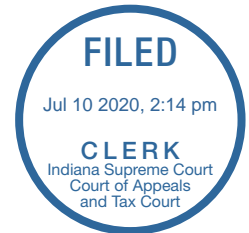


# In the Indiana Supreme Court

Cause No. 20S-MS-1



## Order Amending Rules of Appellate Procedure

Under the authority vested in this Court to provide by rule for the procedures employed in all courts of this state and this Court's inherent authority to supervise the administration of all courts of this state, the order amending the Rules of Appellate Procedure issued on June 26, 2020 is hereby rescinded and the Indiana Rules of Appellate Procedure 11, 22, 26, 29, 49, Appendix A, and Appendix B are amended as follows (deletions shown by ~~striking~~ and new text shown by underlining):

...

### Rules of Appellate Procedure

...

#### Rule 11. Duties Of Court Reporter

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**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. The motion to compel shall be verified and affirmatively state that ~~the motion was served on the Court Reporter service as required under Rule 24(A)(1) was properly made~~ and that the appellant has complied with the agreement for payment made in accordance with Rule 9(H). Failure of appellant to seek such an order not later than seven (7) days after the Transcript was due to have been filed with the trial court clerk shall subject the appeal to dismissal.

...

#### Rule 22. Citation Form

...

### **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**

~~Ind. Code § 34-1-1-1 (20xx)~~  
~~34 Ind. Admin. Code 12-5-1 (2004)~~  
~~29 Ind. Reg. 11 (Oct. 1, 2005)~~  
~~Ind. Trial Rule 56~~  
~~Ind. Crim. Rule 4(B)(1)~~  
~~Ind. Post Conviction Rule 2(2)(b)~~  
~~Ind. Appellate Rule 8~~

#### **SUBSEQUENT**

~~I.C. § 34-1-1-1~~  
~~34 I.A.C. 12-5-1~~  
~~29 I.R. 11~~  
~~T.R. 56~~  
~~Crim. R. 4(B)(1)~~  
~~P.C.R. 2(2)(b)~~  
~~App. R. 8~~

<del>Ind. Original Action Rule 3(A)</del>	<del>Orig. Act. R. 3(A)</del>
<del>Ind. Child Support Rule 2</del>	<del>Child Supp. R. 2</del>
<del>Ind. Child Support Guideline 3(D)</del>	<del>Child Supp. G. 3(D)</del>
<del>Ind. Small Claims Rule 8(A)</del>	<del>S.C.R. 8(A)</del>
<del>Ind. Tax Court Rule 9</del>	<del>Tax Ct. R. 9</del>
<del>Ind. Administrative Rule 7(A)</del>	<del>Admin. R. 7(A)</del>
<del>Ind. Judicial Conduct Rule 2.1</del>	<del>Jud. Cond. R. 2.1</del>
<del>Ind. Professional Conduct Rule 6.1</del>	<del>Prof. Cond. R. 6.1</del>
<del>Ind. Alternative Dispute Resolution Rule 2</del>	<del>A.D.R. 2</del>
<del>Ind. Admission and Discipline Rule 23(2)(a)</del>	<del>Admis. Disc. R. (2)(a)</del>
<del>Ind. Evidence Rule 301</del>	<del>Evid. R. 301</del>
<del>Ind. Jury Rule 12</del>	<del>J.R. 12</del>
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. Access to Court Records Rule 7	A.C.R. 7
Ind. Administrative Rule 7(A)	Admin. R. 7(A)
Ind. Admission and Discipline Rule 23(2)(a)	Admis. Disc. R. (2)(a)
Ind. Alternative Dispute Resolution Rule 2	A.D.R. 2
Ind. Appellate Rule 8	App. R. 8
Ind. Child Support Rule 2	Child Supp. R. 2
Ind. Child Support Guideline 3(D)	Child Supp. G. 3(D)
Ind. Crim. Rule 4(B)(1)	Crim. R. 4(B)(1)
Ind. Evidence Rule 301	Evid. R. 301
Ind. Judicial Conduct Rule 2.1	Jud. Cond. R. 2.1
Ind. Jury Rule 12	J.R. 12
Ind. Original Action Rule 3(A)	Orig. Act. R. 3(A)
Ind. Post-Conviction Rule 2(2)(b)	P-C.R. 2(2)(b)
Ind. Professional Conduct Rule 6.1	Prof. Cond. R. 6.1
Ind. Small Claims Rule 8(A)	S.C.R. 8(A)
Ind. Tax Court Rule 9	Tax Ct. R. 9
Ind. Trial Rule 56	T.R. 56

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)

Subsequent: 34 I.A.C. 12-5-1

Initial: Ind. Reg. LSA Doc. No. 05-0065 (July 26, 2006)

Subsequent: I.R. 05-0065

...

