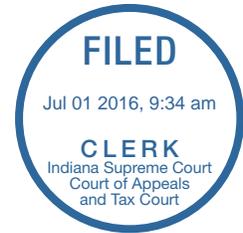


In the  
Indiana Supreme Court



Cause No. 94S00-1602-MS-86

Order Amending Rules of Trial 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, the Indiana Rules of Trial Procedure, Rules 3.1, 5, 72 and Appendix B are amended as follows (deletions shown by ~~striking~~ and new text shown by underlining):

...

**Rule 3.1**

...

**(A) Initiating party.** At the time an action is commenced, the attorney representing the party initiating the proceeding or the party, if not represented by an attorney, shall file with the clerk of the court an appearance form setting forth the following information:

- (1) Name, address ~~and~~ telephone number, FAX number, and e-mail address of the initiating party or parties filing the appearance form;
- (2) Name, address, attorney number, telephone number, FAX number, and e-mail address of any attorney representing the party, as applicable;
- (3) The case type of the proceeding [Administrative Rule 8(B)(3)];
- (4) ~~A statement that the party will or will not accept service by FAX or by e-mail from:~~
  - ~~(a) other parties and/or~~
  - ~~(b) the court under Rules 72(D).~~

Unless required by Trial Rule 86(G), a statement that the party will or will not accept service by FAX or by e-mail from other parties;

...

## Rule 5. Service and Filing of Pleading and Other Papers

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- (B) **Service: How made.** Whenever a party is represented by an attorney of record, service shall be made upon such attorney unless service upon the party ~~himself~~ is ordered by the court. Service upon the attorney or party shall be made by delivering or mailing a copy of the papers to the last known address, ~~or where an attorney or party has consented to service by FAX or e-mail as provided in Rule 3.1(A)(4), or where service is by FAX or e-mail,~~ by faxing or e-mailing a copy of the documents to the fax number or e-mail address set out in the appearance form or correction as required by Rule 3.1(E).

...

- (3) ~~Service by FAX or e-mail. A party who has consented to service by FAX or e-mail may be served as follows:~~
- ~~(a) Service by e-mail shall be made by attaching the document being served in .pdf format. Discovery documents must also be served in accordance with Trial Rule 26(A).~~
  - ~~(b) Service by FAX shall be deemed complete upon generation of a transmission record indicating the successful transmission of the entire document, except as provided in subparagraph d.~~
  - ~~(c) Service by e-mail shall be deemed complete upon transmission, except as provided in subparagraph d.~~
  - ~~(d) Service by FAX or e-mail that occurs on a Saturday, Sunday, a legal holiday, or a day the court or agency in which the matter is pending is closed, or after 5:00 p.m. local time of the recipient shall be deemed complete the next day that is not a Saturday, Sunday, legal holiday, or day that the court or agency in which the matter is pending is not closed.~~

### *Service by FAX or e-mail.*

- (a) Service by e-mail from the Clerk. The Clerk may transmit notice of all rulings, orders, or judgments required by Trial Rule 72(D) by e-mail to all parties represented by attorneys and to all unrepresented parties who have supplied the Court with an e-mail address for service. Where a copy of a written ruling, order, or judgment is being transmitted by e-mail, service may be made by including a link to the document or by attaching the document being served to the e-mail in .pdf format.
- (b) Service by FAX or e-mail from other parties. A party who has consented to service by FAX or e-mail may be served by attaching the document being served to an e-mail in .pdf format. Discovery documents must also be served in accordance with Trial Rule 26(A).

(c) Completion of service by FAX or e-mail. Service by FAX or e-mail shall be deemed complete upon transmission. Service that occurs on a Saturday, Sunday, a legal holiday, or a day the court or agency in which the matter is pending is closed, or after 5:00 p.m. local time of the recipient shall be deemed complete the next day that is not a Saturday, Sunday, a legal holiday, or a day the court or agency in which the matter is pending is not closed.

