

In the
Indiana Supreme Court

Cause No. 24S-MS-1



Order Amending the Administrative Rules, Rules of Professional Conduct, and Rules of Trial 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 in this state, the Indiana Administrative Rules, Rules of Professional Conduct, and Rules of Trial Procedure are hereby amended as set forth in Exhibits A, B, and C to this order.

Done at Indianapolis, Indiana, on 4/3/2024.

A handwritten signature in black ink, appearing to read "Loretta H. Rush", written over a horizontal line.

Loretta H. Rush
Chief Justice of Indiana

All Justices concur.

Administrative Rules

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Rule 4. Committees and Commissions

(A) Creation and Duties.

- (1) Judicial Conference Committees.** Indiana Code section 33-38-9-5 permits the Judicial Conference of Indiana to create committees to carry out its business. As directed by the Judicial Conference Board of Directors, each committee shall complete its duties as assigned.
- (2) Commission on Race and Gender Fairness.** The Commission on Race and Gender Fairness shall study the status of race and gender fairness in Indiana's justice system and shall investigate ways to improve race and gender fairness in the courts, legal system, among legal service providers, state and local government, and among public organizations. The Commission shall from time to time recommend to the Supreme Court the implementation of policies and procedures which promote these ends.
- (3) Language Access Advisory Committee.** The Language Access Advisory Committee shall address the issue of providing effective, fair, and efficient language access in Indiana courts, and to present findings and recommendations to the Supreme Court on the best method to meet that challenge within Indiana's judicial system.
- (4) Advisory Commission on Guardians ad Litem ("GAL")/Court Appointed Special Advocates ("CASA").** The Commission on GAL/CASA shall conduct a continuous study of the GAL/CASA services in Indiana and shall provide support and guidance to the Supreme Court on how best to provide GAL/CASA services. The Commission's charge includes but is not limited to providing a long-range strategy for promoting, expanding, and training child advocacy GAL/CASA programs. The Commission shall from time to time review the GAL/CASA Program Standards and Code of Ethics and make recommendations to the Supreme Court for their improvement.
- (5) Child Welfare Improvement Committee.** The Child Welfare Improvement Committee shall examine ways to improve safety, timely permanency, and well-being outcomes for children and families involved in the child welfare system.
- (6) Domestic Violence Advisory Committee.** The Domestic Violence Advisory Committee shall advise and make recommendations to the judicial branch regarding domestic violence issues in the state of Indiana.
- (7) Records Access and Management Committee.** The Records Access and Management Committee shall conduct a continuous study of the practices, procedures, and systems for the maintenance, management, and retention of court records employed by the courts and offices serving the courts of this State. Such study shall include the best practices and policies with respect to online access to electronic court records, with consideration to the purposes articulated in Rules on Access to Court Records. The Committee shall submit to the Supreme Court recommendations for the modernization, improvement and standardization of such practices, procedures, and systems. The Committee shall encourage suggestions from all interested parties and the public for the improvement of the Records Access and Management system employed by the courts and court agencies, as well as concerns or considerations with respect to the online access to court records. These recommendations shall be submitted in writing to the Indiana Office of Judicial Administration (IOJA).
- (8) Innovation Committee.** The Innovation Committee shall conduct continuous research on justice reform, identify innovative strategies to improve judicial and legal process, and make recommendations to the Supreme Court for best practices surrounding Indiana's judicial system. The Committee shall establish a permanent technology subcommittee and may establish ad hoc subcommittees.
- (9) Committee on Rules of Practice and Procedure.** The Committee on Rules of Practice and Procedure shall conduct a study of any Indiana Rules of Court assigned to them by the Supreme Court and shall submit to the Supreme Court from time to time recommendations in order to promote the just determination of litigation.

Exhibit A

simplicity in procedure, and the elimination of unjustified expense and delay. The Rules Committee shall also serve as the Evidence Rules Review Committee as set forth in Rule 1101 of the *Indiana Rules of Evidence*. The Supreme Court shall consider all recommendations and proposed amendments received from the Rules Committee.

(10) Coalition for Court Access. The Coalition for Court Access shall act as a legal aid organization to develop and implement a statewide plan to improve the availability and quality of access to civil legal services for persons of limited means. The Coalition shall provide an annual report of its activities to the Supreme Court by August 1 of each year. The Coalition shall operate as a program within the Bar Foundation. The Bar Foundation's authority and responsibility shall include making funding decisions and disbursing available funds to legal aid projects or organizations upon recommendation of the Coalition.

