

In the
Indiana Supreme Court



CAUSE NUMBER: 94S00-1401-MS-57

ORDER AMENDING INDIANA 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 2, 3, 9, 10, 11, 12, 14, 14.1, 23, 24, 28, 29, 30, 43, 53, 65, Appendix B to Rule 30 and Forms 9-1, 11-3, 11-4 and 16-1 are amended as follows (deletions shown by ~~striking~~ and new text shown by underlining):

Indiana Rules of Appellate Procedure

...

Rule 2. Definitions

In these Rules, the following definitions apply:

...

G. Criminal Appeals. Criminal Appeals are those cases which were designated by the originating court as a Murder – MR, Class A Felony – FA, Class B Felony – FB, Class C Felony – FC, Class D Felony – FD, Level 1 Felony – F1, Level 2 Felony – F2, Level 3 Felony – F3, Level 4 Felony – L4, Level 5 Felony – F5, Level 6 Felony – F6, Criminal Felony--CF; Class D Felony--DF; Criminal Misdemeanor--CM; Post Conviction Relief--PC; Juvenile Status--JS; Juvenile Delinquency--JD; Infraction--IF; Miscellaneous Criminal--MC; Local Ordinance Violation--OV, and Exempted Ordinance Violation--OE. This definition is for ease of reference and does not change the substantive rights of the parties.

...

N. Case Record, ~~and Case Court Records, and Excluded From Public Access.~~ The terms "Case Record," "Court Record," and "Public Access" shall have the definitions provided in mean a record defined by Administrative Rule 9(C)(2). ~~"Case Records Excluded From Public Access" shall mean records identified in Administrative Rule 9(G)(1).~~

O. Court Reporter. "Court Reporter" shall mean a person who is designated by a court or Administrative Agency to perform official reporting services, including preparing the Transcript.

...

Rule 3. Use Of Forms

Counsel, parties, eCourt rReporters, and trial court clerks are encouraged to use the forms published in an Appendix to these Rules.

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Rule 9. Initiation Of The Appeal

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B. Death Penalty Cases. When a trial court imposes a death sentence, it shall on the same day sentence is imposed, order the eCourt rReporter and trial court clerk to begin immediate preparation of the Record on Appeal.

...

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

...

(6) *Public Access Information.* A statement whether ~~all or any portion of the eCourt rRecords~~ were ~~sealed or~~ excluded from ~~pPublic aAccess~~ by court order.

...

(9) *Certification.* A certification, signed by the attorney or pro se party, certifying the following:

...

(b) That the attorney or pro se party has reviewed and complied, and will continue to comply, with the requirements of Rule 9(J) and Administrative Rule 9(G)(4), to the extent they apply to the appeal; and

...

G. Supplemental Request for Transcript. Any party to the appeal may file with the trial court clerk or the Administrative Agency, without leave of court, a request with the eCourt rReporter or the Administrative Agency for additional portions of the Transcript.

...

J. ~~All Court Records Documents and Information~~ Excluded from Public Access ~~and Confidential Pursuant to Administrative Rule 9(G).~~ In cases where all Court Records Documents and information are excluded from ~~pPublic aAccess~~ pursuant to Administrative Rule 9(G)(1), the Clerk shall make the appellate Chronological Case Summary for the case publicly accessible but shall identify the names of parties and affected persons in a manner reasonably calculated to provide anonymity and privacy shall be filed in accordance with Trial Rule 5(G) and Administrative Rule 9(G).

...

Rule 10. Duties Of Trial Court Clerk Or Administrative Agency

A. Notice to Court Reporter of Transcript Request. If a Transcript is requested, the trial court clerk or the Administrative Agency shall give immediate notice of the filing of the Notice of Appeal and the requested Transcript to the eCourt rReporter.

...

D. Notice of Completion of Transcript. If the Transcript has been requested but has not been filed when the trial court clerk or Administrative Agency issues its Notice of Completion of the Clerk's Record, the trial court clerk or Administrative Agency shall issue and file a Notice of Completion of Transcript with the Clerk and shall serve a copy on the parties to the appeal in accordance with Rule 24 within five (5) days after the eCourt rReporter files the Transcript. (See Form #App.R. 10-2)

...

