Indiana Rules of Court
Rules of Appellate Procedure

Including Amendments Received Through January 1, 2011

TABLE OF CONTENTS

Rule 1. Scope....2
Rule 2. Definitions....2
Rule 3. Use Of Forms....3
Rule 4. Supreme Court Jurisdiction....3
Rule 5. Court Of Appeals Jurisdiction....3
Rule 6. Appeal Or Original Action In Wrong Court....4
Rule 7. Review Of Sentences....4
Rule 8. Acquisition Of Jurisdiction....4
Rule 9. Initiation Of The Appeal....4
Rule 10. Duties Of Trial Court Clerk Or Administrative Agency....5
Rule 11. Duties Of Court Reporter....6
Rule 12. Transmittal Of The Record....6
Rule 13. Preparation Of The Record In Administrative Agency Cases....6
Rule 14. Interlocutory Appeals....6
Rule 14.1. Expedited Appeal for Payment of Placement and/or Services....8
Rule 15. Appellant's Case Summary....10
Rule 16. Appearances....11
Rule 17. Parties on Appeal....12
Rule 18. Appeal Bonds--Letters Of Credit....12
Rule 19. Court Of Appeals Preappeal Conference....12
Rule 20. Appellate Alternative Dispute Resolution....13
Rule 21. Order In Which Appeals Are Considered....13
Rule 22. Citation Form....13
Rule 23. Filing....14
Rule 24. Service Of Documents....15
Rule 25. Computation Of Time....15
Rule 26. Electronic Transmission By Clerk....16
Rule 27. The Record On Appeal....16
Rule 28. Preparation Of Transcript In Paper Format By Court Reporter....16
Rule 29. Exhibits....17
Rule 30. Preparation of Transcript in Electronic Format Only....17
Rule 31. Statement Of Evidence When No Transcript Is Available....17
Rule 32. Correction Or Modification Of Clerk's Record Or Transcript....18
Rule 33. Record On Agreed Statement....18
Rule 34. Motion Practice....18
Rule 35. Motion For Extension Of Time....19
Rule 36. Motion To Dismiss....20
Rule 37. Motion To Remand....20
Rule 38. Motion To Consolidate Appeals....20
Rule 39. Motion To Stay....20
Rule 40. Motion To Proceed In *Forma Pauperis*....21
Rule 41. Motion To Appear As *Amicus Curiae*....22
Rule 42. Motion To Strike....22
Rule 43. Form Of Briefs And Petitions....22
Rule 44. Brief And Petition Length Limitations....23
Rule 45. Time For Filing Briefs....24
Rule 46. Arrangement And Contents Of Briefs....24
Rule 47. Amendment Of Briefs And Petitions....26
Rule 48. Additional Authorities....26
Rule 49. Filing Of Appendices....27
Rule 50. Contents Of Appendices....27
Rule 51. Form And Assembly Of Appendices....28
Rule 52. Setting And Acknowledging Oral Argument....28
Rule 53. Procedures For Oral Argument....28
Rule 54. Rehearings....29

Rule 55. Transfer And Rehearing Sought By Different Parties 29
Rule 56. Requests To Transfer To The Supreme Court 30
Rule 57. Petitions To Transfer And Briefs 30
Rule 58. Effect Of Supreme Court Ruling On Petition To Transfer 31
Rule 59. Mandatory Appellate Review And Direct Review 31
Rule 60. Original Actions 31
Rule 61. Mandate Of Funds 31
Rule 62. Appeals Involving Waiver Of Parental Consent To Abortion 32
Rule 63. Review of Tax Court Decisions 32
Rule 64. Certified Questions Of State Law From Federal Courts 33
Rule 65. Opinions And Memorandum Decisions 34
Rule 66. Relief Available On Appeal 34
Rule 67. Costs 35

Rule 1. Scope

These Rules shall govern the practice and procedure for appeals to the Supreme Court and the Court of Appeals. The Court may, upon the motion of a party or the Court's own motion, permit deviation from these Rules.

Rule 2. Definitions

In these Rules, the following definitions apply:

A. Administrative Agency. An Administrative Agency is the Worker's Compensation Board, Indiana Civil Rights Commission, Indiana Utility Regulatory Commission, or Review Board of the Department of Workforce Development.

B. Appellant's Case Summary. The Appellant's Case Summary is the appearance form filed by the appellant under Rule 15.

C. Appendix. An Appendix is a compilation of documents filed by a party pertaining to an appeal under Rule 49 and Rule 50.

D. Clerk. The Clerk is the Clerk of the Indiana Supreme Court, Court of Appeals and Tax Court.

E. Clerk's Record. The Clerk's Record is the Record maintained by the clerk of the trial court or the Administrative Agency and shall consist of the Chronological Case Summary (CCS) and all papers, pleadings, documents, orders, judgments, and other materials filed in the trial court or Administrative Agency or listed in the CCS.

F. Court and Court on Appeal. The terms “Court” and “Court on Appeal” shall refer to the Supreme Court and the Court of Appeals.

G. Criminal Appeals. Criminal Appeals are those cases which were designated by the originating court as a Criminal Felony--CF; Class D Felony--DF; Criminal Misdemeanor--CM; Post Conviction Relief--PC; Juvenile Status--JS; Juvenile Delinquency--JD; Infraction--IF; Miscellaneous Criminal--MC; Local Ordinance Violation--OV, and Exempted Ordinance Violation--OE. This definition is for ease of reference and does not change the substantive rights of the parties.

H. Final Judgment. A judgment is a final judgment if:

(1) it disposes of all claims as to all parties;

(2) the trial court in writing expressly determines under Trial Rule 54(B) or Trial Rule 56(C) that there is no just reason for delay and in writing expressly directs the entry of judgment (i) under Trial Rule 54(B) as to fewer than all the claims or parties, or (ii) under Trial Rule 56(C) as to fewer than all the issues, claims or parties;

(3) it is deemed final under Trial Rule 60(C);

(4) it is a ruling on either a mandatory or permissive Motion to Correct Error which was timely filed under Trial Rule 59 or Criminal Rule 16; or

(5) it is otherwise deemed final by law.

I. Notice of Appeal. The Notice of Appeal initiates the appeal under Rule 9 and replaces the praecipe for appeal.

J. Petition. The term “Petition” shall mean a Petition for Rehearing, a Petition to Transfer an appeal to the Supreme Court, and a Petition for Review of a Tax Court decision by the Supreme Court. A request for any other relief shall be denominated a “motion.”

K. Transcript. Transcript shall mean the transcript or transcripts of all or part of the proceedings in the trial court or Administrative Agency that any party has designated for inclusion in the Record on Appeal and any exhibits associated therewith.

L. Record on Appeal. The Record on Appeal shall consist of the Clerk' s Record and all proceedings before the trial court or Administrative Agency, whether or not transcribed or transmitted to the Court on Appeal.

M Rules. The term "Rule" or "Rules" shall mean these Appellate Rules.

N. Case Record and Case Records Excluded From Public Access. The term "Case Record" shall mean a record defined by Administrative Rule 9(C)(2). "Case Records Excluded From Public Access" shall mean records identified in Administrative Rule 9(G)(1).

Rule 3. Use Of Forms

Counsel, parties, court reporters, and trial court clerks are encouraged to use the forms published in an Appendix to these Rules.

Rule 4. Supreme Court Jurisdiction

A. Appellate Jurisdiction.

(1) *Mandatory review*. The Supreme Court shall have mandatory and exclusive jurisdiction over the following cases:

(a) Criminal Appeals in which a sentence of death or life imprisonment without parole is imposed under Ind.Code § 35-50-2-9 and Criminal Appeals in post conviction relief cases in which the sentence was death.

(b) Appeals of Final Judgments declaring a state or federal statute unconstitutional in whole or in part.

(c) Appeals involving waiver of parental consent to abortion under Rule 62.

(d) Appeals involving mandate of funds under Trial Rule 60.5(B) and Rule 61.

(2) *Discretionary Review*. The Supreme Court shall have discretionary jurisdiction over cases in which it grants Transfer under Rule 56 or 57 or Review under Rule 63.

(3) *Certain Interlocutory Appeals*. The Supreme Court shall have jurisdiction over interlocutory appeals authorized under Appellate Rule 14 in any case in which the State seeks the death penalty or in life without parole cases in which the interlocutory order raises a question of interpretation of IC 35-50-2-9.

B. Other Jurisdiction. The Supreme Court shall have exclusive jurisdiction over the following matters:

(1) *The Practice of Law*. Matters relating to the practice of law including:

(a) Admissions to practice law;

(b) The discipline and disbarment of attorneys admitted to the practice of law; and

(c) The unauthorized practice of law (other than criminal prosecutions therefor).

(2) *Supervision of Judges*. The discipline, removal and retirement of justices and judges of the State of Indiana;

(3) *Supervision of Courts*. Supervision of the exercise of jurisdiction by other courts of the State of Indiana, including the issuance of writs of mandate and prohibition; and

(4) *Issuance of Writs*. Issuance of writs necessary or appropriate in aid of its jurisdiction.

Rule 5. Court Of Appeals Jurisdiction

A. Appeals From Final Judgments. Except as provided in Rule 4, the Court of Appeals shall have jurisdiction in all appeals from Final Judgments of Circuit, Superior, Probate, and County Courts, notwithstanding any law, statute or rule providing for appeal directly to the Supreme Court of Indiana. See Rule 2(H).

B. Appeals From Interlocutory Orders. The Court of Appeals shall have jurisdiction over appeals of interlocutory orders under Rule 14 except those appeals described in Rule 4(A)(3).

C. Appeals From Agency Decisions.

(1) *Jurisdiction*. The Court of Appeals shall have jurisdiction to entertain actions in aid of its jurisdiction and to review final orders, rulings, decisions and certified questions of an Administrative Agency.

(2) *Assignment of Errors*. No party shall file an assignment of errors in the Court of Appeals notwithstanding any law, statute, or rule to the contrary. All issues and grounds for appeal appropriately preserved before an Administrative Agency may be initially addressed in the appellate brief.

Rule 6. Appeal Or Original Action In Wrong Court

If the Supreme Court or Court of Appeals determines that an appeal or original action pending before it is within the jurisdiction of the other Court, the Court before which the case is pending shall enter an order transferring the case to the Court with jurisdiction, where the case shall proceed as if it had been originally filed in the Court with jurisdiction.

