

In the
Indiana Supreme Court



In the Matter of the Marion County
Expedited Mental Health Appeals Pilot
Project

Supreme Court Case No. 24S-MS-190

Order Establishing the Marion County Expedited Mental Health
Appeals Pilot Project


The typical duration of temporary mental health commitments often exceeds the standard appellate timeline. By statute, an individual “alleged to be mentally ill and either dangerous or gravely disabled may be committed for” up to ninety days. Ind. Code § 12-26-6-1. But our Court of Appeals, one of the most efficient appellate courts in the country, is rarely able to reach a merits decision on a commitment order in less than ninety days. And thus, these cases are frequently dismissed as moot, leaving affected individuals without the opportunity for meaningful appellate relief.

This timing challenge, however, may be overcome through innovative technology. In particular, artificial intelligence has advanced in the field of voice-to-text transcription, allowing transcripts to be available shortly after temporary commitment hearings. Marion County has been a pioneer in this effort, with a system in place that has the potential to serve as a viable mechanism for expediting these appeals.

Notwithstanding the Indiana Rules of Appellate Procedure, the Supreme Court, following discussions initiated by members of the Court’s Committee on Rules of Practice and Procedure and continued by counsel for mental health care providers, and representatives from the Court of Appeals of Indiana, the Marion County Judiciary, the Marion County Public Defender Agency, the Office of the Attorney General, and the Office of Judicial Administration, authorizes a limited pilot project in Marion County allowing expedited mental health appeals under the conditions attached to this Order in **Exhibit A**. Expedited appeals initiated under this pilot project shall use the Notice of Expedited Appeal, which is attached to this Order as **Exhibit B**.

Accordingly, there is hereby CREATED the Marion County Expedited Mental Health Appeals Pilot Project. The term of this pilot project shall be two years, commencing with cases filed on September 1, 2024.

Done at Indianapolis, Indiana, on 7/16/2024.


Loretta H. Rush
Chief Justice of Indiana

All Justices concur.

Current state:
3 months < 7 months

Appellate Timeline

IC 12-26-6-1

90 day commitment of individuals who are mentally ill and either dangerous or gravely disabled

Sec. 1. An individual who is alleged to be mentally ill and either dangerous or gravely disabled may be committed to a facility for not more than ninety (90) days under this chapter.

[Pre-1992 Revision Citation: 16-14-9.1-8 part.]

As added by P.L.2-1992, SEC.20.

- Notice of Appeal: **30 days** after the entry of the final judgement on the CCS (Appellate Rule 9(A)). **30 days**
- Filing of Transcript with trial court clerk: **45 days** after the NOA (Appellate Rule 11(B)). **45 days**
- Appellant's Brief: **30 days** after NCT (Appellate Rule 44(B)(1)). **30 days**
- Appellee's Brief: **30 days** after Appellant's Brief (Appellate Rule 44(B)(2)). **30 days**
- Appellant's Reply Brief: **15 days** after Appellee's Brief (Appellate Rule 45(B)(3)). **15 days**
=====
- + time to issue COA opinion **150 days**

