

INSTRUCTIONS FOR APPEARANCE FORMAT FOR ATTORNEYS - CIVIL CASES

This instruction is offered to explain the Appearance by Attorneys in Civil Cases format dated 4/1/95 and approved by the Division of State Court Administration in accordance with Trial Rule 3.1. This format should not be used by pro se litigants. Previously published formats may still be used by all persons.

Please note that this is an approved format. An attorney may copy the format and fill in the blank places as appropriate. Alternatively, an attorney may create a document "in house" that resembles the format. In that this format seeks to standardize practice and data gathering in courts, if a document is created in house, the requested information should be presented under the same paragraph number and in the same sequence as set forth in this format.

Purpose: This format permits attorneys to meet the filing requirements of Trial Rules 3.1, 5(B)(2) and 77(B). Additionally, the format has been structured for use as a "traditional" appearance pleading, although this practice varies widely around the state. The goal is to provide a document that allows attorneys to provide courts with the information needed for case management and advise all other parties of the representation.

Party Classification: The format uses the term "party classification" to designate the status of a litigant in a legal proceeding. For case management purposes (e.g. cost allocations), it is important to know if the litigant brings an action, defends in an action, or joins the action. Respectively, these party classifications have been assigned the administrative designations of "initiating," "responding," and "intervening." Thus, in a tort case the "initiating" party would be the plaintiff; the "responding" party would be the defendant; and a third-party litigant would be an "intervening" party. In domestic relations cases, the "initiating party" would be the petitioner and the respondent would be the "responding" party.

Paragraph 1 - Party Member Represented: Paragraph 1 asks that the attorney specifically state what party member or members the attorney represents. The term "party member" is intended to distinguish between litigants sharing a party classification. Accordingly, each litigant initiating a lawsuit as multiple plaintiffs is a "party member." The same applies for multiple defendants and multiple interveners. It is very important for courts and litigants to know if there are multiple members of a party and who represents each of the members.

Paragraph 2 - Attorney Information - FAX and Computer Address: This format is intended to provide information which is required by rule and will aid in communication. Trial Rule 5(B)(2) provides that service by mail to the name and address provided by an attorney to the court is good service. This format incorporates Trial Rule 5(B)(2). Over and above service, it is imperative for case management purposes that all potential avenues of communication be known by the litigants. This is the reason for the requirement in Trial

Rule 3.1 for FAX and computer addresses. Accordingly, even though an attorney may not want to rely on FAX or Internet for receipt of service, if an attorney has a public FAX and computer address, this information will aid in communication and is required. (If an attorney will accept FAX service, a positive statement in that regard is required under paragraph five. The rules currently do not contemplate official service by Internet or other computer to computer communication process.)

Paragraph 3 - Other Party Members: Paragraph 3 asks attorneys to list other members of the same party classification who are not represented by this attorney. For example, an attorney for one plaintiff would list all other plaintiffs but not any defendants. The purpose of this paragraph is to define the nature of the party: it is not a "proof of service" listing.

Paragraph 4 - Case Type: The first initiating party (only the first) is required to advise the Clerk of the case type to be assigned. For example, the attorney who files the case needs to distinguish between Civil Plenary and Tort. The case type assigned, in good measure, determines how a proceeding will be processed, what costs are assessed whether individuals are required to intervene, and where the case will be assigned for resolution. For this reason, it must reflect the decision of the attorney filing the case.

Paragraph 5 - Service by FAX: Paragraph 5 requires an attorney to specifically state whether or not he or she will accept service by FAX. If yes, service by FAX to the telephone number set out in paragraph 2 will constitute good service. This is strictly a permissive method of service.

Paragraph 6 - Cases Involving Support: Paragraph 6 asks the attorney to affirmatively state whether the case involves support. If so, the court will need social security numbers in the administration of the case. The parties are the only ones who can provide this information.

Paragraph 7- Related Cases: Paragraph 7 requires parties to inform the court if there are related cases. The purpose of this provision is to inform the court if there is other litigation which may affect or be affected by a decision in this litigation. For example, in a domestic relations case, the parties should inform the Court of a CHINS case that may be pending. Other examples include mass tort situations or common litigants in a continuing business setting. The purpose is to serve judicial administration. Listing another case does not constitute some concession of res judicata application.

Paragraph 8 - Service of Appearance: Generally, under Trial Rule 5, service of pleadings and papers involves filing information with the court and serving other parties with specified documentation. The traditional "appearance" document filed and served substantially involves local rule and custom. Trial Rule 3.1 alters local rule and custom only to the extent such rule standardizes the information required by the court at the time a party enters his or her appearance. Paragraph 8 permits this format to be used as a traditional "appearance" document and be served consistent with Trial Rule 5, if it otherwise complies with local rules. Redundancy, however, is not required. In the event a party serves the appearance document along with other pleadings or papers wherein the attorney certifies service of the appearance document, a separate certificate of service for such appearance document is not required.

Paragraph 9 - Local Requirements: This paragraph is to be used in the event there are local requirements that must be included in this form.

Continuation Page(s): The continuation page or pages is intended to permit an attorney to complete information set forth on the first page of the appearance form. Use as many continuation pages as are needed to complete the request for information. List the case number and the first party member listed on the appearance form on all continuation pages. This is very important for cross-referencing the continuation pages and the appearance form. In the event the first page completes the request for information, a blank continuation page is not needed.

Should you have any questions or comments about this format, you may contact the Division of State Court Administration at the following address:

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