Rule 7. Review Of Sentences

A. Availability. A defendant in a Criminal Appeal may appeal the defendant's sentence. The State may not initiate an appeal of a sentence, but may cross-appeal where provided by law.

B. Scope of Review. The Court may revise a sentence authorized by statute if, after due consideration of the trial court's decision, the Court finds that the sentence is inappropriate in light of the nature of the offense and the character of the offender.

Rule 8. Acquisition Of Jurisdiction

The Court on Appeal acquires jurisdiction on the date the Notice of Completion of Clerk's Record is noted in the Chronological Case Summary. Before that date, the Court on Appeal may, whenever necessary, exercise limited jurisdiction in aid of its appellate jurisdiction, such as motions under Rules 18 and 39.

Rule 9. Initiation Of The Appeal

A. Filing the Notice of Appeal.

(1) *Appeals from Final Judgments*. A party initiates an appeal by filing a Notice of Appeal with the trial court clerk 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 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. Copies of the Notice of Appeal, which need not be file stamped by the trial court clerk, shall be served on all parties of record in the trial court, the Clerk, and upon the Attorney General in all Criminal Appeals and any appeals from a final judgment declaring a state statute unconstitutional in whole or in part. (See Form # App.R. 9-1)

(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 filing a Notice of Appeal with the Administrative Agency 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.

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 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 served on the Clerk. 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) *Designation of Appealed Order or Judgment*. The Notice of Appeal shall designate the appealed judgment or order and whether it is a final judgment or interlocutory order.

(2) *Designation of Court to which Appeal is Taken*. The Notice of Appeal shall designate the court to which the appeal is taken.

(3) *Direction for Assembly of Clerk's Record*. The Notice of Appeal shall direct the trial court clerk to assemble the Clerk's Record.

(4) *Request for Transcript*. The Notice of Appeal shall designate 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.

G. Supplemental Request for Transcript. Any party to the appeal may file with the trial court clerk or the Administrative Agency, without leave of court, a request with the court reporter or the Administrative Agency for additional portions of the Transcript.

H. Payment for Transcript. When a Transcript is requested, a party must make satisfactory arrangements with the court reporter for payment 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.

I. Administrative Agency Appeals. In Administrative Agency appeals, the Notice of Appeal shall include the same contents and be handled in the same manner as an appeal from a Final Judgment in a civil case, notwithstanding any statute to the contrary. Assignments of error are not required. See Rule 9A(3). (See Form #App.R. 9-2)

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

Rule 10. Duties Of Trial Court Clerk Or Administrative Agency

A. Notice to Court Reporter of Transcript Request. If a Transcript is requested, the trial court clerk or the Administrative Agency shall give immediate notice of the filing of the Notice of Appeal and the requested Transcript to the court reporter.

B. Assembly of Clerk's Record. Within thirty (30) days of the filing of the Notice of Appeal, the trial court clerk or Administrative Agency shall assemble the Clerk's Record. The trial court clerk or Administrative Agency is not obligated to index or marginally annotate the Clerk's Record.

C. Notice of Completion of Clerk's Record. On or before the deadline for assembly of the Clerk's Record, the trial court clerk or Administrative Agency shall issue and file a Notice of Completion of Clerk's Record with the Clerk and shall serve a copy on the parties to advise them that the Clerk's Record has been assembled and is complete. The Notice of Completion of Clerk's Record shall include a certified copy of the Chronological Case Summary and shall state whether the Transcript is (a) completed, (b) not completed, or (c) not requested. (See Form # App.R. 10-1). Copies of the Notice of Completion of Clerk's Record served on the parties shall include a copy of the Chronological Case Summary included with the original, but the copies served on the parties need not be individually certified.

D. Notice of Completion of Transcript. If the Transcript has been requested but has not been filed when the trial court clerk or Administrative Agency issues its Notice of Completion of the Clerk's Record, the trial court clerk or Administrative Agency shall issue and file a Notice of Completion of Transcript with the Clerk and shall serve a copy on the parties within five (5) days after the court reporter files the Transcript. (See Form #App.R. 10-2)

E. Extension of Time to Complete Clerk's Record. The trial court clerk or Administrative Agency may move the Court on Appeal designated in the Notice of Appeal for an extension of time to assemble the Clerk's Record 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. 10-3). The trial court clerk shall file an original and one copy of the motion with the Clerk and shall serve a copy of the motion on the parties. 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.

F. Failure to File Notice of Completion of Clerk's Record. If the trial court clerk or Administrative Agency fails to issue, file, and serve a timely Notice of Completion of Clerk's Record, the appellant shall seek an order from the Court on Appeal compelling the trial court clerk or Administrative Agency to complete the Clerk's Record and issue, file, and serve its Notice of Completion. Failure of appellant to seek such an order not later than fifteen (15) days after the Notice of Completion of Clerk's Record was due to have been issued, filed, and served shall subject the appeal to dismissal.

G. Failure to File Notice of Completion of Transcript. If the trial court clerk or Administrative Agency fails to issue, file, and serve a timely Notice of Completion of Transcript required by Rule 10(D), the appellant shall seek an order from the Court on Appeal compelling the trial court clerk or Administrative Agency to issue, file and serve the Notice of Completion of Transcript. Failure of appellant to seek such an order not later than fifteen (15) days after the Notice of Completion of Transcript was due to have been issued, filed, and served shall subject the appeal to dismissal.

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, 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 court reporter shall provide notice to all parties to the appeal that the transcript has been filed with the clerk of the trial court or Administrative Agency in accordance with Rules 28, 29, and/or 30. (See Form # App.R. 11-1)

B. Deadline for Filing Transcript. For the period until July 1, 2003, and until revised thereafter, the court reporter or Administrative Agency shall have ninety (90) days after the appellant files the Notice of Appeal to file the Transcript with the trial court clerk or Administrative Agency.

C. Extension of Time to File Transcript. The court reporter may 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 file an original and one copy of the motion with the Clerk and shall serve a copy of the motion on the parties. 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. 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

A. Clerk's Record. Unless the Court on Appeal orders otherwise, the trial court clerk shall retain the Clerk's Record throughout the appeal. A party may request that the trial court clerk copy the Clerk's Record, or a portion thereof, and the clerk shall provide the copies within thirty (30) days, subject to the payment of any usual and customary copying charges.

B. Transcript. 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.

C. Access to Record on Appeal. Unless limited by the trial court, any party may copy any document from the Clerk's Record and any portion of the Transcript. After a Transcript or Appendix has been transmitted to or filed with the Clerk, a party to the appeal may arrange to have access to that Transcript or Appendix during the time period that party is working on a brief, subject to any internal rules the Clerk may adopt to provide an accounting for the location of those materials and for ensuring fair access to the Transcript and Appendices by all parties.

D. Appeals from Administrative Agencies. When the appeal is from an Administrative Agency, reference to the "trial court clerk" shall mean the Administrative Agency.

Rule 13. Preparation Of The Record In Administrative Agency Cases

In cases taken directly to the Court of Appeals from the final orders, rulings or decisions and certified questions of an Administrative Agency, the preparation, contents, and transmittal of the Record on Appeal, to the extent possible pursuant to Rules 10, 11 and 12, shall be governed by the same provisions applicable to appeals from Final Judgments in civil cases, including all applicable time periods, notwithstanding any statute to the contrary.

Rule 14. Interlocutory Appeals

A. Interlocutory Appeals of Right. Appeals from the following interlocutory orders are taken as a matter of right by filing a Notice of Appeal with the trial court 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.

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.

(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 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) Attachments to Motion. The party seeking an interlocutory appeal shall attach to 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*. If the Court of Appeals accepts jurisdiction, the appellant shall file a Notice of Appeal with the trial court clerk within fifteen (15) days of the Court of Appeals' order accepting jurisdiction over the interlocutory appeal. 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 filed within thirty (30) days after the notation of the order in the Chronological Case Summary.

(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 to Motion. A copy of the trial court's order granting or denying class action certification shall be attached 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. If the Court of Appeals accepts jurisdiction, the appellant shall file a Notice of Appeal with the trial court clerk within fifteen (15) days of the Court of Appeals' order accepting jurisdiction over the interlocutory appeal. The appellant shall also comply with Rule 9(E).

D. Statutory Interlocutory Appeals. Other interlocutory appeals may be taken only as provided by statute.

E. Clerk's Record and Transcript. The Clerk's Record shall be assembled in accordance with Rule 10. The court reporter shall file the Transcript in accordance with Rule 11.

F. Briefing. Briefing in interlocutory appeals shall be governed by Rules 43 and 44.

G. Shortening or Extending Time.

(1) *Extensions*. Extensions of time to prepare the Transcript or to file any brief in an interlocutory appeal are disfavored and will be granted only upon a showing of good cause. Any motion for extension must comply with Rule 35.

(2) *Shortening Deadlines*. The Court of Appeals, upon motion by a party and for good cause, may shorten any time period. A motion to shorten time shall be filed within ten (10) days of the filing of either the Notice of Appeal with the trial court clerk or the motion to the Court of Appeals requesting permission to file an interlocutory appeal.

H. Stay of Trial Court Proceedings. An interlocutory appeal shall not stay proceedings in the trial court unless the trial court or a judge of the Court of Appeals so orders. The order staying proceedings may be conditioned upon the furnishing of a bond or security protecting the appellee against loss incurred by the interlocutory appeal.

I. Death Penalty Cases. In any case in which the State seeks the death penalty or in which the interlocutory order raises a question of interpretation of IC 35-50-2-9, references in this Rule to the Court of Appeals shall refer to the Supreme Court.

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 file a Notice of Expedited Appeal with the trial court clerk within five (5) business days after the court's order of placement and/or services is noted in the Chronological Case Summary. (See Form #App.R. 14.1-1.)

(2) On the same day DCS files the Notice of Expedited Appeal, it shall serve the Notice on the trial court judge, the court clerk, 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, in a form prescribed by this rule, shall designate the order from which the appeal is taken and any Transcript that is to be provided.

(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)-(G), (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 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 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 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. Service, if by mail or third-party commercial carrier, shall also 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.

Rule 15. Appellant's Case Summary

A. Who Must File. Any party who has filed a Notice of Appeal shall file an Appellant's Case Summary with the Clerk. The filing of an Appellant's Case Summary satisfies the requirement to file an appearance under Rule 16. (See Form #App.R. 15-1)

B. Date Due. The Appellant's Case Summary shall be filed within thirty (30) days of the filing of the Notice of Appeal or, in the case of a Discretionary Interlocutory Appeal under Rule 14(B)(2) or a Class Action Certification Interlocutory Appeal under Rule 14(C), the Appellant's Case Summary shall be filed at the time the motion requesting permission to file the interlocutory appeal is filed in the Court of Appeals.

