

# In the Indiana Supreme Court

Cause No. 19S-MS-41



## Order Amending Rules of Appellate Procedure

Under the authority vested in this Court to provide by rule for the procedure employed in all courts of this state and this Court's inherent authority to supervise the administration of all courts of this state, Indiana Rules of Appellate Procedure 9, 24, and 26 are amended as follows (deletions shown by ~~striking~~ and new text shown by underlining):

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### **Rules of Appellate Procedure**

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#### **Rule 9. Initiation Of The Appeal**

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**F. Content of Notice of Appeal.** The Notice of Appeal shall include the following:

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- (5) *Request for Transcript.* A designation of 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. The appellant must include the email address of the Court Reporter and must send by electronic transmission to the Court Reporter the Notice of Appeal.

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#### **Rule 24. Service Of Documents**

##### **A. Required Service.**

- (1) *Notice of Appeal.* A party filing a Notice of Appeal shall contemporaneously serve a copy upon:
  - (a) all parties of record in the trial court or Administrative Agency;
  - (b) [reserved]the clerk of the trial court or Administrative Agency;
  - (c) [reserved]the Court Reporter; and also serve the Court Reporter by electronic transmission;
  - (d) any persons identified in Rule 14.1, if applicable;
  - (e) the Attorney General in all Criminal Appeals and any appeals from a final judgment declaring a state statute unconstitutional in whole or in part;
  - (f) [reserved]the judge of the trial court or hearing officer of an Administrative Agency before whom the case was heard; and,
  - (g) any other persons required by statute to be served.

(See Form # App.R. 9-1).

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**D. Certificate of Service.**

(1) *Content.* Anyone tendering a document to the Clerk for filing shall:

- (a) certify that service has been made or will be made contemporaneously with the filing;
- (b) specifically list the persons served by name;
- (c) specify the date and means of service;
- (d) include any information required by Rule 14.1, if applicable; and,
- (e) if the document is a Notice of Appeal, certify the date on which the Notice of Appeal was filed with the Clerk. (See Form # App.R. 9-1).

(2) *Placement.* 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.~~

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**Rule 26. Electronic Transmission By Clerk**

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**D. Transmission of Notice of Appeal to Trial Court or Administrative Agency.** The Clerk shall electronically transmit the Notice of Appeal to:

- (1) the Court Reporters in the trial court county or Administrative Agency;
- (2) the clerk of the trial court or Administrative Agency; and
- (3) the judge of the trial court before whom the case was heard.

These amendments shall take effect on January 1, 2020.

Done at Indianapolis, Indiana, on 10/10/2019.



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Loretta H. Rush  
Chief Justice of Indiana

All justices concur.