

In the
Indiana Supreme Court

CAUSE NUMBER: 94S00-0901-MS-4



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 Appellate Rules 15, 26, and Form App. R. 15-1 are amended to read as follows (deletions shown by ~~striking~~ and new text shown by underlining):

...

Rule 15. Appellant's Case Summary

...

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

(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; and

(b) Name, address, attorney number, FAX number (if any), telephone number, and electronic mail address, ~~if any,~~ of the attorneys representing the parties initiating the appeal. ; ~~and~~

~~(c) Whether the attorney requests transmittal of orders and opinions by FAX pursuant to Rule 26.~~

...

Rule 26. ~~FAX~~Electronic Transmission by Clerk

A. ~~Optional FAX Transmission Available.~~ Any party during the pendency of an appeal may request that the Clerk transmit orders and opinions to the party by FAX. When transmittal is made by FAX, no other transmission will be made. Transmission of Orders, Opinions, and Notices to Parties Represented by Attorneys. The Clerk shall transmit orders, opinions, and notices by electronic mail to all parties represented by attorneys.

B. ~~Request for FAX Transmittal.~~ Transmission of Orders, Opinions, and Notices to Unrepresented Parties. The Clerk shall transmit orders, opinions, and notices by regular U.S. mail or personal delivery to all unrepresented parties unless the party requests electronic mail transmission or FAX transmission. ~~Unless already specified in the Appellant's Case Summary, a~~ 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 ~~attorney or~~ unrepresented party 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 ~~electronic~~ transmission is not practicable. When transmittal is made by electronic mail or FAX, no other transmission will be made.

...

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: _____

The following party information only if not represented by an attorney:

Tel. No: _____ FAX No.: _____ E-Mail: _____
 Requesting service of orders, opinions and notices of the Court by: E-mail , FAX , or U.S. Mail (choose one)

~~Attorney or attorneys representing party filing Notice of Appeal: Attorney or attorneys representing party filing Notice of Appeal, if any [All fields, except FAX, MUST be supplied];~~

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:

- 3-Administrative ruling 4-Injunction 5-(Judgment notwithstanding the verdict)
- 6-Declaratory judgment 7-Judgment (bench trial) 8-Judgment (probation revocation)
- 9-Directed verdict 10-Judgment (guilty plea) 11-Summary judgment
- 12-Dismissed 13-Judgment-Judgment (jury verdict)
- 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

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 was served upon the following counsel of record by [state method of service]:

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

[Signature]

These amendments shall take effect January 1, 2010.

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; Lindsey Borschel, Web Coordinator for the Division of Supreme Court Administration; 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, and Thomson Reuters is directed to publish this order in the advance sheets and bound volumes this Court's decisions.

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 2nd day of October, 2009.

/s/ Randall T. Shepard
Randall T. Shepard
Chief Justice of Indiana

All Justices concur.