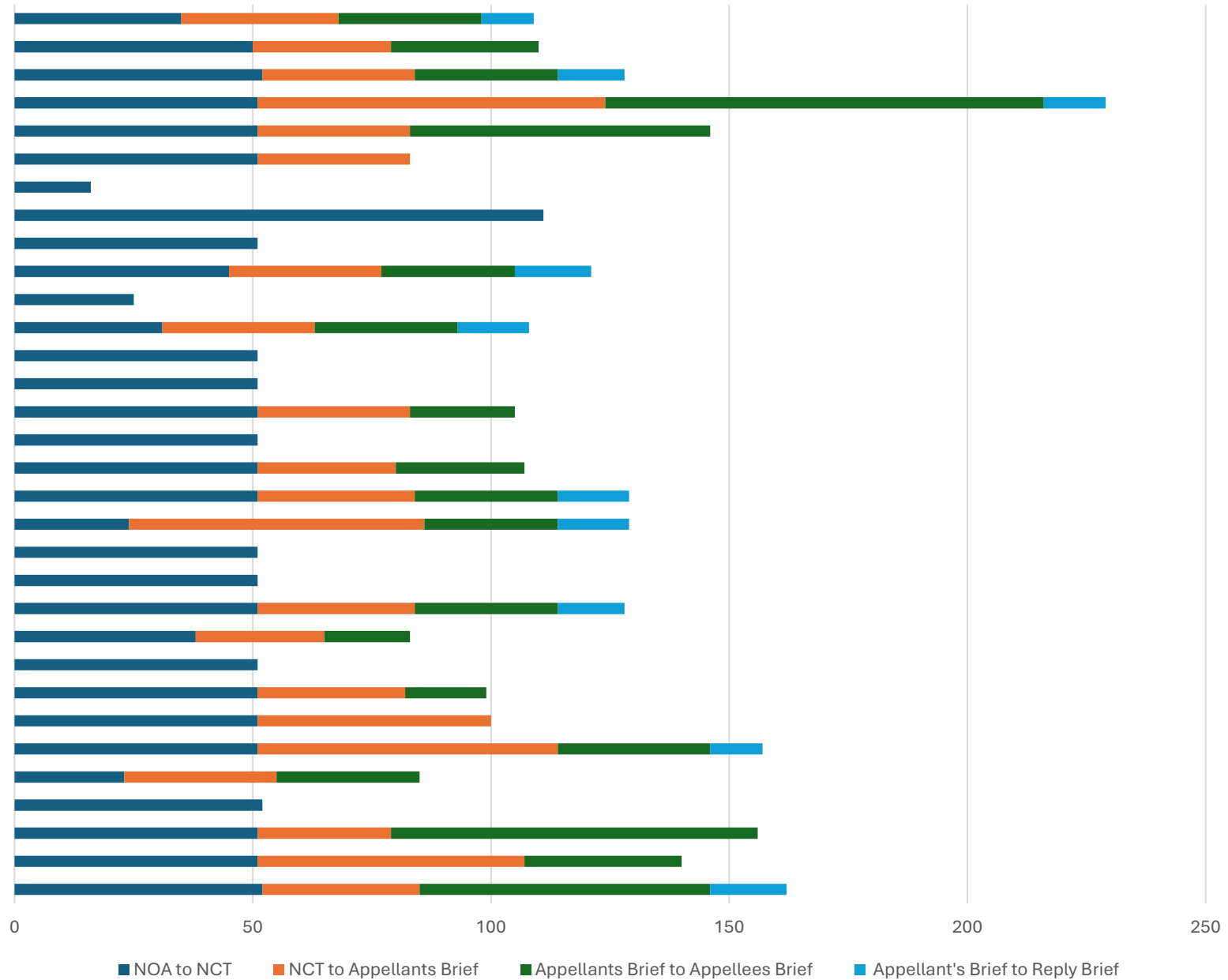
Desired future state:

~~3 months < 7 months~~

Meaningful appellate review for
subjects of involuntary
temporary commitments

2023 MH Appeals from Marion County

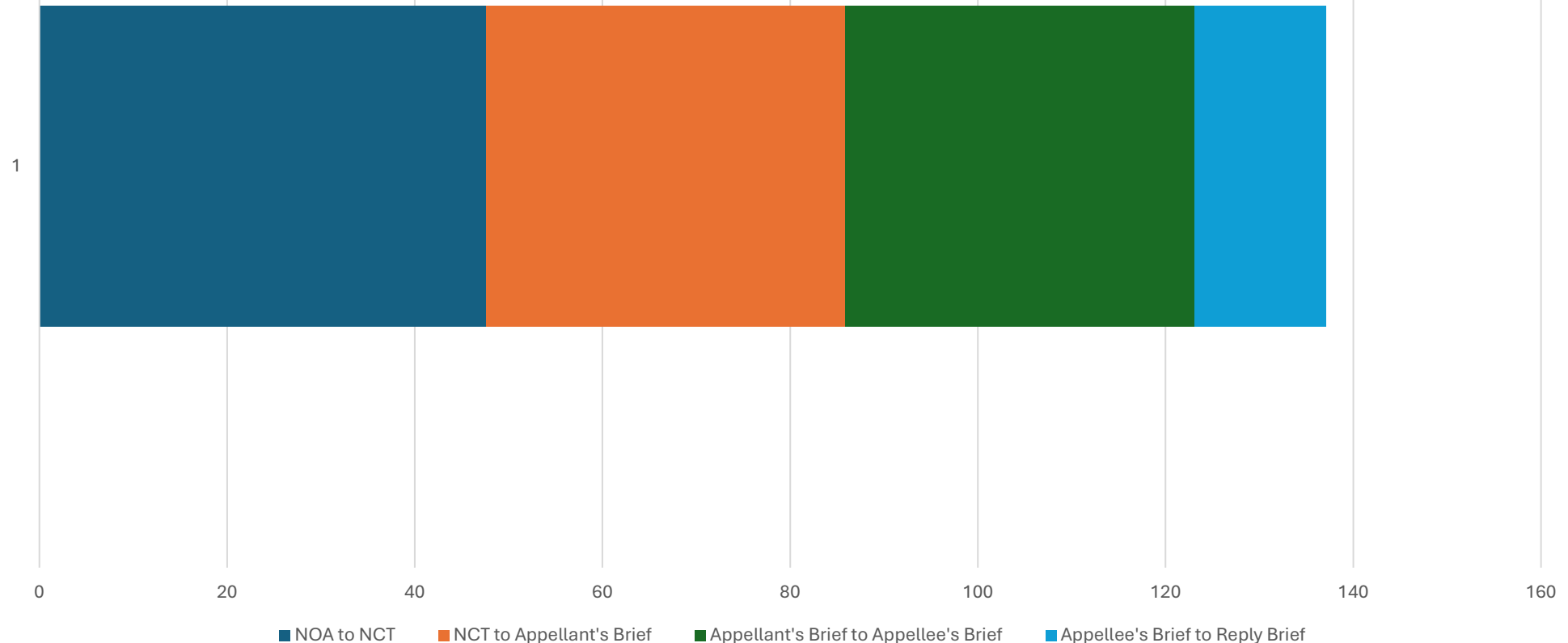
Days from NOA through Reply Brief



PRIOR TO SEPTEMBER 1, 2024

2023 MH Appeals from Marion County Average Days from NOA through Reply Brief

- Overall Average, including dismissals: 143.3 days [12 were dismissed, 18 had opinions]
- Average days between NOA and NCT: **47.59 days**
- Average days between NCT and Appellant's Brief: **38.24 days**
- Average days between Appellant's Brief and Appellee's Brief: **37.31 days**
- Average days between Appellee's Brief and Reply Brief: **14 days**



Original Proposal

- Initiated by Judge Margret Robb and Professor Joel Schumm
- Notice of Appeal: 5 days after temporary commitment order
- Transcript: 10 days after NOA
- Appellant's Appendix: 5 days after Notice of Completion of Transcript
- Appellant and Appellee's Briefs: both due 10 days after the NCT

Stakeholders

- Counsel for mental health care providers
- Court of Appeals of Indiana
- Marion County Judiciary
- Marion County Public Defender Agency
- Office of the Indiana Attorney General
- Indiana Supreme Court Office of Judicial Administration

Pilot Participation

- Appeals of involuntary temporary commitment cases (IC 12-26-6) and litigated in Marion County.
- Respondent-appellants must be represented on appeal by the Marion County Public Defender Agency.
- Parties may seek leave to opt-out for good cause shown.
- The court on appeal may *sua sponte* remove the case from the pilot.