(a) The Coalition has the following goals:

- i. Improvement of the access to and delivery of civil legal services to persons of limited means and low to moderate income.
- ii. Integration and coordination availability and provision of services by pro bono organizations and other legal assistance organizations.
- iii. Enhancement of the availability of volunteer legal services for persons of limited means, including without limitation incentivizing greater lawyer pro bono services; and working closely with the Indiana State Bar Association, Indiana Bar Foundation, and other bar associations to foster the growth of pro bono public service and a public service culture within the Indiana bar.
- iv. Consideration and utilization of a wide variety of programs and policies to increase access to courts, such as strategic use of technology, community education, public libraries, and other similar resources.
- v. Expansion and promotion of opportunities for lawyers to volunteer their time and services for pro bono work in litigation, mediation, and other dispute resolution programs serving persons of limited means.
- vi. As may be deemed helpful in the pursuit of the above goals, identification of the current and future needs, outcomes, and trends regarding access to civil legal services by persons of limited means and promotion of ongoing development of financial and other resources for civil legal aid organizations in Indiana.

(b) The Coalition has the following powers:

- i. Undertake those tasks in collaboration with the Bar Foundation which are reasonable and necessary to the fulfillment of the Coalition's purpose;
- ii. Supervise the district committees subject to the approval of the Bar Foundation;
- iii. Make funding recommendations to the Bar Foundation in response to district committee plans and funding requests;
- iv. Declare the office of a member of the Coalition to be vacant in the event such member shall be absent for three consecutive regular meetings of the Coalition;
- v. Create and dissolve any Coalition committees necessary to assist the Coalition with the accomplishment of its mission and to appoint members to such committees which may include members and non-members of the Coalition;
- vi. Make recommendations to the Bar Foundation and the Supreme Court for the disbursement of available funds to civil legal aid organizations, programs, initiatives, and projects throughout the State of Indiana; and
- vii. Collaborate with state and local bar associations and other organizations, their members and various sections and committees to help identify opportunities for them to help support Indiana's civil legal aid network.

(B) Meetings and Compensation. Each committee and commission shall meet at the call of the chair and act by vote of a majority of the present members. All members may receive mileage and reimbursement for reasonable expenses.

(C) Members. Unless otherwise provided below, Eeach committee or commission listed in this Rule shall consist of judicial officers, and other members as appropriate, appointed by the Supreme Court. ~~M~~members shall serve a three-year term that begins on July 1 of the year of appointment, with a maximum of two terms; ~~and T~~the Chief Justice shall appoint one or more chairs for a term lasting for the remainder of their committee or commission appointment.

- (1) Members of the Commission on Race and Gender Fairness.** The commission shall consist of representatives of the Indiana judiciary, the practicing bar, academia, state and local government, public organizations, law enforcement, and corrections.
- (2) Members of the Advisory Commission on Guardians ad Litem ("GAL")/Court Appointed Special Advocates ("CASA").** The Commission shall consist of eighteen members representative of the Indiana judiciary and directors of certified, volunteer-based GAL/CASA programs. The Commission shall include three GAL/CASA program directors and one member of the judiciary each from four regions of Indiana (North, South, East, and West) and two at-large members of the judiciary. The Commission members shall elect a Chair, Vice-Chair, and other officers at the first meeting of the year. The IOCS GAL/CASA Director shall serve as an ex officio member of the Commission.
- (3) Members of the Records Access and Management Committee.** The Records Access and Management Committee shall consist of the stakeholders responsible for the management and maintenance of, and access to, the records of the courts throughout the State of Indiana.
 - (a) Permanent members shall consist of a member of the Supreme Court who shall serve as chair of the committee; the Executive Director of the Indiana Public Defender Council; the Executive Director of the Prosecuting Attorneys Council; the Clerk of the Appellate Courts; and the Executive Director of the Office of Court Technology.
 - (b) The remaining membership shall consist of judicial officers, circuit court clerks, court administrators, and the practicing bar, including a bar member with legal aid expertise.
- (4) Members of the Innovation Committee.** The Innovation Committee shall consist of representatives of the Indiana judiciary, the practicing bar, academia, state and local government, public organizations, and private enterprise.
 - (a) Permanent members shall consist of the Executive Director of the Indiana State Bar; the Executive Director of the Indiana Public Defender Council; the Executive Director of the Indiana Prosecuting Attorneys Council; or their designees.
 - (b) The Executive Director of the Office of Court Technology and the Chief Innovation Officer of IOJA shall serve as ex officio members of the committee.
 - (c) A member who is an appellate or trial court judge shall serve as chair of the technology subcommittee.
- (5) Members of the Committee on Rules of Practice and Procedure.** The Rules Committee shall consist of members of the bar of the State of Indiana. The term of each member shall be for five years, except that a member appointed to fill the vacancy of an unexpired term shall be appointed only for the remainder of the unexpired term. Any member may be removed by the Supreme Court. The members shall elect a chairperson and vice-chairperson annually.
- (6) Members of the Coalition for Court Access.** The Coalition for Court Access shall consist of twenty-one members representative of the different geographic regions and judicial districts of the state and possessing the skills and experience relative to the needs of the Coalition. The officers of the Coalition shall consist of a chair, vice-chair, and secretary. The Supreme Court shall appoint the chair of the Coalition, who shall serve without term limits. The Coalition shall elect a vice-chair and secretary annually. The Coalition may establish other officers as it deems appropriate.