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 of the attorneys representing the parties initiating the appeal.

(2) Trial Information.

(a) Title of case;

(b) Names of all parties;

(c) Trial court or Administrative Agency;

(d) Case number;

(e) Name of trial judge;

(f) Date case commenced;

(g) Date of judgment or order;

(h) Date Motion to Correct Error denied or deemed denied, if used;

(i) Whether trial was by judge or jury;

(j) Whether case was heard by a judicial officer other than a judge and, if so, whether trial judge approved the proposed judgment or order;

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

(l) Case type using classification in Administrative Rule 8(B)(3); and

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

(3) Transcript Information.

(a) Date Notice of Appeal was filed;

(b) Date Transcript is due to be filed; and

(c) The following Transcript information:

(i) Name, address and telephone number of court reporter responsible for preparing the Transcript;

(ii) Date ordered (or reason it has not been ordered);

(iii) Payment arrangements;

(iv) Estimated length of the Transcript;

(v) Estimated time required for preparation; and

(vi) Estimated completion date.

(4) Appeal Information.

(a) A short and plain statement of the anticipated issues on appeal; provided, however, that the statement of anticipated issues shall not prevent the raising of any issue on appeal;

(b) Prior appeals in same case;

(c) Related appeals (prior, pending or potential) known to the party;

(d) Whether a motion for oral argument will be filed;

(e) Whether a motion for pre-appeal conference will be filed;

(f) In Criminal Appeals, the status of the defendant (e.g., on bond, incarcerated and, if so, where);

(g) Whether Alternative Dispute Resolution has been used and whether appellant is willing to participate in Appellate ADR;

(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:

(1) In civil cases, a copy of the judgment or order appealed from, including findings of fact and conclusions, where made;

(2) In Criminal Appeals, a copy of the judgment or order appealed from, including any sentencing order;

(3) A copy of any motion to correct errors filed in the trial court;

(4) A file-stamped copy of the Notice of Appeal, except in Discretionary Interlocutory Appeals;

(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;

(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.

E. Failure to File. The Clerk shall not accept for filing any paper, motion, or other filing by an appellant until that appellant has filed its Appellant's Case Summary. The failure to file an Appellant's Case Summary shall not forfeit the appeal.

Rule 16. Appearances

A. Initiating Parties. The filing of an Appellant's Case Summary pursuant to Rule 15 satisfies the requirement to file an appearance.

B. Responding Parties. All other parties participating in an appeal shall file an appearance form with the Clerk. 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 first Appellant's Case Summary 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 Appellee is willing to participate in Appellate ADR.

C. Parties to Certified Federal Questions. If the Supreme Court decides to answer a question of law certified by a federal court under Rule 64, parties to the federal proceeding shall file an appearance form with the Clerk setting forth the same information identified in Section (B) of this Rule. Appearance forms shall be filed within thirty (30) days following the order of the Supreme Court granting the federal court's request for an opinion, or contemporaneously with the first document filed by the appearing party, whichever comes first.

D. *Amicus Curiae*. When moving for leave to file an *amicus curiae* brief under Rule 41, the movant shall file an appearance form with the Clerk containing the following:

(1) Name and address of the movant;

(2) Name, address, attorney number, telephone number, FAX number, and electronic mail address, if any, of the attorneys representing the movant; and

(3) Whether the movant sought *amicus curiae* status in the proceeding before the trial court or Administrative Agency, and if so, whether the request was granted.

E. Correction of Information. Parties shall promptly advise the Clerk of any change in the information previously supplied under this Rule and Rule 15.

F. Appearance on Transfer or Review. If an attorney has entered an appearance in a case before the Court of Appeals or the Tax Court, that attorney need not file another appearance in any continuation of that case before the Supreme Court. If an attorney has been granted temporary admission in a case before the Court of Appeals or the Tax Court, that attorney need not again seek temporary admission in any continuation of that case before the Supreme Court.

G. Withdrawal of Appearance. An attorney wishing to withdraw his or her appearance shall seek leave of the court by motion stating the reason that leave is sought. If a new attorney will be replacing the withdrawing attorney, the new attorney's appearance should, if possible, be filed with the motion to withdraw appearance.

Rule 17. Parties on Appeal

A. Trial Court or Administrative Agency Parties. A party of record in the trial court or Administrative Agency shall be a party on appeal. The Attorney General represents the state in all Criminal Appeals.

B. Death or Incompetence of Party. The death or incompetence of any or all the parties on appeal shall not cause the appeal to abate. The death of the appellant abates a criminal appeal._ Successor parties may be substituted for the deceased or incompetent parties.

C. Substitution Of Parties.

(1) *Automatic Substitution for Public Officers in Official Capacities*. When a public officer who is sued in an official capacity dies, resigns or otherwise no longer holds public office, the officer's successor is automatically substituted as a party.

(2) *Substitution of Parties*. A party shall, by notice filed with the Clerk, advise the Court of the succession in office of any party. The failure of any party to file a notice shall not affect the party's substantive rights.

Rule 18. Appeal Bonds--Letters Of Credit

No appeal bond shall be necessary to prosecute an appeal from any Final Judgment or appealable interlocutory order. Enforcement of a Final Judgment or appealable interlocutory order from a money judgment shall be stayed during appeal upon the giving of a bond, an irrevocable letter of credit, or other form of security approved by a trial court or Administrative Agency. The trial court or Administrative Agency shall have jurisdiction to fix and approve the bond, irrevocable letter of credit, or other form of security, and order a stay prior to or pending an appeal. After the trial court or Administrative Agency decides the issue of a stay, the Court on Appeal may reconsider the issue at any time upon a showing, by certified copies, of the trial court's action. The Court on Appeal may grant or deny the stay and set or modify the bond, letter of credit, or other form of security. No bond, letter of credit, or other form of security shall be required from any party exempted from bond by Trial Rule 62(E). This rule creates no right to a stay where precluded by law.

Rule 19. Court Of Appeals Preappeal Conference

A. Subjects for Conference. The Court of Appeals may order a preappeal conference upon the motion of any party or on the court's own motion, to consider the following:

(1) the simplification and designation of the issues to be presented on appeal;

(2) obtaining stipulations to avoid the preparation of unnecessary Transcript;

(3) the determination of what Transcript from the trial court is necessary to present properly the issues on appeal;

(4) scheduling;

(5) settlement; and

(6) such other matters as may aid the disposition of the appeal.

B. Sanctions. If a party fails to appear in person or by counsel at the preappeal conference, without good cause, or if an attorney is unprepared to participate in the conference, the Court of Appeals may impose appropriate sanctions, including attorney fees.

Rule 20. Appellate Alternative Dispute Resolution

The parties in civil cases are encouraged to consider appellate mediation. The Court on Appeal may, upon motion of any party or its own motion, conduct or order appellate alternative dispute resolution.

Rule 21. Order In Which Appeals Are Considered

A. Expedited Appeals. The court shall give expedited consideration to interlocutory appeals and appeals involving issues of child custody, support, 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.

B. Motion for Expedited Consideration. By motion of any party, other appeals that involve the constitutionality of any law, the public revenue, public health, or are otherwise of general public concern or for other good cause, may be expedited by order of the court.

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 page where it appears in an Appendix, and if not contained in an Appendix, to the page it appears in the Transcript or exhibits, e.g., Appellant's App. p.5; Tr. p. 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. 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 papers to the Clerk or the Clerk's designee; and at all other times (unless the Clerk specifies otherwise) shall mean properly depositing the papers 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.

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. Number of Copies. The following shall be filed:

(1) *Appellant's Case Summary and Appearances*. An original and one (1) copy of the Appellant's Case Summary and of any appearance.

(2) *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.

(3) *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.

(4) *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.

(5) *Appendices*. One (1) copy of any Appendix. See Rule 50.

(6) *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).

(7) *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 required. Every motion, petition, brief, appendix, acknowledgment, notice, response, reply, appearance, or appellant's case summary 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.

Rule 24. Service Of Documents

A. Required Service. The Appellant's Case Summary and appearances must be served on all parties to the appeal (see Rule 17), any persons seeking party status, and any persons required by statute to be served. Unless otherwise provided by these Rules, all other documents tendered to the Clerk for filing must be served upon all parties who have filed an Appellant's Case Summary or an appearance under Rules 15 or 16, any persons seeking party status, and any persons required by statute to be served. However, in Criminal Appeals only, any Appendix or Supplemental Appendix need not 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 papers 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.

D. Certificate of Service. An attorney or unrepresented party tendering a document to the Clerk for filing shall certify that service has been made, list the parties served, and specify the date and means of service. 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. The Clerk may permit documents to be filed without a certificate of service but shall require prompt filing of a separate certificate of service.

Rule 25. Computation Of Time

A. Non-Business and Business Days. For purposes of this rule, a non- business day shall mean a Saturday, a Sunday, a legal holiday as defined by state statute, or a day the Office of the Clerk is closed during regular business hours. A business day shall mean all other days.

B. Counting Days. In computing any period of time allowed by these Rules, by order of the court, or by any applicable statute, the day of the act, event, or default from which the designated period of time begins to run shall not be included. The last day of the period so computed is to be included unless it is a non-business day. If the last day is a non-business day, the period runs until the end of the next business day. When the time allowed is less than seven (7) days, all non-business days shall be excluded from the computation.

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) 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.

Rule 26. Electronic Transmission By Clerk

A. 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. 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. 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 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 transmission is not practicable. When transmittal is made by electronic mail or FAX, no other transmission will be made.

Rule 27. The Record On Appeal

The Record on Appeal shall consist of the Clerk's Record and all proceedings before the trial court or Administrative Agency, whether or not transcribed or transmitted to the Court on Appeal. Any provision of these Rules regarding preparation of the Record on Appeal may be enforced by order of the Court on Appeal. The Record of Proceedings is abolished.

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

A. Paper Transcript. The court reporter shall prepare the Transcript 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.

B. Certification. The court reporter shall certify the Transcript is correct, and file the certificate with the trial court clerk or appropriate administrative officer.

C. Copy of Paper Transcript in Electronic Format. All paper Transcripts generated on a word processing system shall be accompanied by a copy of the Transcript in electronic format.

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 Rule 28(A)(6). The court reporter 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.

