

In the  
Indiana Supreme Court

CAUSE NUMBER: 94S00-0801-MS-15



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 9, 15, and 53, and sample form 15-1 in the Appendix to the Indiana Rules of Appellate Procedure, are amended to read as follows (deletions shown by ~~striking~~ and new text shown by underlining):

...

**Rule 9. Initiation of the Appeal**

...

**J. Documents and Information Excluded from Public Access and Confidential Pursuant to Administrative Rule 9(G)(4).** Documents and information excluded from public access pursuant to Administrative Rule 9(G)(4) shall be filed in accordance with Trial Rule 5(G) and Administrative Rule 9(G)(4).

...

**Rule 15. Appellant's Case Summary**

...

**C. Content.** The Appellant's Case Summary shall set forth the following information, as applicable:

...

(2) *Trial Information.*

...

(i) Synopsis of judgment and if applicable, sentence, or administrative order, ruling or decision; ~~and~~

(j) Case type using classification in Administrative Rule 8(B)(3), and

(k) Whether or not all, or any portion, or none of the court records were sealed or excluded from public access by court order.

...

(4) *Appeal Information.*

...

(g) Whether Alternative Dispute Resolution has been used and whether it should be used on appeal; ~~and~~

(h) Certification that case does or does not involve issues of child custody, visitation, adoption, paternity, determination that a child is in need of services, termination of parental rights, and all other appeals entitled to priority by rule or statute; and

(i) Certification that the attorney or pro se party has reviewed and complied, and will continue to comply, with the requirements of Indiana Administrative Rule 9(G)(4) to the extent it applies to the appeal.

**D. Attachments.** The following documents shall be attached to the Appellant's Case Summary:

...

(5) In Administrative Agency cases, a copy of the order, ruling or decision appealed from, including any order or ruling on any motion or request for rehearing; ~~and~~

(6) In appeals filed *in forma pauperis*, a proof of appointment or proof of indigency; and

(7) A copy of all trial court entries relating to the sealing of any court records excluded from public access.

...

### **Rule 53. Procedures For Oral Argument**

...

**H. Appeals Involving Records Excluded From Public Access.** In any appeal in which case records are deemed confidential or excluded from public access, the parties and their counsel shall conduct oral argument in a manner reasonably calculated to provide anonymity and privacy in accordance with the requirements of Administrative Rule 9(G)(4).

...

Form #App.R. 15-1. Appellant's Case Summary (Appearance)

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

NAME, \_\_\_\_\_ )  
[Appellant/Petitioner/ ) [Appeal or petition] from the \_\_\_\_\_  
Plaintiff/Defendant,] ) \_\_\_\_\_ Court.  
 )  
v. ) Trial Court case no.: \_\_\_\_\_  
 ) \_\_\_\_\_  
NAME, \_\_\_\_\_ )  
[Appellee/Respondent/ ) The Honorable \_\_\_\_\_  
Plaintiff/Defendant.] ) \_\_\_\_\_, Judge.

**APPELLANT'S CASE SUMMARY**  
(Appearance)

**Party Information**

Party or parties that filed Notice of Appeal:

Name: \_\_\_\_\_ Tel. No.: \_\_\_\_\_ (Only if unrepresented by counsel)  
Address: \_\_\_\_\_

Attorney or attorneys representing party filing notice of appeal:

Name: \_\_\_\_\_ Attorney # \_\_\_\_\_  
Address: \_\_\_\_\_  
Tel. No.: \_\_\_\_\_ Fax No.: \_\_\_\_\_ E-Mail: \_\_\_\_\_

Requesting service of orders and opinions of the Court by FAX: Yes  1 No  2

*In forma pauperis:* Yes [ ] No [ ] (if yes, attach proof of appointment or proof on indigency).

**Trial Information**

Date case commenced: \_\_\_\_\_  
Date of Judgment/order: \_\_\_\_\_ (Attach copy of judgment or order appealed from  
including findings and conclusions (civil) and sentencing order (criminal))

Check the appropriate line(s) to show the ruling being appealed:

- |   |   |   |
|---|---|---|
| <input type="checkbox"/> 3 Administrative ruling  | <input type="checkbox"/> 4 Injunction               | <input type="checkbox"/> 5 (Judgment notwithstanding the verdict) |
| <input type="checkbox"/> 6 declaratory judgment   | <input type="checkbox"/> 7 Judgment (bench trial)   | <input type="checkbox"/> 8 Judgment (probation revocation)        |
| <input type="checkbox"/> 9 Directed verdict       | <input type="checkbox"/> 10 Judgment (guilty plea)  | <input type="checkbox"/> 11 Summary judgment                      |
| <input type="checkbox"/> 12 Dismissed             | <input type="checkbox"/> 13 Judgment (jury verdict) |   |
| <input type="checkbox"/> 14 Other (specify) _____ |   |   |

Is this a final judgment as to all claims and all parties?  15 Yes  16 No

If no, state the basis on which the judgment/order is immediately appealable.

T.R. 54(B)  17 App.R. 14(A)(1-9)  18 App.R. 14(B)  19

Did the trial court issue an order sealing or excluding from public access all or any portion of the trial court records?  20 Yes  21 No

If yes, attach copies of all orders and entries relating to the trial court's decision to seal or exclude information from public access.