Exhibit A

- (a) In addition to the chair, the Supreme Court shall appoint ten members, including one trial judge and one appellate judge; four members from different pro bono organizations or other civil legal assistance organizations, including at least two members from a statewide civil legal assistance organization or a civil legal assistance organization that provides services in multiple Indiana counties; two members from a local or minority bar association; and two members from Indiana law schools accredited by the American Bar Association.
- (b) The Chair of the Indiana Bar Foundation Board shall appoint six members, including two members of the Indiana State Bar Association; two members of the Indiana Bar Foundation; one member of the Indiana State Bar Association Pro Bono Committee; and one member from a non-governmental organization that serves the non-legal needs of low-income Hoosiers.
- (c) The President of the Indiana State Bar Association shall appoint two members, including an attorney in private or corporate practice and an attorney working in a social or human services organization.
- (d) The Executive Director of the Indiana State Bar Association and the President/CEO of the Indiana Bar Foundation, or their designees, shall serve as voting members of the Coalition without term limits.

The appointing authority shall fill any vacancy caused by resignation, removal, or otherwise, as it occurs, for the remainder of the vacated term. Any member who fills a vacancy will be eligible to serve an additional two full consecutive terms after completing the vacant term.

Rules of Professional Conduct

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Rule 6.6. ~~The Coalition For Court Access~~[RESERVED]

- (a) ~~There is hereby created an organization to be known as the Coalition for Court Access ("Coalition"). The purpose of the Coalition is to act as a legal aid organization that develops and implements a statewide plan to improve the availability and quality of access to civil legal services for persons of limited means. The Coalition has the following goals:~~
- ~~(1) Improvement of the access to and delivery of civil legal services to persons of limited means and low to moderate income.~~
 - ~~(2) Integration and coordination availability and provision of services by pro bono organizations and other legal assistance organizations.~~
 - ~~(3) Enhancement of the availability of volunteer legal services for persons of limited means, including without limitation incentivizing greater lawyer pro bono services; assessing, utilizing, and making recommendations to the Court to improve the Volunteer Attorney Pro Bono Plan established in Professional Conduct Rule 6.6; and working closely with the Indiana State Bar Association, Indiana Bar Foundation ("Bar Foundation"), and other bar associations to foster the growth of pro bono public service and a public service culture within the Indiana bar.~~
 - ~~(4) Consideration and utilization of a wide variety of programs and policies to increase the access to courts, such as strategic use of technology, community education, public libraries, and other similar resources.~~
 - ~~(5) Expansion and promotion of opportunities for lawyers to volunteer their time and services for pro bono work in litigation, mediation, and other dispute resolution programs serving persons of limited means.~~
 - ~~(6) As may be deemed helpful in the pursuit of the above goals, identification of the current and future needs, outcomes, and trends regarding access to civil legal services by persons of limited means and promotion of ongoing development of financial and other resources for civil legal aid organizations in Indiana.~~
- (b) ~~The Coalition shall be composed of twenty-one (21) members appointed by the Supreme Court; the Chair of the Indiana Bar Foundation board; and the President of the Indiana State Bar Association. In appointing members to the Coalition, the Supreme Court, the Indiana Bar Foundation, and Indiana State Bar Association should seek to ensure that members of the Coalition are representative of the different geographic regions and judicial districts of the state, and that the members possess skills and experience relevant to the needs of the Coalition. The Coalition's membership shall be comprised as follows:~~
- ~~(1) The Supreme Court shall appoint eleven (11) members, preferably reflective of the following balance:~~
 - ~~(A) One (1) member who will be the chair of the Coalition;~~
 - ~~(B) One (1) trial judge and one (1) appellate judge;~~
 - ~~(C) Four (4) members from different pro bono organizations or other civil legal assistance organizations; at least two (2) of these members must be from a statewide civil legal assistance organization or a civil legal assistance organization that provides services in multiple Indiana counties;~~
 - ~~(D) Two (2) members from a local or minority bar association; and~~
 - ~~(E) Two (2) members from the Indiana law schools accredited by the American Bar Association.~~
 - ~~(2) The Chair of the Indiana Bar Foundation board shall appoint six (6) members as follows:~~
 - ~~(A) Two (2) members of the Indiana State Bar Association;~~

