

## Rules of Appellate Procedure

### Rule 9. Initiation Of The Appeal

#### A. Procedure for Filing the Notice of Appeal with the Clerk of the Indiana Supreme Court, Court of Appeals and Tax Court.

- (1) *Appeals from Final Judgments.* A party initiates an appeal by filing a Notice of Appeal with the Clerk (as defined in Rule 2(D)) 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 ~~conventionally~~ 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.

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- (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 ~~conventionally~~ filing a Notice of Appeal with the Clerk within thirty (30) days after the date of the order, ruling or decision, notwithstanding any statute to the contrary.

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**C. Joint Appeals.** If two (2) or more persons are entitled to appeal from a single judgment or order, they may proceed jointly by ~~conventionally~~ filing a joint Notice of Appeal. The joined parties may, thereafter, proceed on appeal as a single appellant.

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## Rules of Appellate Procedure

### Rule 14. Interlocutory Appeals

**A. Interlocutory Appeals of Right.** Appeals from the following interlocutory orders are taken as a matter of right by **conventionally** filing a Notice of Appeal with the Clerk within thirty (30) days after the notation of the interlocutory order in the Chronological Case Summary:

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**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.

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- (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. The motion shall be accompanied by an appearance as required by Rule 16(H).
  - (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 **conventionally** filed within thirty (30) days after the date the trial court's certification is noted in the Chronological Case Summary.

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- (3) *Filing of Notice of Appeal.* The appellant shall **electronically** file a Notice of Appeal with the Clerk within fifteen (15) days of the Court of Appeals' order accepting jurisdiction over the interlocutory appeal. The Notice of Appeal shall be in the form prescribed by Rule 9, and served in accordance with Rule 9(F)(10). 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 **conventionally** filed within thirty (30) days after the notation of the order in the Chronological Case Summary. The Motion shall be accompanied by an appearance as required by Rule 16(H).

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- (5) *Filing of Notice of Appeal.* The appellant shall **electronically** file a Notice of Appeal with the Clerk within fifteen (15) days of the Court of Appeals' order accepting jurisdiction over the interlocutory appeal. The Notice of Appeal shall be in the form prescribed by Rule 9, and served in accordance with Rule 9(F)(10). The appellant shall also comply with Rule 9(E).

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**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 ~~conventionally~~ file a Notice of Expedited Appeal with the Clerk within five (5) business days after the trial court's order of placement and/or services is noted in the Chronological Case Summary. (See Form #App.R. 9-1).
- (2) On the same day DCS ~~conventionally~~ files the Notice of Expedited Appeal, it shall serve the Notice on the trial court judge, the clerk of the trial court, the Court Reporter (if a Transcript, or any portion of a Transcript is requested), the 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.

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## Rules of Appellate Procedure

### Rule 16. Appearances

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**B. Responding Parties.** All other parties participating in an appeal shall file an appearance form with the Clerk. (See Form # App.R. 16-1). 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 fifteen (15) days after the filing of the Notice of Appeal or contemporaneously with the first document filed by the appearing party, whichever comes first. The appearance form shall contain the following:

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- (4) Certification that the contact information listed on the Indiana Supreme Court Roll of Attorneys for each attorney is current and accurate as of the date the Appearance is filed (Attorneys can review and update their Roll of Attorneys contact information on the Indiana Courts Portal);

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**H. Appearances in Certain Interlocutory Appeals.** In the case of an Interlocutory Appeal under Rules 14(B)(2) or 14(C), a party shall ~~conventionally~~ file an appearance setting forth the information required by Rule 16(B) at the time the motion requesting the Court on Appeal to accept jurisdiction over the interlocutory appeal is filed. (See Form # App. R. 16-2).

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### Rule 29. Exhibits

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**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 other physical media shall be submitted in an envelope stapled into a conventional volume.

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## Rules of Appellate Procedure

### Rule 49. Filing Of Appendices

**A. Time for Filing.** Any party shall file its Appendix on or before the date on which the party's brief is filed. Any party may file a supplemental Appendix without leave of court until the final reply brief is filed. Any party must seek leave of court to amend a filed Appendix. 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.

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## Rules of Appellate Procedure

### **Rule 50. Contents Of Appendices**

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**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. The Table of Contents shall be submitted as Appendix Volume 1 in accordance with Rule 51(F).

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## Rules of Appellate Procedure

### Rule 63. Review of Tax Court Decisions

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**C. Notice of Intent to Petition for Review.** A party initiates a Petition for Review by ~~conventionally~~ 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.

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## Rules of Appellate Procedure

### **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~~Court shall tax costs under this Rule.

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