B. 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.

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, with the approval of the trial court, all parties on appeal, and the Court on Appeal, the court reporter may submit 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 trial court clerk, all parties to the appeal may jointly move the Court on Appeal to accept 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.

(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 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

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 the motion.

B. Response. Any party may file a verified response to the proposed statement of evidence within fifteen (15) days after service.

C. Certification by Trial Court or Administrative Agency. Except as provided in Section D below, the trial court or Administrative Agency shall, after a hearing, if necessary, certify a statement of the evidence, making any necessary modifications to statements proposed by the parties. The certified statement of the evidence shall become part of the Clerk's Record.

D. Controversy Regarding Action of Trial Court Judge or Administrative Officer. If the statements or conduct of the trial court judge or administrative officer are in controversy, and the trial court judge or administrative officer refuses to certify the moving party's statement of evidence, the trial court judge or administrative officer shall file an affidavit setting forth his or her recollection of the disputed statements or conduct. All verified statements of the evidence and affidavits shall become part of the Clerk's Record.

Rule 32. Correction Or Modification Of Clerk's Record Or Transcript

A. Submission of Disagreement Regarding Contents to Trial Court or Administrative Agency. If a disagreement arises as to whether the Clerk's Record or Transcript accurately discloses what occurred in the trial court or the Administrative Agency, any party may move the trial court or the Administrative Agency to resolve the disagreement. The trial court retains jurisdiction to correct or modify the Clerk's Record or Transcript at any time before the reply brief is due to be filed. After that time, the movant must request leave of the Court on Appeal to correct or modify the Clerk's Record or Transcript. The trial court or Administrative Agency shall issue an order, which shall become part of the Clerk's Record, that either:

(1) confirms that the Clerk's Record or Transcript reflects what actually occurred; or

(2) corrects the Clerk's Record or Transcript, including the chronological case summary if necessary; to reflect what actually occurred.

B. Transmission of Order. The trial court clerk shall transmit to the Court on Appeal:

(1) the trial court's order or order of an Administrative Agency and any corrections to the Clerk's Record; and

(2) any corrections to the Transcript by means of a supplemental Transcript. See Rule 9(G). The title of any corrected Transcript shall indicate that it is a corrected Transcript.

Rule 33. Record On Agreed Statement

A. Applicability. The procedure in this Rule may be used only by the agreement of all the parties that the issues presented by the appeal are capable of resolution without reference to a Clerk's Record or Transcript.

B. Content. The agreed statement of the record shall set forth only so many of the facts proved or sought to be proved as are essential to a decision of the questions by the court on appeal. The agreed statement shall include:

(1) a copy of the appealed judgment or order;

(2) a copy of the Notice of Appeal with its filing date;

(3) a statement of how the issues arose in the trial court or Administrative Agency; and

(4) the signatures of all parties or their attorneys.

C. Certification by Trial Court or Administrative Agency. The parties shall submit the agreed statement of the record to the trial court or the Administrative Agency, which shall certify it if it is accurate and adequate for resolution of the issues presented by the appeal. The trial court may amend or supplement the agreed statement with the consent of all parties before certification.

D. Transmission to the Court on Appeal. The agreed statement of the record shall be a part of the Clerk's Record. The appellant shall include the agreed statement of the record in an Appendix to the appellant's brief. See Rule 50.

E. Extensions of Time. Use of this procedure does not automatically extend any appellate deadline, but extensions of time may be sought under Rule 35.

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.

B. Motions Subject to Decision Without Response. The Court will not await a response before ruling on the following motions:

(1) to extend time;

(2) to file an oversize Petition, brief or motion;

(3) to withdraw appearance;

(4) to substitute a party; and

(5) to withdraw the record.

The Court will consider any responses filed before it rules on the motion. A response filed after ruling on the motion will automatically be treated as a motion to reconsider; any party may file a motion to reconsider a decision on a motion described in this Section within ten (10) days after the Court's ruling on the motion.

C. Response. Any party may file a response to a motion within fifteen (15) days after the motion is served. The fact that no response is filed does not affect the Court's discretion in ruling on the motion.

D. Reply. The movant may not file a reply to a response without leave of the Court. Any reply must be filed with the motion for leave, and tendered within five (5) days of service of the response.

E. Content of Motions, Responses and Replies. Except for the motions listed in Rule 34(B), a motion, response, or reply shall contain the following, but headings are not required:

(1) *Statement of Grounds*. A statement particularizing the grounds on which the motion, response, or reply is based;

(2) *Statement of Supporting Facts*. The specific facts supporting those grounds, including page citation to the Clerk's Record or Transcript or other supporting material;

(3) *Statement of Supporting Law*. All supporting legal arguments, including citation to authority;

(4) *Other Required Matters*. Any matter specifically required by a Rule governing the motion; and

(5) *Request for Relief*. A specific and clear statement of the relief sought.

F. Verification of Facts Outside the Record on Appeal. When the motion, response, or reply relies on facts not contained in materials that have been filed with the Clerk, the motion, response, or reply shall be verified and/or accompanied by affidavits or certified copies of documents filed with the trial court clerk or Administrative Agency.

G. Form of Motions, Responses and Replies.

(1) *Form; Citations; References*. Motions, responses and replies shall conform to the requirements for briefs under Rule 43(B)-(G).

(2) *Length*. Unless the Court provides otherwise, a motion or a response shall not exceed ten (10) pages or 4,200 words, and replies shall not exceed five (5) pages or 2,100 words. If the document exceeds the page limit, it must contain a word count certificate in compliance with Rule 44(F).

H. Oral Argument. Ordinarily oral argument will not be heard on any motion.

Rule 35. Motion For Extension Of Time

A. Time for Filing. Any motion for an extension of time shall be filed at least seven (7) days before the expiration of time unless the movant was not then aware of the facts on which the motion is based. No motion for an extension of time shall be filed after the time for doing the act expires.

B. Content.

(1) *Required in All Motions*. All motions shall be verified and state

(a) The date of the appealed judgment or order.

(b) The date any motion to correct error was ruled on or deemed denied.

(c) The date the Notice of Appeal was filed.

(d) The time period that is sought to be extended, and the event which triggered it.

(e) The date the act is to be done, how that date was established, including, if relevant, the means of service, whether the current due date is pursuant to a previous extension of time, and if so, whether final.

(f) The due date requested. This date shall be a business day as defined by Rule 25.

(g) The reason, in spite of the exercise of due diligence shown, for requesting the extension of time, including, but not limited to, the following:

(i) Engagement in other litigation, provided such litigation is identified by caption, number and court;

(ii) The matter under appeal is so complex that an adequate brief cannot reasonably be prepared by the date the brief is due; or

(iii) Hardship to counsel will result unless an extension is granted, in which event the nature of the hardship must be set forth.

(h) If the motion is filed within seven (7) days before the expiration of time, the reasons why counsel was unaware of the need for the extension.

(2) *Criminal Appeals.* A motion in a Criminal Appeal shall also state, if applicable:

(a) the date the trial court granted permission to file a belated Notice of Appeal or a belated motion to correct error;

(b) the date of sentencing;

(c) the sentence imposed; and

(d) a concise statement of the status of the case, including whether the defendant has been released on bond, and whether the defendant has been incarcerated.

C. Proceedings in Which Extensions are Prohibited. No motion for extension of time shall be granted to file a Petition for Rehearing, a Petition to Transfer to the Supreme Court, any brief supporting or responding to such Petitions, or in appeals involving termination of parental rights.

D. Restrictions on Extensions. Motions for extension of time in appeals involving worker's compensation, issues of child custody, support, visitation, paternity, adoption, and determination that a child is in need of services shall be granted only in extraordinary circumstances.

Rule 36. Motion To Dismiss

A. Voluntary Dismissal. An appeal may be dismissed on motion of the appellant upon the terms agreed upon by all the parties on appeal or fixed by the Court.

B. Involuntary Dismissal. An appellee may at any time file a motion to dismiss an appeal for any reason provided by law, including lack of jurisdiction. Motions to affirm are abolished.

Rule 37. Motion To Remand

A. Content of Motion. At any time after the Court on Appeal obtains jurisdiction, any party may file a motion requesting that the appeal be dismissed without prejudice or temporarily stayed and the case remanded to the trial court or Administrative Agency for further proceedings. The motion must be verified and demonstrate that remand will promote judicial economy or is otherwise necessary for the administration of justice.

B. Effect of Remand. The Court on Appeal may dismiss the appeal without prejudice, and remand the case to the trial court, or remand the case while retaining jurisdiction, with or without limitation on the trial court's authority. Unless the order specifically provides otherwise, the trial court or Administrative Agency shall obtain unlimited authority on remand.

Rule 38. Motion To Consolidate Appeals

A. Cases Consolidated at Trial or Hearing. When two (2) or more actions have been consolidated for trial or hearing in the trial court or Administrative Agency, they shall remain consolidated on appeal. If any party believes that the appeal should not remain consolidated, that party may file a motion to sever the consolidated appeal within thirty (30) days after the first Notice of Appeal is filed.

B. Cases Consolidated on Appeal. Where there is more than one (1) appeal from the same order or judgment or where two (2) or more appeals involve a common question of law or fact, the Court on Appeal may order a consolidation of the appeals upon its own motion, or upon the motion of any party.

Rule 39. Motion To Stay

A. Effect of Appeal. An appeal does not stay the effect or enforceability of a judgment or order of a trial court or Administrative Agency unless the trial court, Administrative Agency or Court on Appeal otherwise orders.

B. Motion in Trial Court or Administrative Agency. Except as provided in (C)(2)(b), a motion for stay pending appeal may not be filed in the Court on Appeal unless a motion for stay was filed and denied by the trial court or by the

Administrative Agency if it has authority to grant a stay. If the Administrative Agency does not have such authority, application for stay may be made directly to the Court on Appeal.

C. Motion in Court on Appeal. A motion for a stay pending appeal in the Court on Appeal shall contain certified or verified copies of the following:

(1) the judgment or order to be stayed;

(2) the order denying the motion for stay or a verified showing that (a) the trial court or Administrative Agency has failed to rule on the motion within a reasonable time in light of the circumstances and relief requested; or (b) extraordinary circumstances exist which excuse the filing of a motion to stay in the trial court or Administrative Agency altogether;

(3) other parts of the Clerk's Record or Transcript that are relevant;

(4) an attorney certificate evidencing the date, time, place and method of service made upon all other parties; and

(5) an attorney certificate setting forth in detail why all other parties should not be heard prior to the granting of said stay.