Exhibit B

- ~~(B) Two (2) members of the Bar Foundation;~~
- ~~(C) One (1) member of the Indiana State Bar Association Pro Bono Committee; and~~
- ~~(D) One (1) member from a non-governmental organization that serves the non-legal needs of low-income Hoosiers.~~
- ~~(3) The President of the Indiana State Bar Association shall appoint two (2) members as follows:~~
 - ~~(A) An attorney in private or corporate practice; and~~
 - ~~(B) An attorney working in a social or human services organization.~~
- ~~(4) The Executive Director of the Indiana State Bar and the President/CEO of the Bar Foundation, or their designees, shall serve as voting members of the Coalition with three-year, renewable terms, without term limits.~~
- ~~(5) The Coalition shall operate as a program within the Bar Foundation. Each member of the Coalition shall hold office for a term of three (3) years, except for the initial appointments, which shall be staggered as follows: three (3) members appointed by the Supreme Court shall serve one-year terms, two (2) members appointed by the Bar Foundation president shall serve one-year terms; four (4) members appointed by the Supreme Court shall serve two-year terms, and two (2) members appointed by the Bar Foundation president shall serve two-year terms; and four (4) members appointed by the Supreme Court shall serve three-year terms, and two (2) members appointed by the Bar Foundation president shall serve three-year terms. A member shall not serve more than two (2) consecutive terms.~~
- ~~(6) Members may resign from the Coalition by delivering a written resignation to the Coalition chair. Members may be removed by the appointing authority. The appointing authority shall fill any vacancy caused by resignation, removal or otherwise, as it occurs, for the remainder of the vacated term. Any Coalition member who fills a vacancy will be eligible to serve an additional two full consecutive terms after completing the term of the previously vacant position they are filling.~~
- ~~(7) Each member is entitled to one (1) vote on all matters before the Coalition. There shall be no voting by proxy. No member shall vote on any issue which may directly or indirectly benefit a member, that member's employer, or another organization affiliated with the member. No member shall participate in any meeting of the Coalition that involves any issue which may directly or indirectly benefit a member, that member's employer, or another organization affiliated with the member. Members are entitled to vote by telephone or videoconference.~~
- ~~(c) The officers of the Coalition shall consist of a chair, vice-chair, and secretary. Officers must be members of the Coalition in good standing. The Coalition chair shall be appointed by the Supreme Court and shall serve a three-year term. The chair shall preside at all meetings of the Coalition and perform such other duties as may be prescribed by the Coalition. The vice-chair and secretary shall be elected to one-year terms by the Coalition at the Coalition's annual meeting. The Coalition may accept nominations for vice-chair and secretary from any member. A vacancy in the office of vice-chair or secretary for any reason other than expiration of term may be filled for the remaining unexpired term at any meeting of the Coalition. The vice-chair shall preside at all meetings where the chair is unavailable and perform such other duties as may be prescribed by the Coalition. The secretary shall keep minutes of the Coalition meetings and perform such other duties as may be prescribed by the Coalition. The Coalition may establish other officers as it deems appropriate. Additional officers so elected shall hold office for such period and shall have such power and duties as authorized by the Coalition.~~
- ~~(d) The Coalition for Court Access shall have the following powers:~~
 - ~~(1) Undertake those tasks in collaboration with the Bar Foundation which are reasonable and necessary to the fulfillment of the Coalition's purpose;~~
 - ~~(2) Supervise the district committees subject to the approval of the Bar Foundation;~~