Rule 11. Duties Of Court Reporter

A. Preparation of Transcript. The eCourt rReporter shall prepare, certify and file the Transcript designated in the Notice of Appeal with the trial court clerk or Administrative Agency in accordance with Rules 28, 29, and/or 30. Preparation of the separately-bound volumes of exhibits as required by Rule 29 is considered part of the Transcript preparation process. The eCourt rReporter shall provide notice to all parties to the appeal that the transcript has been filed with the clerk of the trial court or Administrative Agency in accordance with Rules 28, 29, and/or 30. (See Form # App.R. 11-1)

...

Rule 12. Transmittal Of The Record

...

B. Transcript. In appeals other than Criminal Appeals, the trial court clerk shall retain the Transcript until the Clerk notifies the trial court clerk that all briefing is completed, and the trial court clerk shall then transmit the Transcript to the Clerk. In Criminal Appeals in which the appellant is not represented by the State Public Defender, the Clerk shall notify the trial court clerk when the Appellant's brief has been filed, and the trial court clerk will then transmit the Transcript to the Clerk. In Criminal Appeals in which the appellant is represented by the State Public Defender, the trial court clerk shall transmit the Transcript to the Clerk when the eCourt rReporter has completed the preparation, certification and filing in accordance with Rule 11(A). The trial court clerk is entitled to obtain from the appellant reimbursement for the cost of transmitting the Transcript. Any party may withdraw the Transcript or, at the trial court clerk's option, a copy, at no extra cost, from the trial court clerk for a period not to exceed the period in which the party's brief is to be filed. Any party may move the Court on Appeal to order the trial court clerk to transmit the Transcript at a different time than provided for in this Rule.

...

Rule 14. Interlocutory Appeals

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E. Clerk's Record and Transcript. The Clerk's Record shall be assembled in accordance with Rule 10. The eCourt rReporter shall file the Transcript in accordance with Rule 11.

...

Rule 14.1. Expedited Appeal for Payment of Placement and/or Services

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B. Notice of Expedited Appeal.

...

(2) On the same day DCS files the Notice of Expedited Appeal, it shall serve the Notice on the trial court judge, the clerk of the trial court, the eCourt rReporter (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.

...

Rule 23. Filing

...

F. Confidentiality of Court Records on Appeal.

(1) Court Records are accessible to the public, except as provided in Administrative Rule 9(G).

(2) If a Court Record was excluded from Public Access in the trial court in accordance with Administrative Rule 9(G), the Court Record shall remain excluded from Public Access on appeal unless the Court on Appeal determines the conditions in Administrative Rule 9(G)(7) are satisfied.

(3) Any Court Record excluded from Public Access on appeal must be filed in accordance with Administrative Rule 9(G)(5).

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Rule 24. Service Of Documents

A. Required Service.

...

(c) the eCourt rReporter;

Rule 28. Preparation Of Transcript In Paper Format By Court Reporter

A. Paper Transcript. Except as provided in Rule 30, the court reporter shall prepare a paper Transcript as follows:

...

(4) *Header or Footer Notations.* The eCourt Reporter shall note in boldface capital letters at the top or bottom of each page where a witness' direct, cross, or redirect examination begins. No other notations are required.

...

(8) *Table of Contents.* The eCourt Reporter shall prepare a table of contents listing each witness and the volume and page where that witness' direct, cross, and redirect examination begins. The table of contents shall identify each exhibit offered and shall show the Transcript volumes and pages at which the exhibit was identified and at which a ruling was made on its admission in evidence. The table of contents shall be a separately bound volume.

(9) Court Records excluded by Administrative Rule 9(G).

(a) In cases where all of the Court Records are excluded from Public Access pursuant to Administrative Rule 9(G)(1), the Transcript shall be excluded from Public Access.