Check the appropriate line(s) best describing the nature of the case:

- |   |   |   |
|---|---|---|
| <input type="checkbox"/> 202 Attorney's fees                      | <input type="checkbox"/> 346 Education law          | <input type="checkbox"/> 4951 Professional malpractice      |
| <input type="checkbox"/> 243 Child custody/support                | <input type="checkbox"/> 357 Employment and labor   | <input type="checkbox"/> 502 Real property rights           |
| <input type="checkbox"/> 224 Civil rights                         | <input type="checkbox"/> 368 Environmental law      | <input type="checkbox"/> 513 Sanctions                      |
| <input type="checkbox"/> 235 Construction law                     | <input type="checkbox"/> 379 Equitable distribution | <input type="checkbox"/> 524 Taxation                       |
| <input type="checkbox"/> 246 Contempt                             | <input type="checkbox"/> 3840 Guardianship          | <input type="checkbox"/> 535 Termination of parental rights |
| <input type="checkbox"/> 257 Contract law                         | <input type="checkbox"/> 3941 Health care           | <input type="checkbox"/> 546 Tort claims act                |
| <input type="checkbox"/> 268 Corporate law                        | <input type="checkbox"/> 402 Insurance, auto        | <input type="checkbox"/> 557 Unemployment compensation      |
| <input type="checkbox"/> 279 Criminal law, Misdemeanor            | <input type="checkbox"/> 413 Insurance, other       | <input type="checkbox"/> 568 Unfair and deceptive practices |
| <input type="checkbox"/> 2830 Criminal law, habitual felon        | <input type="checkbox"/> 424 Intentional torts      | <input type="checkbox"/> 579 Utilities                      |
| <input type="checkbox"/> 2931 Criminal law, probation revocation  | <input type="checkbox"/> 435 Juvenile               | <input type="checkbox"/> 5860 Wills, trusts, estates        |
| <input type="checkbox"/> 302 Criminal law, post conviction relief | <input type="checkbox"/> 445 Landlord/tenant        | <input type="checkbox"/> 5961 Workers' compensation         |
| Specify _____   | <input type="checkbox"/> 457 Municipal law          | <input type="checkbox"/> 6062 Wrongful death                |
| <input type="checkbox"/> 343 Debtor/creditor rights               | <input type="checkbox"/> 468 Negligence             | <input type="checkbox"/> 643 Wrongful discharge             |
| <input type="checkbox"/> 324 Dissolution of marriage              | <input type="checkbox"/> 479 Paternity              | <input type="checkbox"/> 624 Zoning/annexation              |
| <input type="checkbox"/> 335 Driver's license revocation          | <input type="checkbox"/> 4852 Products liability    |   |
- 635 Other \_\_\_\_\_

Synopsis of judgment and sentence, if applicable: \_\_\_\_\_

### Record Information

Date notice of appeal filed \_\_\_\_\_ (Attach copy of notice of appeal)

Date clerk's record due to be assembled: \_\_\_\_\_

Transcript information:

Court reporter responsible for preparing transcript (Name, address, telephone number): \_\_\_\_\_

Transcript ordered: Yes  646 No  657 Payment arrangements made: Yes  668 No  679

If no, reason not ordered or made: \_\_\_\_\_

Est. Transcript length \_\_\_\_\_ pp.

Transcript due date: \_\_\_\_\_

### Appeal Information

A short and plain statement of the anticipated issues on appeal: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(Attach copy of motion to correct errors)

Prior appeals in this case with cause number: \_\_\_\_\_

\_\_\_\_\_

Related appeals with Cause Number (prior, pending, or potential): \_\_\_\_\_

\_\_\_\_\_

Motion for oral argument will be filed: Yes  6870 No  6971 Undecided  702

Motion for pre-appeal conference will be filed: No  743 Yes  724

Purpose: Shorten record  735 Appellate ADR  746 Refine issues  757

Other  767

If civil case, was ADR used in the trial court? Yes  779 No  7880

If criminal case, status of defendant: On bond  7981 Incarcerated  802

Location: \_\_\_\_\_

I certify that this case  does  does not involve issues relating to child custody, child support, child visitation, paternity, termination of parental rights, CHINS, adoption, or any other issue entitled to priority by statute.

I also certify that I have reviewed and complied, and will continue to comply, with the requirements of Indiana Administrative Rule 9(G)(4) to the extent it applies to this appeal.

\_\_\_\_\_  
/s/ Attorney/or pro se litigant's signature

**CERTIFICATE OF SERVICE**

I hereby certify that on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, the forgoing has been was served upon the following counsel of record by ~~first class United States Mail, postage prepaid, this~~ \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, [state method of service]:

\_\_\_\_\_  
\_\_\_\_\_;

[List Counsel served (including name and address where served)]:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
[Signature]

These amendments shall take effect January 1, 2009.

The Clerk of this Court is directed to forward 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; Administrator, Indiana Supreme Court; Administrator, Indiana Court of Appeals; Administrator, Indiana Tax Court; Public Defender of Indiana; Prosecuting Attorney's Council; Indiana Supreme Court Disciplinary Commission; Indiana Supreme Court Commission for Continuing Legal Education; Indiana 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 the West Group.

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

The Clerks of the Circuit 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, this 6<sup>th</sup> day of October, 2008.

  
\_\_\_\_\_  
Randall T. Shepard  
Chief Justice of Indiana

All Justices concur.