Appellant's Brief Comparison

Current Rule	Pilot Rule
14,000 words or 30 pages	4,200 words or 10 pages
Tables of Contents and Authorities	N/A
Statement of the Issues	Statement of the Issues limited to sufficiency of the evidence
Statement of the Case	N/A
Statement of the Facts	Statement of the Facts
Summary of the Argument	N/A
Argument	Argument
Conclusion	N/A

Obstacle: Transcripts

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(O); 9(H); 10(F) and (G); 11(B), (C) and (D); 12(A); 14(G); 16(B); 24(A); 29(A); 40(A); and Form 11-2 are amended as follows (deletions shown by ~~striking~~ and new text shown by underlining):

Indiana Rules of Appellate Procedure

...

Rule 11. Duties Of Court Reporter

...

B. Deadline for Filing Transcript. For appeals filed on or after July 1, 2016, ~~For the period until July 1, 2003, and until revised thereafter,~~ the eCourt Reporter or Administrative Agency shall have forty-five (45) ~~ninety (90)~~ days after the appellant files the Notice of Appeal to file the Transcript with the trial court clerk or Administrative Agency.

Filing Timeline

	Current Rule	Pilot Rule
Notice of Appeal	30 days	5 days
Transcript	45	5
Appellant's Brief	30	10
Appellee's Brief	30	5
Reply Brief	15	N/A
Total Time	150	25

Court of Appeals of Indiana

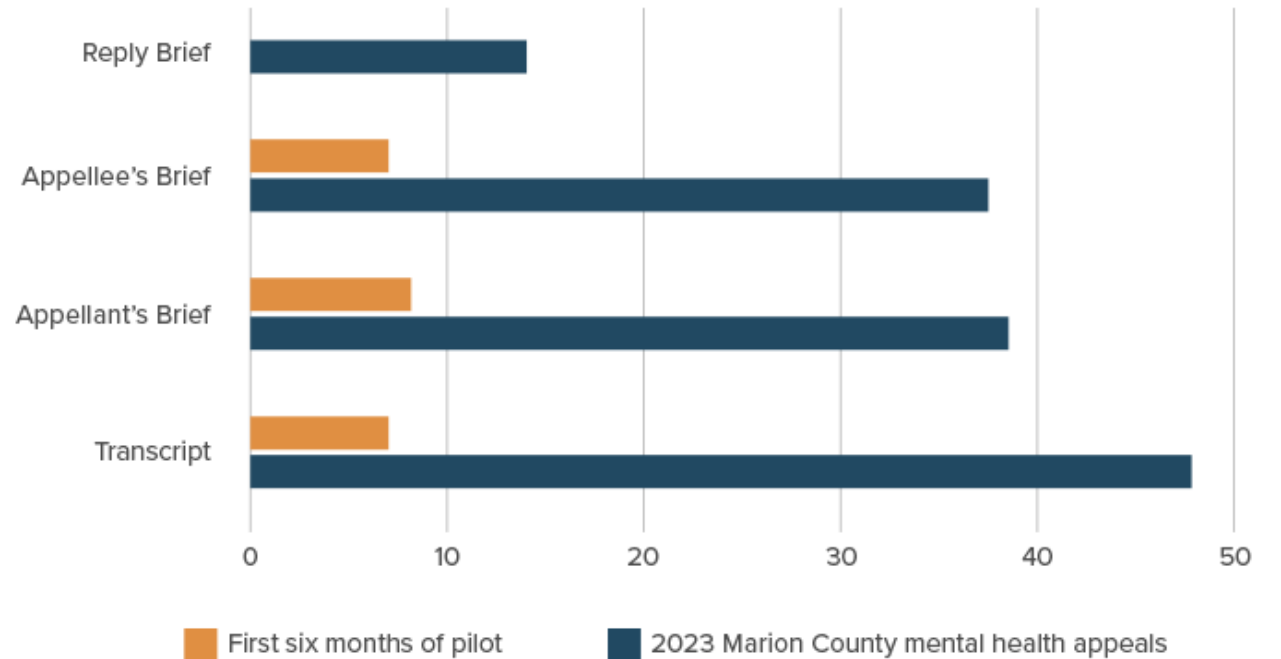
- Six judges volunteered to be on panels addressing the pilot cases.
- Panels will not be static.
- Aim to issue an opinion in one week.