D. Emergency Stays. If an emergency stay without notice is requested, the moving party shall submit:

(1) an affidavit setting forth specific facts clearly establishing that immediate and irreparable injury, loss, or damage will result to the moving party before all other parties can be heard in opposition;

(2) a certificate from the attorney for the moving party setting forth in detail the efforts, if any, which have been made to give notice to the other parties and the reasons supporting his claim that notice should not be required; and

(3) a proposed order setting forth the remedy being requested.

E. Bond. If a stay is granted, the Court on Appeal may fix bond in accordance with Rule 18.

F. Length of Stay. Unless otherwise ordered, a stay shall remain in effect until the appeal is disposed of in the Court on Appeal. Any party may move for relief from the stay at any time.

Rule 40. Motion To Proceed In *Forma Pauperis*

A. Appeal From a Trial Court.

(1) *Prior Authorization by the Trial Court*. A party who has been permitted to proceed in the trial court in *forma pauperis* may proceed on appeal in *forma pauperis* without further authorization from the trial court or Court on Appeal. See Rule 9(E).

(2) *Motion to the Trial Court*. Any other party in a trial court who desires to proceed on appeal in *forma pauperis* shall file in the trial court a motion for leave to so proceed, together with an affidavit conforming to Form #App.R. 40-1, showing in detail the party's inability to pay fees or costs or to give security therefor, the party's belief that the party is entitled to redress, and a statement of the issues the party intends to present on appeal. If the trial court grants the motion, the party may proceed without further motion to the Court on Appeal. If the trial court denies the motion, the trial court shall state in a written order the reasons for the denial.

(3) *Revocation of Authorization by the Trial Court*. Before or after the Notice of Appeal is filed, the trial court may certify to or find that a party is no longer entitled to proceed in forma pauperis. The trial court shall state in a written order the reasons for such certification or finding .

(4) *Motion to the Court on Appeal*. If the trial court denies a party authorization to proceed in *forma pauperis* the party may file a motion in the Court on Appeal for leave to so proceed within thirty (30) days of service of the trial court's order. The motion shall be accompanied by a copy of any affidavit supporting the party's request filed in the trial court. If no affidavit was filed in the trial court or if the affidavit filed in the trial court is no longer accurate, the motion shall be accompanied by an affidavit conforming to Form #App.R. 40-1. The motion shall be accompanied by a copy of the order setting forth the trial court's reasons for denying the party in *forma pauperis* status on appeal.

B. Appeal From an Administrative Agency. Any party to a proceeding before an Administrative Agency who desires to proceed in *forma pauperis* on appeal shall file with the Court on Appeal a motion for leave to so proceed, together with an affidavit conforming to Form #App.R. 40-1, showing in detail the party's inability to pay fees or costs or to give security therefor, the party's belief that the party is entitled to redress, and a statement of the issues the party intends to present on appeal.

C. Filings Required in the Court on Appeal. With the first document a party proceeding or desiring to proceed in *forma pauperis* files in the Court on Appeal, the party shall file with the Clerk:

(1) the trial court's authorization to proceed in *forma pauperis* on appeal;

(2) an affidavit stating that the party was permitted to proceed in *forma pauperis* in the trial court and that the trial court has made no certification or finding under Rule 40(A)(3); or

(3) a motion to the Court on Appeal to proceed in *forma pauperis*.

If the trial court subsequently enters an order containing a certification or finding under Rule 40 (A)(3), the party shall promptly file the trial court's order with the Clerk.

D. Effect of In *Forma Pauperis* Status. A party proceeding in *forma pauperis*:

(1) is relieved of the obligation to prepay filing fees or costs in either the trial court or the Court on Appeal or to give security therefor; and

(2) may file legibly handwritten or typewritten briefs and other papers.

Rule 41. Motion To Appear As *Amicus Curiae*

A. Content. A proposed 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.

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. Paper. The pages shall be 8 1/2 by 11 inch 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 print. 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. Text shall appear on only one side of the paper.

D. Print Size. The font shall be Arial, Baskerville, Book Antigua, 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 printing in the text shall be double-spaced except lengthy quotes and footnotes 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.

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. 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 curiae: 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. Cover Content. The front cover of the document shall conform substantially to Form #App.R. 43-1.

J. Binding. The document shall be bound in book or pamphlet form along the left margin. Any binding process which permits the document to lie flat when opened 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.

Rule 44. Brief And Petition Length Limitations

A. Applicability. This Rule governs the length of briefs, Petitions for Rehearing, Petitions to Transfer to the Supreme Court, and Petitions for Review of a Tax Court decision by the Supreme Court.

B. Oversized Brief. A motion requesting leave to file any oversized brief or Petition shall be filed at least fifteen (15) days before the brief or Petition is due. The motion shall state the total number of words requested, not pages.

C. Items Excluded From Length Limits. The text of the following shall not be included in the page or word length limits of this rule:

Cover information

Table of contents

Table of authorities

Signature block

Certificate of service

Word count certificate

Appealed judgment or order of trial court or Administrative Agency, and items identified in Rule 46(A)(10).

Headings and footnotes are included in the length limits.

D. Page Limits. Unless a word count complying with Section E is provided, a brief or Petition may not exceed the following number of pages:

Appellant's brief: thirty (30) pages

Appellee's brief: thirty (30) pages

Reply brief (except as provided below): fifteen (15) pages

Reply brief with cross-appellee's brief: thirty (30) pages

Brief of intervenor or amicus curiae: fifteen (15) pages

Petition for Rehearing: ten (10) pages

Brief in response to a Petition for Rehearing: ten (10) pages

Petition to Transfer: ten (10) pages

Brief in response to a Petition seeking Transfer: ten (10) pages

Reply brief to brief in response to a Petition seeking Transfer: three (3) pages

Brief of intervenor or amicus curiae on transfer or rehearing: ten (10) pages

Petition for Review of a Tax Court decision: thirty (30) pages

Brief in response to a Petition for Review of a Tax Court decision: thirty (30) pages

Reply brief to brief in response to a Petition for Review of a Tax Court decision: fifteen (15) pages

E. Word Limits. A brief or Petition exceeding the page limit of Section D may be filed if it does not exceed, and the attorney or the unrepresented party preparing the brief or Petition certifies that, including footnotes, it does not exceed, the following number of words:

Appellant's brief: 14,000 words

Appellee's brief: 14,000 words

Reply brief (except as provided below): 7,000 words

Reply brief with cross-appellee's brief: 14,000 words

Brief of intervenor or amicus curiae: 7,000 words

Petition for Rehearing: 4,200 words

Brief in response to a petition for Rehearing: 4,200 words

Petition to Transfer: 4,200 words

Brief in response to a Petition seeking Transfer: 4,200 words

Reply brief to brief in response to a Petition seeking Transfer: 1,000 words

Brief of intervenor or amicus curiae on transfer or rehearing: 4,200 words

Petition for Review of a Tax Court decision: 14,000 words

Brief in response to a Petition for Review of a Tax Court decision: 14,000 words

Reply brief to brief in response to a Petition for Review of a Tax Court decision: 7,000 words

F. Form of Word Count Certificate. The following are acceptable word count certifications: "I verify that this brief (or Petition) contains no more than (applicable limit) words," and "I verify that this brief (or Petition) contains (actual number) words." The certification shall appear at the end of the brief or Petition before the certificate of service. The attorney or the unrepresented party certifying a word count may rely on the word count of the word processing system used to prepare the brief or Petition.

Rule 45. Time For Filing Briefs

A. Applicability. This Rule applies to appeals from Final Judgments and interlocutory orders. Filing deadlines relating to Petitions for Rehearing, to Transfer, and for Review are governed by Rules 54, 57 and 63 respectively.

B. Filing Deadlines.

(1) *Appellant's Brief.* The appellant's brief shall be filed no later than thirty (30) days after:

(a) the date the trial court clerk or Administrative Agency serves its notice of completion of Clerk's Record on the parties pursuant to Appellate Rule 10(C) if the notice reports that the Transcript is complete or that no Transcript has been requested; or

(b) in all other cases, the date the trial court clerk or Administrative Agency serves its notice of completion of the Transcript on the parties pursuant to Appellate Rule 10(D).

Rule 25(C), which grants a three-day extension of time for service by mail or third-party commercial carrier, does not extend the due date for filing the appellant's brief.

(2) *Appellee's Brief.* The appellee's brief shall be filed no later than thirty (30) days after service of the appellant's brief.

(3) *Appellant's Reply Brief; Cross-Appellee's Brief.* Any appellant's reply brief shall be filed no later than fifteen (15) days after service of the appellee's brief. If the reply brief also serves as the cross-appellee's brief, it shall be filed no later than thirty (30) days after service of the appellee's brief.

(4) *Cross-Appellant's Reply Brief.* Any cross-appellant's reply brief shall be filed no later than fifteen (15) days after service of the appellant's reply brief.

C. Extensions of Time. Motions for extensions of time to file any briefs are governed by Rule 35.

D. Failure to File Timely. The appellant's failure to file timely the appellant's brief may subject the appeal to summary dismissal. The appellee's failure to file timely the appellee's brief may result in reversal of the trial court or Administrative Agency on the appellant's showing of *prima facie* error.

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 signature of the attorney and *pro se* party.

(10) *Appealed Judgment or Order*. The brief shall include any 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).

B. Appellee's Brief. The Appellee's Brief 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)(10)*. Items listed in Rule 46(A)(10) 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 Appellee's Brief 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 Appellant's Reply Brief shall address the arguments raised on cross-appeal.

(4) *Cross-Appellant's Reply Brief*. The Cross-Appellant's Reply Brief 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 brief shall include a table of contents, table of authorities, a brief statement of the interest of the 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. 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)(5)), but an original and eight copies of any Addendum to Brief must be filed, in accordance with Rule 23(C)(3). 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 that is the same color and similarly styled as the brief it accompanies (see Form App. 43-1), except that it shall be clearly identified as an Addendum to Brief. An Addendum to Brief may not contain argument.

Rule 47. Amendment Of Briefs And Petitions

On motion for good cause, the Court may grant leave for a party to amend a brief or Petition. The motion shall describe the nature of and reason for the proposed amendment. The movant shall either tender sufficient copies of an amended brief or Petition (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 of a brief or Petition has no effect on any filing deadlines.