(b) If, during the hearing or trial a party or person identified any oral statement(s) to be excluded from Public Access, the Court Reporter must comply with the requirements of Administrative Rule 9(G)(5)(b) with regard to the statement(s) and must note in the Transcript the specific 9(G)(2) or 9(G)(3) ground(s) identified by the party or person.

(c) Additionally, until the time the Transcript is transmitted to the Court on Appeal, any party or person may file written notice with the Trial Court identifying:

(i) the transcript page and line number(s) containing any Court Record to be excluded from Public Access; and

(ii) the specific Administrative Rule 9(G)(2) or 9(G)(3) grounds upon which that exclusion is based. (See Form #App.R. 11-3.)

This written notice must be served on the Court Reporter and, upon receipt of the written notice, the Court Reporter must refile the Transcript in compliance with the requirements of Administrative Rule 9(G)(5)(b) and must note in the Transcript the specific 9(G)(2) or 9(G)(3) grounds(s) identified by a party or person.

(d) After the Transcript has been transmitted to the Court on Appeal, any request by a party or person to exclude a Court Record in the Transcript from Public Access must be made to the Court on Appeal and must contain the specific Administrative Rule 9(G)(2) or 9(G)(3) ground(s) upon which that exclusion is based. Upon receipt of an order from the Court on Appeal, the Court Reporter must re-file the Transcript in compliance with the requirements of Administrative Rule 9(G)(5)(b).

B. Certification. The eCourt Reporter shall certify the Transcript is correct, and file the certificate with the trial court clerk or appropriate administrative officer.

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Rule 29. Exhibits

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C. Administrative Rule 9(G). If an exhibit was accompanied by the separate written notice required by Administrative Rule 9(G)(5)(a)(i)(b), the court reporter must comply with the requirements of Administrative Rule 9(G)(5)(b) when the exhibit is thereafter filed with the Trial Court Clerk.

...

Rule 30. Preparation of Transcript in Electronic Format Only

A. Preparation of Electronic Transcript. With the approval of all parties on appeal and the Court on Appeal, the eCourt Reporter shall submit only an electronically formatted Transcript in accordance with the following:

...

(2) *Transcription of Evidence.* Consistent with the standards set forth in this rule, the eCourt Reporter shall transcribe the evidence on an electronically formatted medium thereby creating an electronic Transcript. The electronic Transcript shall be paginated and the lines sequentially numbered. Marginal notations are not required, but the electronic Transcript shall designate the point at which exhibits, by exhibit number, are considered at trial.

...

(5) *Labeling.* The eCourt Reporter shall transcribe the evidence on one or more sequentially numbered electronic data storage devices for each complete transcription. Each device shall be labeled or tagged to identify the names of the parties and case number in the proceedings in the trial court; the Court on Appeal case number, if known; the device sequence number, if more than one (1) device is required for a complete Transcript; the signature of the eCourt Reporter; and whether the device is the official record, official working copy, eCourt Reporter's copy, or party copy.

(6) *Certification of Electronic Record.* The signature of the eCourt Reporter on the electronic data storage device shall constitute the reporter's certificate.

B. Submission of Electronic Transcript. Following certification of the Transcript, the eCourt Reporter shall seal the official record and official working copy in an envelope or package bearing the trial court case number and marked "Transcript". The eCourt Reporter shall retain the eCourt Reporter's copy of the electronic Transcript and provide each party with the party's copy of the electronic Transcript. The sealed electronic Transcript copies, paper exhibits, and

photographic reproductions of oversized exhibits (if included pursuant to Rule 29(a)) shall be filed with the trial court clerk in accordance with Rule 11.

C. Processing of Electronic Transcript by Clerk. Upon receipt of an electronic Transcript, the Clerk shall file stamp the envelope that will be used to store the electronic data storage device; the original envelope submitted by the ~~e~~Court ~~r~~Reporter may be used for this purpose, if appropriate. The Clerk shall transmit and microfilm the record in a format as directed by the Court. Standards for the microfilm process shall conform to Administrative Rule 6. The official copy will remain in the custody and control of the Clerk pending the appeal. The official working copy will be employed by the Court on Appeal during its review of the case. Following the completion of the case, a paper or microfilm copy of the electronic Transcript shall be indexed as part of the case.

