to [insert name(s) of person(s) served] all parties of record and to the Clerk of the Indiana Supreme Court, Court of Appeals, and Tax Court by United States Mail, postage pre paid.~~

[Separately list name(s) and address(es) of person(s) served]

 Clerk

...

Form App. R. 10-3
Clerk's Verified Motion For Extension Of Time To Assemble Clerk's Record

IN THE
 INDIANA [SUPREME COURT OR COURT OF APPEALS]

Case No.: _____
[insert Supreme Court or Court of Appeals number, if known]

_____,) Appeal from the _____
) Court
)
Appellant(s),)
)
vs.) Trial Court Case No:
) _____
)
_____,)
) The Honorable _____,
Appellee(s),) Judge

CLERK'S
VERIFIED MOTION FOR EXTENSION OF TIME
TO ASSEMBLE CLERK'S RECORD

_____, the clerk of _____ court, being first
duly sworn upon his/her oath, respectfully petitions the Court for an extension of time in which
to prepare the clerk's record in this appeal. In support of this Motion, the clerk shows the Court
as follows:

1. The Appellant filed a Notice of Appeal on _____, 20__.
2. Pursuant to Appellate Rule 10(B), the clerk's record is due to be assembled thirty
days after the Notice of Appeal is filed. Unless this Motion is granted, the record
assembly must be completed, and the Notice of Completion of Clerk's Record must be
issued no later than _____, 20__.

3. This clerk respectfully requests an enlargement of time of _____ (____) days, to and including _____, _____, in order to assemble the clerk's record and issue its Notice of Completion.

4. An extension of time is needed because: (state reasons specifically including case names and cause numbers)

5. This is the (first/second/third) Verified Motion for Extension of Time to Assemble Clerk's Record.

WHEREFORE, _____, clerk for _____ court respectfully requests an extension of time of _____ (____) days within which to assemble the clerk's record and issue its Notice of Completion of Clerk's Record to _____, 20__.

I HEREBY AFFIRM UNDER THE PENALTIES FOR PERJURY THAT THE FOREGOING STATEMENTS ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

Clerk, _____ Court

CERTIFICATE OF SERVICE

I certify that on [insert date] I served a copy ~~copies~~ of this document upon the following person(s) by [specify means of service]: ~~to the Clerk of the Indiana Supreme Court, Court of Appeals, and Tax Court by United States Mail, postage pre paid.~~

[Separately list name(s) and address(es) of person(s) served]

Clerk

...

Form App. R. 11-1

IN THE
INDIANA [SUPREME COURT OR COURT OF APPEALS]

Case No.: _____

[insert Supreme Court or Court of Appeals number, if known]

_____	)	Appeal from the _____
	)	Court
)	
Appellant(s),)	
	)	Trial Court Case No:
vs.)	_____
)	
_____)	
Appellee(s).	)	The Honorable _____,
	)	Judge

NOTICE OF FILING OF TRANSCRIPT

_____, the Court Reporter of _____ Court, hereby notifies the parties, pursuant to Appellate Rule 11(A), that the Transcript in this cause has been prepared and certified and is complete. This _____ day of _____, 20____, the Transcript was filed with the [clerk of the trial court/ Administrative Agency] in accordance with Appellate Rule[s] [28, 29 and/or 30].

Court Reporter

CERTIFICATE OF SERVICE

I certify that on [insert date] I ~~sent~~ served a copy ~~copies~~ of this document upon the following person(s) by [specify means of service]: ~~to [insert name(s) of person(s) served] all parties of record by United States Mail, postage pre-paid.~~

[Separately list name(s) and address(es) of person(s) served]

Court Reporter

...

These amendments shall take effect on January 1, 2014.

The Clerk of this Court is directed to send a copy of this Order to the clerk of each circuit court in the state of Indiana; Attorney General of Indiana; Legislative Services Agency and its Office of Code Revision; Indiana Supreme Court Administration Office; Court of Appeals of Indiana Administration Office; Indiana Tax Court Administration Office; Public Defender of Indiana; Indiana Prosecuting Attorney Council; Indiana Public Defender Council; Indiana Supreme Court Disciplinary Commission; Indiana Supreme Court Commission for Continuing Legal Education; Indiana State Board of Law Examiners; Indiana Judicial Center; Division of State Court Administration; Indiana Judges and Lawyers Assistance Program; the libraries of all law schools in this state; the Michie Company; and Thomson Reuters. The Clerk is also directed to post this Order to the Court's website.

Thomson Reuters is directed to publish this Order in the advance sheets of this Court.

The Clerks of the Circuit and Superior Courts are directed to bring this Order to the attention of all judges within their respective counties and to post this Order for examination by the Bar and general public.

DONE at Indianapolis, Indiana, on September 13, 2013.

/s/Brent E. Dickson
Brent E. Dickson
Chief Justice of Indiana

All Justices concur.