Timeline Comparison

	Current State			Future State	
	Rule	MH Actual		Pilot Rule	Pilot Actual
Transcript	45	47.59		5	TBD
Appellant's Brief	30	38.24		10	TBD
Appellee's Brief	30	37.31		5	TBD
Reply Brief	15	14		N/A	N/A

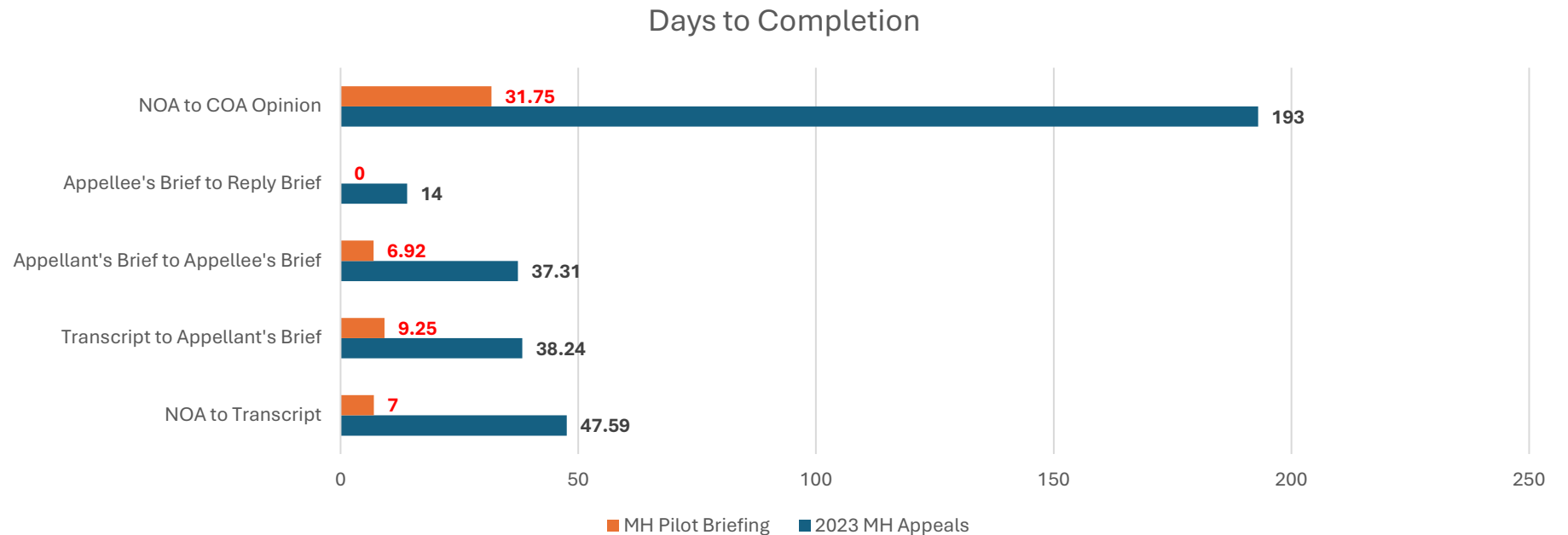
- In the first six months of the pilot, 7 expedited cases were initiated.
- The average time from the Notice of Appeal to the Court of Appeals opinion was **30.85 calendar days**.
- For comparison, 2023 mental health appeals from Marion County averaged **143.3 days** from Notice of Appeal to opinion or dismissal.

Briefing Timeline Comparison



Marion County Indiana - Mental Health Expedited Transcripts Pilot Project

	2023 MH Appeals	MH Pilot Briefing		
NOA to Transcript	47.59	7	↓	40.59
Transcript to Appellant's Brief	38.24	9.25	↓	28.99
Appellant's Brief to Appellee's Brief	37.31	6.92	↓	30.39
Appellee's Brief to Reply Brief	14	0	↓	14
NOA to COA Opinion	193	31.75	↑	161.25
Incl 2023 dismissed cases	150		↑	150





Marion Superior Court

Amitav Thamba

athamba@indy.gov

<https://courts.indy.gov>