...

Rule 43. Form Of Briefs And Petitions

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E. Spacing. All ~~printing in the~~ text shall be double-spaced, except ~~lengthy quotes and that~~ footnotes, ~~tables, charts, or similar material and text that is blocked and indented~~ shall be single-spaced. Single-spaced lines shall be separated by at least 4-point spaces.

...

Rule 53. Procedures For Oral Argument

...

H. Appeals Involving Court Records Excluded From Public Access. In any appeal in which ~~ease~~Court ~~r~~Records are ~~deemed confidential or~~ excluded from ~~p~~Public ~~a~~Access, the parties and ~~their~~ counsel shall ~~conduct at any~~ oral argument ~~and in any public hearing conducted in the~~ appeal, shall refer to the case and parties only as identified in the appellate Chronological Case Summary and shall not disclose any matter excluded from Public Access ~~in a manner~~ ~~reasonably calculated to provide anonymity and privacy~~ in accordance with the requirements of Administrative Rule 9(G)~~(4)~~.

...

Rule 65. Opinions And Memorandum Decisions

A. Criteria for Publication. All Supreme Court opinions shall be published in the official reporter. A Court of Appeals opinion shall be published in the official reporter and be citable if the case:

- (1) establishes, modifies, or clarifies a rule of law;
- (2) criticizes existing law; or
- (3) involves a legal or factual issue of unique interest or substantial public importance.

Other Court of Appeals cases shall be decided by ~~not-for-publication~~ memorandum decision that are not published in the official reporter and are not citable except as provided in (D). A judge who dissents from a ~~not-for-publication~~ memorandum decision may designate the dissent for publication in the official reporter if one (1) of the criteria above is met.

B. Time to File Motion to Publish. Within ~~thirty (30)~~fifteen (15) days of the entry of the decision, a party may move the Court to publish in the official reporter any ~~not-for-publication~~ memorandum decision which meets the criteria for publication in the official reporter.

C. Official Reporter. West's Northeastern Reporter shall be the official reporter of the Supreme Court and the Court of Appeals.

D. Precedential Value of ~~Not-For-Publication~~ Memorandum Decision. Unless later designated for publication in the official reporter, a ~~not-for-publication~~ memorandum decision shall not be regarded as precedent and shall not be cited to any court except by the parties to the case to establish *res judicata*, collateral estoppel, or law of the case.

E. Certification of Opinion or ~~Not-For-Publication~~ Memorandum Decision. The Clerk shall serve uncertified copies of any opinion or ~~not-for-publication~~ memorandum decision by a Court on Appeal to all counsel of record, unrepresented parties, and the trial court at the time the opinion or memorandum decision is handed down. The Clerk shall certify the opinion or memorandum decision to the trial court or Administrative Agency only after the time for all Petitions for Rehearing, Transfer, or Review has expired, unless all the parties request earlier certification. If the Supreme Court grants transfer or review, the Clerk shall not certify any opinion or memorandum decision until final disposition by the Supreme Court. The trial court, Administrative Agency, and parties shall not take any action in reliance upon the opinion or memorandum decision until the opinion or memorandum decision is certified.

F. Orders, Decisions, and Opinions. Orders, decisions, and opinions issued by the Court on Appeal shall be publicly accessible, but each Court on Appeal should endeavor to exclude the names of the parties and affected persons, and any other matters excluded from Public Access in accordance with Administrative Rule 9(G), unless the Court on Appeal determines the conditions in Administrative Rule 9(G)(7) are satisfied, or upon further general order of the Court on Appeal.