Rule 48. Additional Authorities

When pertinent and significant authorities come to the attention of a party after the party's brief or Petition has been filed, or after oral argument but before decision, a party may promptly file with the Clerk a notice of those authorities setting

forth the citations. There shall be a reference either to the page of the brief or to a point argued orally to which the citations pertain, with a parenthetical or a single sentence explaining the authority.

Rule 49. Filing Of Appendices

A. Time for Filing. The appellant shall file its Appendix with its appellant's brief. 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 50. Contents Of Appendices

A. Appendices in Civil Appeals and Appeals from Administrative Agencies.

(1) *Purpose*. The purpose of an Appendix in civil appeals and appeals from Administrative Agencies is to present the Court with copies of only those parts of the record on appeal that are necessary for the Court to decide the issues presented.

(2) *Contents of Appellant's Appendix*. The appellant's Appendix shall contain a table of contents and copies of the following documents, if they exist:

(a) the chronological case summary for the trial court or Administrative Agency;

(b) the 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;

(c) the jury verdict;

(d) [Deleted, eff. January 1, 2011]

(e) any instruction not included in appellant's brief under Rule 46(A)(8)(e), when error is predicated on the giving or refusing of the instruction;

(f) pleadings and other documents from the Clerk's Record in chronological order that are necessary for resolution of the issues raised on appeal;

(g) any other short excerpts from the Record on Appeal, in chronological order, such as essential portions of a contract or pertinent pictures, that are important to a consideration of the issues raised on appeal;

(h) any record material relied on in the brief unless the material is already included in the Transcript;

(i) a verification of accuracy by the attorney or unrepresented party filing the Appendix. The following is an acceptable verification:

"I verify under penalties of perjury that the documents in this Appendix are accurate copies of parts of the Record on Appeal."

(3) *Appellee's Appendix*. The contents of the appellee's Appendix shall be governed by Section (A)(2) of this Rule, but the appellee's Appendix shall not contain any materials already contained in appellant's Appendix, unless necessary for completeness or context. The Appendix may contain additional items that are relevant to either issues raised on appeal or on cross-appeal.

B. Appendices in Criminal Appeals.

(1) *Contents of Appellant's Appendix*. The appellant's Appendix in a Criminal Appeal shall contain a table of contents and copies of the following documents, if they exist:

(a) the Clerk's Record, including the chronological case summary;

(b) [Deleted, eff. January 1, 2011]

(c) any instruction not included in appellant's brief under Rule 46(A)(8)(e) when error is predicated on the giving or refusing of the instruction;

(d) any other short excerpts from the Record on Appeal, in chronological order, such as pertinent pictures, that are important to a consideration of the issues raised on appeal;

(e) any record material relied on in the brief unless the material is already included in the Transcript;

(f) a verification of accuracy by the attorney or unrepresented party filing the Appendix. The following is an acceptable verification:

"I verify under penalties of perjury that the documents in this Appendix are accurate copies of parts of the Record on Appeal."

(2) *Appellee's Appendix*. The contents of the appellee's Appendix shall be governed by Section (A)(2) of this Rule, but the appellee's Appendix shall not contain any materials already contained in appellant's Appendix, unless necessary for completeness or context. The Appendix may contain additional items that are relevant to either issues raised on appeal or on cross-appeal.

C. Table of Contents. A table of contents shall be prepared for every Appendix. The table of contents shall specifically identify each item contained in the Appendix, including the item's date.

D. Supplemental and Other Appendices. All supplemental and any other appendices shall be governed, to the extent applicable, by Sections A, B, C, E, and F, and shall not duplicate materials contained in other appendices, unless necessary for completeness or context.

E. Cases with Multiple Appellants or Appellees. In cases involving more than one appellant or appellee, including cases consolidated for appeal, each side shall, where practicable, file joint rather than separate appendices to avoid duplication.

F. Transcript. Because the Transcript is transmitted to the Court on Appeal pursuant to Rule 12(B), parties should not reproduce any portion of the Transcript in the Appendix.

Rule 51. Form And Assembly Of Appendices

A. Copying. 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 of the Appendix shall be numbered at the bottom consecutively, without obscuring the Transcript page numbers, regardless of the number of volumes the Appendix requires.

D. Binding. All Appendices shall be bound separately from the brief. No more than two hundred fifty (250) pages shall be bound into any one Appendix volume. Each volume shall be bound along the left margin. The document shall be bound in book or pamphlet form along the left margin. Any binding process which permits the document to lie flat when opened is preferred. Each volume shall contain a table of contents for the entire Appendix which shall not be included in the page count for that volume.

E. Cover. Each volume of a 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 shall conform substantially to Form #App.R. 51-1.

Rule 52. Setting And Acknowledging Oral Argument

A. Court's Discretion. The Court may, in its discretion, set oral argument on its own or a party's motion. If the Court sets oral argument in a Criminal Appeal, the Clerk shall send the order setting oral argument to the parties and to the prosecuting attorney whose office represented the state at trial.

B. Time for Filing Motion for Oral Argument. A party's motion for oral argument shall be filed no later than seven days after: (1) any reply brief would be due under Rule 45(B), or (2) any reply brief would be due under Rule 57(E) if petitioning to transfer, or (3) any reply brief would be due under Rule 63(E), if petitioning for review.

C. Acknowledgment of Order Setting Oral Argument. Counsel of record and unrepresented parties shall file with the Clerk an acknowledgment of the order setting oral argument no later than fifteen (15) days after service of the order.

Rule 53. Procedures For Oral Argument

A. Time Allowed. Each side shall have the amount of time for argument set by court order. A party may, for good cause, request more or less time in its motion for oral argument or by separate motion filed no later than fifteen (15) days after the order setting oral argument. A party is not required to use all of the time allowed, and the Court may terminate any argument if in its judgment further argument is unnecessary. A side may not exceed its allotted time without leave of the Court.

B. Order and Content of Argument. Unless the Court's order provides otherwise, the appellant shall open the argument and may reserve time for rebuttal. The appellant shall inform the Court at the beginning of the argument how

much time is to be reserved for rebuttal. Failure to argue a particular point shall not constitute a waiver. Counsel shall not read at length from briefs, the Record on Appeal, or authorities.

C. Multiple Counsel and Parties. Unless the Court otherwise provides, multiple appellants or appellees shall decide how to divide the oral argument time allotted to their side. If more than one attorney on a side will participate in oral argument, the first attorney shall inform the Court at the beginning of the argument of the intended allocation of time, but the Court will not separately time each attorney.

D. Cross-Appeals. Unless the Court directs otherwise, if both parties file a Notice of Appeal, the plaintiff in the action below shall be deemed the appellant for purposes of this Rule. Otherwise, the party filing a Notice of Appeal shall be deemed the appellant.

E. Amicus Curiae. An *amicus curiae* may participate in oral argument without leave of the court to the extent that all parties with whom the *amicus curiae* is substantively aligned consent. Otherwise, the Court shall grant leave for an *amicus curiae* to participate in oral argument only in extraordinary circumstances upon motion by the *amicus curiae*.

F. Use of Physical Exhibits at Argument; Removal. If physical objects or visual displays other than handouts are to be used at the argument, counsel shall arrange to have them placed in the court room before the Court convenes for the argument. Counsel shall provide any equipment needed. After the argument, counsel presenting the exhibits shall be responsible for removal of the exhibits from the court room and, if necessary, for return to the trial court clerk.

G. Non-Appearance at Argument. If one or more parties fail to appear at oral argument, the Court may hear argument from the parties who have appeared, decide the appeal without oral argument, or reschedule the oral argument. The Court may sanction non-appearing parties.

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).

Rule 54. Rehearings

A. Decisions From Which Rehearing May be Sought. A party may seek Rehearing from the following:

(1) a published opinion;

(2) a not-for-publication memorandum decision;

(3) an order dismissing an appeal; and

(4) an order declining to authorize the filing of a successive petition for post-conviction relief.

A party may not seek rehearing of an order denying transfer.

B. Time for Filing Petition. A Petition for Rehearing shall be filed no later than thirty (30) days after the decision. Rule 25(C), which grants a three-day extension of time for service by mail or third-party commercial carrier, does not extend the due date, and no extension of time shall be granted.

C. Brief in Response. No brief in response to a Petition for Rehearing is required unless requested by the Court, except that the Attorney General shall be required to file a brief in response to the Petition in a criminal case where the sentence is death. A brief in response to the Petition shall be filed no later than fifteen (15) days after the Petition is served or fifteen (15) days after the Court issues its order requesting a response. Rule 25(C), which provides a three-day extension for service by mail or third-party carrier, may extend the due date; however, no other extension of time shall be granted.

D. Reply Brief Prohibited. Reply briefs on Rehearing are prohibited.

E. Content and Length. The Rehearing Petition shall state concisely the reasons the party believes rehearing is necessary. The Petition for Rehearing and any brief in response are governed by Rule 44.

F. Form and Arrangement. The form and arrangement of the Petition for Rehearing and any brief in response shall conform generally to Rule 43 and shall include a table of contents, table of authorities, statement of issues, argument, conclusion, word count certificate, if needed, and certificate of service.

Rule 55. Transfer And Rehearing Sought By Different Parties

When rehearing is sought by one party, and transfer is sought by another, briefing shall continue under Rule 54 for the Petition for Rehearing and under Rule 57 for the Petition to Transfer. Once the Court of Appeals disposes of the Petition for Rehearing, transfer may be sought from that disposition in accordance with Rule 57 governing Petitions to Transfer.

Rule 56. Requests To Transfer To The Supreme Court

A. Motion Before Consideration by the Court of Appeals. In rare cases, the Supreme Court may, upon verified motion of a party, accept jurisdiction over an appeal that would otherwise be within the jurisdiction of the Court of Appeals upon a showing that the appeal involves a substantial question of law of great public importance and that an emergency exists requiring a speedy determination. If the Supreme Court grants the motion, it will transfer the case to the Supreme Court, where the case shall proceed as if it had been originally filed there. If a filing fee has already been paid in the Court of Appeals, no additional filing fee is required.

B. Petition After Disposition by the Court of Appeals; Filing Fee. After an adverse decision by the Court of Appeals, a party may file a Petition under Rule 57 requesting that the case be transferred to the Supreme Court. Upon the filing of a Petition to Transfer, the petitioner shall pay a filing fee of $125 to the Clerk. However, no filing fee is required if the Petition is filed by or on behalf of a state or governmental unit, or by a party who proceeded in *forma pauperis* in the Court of Appeals.

