

# Appeals & Appellate Decisions

## Transcripts in Appeals

### Appellate Rules 28, 29 and 30

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Most of the technical requirements of Ind. Appellate Rule 28 have been moved to Appendix A of the Appellate Rules. Please keep in mind:

- 8-1/2 x 11-inch page size;
- the lines of each page are numbered;
- each page must contain no less than 25 lines (unless it is a final page);
- pages are numbered independently and consecutively at the bottom. Each volume shall begin with the numeral one on its front page.
- all margins are one inch from the edge of the page;
- references to speakers and events that occur throughout proceedings must be properly noted in capital letters and centered on the appropriate line;
- fonts must be 12-point type or smaller; see App. R. 43(D) for list of acceptable fonts;
- lines shall be double spaced;
- records excluded from Public Access pursuant to Administrative Rule 9(G) are excluded from Public Access and compliance with the provisions of App. R. 23(F) is required.

Please keep in mind the following:

- **All volumes have a cover page containing the case information and clearly identifying the volume (e.g., Transcript, Vol. 1 or Exhibits, Vol. 3).**
- All electronic volumes of Transcripts and Exhibits are in PDF format.
- **Short transcripts are combined into one large volume** (up to 250 pages). Identify on a cover sheet what hearings are contained in the volume. A volume may be less than 250 pages to avoid splitting a hearing between volumes.
- All transcripts are accompanied by a single **Table of Contents** for all the transcribed hearings.

In addition to this manual and the text of Appellate Rule 28 itself, useful information about preparation of transcripts may be found in the Court Reporter's Handbook.

## Electronic Transcripts

App. R. 28(C) addresses the submission of electronic transcripts. Following certification of the Transcripts, the Court Reporter shall submit the electronic transcript either through the electronic filing system or on physical media such as USB drives or DVDs. Transcripts submitted on physical media shall be submitted in duplicate on separate physical media.

Points to remember about electronic Transcripts:

- The court reporter must transcribe the evidence on media meeting standards established by Appendix A.
- The electronic Transcript is paginated and the lines sequentially numbered. Although marginal notes are not required, the electronic Transcript must designate the point at which exhibits, by exhibit number, are considered at trial.
- Submission of exhibits is governed by App. R. 29.
- Ind. Administrative Rule 9(G)(4) governs access to records in appellate proceedings. **Electronic transcripts are not exempt from compliance with confidentiality requirements.**

- The electronic media upon which the electronic Transcript is transcribed is labeled in accordance with the Rule.
- The court reporter's signature on the electronic media constitutes the reporter's certificate.

## **Exhibits**

Indiana Appellate Rule 29 addresses exhibits in appeals.

- Beginning January 1, 2021, documentary exhibits must be submitted in electronic format. A tutorial is available on the Court's e-filing website
- An index of all the exhibits shall be placed in the front of the first volume of exhibits. Each subsequent volume shall have a cover page and exhibits. Each volume may have up to 250 pages or 50 megabytes of data. The index of exhibits shall identify each exhibit's number or letter, the name of the party that offered the exhibit into evidence, and the exhibit volume and page number where the exhibit is located.
- Documentary exhibits shall be included in separate volumes that comply with App. R., Appendix A (1), (2)(a), (11), (12), and (14).
- Nondocumentary and oversized exhibits shall not be sent to the Court on appeal but remain in the custody of the trial court.
- If an exhibit was accompanied by a Notice of Exclusion, the court reporter must comply with Access to Court Records Rule 5.
- Exhibit Volumes containing audio or video recordings must be submitted in conventional paper volumes with cover pages. The disks or flash drives must be in envelopes that are securely adhered to conventional volume pages in a manner that allows them to be secure and accessible to Court staff. This volume may not contain any documents/photographs.
- The most common acceptable format for audio/visual files is a Wave File (.wav).
- Post-Conviction Exhibits in which the party tendered the direct criminal appeal record as an exhibit in the PCR hearing should contain a notation regarding what items were admitted in the index with a notation that the documents were returned to the original custody of the Appellate Clerk. The transcript, exhibits,

table of contents, appendices and briefs from the criminal case should not be submitted/reproduced in the PC exhibit volume. The party shall file a motion with the Appellate Court to transfer the direct appeal records into the PC appeal. The only exhibits in the PC exhibit should be anything that was newly submitted at the PCR hearing.