

# In the Indiana Supreme Court



Cause No. 21S-MS-19

## Order Amending Rules of Trial Procedure

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

...

### Rule 3.1 Appearance

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

...

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

...

### Rule 5. Service and Filing of Pleadings, Documents, and Other Papers

...

(F) **Filing With the Court Defined.** The filing of pleadings, motions, and other papers with the court as required by these rules shall be made by one of the following methods:

...

(6) Electronic filing, as approved by the Indiana Office of Judicial Administration (IOJA) pursuant to Trial Rule ~~8786~~.

...

### Rule 9.2. Pleading and proof of written instruments

(A) **When instrument or copy, or an Affidavit of Debt shall be filed.** When any pleading allowed by these rules is founded on a written instrument, the original, or a copy thereof, shall be included in or filed with the pleading. Such instrument, whether copied in the pleadings or not, shall be taken as part of the record. Further,

...

(2) in addition to the requirements set forth above in subsection (1), if the claim is on an account, the plaintiff is not the original creditor, and the claim arises from a debt that is primarily for personal, family, or household purposes, the plaintiff shall provide

an Affidavit of Debt that shall have attached as one or more Exhibits which shall include:

...

(d) Subsection (2) does not apply to mortgage foreclosures.

...

**Rule 53.3. Motion to correct error: time limitation for ruling**

...

**(B) Exceptions.** The time limitation for ruling on a motion to correct error established under Section (A) of this rule ~~doesshall~~ not apply where:

~~(1) The party has failed to serve the judge personally; or~~

~~(12)~~ The parties who have appeared or their counsel stipulate or agree on record that the time limitation for ruling set forth under Section (A) ~~doesshall~~ not apply; or

~~(23)~~ The time limitation for ruling has been extended by Section (D) of this rule.

...

**Rule 59. Motion to correct error**

...

**(C) Time for filing: ~~Service on judge~~.** The motion to correct error, if any, ~~must~~shall be filed not later than thirty (30) days after the entry of a final judgment is noted in the Chronological Case Summary. ~~A copy of the motion to correct error shall be served, when filed, upon the judge before whom the case is pending pursuant to Trial Rule 5.~~ The time at which the court is deemed to have ruled on the motion is set forth in T.R. 53.3.

...

**Rule 63. Disability and Unavailability of Judge**

**(A) Disability and unavailability after the trial or hearing.** The judge who presides at the trial of a cause or a hearing at which evidence is received shall, if available, hear motions and make all decisions and rulings required to be made by the court relating to the evidence and the conduct of the trial or hearing after the trial or hearing is concluded. If the judge before whom the trial or hearing was held is not available by reason of death, sickness, absence or unwillingness to act, then any other judge regularly sitting in the judicial circuit or assigned to the cause may perform any of the duties to be performed by the court ~~after the verdict is returned or the findings or decision of the court is filed~~; but if he is satisfied that he cannot perform those duties because he did not preside at the trial or for any other reason, he may in his discretion grant a new trial or new hearing, in whole or in part. The unavailability of any such trial or hearing judge shall be determined and shown by a court order made by the successor judge at any time.

...

**Rule 84. Effective Date [Vacated]**

~~These rules will take effect on January 1, 1970. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that in the opinion of the court their application in a particular action pending when the rules take effect would not be feasible or would work injustice, in which event the former procedure applies.~~

...

**Rule 86. General Electronic Filing and Electronic Service**

**(A) Definitions. For purpose of Trial Rules 86, 87, 88:**

...

(12) *User.* ~~User is a Registered User or Filing User.~~ A User is a person or entity with a user ID and password assigned by the IEFS or its designee who is authorized to use the IEFS for the electronic filing or service of documents. A User must execute a User Agreement with one or more EFSP before that User may utilize the IEFS.

**(B) Service of Pleadings, Documents, and Other Papers.**

...

(3) *Service of Subsequent ~~Documents and Other Papers~~Pleadings*

...

The amendments are effective as of the date of this order.  
Done at Indianapolis, Indiana, on 7/15/2021.



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Loretta H. Rush  
Chief Justice of Indiana

All Justices concur.