Exhibit B

- ~~(3) — Make funding recommendations to the Bar Foundation in response to district committee plans and funding requests;~~
- ~~(4) — Declare the office of a member of the Coalition to be vacant in the event such member shall be absent for three (3) consecutive regular meetings of the Coalition;~~
- ~~(5) — Create and dissolve any Coalition committees necessary to assist the Coalition with the accomplishment of its mission and to appoint members to such committees which may include members and non-members of the Coalition;~~
- ~~(6) — Make recommendations to the Bar Foundation and the Supreme Court for the disbursement of available funds to civil legal aid organizations, programs, initiatives, and projects throughout the State of Indiana;~~
- ~~(7) — Collaborate with state and local bar associations and other organizations, their members and various sections and committees to help identify opportunities for them to help support Indiana's civil legal aid network; and~~
- ~~(8) — Provide an annual report of its activities to the Supreme Court by August 1 of each year.~~
- ~~(e) — The Bar Foundation's authority and responsibility shall include making funding decisions and disbursing available funds to legal aid projects or organizations upon recommendation of the Coalition.~~
- ~~(f) — The members shall have the right to take any action in the absence of a meeting which they could take at a meeting by obtaining the written approval, including via electronic mail, of a majority of the members. Any action so approved shall have the same effect as though taken at a meeting of the Coalition.~~
- ~~(g) — No member or officer shall receive compensation for any service rendered to the Coalition. Members and officers may be reimbursed for authorized expenses incurred in the performance of Coalition duties, provided that funds are available and such reimbursement is approved by the Coalition.~~

Rules of Trial Procedure

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Rule 80. ~~Supreme Court Committee on Rules of Practice and Procedure~~ Procedure for Amending Rules

~~(A) Creation, members, terms of office, and removal.~~ There is hereby created a committee to be known as the "Supreme Court Committee on Rules of Practice and Procedure" ("Rules Committee"). The Rules Committee shall consist of thirteen members appointed by the Supreme Court. All members of the Committee shall be members of the bar of the state of Indiana.

The term of each member shall be for five years, except that a member appointed to fill the vacancy of an unexpired term shall be appointed only for the remainder of the unexpired term. Any member may be removed by the Supreme Court.

~~(B) Officers, meetings, quorum, and compensation.~~ Annually, the Rules Committee shall elect from among its members a chairperson who shall preside at all meetings, and a vice-chairperson who shall preside at meetings in the absence of the chairperson. The Court shall assign such staff as it deems necessary for the Rules Committee to conduct its work, including preparing meeting agendas, taking the minutes of meetings, and maintaining the records of the Rules Committee.

The Rules Committee shall meet monthly at a time and place designated by the chairperson, and the chairperson may call special meetings of the Rules Committee. Seven members shall constitute a quorum at any regular or special meeting. The Rules Committee shall act by a vote of a majority of the members present at any regular or special meeting.

The members of the Rules Committee shall be allowed their necessary expenses and such reasonable compensation as the Supreme Court shall fix from time to time.

~~(C) Duties of the Rules Committee.~~ The Rules Committee shall conduct a study of any Indiana Rules of Court assigned to them by the Supreme Court and shall submit to the Supreme Court from time to time recommendations in order to promote the just determination of litigation, simplicity in procedure, and the elimination of unjustified expense and delay. The Rules Committee shall also serve as the Evidence Rules Review Committee as set forth in Rule 1101 of the *Indiana Rules of Evidence*.

The Supreme Court shall consider all recommendations and proposed amendments received from the Rules Committee.

~~(D) Procedure for amending rules.~~ Except in case of an emergency or as otherwise directed by the Supreme Court, the following procedure ~~in this section~~ shall be followed in amending the Indiana Rules of Court.

~~(1)(A) Submission of proposed rule amendments.~~ Submission of Proposed Rule Amendments. Proposed rule amendments shall be presented to the Supreme Court's Chief Administrative Officer (~~CAO~~) in a WORD compatible format, clearly indicating added or deleted language and must be accompanied by the Form available on the Supreme Court's website. The CAO shall provide regular reports to the Chief Justice regarding proposed rule amendments and shall be responsible for referring the proposed amendment to the appropriate committee or other entity for further study.

~~(2)(B) Publication of proposed rule amendments.~~ Publication of Proposed Rule Amendments. The Rules Committee shall publish proposed rule amendments on or before January 2, April 1, July 1, and October 1 of each year and at such other times are necessary.

~~(3)(C) Comments of the bench, bar, and public.~~ Comments. All comments on proposed amendments ~~from the bench, bar, and public of this state to the Rules Committee~~ shall be delivered in writing to the Rules Committee. Comments received by the Rules Committee shall be confidential unless otherwise ordered by the Supreme Court. The Rules Committee shall accept comments on the proposed amendment for a period of thirty ~~(30)~~ days after publication, and may extend the period for comments. Thereafter, the Rules Committee shall study all

Exhibit C

comments received and shall submit the proposed final draft of each rule amendment, together with the associated comments, to the Supreme Court for its consideration.

- (D) Publication of Amended Rules.** The Supreme Court shall act on each proposed rule amendment received from the Rules Committee and shall publish each rule amendment adopted by the Supreme Court. On January 1 of the following year, each rule amendment shall take effect unless the Supreme Court orders otherwise.