**Rule 29. Exhibits**

**A. Documentary Exhibits.** Documentary exhibits, including testimony in written form filed in Administrative Agency proceedings and photographs, shall be included in separate volumes that conform to the requirements of Appendix A(1), (2)(a), (11), and (12), ~~and (14)~~. The Court Reporter shall also prepare an index of the exhibits contained in the separate volumes, and that index will be placed at the front of the first volume of exhibits. Documentary exhibit volumes shall ~~may~~ be submitted in ~~either~~ electronic ~~or paper~~ format ~~in accordance with Appellate Rule 28(c)~~. Documentary exhibit volumes submitted in electronic format shall additionally conform to the requirements of Appendix A(15)-(19). The documentary exhibit volumes shall be transmitted to the Clerk with the electronic Transcript, using the same method of transmission as the electronic Transcript.

**B. Audio and Video Recordings.** Exhibits in the form of audio or video recordings shall be separately submitted to the Clerk on CD, DVD, flash drive, or other physical media at the same time as the Transcript and documentary exhibits are filed. Such CDs, DVDs, flash drives, or physical media shall be submitted in an envelope stapled into a conventional volume. ~~Audio or video recordings submitted on physical media in criminal cases shall be returned to the trial court five (5) years after the appellate case is concluded. Audio or video recordings submitted on physical media in civil cases shall be returned to the trial court sixty (60) days after the appellate case is concluded.~~

**C. 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. ~~Nondocumentary and oversized exhibits sent to the Court in criminal cases shall be returned to the trial court five (5) years after the appellate case is concluded. Nondocumentary and oversized exhibits sent to the Court in civil cases shall be returned to the trial court sixty (60) days after the appellate case is concluded.~~

...

**Rule 49. Filing Of Appendices**

**C. Retendered Appendices.** ~~If an appendix is received but not filed in accordance with Appellate Rule 23(D), all volumes of the Appendix shall be retendered.~~

...

**Appendix A. Standards for Preparation of Electronic Transcripts**

...

(11) *Volume.* ~~A Transcript volume shall be a single PDF or PDF/A file consisting of no more than two hundred fifty (250) pages. Each volume shall be numbered at the bottom starting with numeral one on each volume's front page. Multiple hearings shall be combined into a single volume until the volume reaches two hundred fifty (250) pages or fifty megabytes (50MB). If a single volume exceeds fifty megabytes (50MB), the number of pages may be fewer than two hundred fifty (250) pages. The table of contents volume shall note each such instance of reduced page count. A Transcript volume shall be a single PDF or PDF/A file consisting of no more than the lesser of two hundred fifty (250) pages or fifty megabytes (50 MB). Each volume shall be numbered at the bottom starting with numeral one on each volume's front page.~~

...

**Appendix B. Tendered Documents That Do Not Comply with the Indiana Rules of Appellate Procedure.**

- (1) A Notice of Defect may be issued if one or more of the following is missing, insufficient, or incomplete.

...

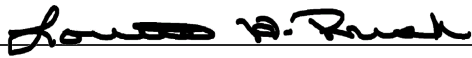
(l) For a non-public access version of a document, a conspicuous designation of “Not for Public Access” or “Confidential” on the first page, see App. R. 23(F).

...

- (3) A Notice of Defect may be issued if the document is otherwise defective because:
- (a) Document Production issues exist, **except for hyperlinks, which may appear in a color other than black**, see App. Rs. 43(C), 51(A), and/or 54(F);

These amendments shall take effect September 1, 2020 except for Appellate Rule 29(A) which goes into effect January 1, 2021.

Done at Indianapolis, Indiana, on 7/10/2020.

  
\_\_\_\_\_  
Loretta H. Rush  
Chief Justice of Indiana

All Justices concur.