Rule 57. Petitions To Transfer And Briefs

A. Applicability. This Rule applies to Petitions to Transfer an appeal from the Court of Appeals to Supreme Court after an adverse decision by the Court of Appeals.

B. Decisions From Which Transfer May be Sought. Transfer may be sought from adverse decisions issued by the Court of Appeals in the following form:

(1) a published opinion;

(2) a not-for-publication memorandum decision;

(3) any amendment or modification of a published opinion or a not-for-publication memorandum decision; and

(4) an order dismissing an appeal.

Any other order by the Court of Appeals, including an order denying a motion for interlocutory appeal under Rule 14(B) or 14(C) and an order declining to authorize the filing of a successive petition for post conviction relief, shall not be considered an adverse decision for the purpose of petitioning to transfer, regardless of whether rehearing by the Court of Appeals was sought.

C. Time for Filing Petition. A Petition to Transfer shall be filed:

(1) no later than thirty (30) days after the adverse decision if rehearing was not sought; or

(2) if rehearing was sought, no later than thirty (30) days after the Court of Appeals' disposition of the Petition for Rehearing.

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

D. Brief in Response. A party may file a brief in response to the Petition no later than twenty (20) days after the Petition is served. Rule 25(C), which provides a three-day extension for service by mail or third-party commercial carrier, may extend the due date; however, no other extension of time shall be granted.

E. Reply Brief. The petitioning party may file a reply brief no later than ten (10) days after a brief in response is served. Rule 25(C), which provides a three-day extension for service by mail or third-party commercial carrier, may extend the due date; however, no other extension of time shall be granted.

F. Form and Length Limits. A Petition to Transfer, brief in response, and any reply brief are governed by Rules 43 and 44. No separate brief in support of the Petition to Transfer shall be filed.

G. Content and Arrangement of Petition to Transfer. The Petition to Transfer shall concisely set forth:

(1) *Question Presented on Transfer*. A brief statement identifying the issue, question, or precedent warranting Transfer. The statement must not be argumentative or repetitive. The statement shall be set out by itself on the first page after the cover.

(2) *Table of Contents*. A table of contents containing the items specified in Rule 46(A)(1).

(3) *Background and Prior Treatment of Issues on Transfer*. A brief statement of the procedural and substantive facts necessary for consideration of the Petition to Transfer, including a statement of how the issues relevant to transfer were raised and resolved by any Administrative Agency, the trial court, and the Court of Appeals. To the extent extensive procedural or factual background is necessary, reference may be made to the appellate briefs.

(4) *Argument*. An argument section explaining the reasons why transfer should be granted.

(5) *Conclusion*. A short and plain statement of the relief requested.

(6) *Word Count Certificate*, if necessary. See Rule 44(F).

(7) *Certificate of Service*. See Rule 24(D).

H. Considerations Governing the Grant of Transfer. The grant of transfer is a matter of judicial discretion. The following provisions articulate the principal considerations governing the Supreme Court's decision whether to grant transfer.

(1) *Conflict in Court of Appeals' Decisions*. The Court of Appeals has entered a decision in conflict with another decision of the Court of Appeals on the same important issue.

(2) *Conflict with Supreme Court Decision*. The Court of Appeals has entered a decision in conflict with a decision of the Supreme Court on an important issue.

(3) *Conflict with Federal Appellate Decision*. The Court of Appeals has decided an important federal question in a way that conflicts with a decision of the Supreme Court of the United States or a United States Court of Appeals.

(4) *Undecided Question of Law*. The Court of Appeals has decided an important question of law or a case of great public importance that has not been, but should be, decided by the Supreme Court.

(5) *Precedent in Need of Reconsideration*. The Court of Appeals has correctly followed ruling precedent of the Supreme Court but such precedent is erroneous or in need of clarification or modification in some specific respect.

(6) *Significant Departure From Law or Practice*. The Court of Appeals has so significantly departed from accepted law or practice or has sanctioned such a departure by a trial court or Administrative Agency as to warrant the exercise of Supreme Court jurisdiction.

Rule 58. Effect Of Supreme Court Ruling On Petition To Transfer

A. Effect of Grant of Transfer. The opinion or not-for-publication memorandum decision of the Court of Appeals shall be final except where a Petition to Transfer has been granted by the Supreme Court. If transfer is granted, the opinion or not-for-publication memorandum decision of the Court of Appeals shall be automatically vacated except for:

(1) those opinions or portions thereof which are expressly adopted and incorporated by reference by the Supreme Court; or

(2) those opinions or portions thereof that are summarily affirmed by the Supreme Court, which shall be considered as Court of Appeals' authority.

Upon the grant of transfer, the Supreme Court shall have jurisdiction over the appeal and all issues as if originally filed in the Supreme Court.

B. Effect of the Denial of Transfer. The denial of a Petition to Transfer shall have no legal effect other than to terminate the litigation between the parties in the Supreme Court. No Petition for Rehearing may be filed from an order denying a Petition to Transfer.

C. Supreme Court Evenly Divided. When the Supreme Court is evenly divided upon the question of accepting or denying transfer, transfer shall be deemed denied. When the Supreme Court is evenly divided after transfer has been granted, the decision of the Court of Appeals shall be reinstated.

Rule 59. Mandatory Appellate Review And Direct Review

A. Mandatory Appeals. All appeals over which the Supreme Court exercises exclusive jurisdiction under Rule 4(A)(1) and where the Supreme Court has accepted jurisdiction under Rule 56(A) shall be appealed in the same manner that cases are appealed to the Court of Appeals.

B. Direct Review. When the Supreme Court Justices participating are evenly divided in such an appeal, the trial court judgment shall be affirmed.

Rule 60. Original Actions

Petitions for writ of mandamus or prohibition are governed by the Rules of Procedure for Original Actions.

Rule 61. Mandate Of Funds

Supreme Court Review of cases involving the mandate of funds is commenced pursuant to the procedure in Trial Rule 60.5(B). The appeal shall thereafter proceed in accordance with such orders on briefing, argument and procedure as the Supreme Court may in its discretion issue.

Rule 62. Appeals Involving Waiver Of Parental Consent To Abortion

A. Applicability. This Rule governs an appeal by a minor or her physician from an adverse judgment or order of a trial court under Indiana Code 16-34-2-4.

B. Permitted Parties. For the purposes of this Rule, the term " physician" shall mean a natural person holding an unlimited license to practice medicine in the State of Indiana. The next friend of the minor shall be a natural person.

C. Appeal by Minor or Her Physician. A minor or her physician wishing to appeal a judgment or order denying the waiver of parental consent to abortion shall file with the trial court, no later than ten (10) days after entry of the order or judgment is noted in the Chronological Case Summary, a written request that the Record on Appeal be prepared and certified. The trial court judge shall promptly certify the judgment or order and summary findings of fact and conclusion of law, together with the Petition initiating the proceeding, and either a stipulation of the facts or an electronic transcription of the evidence taken in the proceeding. These certified documents shall constitute the Record on Appeal. The trial court shall promptly transmit the Record on Appeal to the Clerk. No motion to correct error, Notice of Appeal or Appellant's Case Summary shall be filed.

D. Appeal by State or Other Party. If the trial court grants the requested consent but the State or any other proper party wishes to appeal and obtains a stay of the trial court's order or judgment, the State or other party shall follow the procedure in Section C.

E. Decision by the Supreme Court. The appeal shall proceed directly to the Supreme Court, which shall decide the appeal on the Record on Appeal without briefs or oral argument, unless the Court otherwise directs. Any party may, however, file a short statement of special points desired to be brought to the attention of the Supreme Court, which statement need not conform to the usual requirements for appellate briefs.

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 Review may be sought.

C. Notice of Intent to Petition for Review. A party initiates a petition for review by 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.

No Appellant's Case Summary shall be filed by the petitioning party.

D. Clerk's Record and Transcript. The Clerk shall give notice of filing of the Notice of Intent to Petition for Review to the Court Reporter and shall assemble the Clerk's Record in accordance with Rule 10. The Court Reporter shall prepare and file the Transcript in accordance with Rule 11. The Clerk shall retain, transmit, and grant access to the Clerk's Record in accordance with Rule 12. Reference to the "trial court clerk" in Rules 10, 11, and 12 shall mean the Clerk.

E. Petition for Review. The petitioning party shall file its Petition for Review no later than thirty (30) days after:

(1) the date of the docket entry of the Clerk's Notice of Completion of Clerk's Record if the Notice reports that the Transcript is complete or that no Transcript has been requested; or

(2) in all other cases, the date of the docket entry of the Clerk's Notice of Completion of Transcript.

F. Brief in Response. A party may file a brief in response to the Petition for Review no later than thirty (30) days after the Petition is served.

G. Reply Brief. The petitioning party may file a reply brief no later than fifteen (15) days after a brief in response is served.

H. Review of Interlocutory Orders. Any party adversely affected by an interlocutory order of the Tax Court may petition the Supreme Court for Review of the order pursuant to Rule 14(B), which shall govern preparation of the Record on Appeal in interlocutory appeals. No Appellant's Case Summary or Notice of Intent to Petition for Review shall be filed after the Supreme Court accepts a petition for interlocutory review.

I. Form and Length Limits. A Petition for Review, any brief in response, and any reply brief are governed by Rules 43, 44, and 46; provided, that, immediately before the *Argument* section in the Petition for Review and brief in response there shall be a separate section entitled *Reasons for Granting* [or *Denying*] *Review*, which shall concisely explain why review should or should not be granted. Reference to the "appellant's brief," "appellee's brief." and "appellant's reply brief" in Rule 46 shall mean the Petition for Review, brief in response, and reply brief, respectively. No separate brief in support of the Petition shall be filed.

J. Fiscal Impact. Any brief may discuss the fiscal impact of the Tax Court's decision on taxpayers or government.

K. Extensions of Time. Extensions of time may be sought under Rule 35 except that no extension of the time for filing the Notice of Intent to Petition for Review shall be granted.

L. Appendices. Appendices shall be filed in compliance with Rules 49, 50, and 51, Reference to the "appellant's brief" and "appellee's brief" in Rule 49 shall mean the Petition for Review and brief in response, respectively.

M. Considerations Governing the Grant of Review. The grant of review is a matter of judicial discretion. The following provisions articulate the principal considerations governing the Supreme Court's decision whether to grant Review.

(1) *Conflict in Tax Court or Court of Appeals Decisions*. The Tax Court has entered a decision in conflict with another decision of the Tax Court or the Court of Appeals on the same important issue.