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Appendix B - Standards for Preparation of Electronic Transcripts Pursuant to Appellate Rule 30

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Standard 3. Pursuant to Appellate Rule 30(A)(5), the ~~e~~Court ~~r~~Reporter shall transcribe the evidence on one or more sequentially numbered electronic data storage devices for each complete transcription. Approved media for electronic storage include USB flash memory drives, compact discs (CDs), and digital versatile discs (DVDs) specifically formatted to store

electronic data in a FAT or FAT-32 file system. Each electronic data storage device shall be prepared and designated as:

- a. "Official record"
- b. "Official working copy"
- c. "Court ~~R~~epporter's copy"
- d. "Party copy"

The eCourt ~~R~~epporter must convert the "official record," the "official working copy" and the "party copy" into Portable Document Format (PDF) and transmit these copies in PDF format as set out in Appellate Rule 30.

Standard 4. Pursuant to Appellate Rule 30 (B), the eCourt ~~R~~epporter shall retain a signed, read only "eCourt ~~R~~epporter's copy" of the electronic Transcript in the original word processing version used for the transcription.

...

SAMPLE FORMS

Form App. R. 9-1 Notice of Appeal

IN THE INDIANA [SUPREME COURT/COURT OF APPEALS/TAX COURT]

CAUSE NO. _____

NAME,)	
)	
[Appellant/Petitioner],)	[Appeal or Petition] from the
([Plaintiff/Defendant/Claimant/)	[_____ Court or Administrative
Respondent below]),)	Agency]
)	
v.)	Trial Court [or Administrative
)	Agency number] Case No.: _____
NAME,)	
)	The Honorable _____,
[Appellee/Respondent],)	Judge.
([Plaintiff/Defendant/Claimant/)	
Respondent below]).)	

NOTICE OF APPEAL

[insert whether this is an “expedited” appeal under App. R. 14.1]
(Appearance)

Party Information

Name: _____

Address: _____

The following party information *only if not represented by an attorney*:

Tel. No.: _____ Fax No.: _____

E-Mail: _____

Requesting service of orders and opinions of the Court by:

E-mail FAX or U.S. Mail (choose one)

In forma pauperis: Yes No

Attorney(s) ~~or attorneys~~ representing party filing Notice of Appeal, if any ~~(all fields must be supplied)~~:

Name: _____

Attorney # _____

Address: _____

Tel. No.: _____ Fax No.: _____

E-Mail: _____

Name: _____

Attorney # _____

Address: _____

Tel. No.: _____ Fax No.: _____

E-Mail: _____

Name: _____

Attorney # _____

Address: _____

Tel. No.: _____ Fax No.: _____

E-Mail: _____

Name: _____

Attorney # _____

Address: _____

Tel. No.: _____ Fax No.: _____

E-Mail: _____

IMPORTANT: Each attorney specified above:

- (a) certifies that the contact information listed for him/her on the Indiana Supreme Court Roll of Attorneys is current and accurate as of the date of this Notice of Appeal;
- (b) acknowledges that all orders, opinions, and notices in this matter will be sent to the attorney at the email address(es) specified by the attorney on the Roll of Attorneys regardless of the contact information listed above for the attorney; and
- (c) understands that he/she is solely responsible for keeping his/her Roll of Attorneys contact information accurate, see Ind. Admis. Disc. R. 2(A).

Attorneys can review and update their Roll of Attorneys contact information on the Clerk of Courts Portal at <http://appealsclerk.in.gov>.

INFORMATION FOR JUDGMENT/ORDER BEING APPEALED

Date of Judgment/Order being appealed: _____

Title of Judgment/Order being appealed: _____

Date Motion to Correct Error denied or deemed denied , if applicable: _____

If case was heard by a magistrate, date trial judge approved judgment or order: _____

Basis for Appellate Jurisdiction:

- Appeal from a Final Judgment, as defined by Appellate Rule 2(H) and 9(I)
- Appeal from an interlocutory order, taken as of right pursuant to Appellate Rule 14(A),(C),(D)
- Appeal from an interlocutory order, accepted by discretion pursuant to Appellate Rule 14(B)(3)
- Expedited Appeal, taken pursuant to Appellate Rule 14.1

This appeal will be taken to:

- Court of Appeals of Indiana, pursuant to Appellate Rule 5
- Indiana Supreme Court, pursuant to Appellate Rule 4
 - This is an appeal in which a sentence of death or life imprisonment without parole is imposed under Ind. Code § 35-50-2-9 or a post conviction relief case in which the sentence was death
 - This is an interlocutory appeal authorized under Rule 14 involving the death penalty or a life without parole case raising a question of interpretation of Ind. Code § 35-50-2-9
 - This is an appeal from an order declaring a statute unconstitutional
 - This is an appeal involving a waiver of parental consent to abortion under Rule 62
 - This is an appeal involving mandate of funds

Trial Court Clerk/Administrative Agency/Court Reporter Instructions

Pursuant to Appellate Rule 10 or 14.1(C), the clerk of [insert name of trial court or Administrative Agency] is requested to assemble the Clerk’s Record, as defined in Appellate Rule 2(E).

Pursuant to Appellate Rule 11 or 14.1(C), the court reporter of the [insert name of the court or Administrative Agency] is requested to transcribe, certify, and file with the clerk of the [insert name of trial court or Administrative Agency] the following hearings of record, including exhibits:_____.

Public Access

Was the entire trial court or agency record sealed or excluded from public access?

- Yes No

Was a portion of the trial court or agency record sealed or excluded from public access?

- Yes No

If yes, which provision in Administrative Rule 9(G) provides the basis for this exclusion:

_____.

If Administrative Rule 9(G)~~(H)(e)~~ provides the basis for this exclusion, was the trial court or agency order issued in accordance with the requirements of Administrative Rule 9(H)?

- Yes No

Appellate Alternative Dispute Resolution

If civil case, is Appellant willing to participate in Appellate Dispute Resolution?

Yes No

If yes, provide a brief statement of the facts of the case. (Attach additional pages as needed.)

Attachments

The following SHALL be attached to this Notice of Appeal (in all appeals):

Copy of judgment or order being appealed

The following SHALL be attached to this Notice of Appeal if applicable (check if applicable):

Copy of the trial court or Administrative Agency’s findings and conclusion (in civil cases)

Copy of the sentencing order (in criminal cases)

Order denying Motion to Correct Error or, if deemed denied, copy of Motion to Correct Error

Copy of all orders and entries relating to the trial court or agency’s decision to seal or exclude information from public access

If proceeding pursuant to Appellate Rule 14(B)(3), copy of Order from Court of Appeals accepting jurisdiction over interlocutory appeal

The documents required by Rule 40(C), if proceeding *in forma pauperis*

Certification

By signing below, I certify that:

(1) This case does does not involve an interlocutory appeal; issues of child custody, support, visitation, adoption, paternity, determination that a child is in need of services, termination of parental rights; or an appeal entitled to priority by rule or statute.

(2) I have reviewed and complied, and will continue to comply, with the requirements of Appellate Rule 9(J) and Administrative Rule 9(G)(4) on appeal; and,

(3) I will make satisfactory payment arrangements for any Transcripts ordered in this Notice of Appeal, as required by Appellate Rule 9(H).

Respectfully submitted,

[Insert Name of Attorney or *pro se* party]

Address

Telephone number

Attorney Number (if represented by counsel)

CERTIFICATE OF FILING AND SERVICE

I hereby certify that on this _____ day of _____, 20____, the foregoing was filed with the Clerk of the Indiana Supreme Court, Court of Appeals, and Tax Court.

I also certify that on this _____ day of _____, 20____, the foregoing was served by [insert specific means of service] upon:

[list names and addresses of:

- (1) counsel of record in the trial court/administrative agency;
- (2) the trial court clerk/administrative agency clerk;
- (3) the parties served as required by Appellate Rule 14.1(B)(2) and (4) (if applicable);
- (4) the court reporter;
- (5) the Attorney General, if applicable under Rule 9(A)(3);
- (6) the judge of the trial court or hearing officer of an Administrative Agency before whom the case was heard; and,
- (7) any other persons required by statute.]