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## Rule 72. Trial Court and Clerks

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**(D) Notice of Orders or Judgments.** Immediately upon the notation in the Chronological Case Summary of a ruling upon a motion, an order or judgment, the clerk shall serve a copy of the entry in the manner provided for in Rule 5(B) upon each party who is not in default for failure to appear and shall make a record of such service. Such service is sufficient notice for all purposes for which notice of the entry is required by these rules; but any party may, in addition, serve a notice of such entry in the manner provided in Rule 5 for the service of papers. In cases of consolidated proceedings involving ten (10) or more parties, the trial judge may provide by order for alternative method of notice to designated liaison parties who undertake responsibility for forwarding notice to all parties.

It shall be the duty of the attorneys, and parties not represented by an attorney, when entering their appearance in a case or when filing pleadings or papers therein, to have noted on the Chronological Case Summary and on the pleadings or papers so filed, their mailing address, and an electronic mail address. ~~Service by mail at such either~~ address shall be deemed sufficient.

...

## Rule 86.

...

**(C) Commencement of an Action.** An action must be commenced:

- (1) by using the Indiana E-Filing System unless exempted by these rules;
- (2) by paying the filing fee unless the fee is waived by an order of the court; and
- (3) ~~except for cases filed through CEFM,~~ by filing the complaint or equivalent pleading and the required summons(es) in the form set out in Trial Rule 4(C).

...



(List on a continuation page additional parties this attorney represents in this case.)

2. Attorney information for service as required by Trial Rule 5(B)(2)

Name: \_\_\_\_\_ Atty Number: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Phone: \_\_\_\_\_

FAX: \_\_\_\_\_

Email Address: \_\_\_\_\_

(List on continuation page additional attorneys appearing for above party)

3. This is a \_\_\_\_\_ case type as defined in administrative Rule 8(B)(3).

4. I will accept service **from other parties** by:

FAX at the above noted number: Yes \_\_\_\_ No \_\_\_\_

Email at the above noted number: Yes \_\_\_\_ No \_\_\_\_

5. This case involves child support issues. Yes \_\_\_\_ No \_\_\_\_ (If yes, supply social security numbers for all family members on a separately attached document filed as confidential information on **light green paper**. Use Form TCM-TR3.1-4.)

6. This case involves a protection from abuse order, a workplace violence restraining order, or a no – contact order. Yes \_\_\_\_ No \_\_\_\_ (If Yes, the initiating party must provide an address for the purpose of legal service but that address should not be one that exposes the whereabouts of a petitioner.) The party shall use the following address for purposes of legal service:

\_\_\_\_\_ Attorney's address

\_\_\_\_\_ The Attorney General Confidentiality program address

(contact the Attorney General at 1-800-321-1907 or e-mail address is

**confidential@atg.state.in.usgov**).

\_\_\_\_\_ Another address (provide)

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7. This case involves a petition for involuntary commitment. Yes \_\_\_\_ No \_\_\_\_

8. If Yes above, provide the following regarding the individual subject to the petition for involuntary commitment:

a. Name of the individual subject to the petition for involuntary commitment if it is not already provided in #1 above: \_\_\_\_\_

b. State of Residence of person subject to petition: \_\_\_\_\_

c. At least one of the following pieces of identifying information:

(i) Date of Birth \_\_\_\_\_

(ii) Driver's License Number \_\_\_\_\_

State where issued \_\_\_\_\_ Expiration date \_\_\_\_\_

(iii) State ID number \_\_\_\_\_

State where issued \_\_\_\_\_ Expiration date \_\_\_\_\_

(iv) FBI number \_\_\_\_\_

(v) Indiana Department of Corrections Number \_\_\_\_\_

(vi) Social Security Number is available and is being provided in an attached confidential document Yes \_\_\_\_ No \_\_\_\_

9. There are related cases: Yes \_\_\_\_ No \_\_\_\_ *(If yes, list on continuation page.)*

10. Additional information required by local rule:

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11. There are other party members: Yes \_\_\_\_ No \_\_\_\_ *(If yes, list on continuation page.)*

12. This form has been served on all other parties and Certificate of Service is attached:

Yes\_\_\_ No\_\_\_

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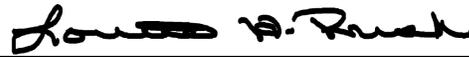
Attorney-at-Law

(Attorney information shown above.)

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These amendments shall take effect on July 1, 2016.

Done at Indianapolis, Indiana, on 7/1/2016 .



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Loretta H. Rush  
Chief Justice of Indiana

All Justices concur.