(2) *Conflict with Supreme Court Decision*. The Tax Court has entered a decision in conflict with a decision of the Supreme Court on an important issue.

(3) *Undecided Question of Law*. The Tax Court has decided an important question of law or a case of great public importance that should be decided by the Supreme Court.

(4) *Precedent in Need of Reconsideration*. The Tax Court has correctly followed the ruling precedent, but such precedent is erroneous or in need of clarification or modification in some specific respect.

(5) *Conflict with Federal Appellate Decision*. The Tax Court has decided an important federal question in a way that conflicts with a decision of the Supreme Court of the United States or a United States Court of Appeals.

(6) *Significant Departure From Law or Practice*. The Tax Court has so significantly departed from accepted law or practice as to warrant the exercise of the Supreme Court's jurisdiction.

N. Effect of Denial of Review. The denial of a Petition for Review shall have no legal effect other than to terminate the litigation between the parties in the Supreme Court. No Petition for Rehearing may be filed from an order denying a Petition for Review.

O. Effect of Grant of Review. After the Supreme Court grants review, the Tax Court retains jurisdiction of the case for the purpose of any interim relief or stays the parties may seek. The Supreme Court may review the Tax Court's disposition of any request for interim relief or stay.

P. Filing Fee. Upon the filing of a Petition for Review, the petitioner shall pay a fee of $125.00 to the Clerk in addition to any other fees to be paid to the Clerk. However, no filing fee is required if the petition is filed on behalf of a state or governmental unit or by a party who proceeded in *forma pauperis* in the Tax Court.

Q. Applicability of Other Appellate Rules. All other rules of appellate procedure shall apply to Petitions for Review from the Tax Court except as otherwise specifically provided in this Rule.

R. Supreme Court Evenly Divided. Where the Supreme Court is evenly divided, either upon the question of accepting or denying review, or upon the disposition of the case once review is granted, review shall be deemed denied and the decision of the Tax Court shall be final.

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.

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 65. Opinions And Memorandum Decisions

A. Criteria for Publication. All Supreme Court opinions shall be published. A Court of Appeals opinion shall be published if the case:

(1) establishes, modifies, or clarifies a rule of law;

(2) criticizes existing law; or

(3) involves a legal or factual issue of unique interest or substantial public importance.

Other Court of Appeals cases shall be decided by not-for-publication memorandum decision. A judge who dissents from a not-for-publication memorandum decision may designate the dissent for publication if one (1) of the criteria above is met.

B. Time to File Motion to Publish. Within thirty (30) days of the entry of the decision, a party may move the Court to publish any not-for-publication memorandum decision which meets the criteria for publication.

C. Official Reporter. West's Northeastern Reporter shall be the official reporter of the Supreme Court and the Court of Appeals.

D. Precedential Value of Not-For-Publication Memorandum Decision. Unless later designated for publication, a not-for-publication memorandum decision shall not be regarded as precedent and shall not be cited to any court except by the parties to the case to establish *res judicata*, collateral estoppel, or law of the case.

E. Certification of Opinion or Not-For-Publication Memorandum Decision. The Clerk shall serve uncertified copies of any opinion or not-for-publication memorandum decision by a Court on Appeal to all counsel of record, unrepresented parties, and the trial court at the time the opinion or memorandum decision is handed down. The Clerk shall certify the opinion or memorandum decision to the trial court or Administrative Agency only after the time for all Petitions for Rehearing, Transfer, or Review has expired, unless all the parties request earlier certification. If the Supreme Court grants transfer or review, the Clerk shall not certify any opinion or memorandum decision until final disposition by the Supreme Court. The trial court, Administrative Agency, and parties shall not take any action in reliance upon the opinion or memorandum decision until the opinion or memorandum decision is certified.

Rule 66. Relief Available On Appeal

A. Harmless Error. No error or defect in any ruling or order or in anything done or omitted by the trial court or by any of the parties is ground for granting relief or reversal on appeal where its probable impact, in light of all the evidence in the case, is sufficiently minor so as not to affect the substantial rights of the parties.

B. Dismissal of Appeals. No appeal shall be dismissed as of right because the case was not finally disposed of in the trial court or Administrative Agency as to all issues and parties, but upon suggestion or discovery of such a situation, the Court may, in its discretion, suspend consideration until disposition is made of such issues, or it may pass upon such adjudicated issues as are severable without prejudice to parties who may be aggrieved by subsequent proceedings in the trial court or Administrative Agency.

C. Disposition of Case. The Court may, with respect to some or all of the parties or issues, in whole or in part:

(1) affirm the decision of the trial court or Administrative Agency;

(2) reverse the decision of the trial court or Administrative Agency;

(3) order a new trial or hearing;

(4) if damages are excessive or inadequate, order entry of judgment of damages in the amount supported by the evidence;

(5) if damages are excessive or inadequate, order a new trial or hearing subject to additur or remittitur;

(6) order entry of Final Judgment;

(7) order correction of a judgment or order;

(8) order findings or a judgment be modified under Ind.Trial Rule 52(B);

(9) make any relief granted subject to conditions; and

(10) grant any other appropriate relief.

D. New Trial or Hearing. The Court shall direct that Final Judgment be entered or that error be corrected without a new trial or hearing unless this relief is impracticable or unfair to any of the parties or is otherwise improper. If a new trial is necessary, it shall be limited to those parties and issues affected by the error unless this would be impracticable or unfair.

E. Damages for Frivolous or Bad Faith Filings. The Court may assess damages if an appeal, petition, or motion, or response, is frivolous or in bad faith. Damages shall be in the Court's discretion and may include attorneys' fees. The Court shall remand the case for execution.

F. Execution From the Court on Appeal. Any execution issued by the Court on Appeal shall be the same as those issued by other courts of record and shall be returnable in the same manner.

Rule 67. Costs

A. Time for Filing Motion for Costs. Upon a motion by any party within sixty (60) days after the final decision of the Court of Appeals or Supreme Court, the Clerk shall tax costs under this Rule.

B. Components. Costs shall include:

(1) the filing fee, including any fee paid to seek transfer or review;

(2) the cost of preparing the Record on Appeal, including the Transcript, and appendices; and

(3) postage expenses for service of all documents filed with the Clerk.

The Court, in its discretion, may include additional items as permitted by law. Each party shall bear the cost of preparing its own briefs.

C. Party Entitled to Costs. When a judgment or order is affirmed in whole, the appellee shall recover costs. When a judgment has been reversed in whole, the appellant shall recover costs in the Court on Appeal and in the trial court or Administrative Agency as provided by law. In other cases, the recovery of costs shall be decided in the Court's discretion. Costs against any governmental organization, its officers and agencies, shall be imposed only to the extent permitted by law.

D. Supreme Court Equally Divided. When the Supreme Court justices participating in an appeal are equally divided, neither party shall be awarded costs. See Rule 58(C).

Effective Dates

These rules shall take effect as follows:

(A) Appeals and all other proceedings under the Rules of Appellate Procedure initiated on or after January 1, 2001 shall be governed in totality by the revised Rules of Appellate Procedure. Appeals shall be considered initiated either by:

(1) the filing a praecipe for appeal under the former rules (Former Appellate Rule 2), or;

(2) the filing of a notice of appeal under the revised rules (Revised Appellate Rule 9 and 14), or;

(3) in the case of other types of proceedings in which the appellate review process requires the filing of some other form of initiating document, the filing of such document.

(B) If more than one praecipe, notice of appeal, or other initiating document is filed, the appeal or other form of proceeding shall be considered initiated on the date of the filing of the first initiating document.

(C) Appeals initiated prior to January 1, 2001 shall be governed by the former Rules of Appellate Procedure throughout the appeal process except as follows:

(1) Revised Appellate Rule 25(C) provides generally for an automatic three-day extension of time to file responses to documents served by a party by mail. This is a change from former Appellate Rule 12(D), which allowed an automatic five-day extension for such responses. The revised rule shall apply to all responses to documents shown as filed on or after January 1, 2001.

(2) Proceedings on petitions for rehearing shall be governed by the revised rules if the first petition for rehearing is filed on or after January 1, 2001.

(3) Proceedings on petitions to transfer an appeal to the Supreme Court shall be governed by the revised rules if the first petition to transfer is filed on or after January 1, 2001.

(4) Proceedings on petitions for review of a Tax Court decision shall be governed by the revised rules if the first petition for review is filed on or after January 1, 2001.

SAMPLE FORMS	Format		
(1) 9-1 Notice of Appeal Rule 9(A)	WordPerfect	MS Word	Adobe PDF
(2) 9-2 Notice of Appeal of Administrative Agency Rule 9(I)	WordPerfect	MS Word	Adobe PDF
(3) 10-1 Notice of Completion of Clerk's Record Rule 10(C)	WordPerfect	MS Word	Adobe PDF
(4) 10-2 Notice of Completion of Transcript Rule 10(D)	WordPerfect	MS Word	Adobe PDF
(5) 10-3 Motion for Time to Compile Clerk's Record Rule 10(E)	WordPerfect	MS Word	Adobe PDF
(6) 11-1 Court Reporter's Notice that Transcript is Filed Rule 11(A)	WordPerfect	MS Word	Adobe PDF
(7) 11-2 Motion for Extension to File Transcript Rule 11(C)	WordPerfect	MS Word	Adobe PDF
(8) 14.1-1 Notice of Expedited Appeal	WordPerfect	MS Word	Adobe PDF
(9) 15-1 Appellant's Case Summary Rule 15(A)	WordPerfect	MS Word	Adobe PDF
(10) 28-1 Title Page and Cover Rule 28(A)(7)	WordPerfect	MS Word	Adobe PDF
(11) 40-1 Affidavit to Proceed in Forma Pauperis Rule 40(A)	WordPerfect	MS Word	Adobe PDF
(12) 43-1 Cover for Brief Rule 43(I)	WordPerfect	MS Word	Adobe PDF
(13) 51-1 Cover for Appendices Rule 51(E)	WordPerfect	MS Word	Adobe PDF

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. The Transcript of the evidence may be prepared in any commercially available word processing software system.

Standard 3. Pursuant to Appellate Rule 30(A)(5), 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 FAT or FAT-32 file system. Each electronic data storage device shall be prepared and designated as:

a. “Official record”

b. “Official working copy”

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), the court reporter shall retain a signed, read only “court reporter's copy” of the electronic Transcript in the original word processing version used for the transcription.