[Signature]

Form App. R. 11-3

IN THE INDIANA [SUPREME COURT/COURT OF APPEALS/TAX COURT]
CAUSE NO. _____

NAME,)
[Appellant/Petitioner],) [Appeal or Petition] from the
([Plaintiff/Defendant/Claimant/) [_____ Court or Administrative
Respondent below]),) Agency]
)
)
v.) Trial Court [or Administrative
) Agency number] Case No.: _____
NAME,)
[Appellee/Respondent],) The Honorable _____, Judge.
([Plaintiff/Defendant/Claimant/)
Respondent below]).)

Court Reporter's Administrative Rule 9(G) Notice

Administrative Rule 9(D)(1) requires that all court records must be accessible to the public except as provided in 9(G). In accordance with Administrative Rule 9(G)(5)(a)(i)(c) and Appellate Rule 28(A)(9)(a), you are hereby notified that the transcript on appeal is complete and ready to be filed with the trial court.

Pursuant to Appellate Rule 29(A)(9)(b), if a party believes any portion of the transcript is to be excluded from public access, that party has fourteen (14) days from the date of service of this notification to file written notice with the trial court clerk identifying: (i) the transcript page(s) and line number(s) containing the Court Record to be excluded from public access; and (ii) the specific Administrative Rule 9(G) grounds upon which that exclusion is based. See Appellate Form 11-4. If it becomes necessary for a party to withdraw the Transcript to prepare such written notice, the Transcript must be copied and returned to the court reporter within twenty-four (24) hours.

Pursuant to Appellate Rule 28(A)(9)(c), this written notice also must be served upon the court reporter. If no notice is received by the court reporter within fourteen days, the transcript on appeal will become accessible to the public.

[Insert Name]
Court Reporter of _____ Court

CERTIFICATE OF SERVICE

I certify that on this _____ day of _____, 20____, the foregoing was served
upon the following by [state method of service]:

[insert names of counsel of record on appeal]

[Insert Name]
Court Reporter of _____ Court

Form App. R. 11-4

STATE OF INDIANA
IN THE _____ COURT
COUNTY OF _____

_____)
_____)
Plaintiff(s), _____)
_____) Case No: _____
vs. _____)
_____)
_____)
Defendant(s) _____)

Administrative Rule 9(G)(5) Notice of Exclusion
of Court Record from Public Access
(TRANSCRIPT ON APPEAL)

Pursuant to Administrative Rule 9(G)(5)(a)(i)(c) and Appellate Rule 28(A)(9)(b), [party
name], provides this notice that the following Court Record contained in the transcript on appeal

should be filed on green paper and remain excluded from public access in accordance with the authority listed below:

Transcript page and line number(s).

Administrative Rule 9(G) grounds upon which exclusion is authorized.

[List here]

[List 9(G) grounds here.]

[NOTE: If 9(G)(2)(a) or 9(G)(2)(b), or 9(G)(3)(b) provides the basis for exclusion, you must also list the specific law, statute, or rule declaring the Court Record confidential.]

Respectfully submitted,

[Signature]

CERTIFICATE OF SERVICE

I certify that on this _____ day of _____, 20____, the foregoing was served upon the following by [state method of service]:

[list names and addresses of counsel of record on appeal and court reporter]

[Signature]

...

IN THE INDIANA [SUPREME COURT/COURT OF APPEALS/TAX COURT]
CAUSE NO. _____

NAME,) [Appeal or Petition] from the [_____] Court
 or [Appellant/Petitioner],) Administrative Agency]
 ([Plaintiff/Defendant/)
 Claimant/Respondent)
 below]),) Trial Court [or Administrative Agency number]
) Case No.: _____
 v.)
)
 NAME,) The Honorable _____,
 [Appellee/Respondent],) Judge.
 ([Plaintiff/Defendant/)
 Claimant/Respondent)
 below]).)

~~APPELLEE'S NOTICE OF APPEARANCE~~

I. Party Information

Name: _____
 Address: _____

<p>The following party information <i>only if not represented by an attorney</i>:</p> <p>Tel. No.: _____ Fax No.: _____</p> <p>E-Mail: _____</p> <p>Requesting service of orders and opinions of the Court by:</p> <p>_____ <input type="checkbox"/> E-mail <input type="checkbox"/> FAX or <input type="checkbox"/> U.S. Mail (choose one)</p> <p><i>In forma pauperis</i>: <input type="checkbox"/> Yes <input type="checkbox"/> No</p>

II. Attorney Information, (if applicable party represented by attorney) (all fields must be supplied):

Attorney Name: _____
Indiana Attorney #: _____
Address: _____

Tel. No.: _____ Fax No.: _____
E-Mail: _____

Attorney Name: _____

Indiana Attorney #: _____

Address: _____

Tel. No.: _____ Fax No.: _____

E-Mail: _____

Attorney Name: _____

Indiana Attorney #: _____

Address: _____

Tel. No.: _____ Fax No.: _____

E-Mail: _____

Attorney Name: _____

Indiana Attorney #: _____

Address: _____

Tel. No.: _____ Fax No.: _____

E-Mail: _____

IMPORTANT: Each attorney specified above:

(a) certifies that the contact information listed for him/her on the Indiana Supreme Court Roll of Attorneys is current and accurate as of the date of this Appearance;

(b) acknowledges that all orders, opinions, and notices in this matter will be sent to the attorney at the email address(es) specified by the attorney on the Roll of Attorneys regardless of the contact information listed above for the attorney; and

(c) understands that he/she is solely responsible for keeping his/her Roll of Attorneys contact information current and accurate, see Ind. Admis. Disc. R. 2(A).

Attorneys can review and update their Roll of Attorneys contact information on the Clerk of Courts Portal at <http://appealsclerk.in.gov>. Address:

Tel. No.: _____ Fax No.: _____

E-Mail: _____ Appellate case notices, orders, and

opinions will be sent to the email address specified by the attorney on the Roll of Attorneys.

Attorneys are required to keep their contact information current by Ind. Admis. Disc. R.

2(A). Attorneys can review and update their records at <http://appealsclerk.in.gov>

III. Appellate ADR (in all civil cases) (circle one)

Appellee is is not willing to participate in Appellate ADR.

Respectfully submitted,

Signed: _____

Printed: _____

[Insert Name of Attorney or pro se party]

Address: _____

Telephone number: _____

Attorney Number (if applicable): _____

CERTIFICATE OF SERVICE

I hereby certify that on this _____ day of _____, 20_____, the foregoing was served upon the following persons, by [state exact method of service]:

[List names and address of:

- (1) counsel of record or pro se party;
- (2) Attorney General, if applicable]

[Signature]

The amendment to Appellate Rule 2(G) shall take effect retroactive to July 1, 2014. All other amendments in this Order shall take effect January 1, 2015.

The Clerk of this Court is directed to forward a copy of this Order to the clerk of each circuit court in the state of Indiana; Attorney General of Indiana; Legislative Services Agency and its Office of Code Revision; Administrator, Indiana Supreme Court; Administrator, Indiana Court of Appeals; Administrator, Indiana Tax Court; Public Defender of Indiana; Prosecuting Attorney's Council; Public Defender's Council; Indiana Supreme Court Disciplinary Commission; Indiana Supreme Court Commission for Continuing Legal Education; Indiana Board of Law Examiners; Indiana Judicial Center; Division of State Court Administration; Indiana Judges and Lawyers Assistance Program; the libraries of all law schools in this state; the Michie Company; and Thomson Reuters. The Clerk is also directed to post this Order to the Court's website.

Thomson Reuters is directed to publish this Order in the advance sheets and bound volumes of this Court's decisions. Thomson Reuters is directed to publish this Order in the advance sheets of this Court.

The Clerks of the Circuit and Superior Courts are directed to bring this Order to the attention of all judges within their respective counties and to post this Order for examination by the Bar and general public.

DONE at Indianapolis, on September 2, 2014.

/s/Loretta H. Rush
Loretta H. Rush
Chief Justice of Indiana

All Justices concur.