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NEW RULES OF SUPREME COURT

BERNARD C. GAVIT*

The Supreme Court on November 1, 1933, adopted revised rules for the Supreme and Appellate Courts effective November 15, 1933.

The first six rules are identical with the old rules.

Rule No. 7 has been modified by the addition of the phrase "unless otherwise ordered by the court."

Rules No. 8 and 9 covering the subject matter of appearance have been materially altered and the new rules on the subject are as follows:

Rule No. 8: "A joinder in error, or the filing of a pleading or a brief upon the merits by a party in person or by his attorney, or an agreement in writing to submit a cause, or an unqualified written appearance, filed in the clerk's office, shall be deemed a general appearance which shall not be withdrawn without leave of court."

Rule No. 9: "A special appearance shall be so designated, shall be in writing, and shall state the particular relief demanded together with the facts in support thereof."

Old rule No. 12 is now rule No. 10 without modification.

Old rule No. 13 is now rule No. 11 without modification.

Old rule No. 14 is now rule No. 12 without modification.

Old rule No. 15 has been materially modified and is as follows:

Rule No. 13: "Notice to the party affected thereby shall be given of all motions and petitions, except petitions for a writ of certiorari made prior to the submission of the cause, and petitions for first extensions of time. The notice shall be accompanied by a copy of the motion or petition filed and a copy of the mover or petitioner's brief thereon, and proof of the service of such notice and copy and brief shall be filed in the clerk's office within ten days thereafter. The party upon whom notice has been served shall have ten days, unless otherwise ordered by the court, from the date of service thereof within which he

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may file such papers and briefs as he may desire. Thereafter at such time as may be convenient, the motion or petition will be decided by the court on the papers and briefs filed."

Old rule No. 16 is now rule No. 14 without modification.

Old rule No. 17 is now rule No. 15 without modification.

Old rule No. 18 is now rule No. 16 without modification.

Old rule No. 19 is now rule No. 17 without modification.

Old rule No. 20 is now rule No. 18 except that the second sentence is modified to read as follows: "The notice, with proof of service as provided by law, stating the time and manner of service, shall be filed with the clerk of this court, before the motion to submit shall be made."

Old rule No. 21 is now rule No. 19 and is modified by adding to the first sentence the following phrase "unless a petition for extension of time is on file," and by adding after the second sentence the following sentence: "In cases where appellant has been granted an extension of time appellee shall have thirty days after the expiration of the time granted to appellant in which to file briefs."

Old rule No. 21½ is now rule No. 20 without modification.

Old rule No. 22 is now rule No. 21. The last paragraph of the rule is modified to read as follows: "Sixth. The briefs shall contain under the heading "Propositions and Authorities" a copy of each assigned error relied on stating its number as designated in the original assignment of error, and in case the error assigned is the overruling of the motion for a new trial, then the cause relied upon numbered as in the motion. Each of the foregoing assignments shall be separately considered by separately numbered propositions concisely stated without argument, supported by separately numbered or lettered points and authorities. Assigned errors not treated as herein directed shall be deemed as waived. In citing cases the names of the parties must be given, with the book and page where reported. Indiana cases officially reported shall be cited from the book and page of the official report. No alleged error or point not contained in the statement of errors or points shall be raised afterwards either by reply brief or oral or printed argument, or by a petition for a rehearing."

Old rule No. 23 is now rule No. 22 without modification.

Old rule No. 24 is now rule No. 23 without modification.

Old rule No. 25 is now rule No. 24 and has been materially changed. The new rule reads as follows: "All briefs shall be

printed in pica or 11-point type and adequately leaded, or typewritten, but in either case the work to be done in a neat and workmanlike manner, on white opaque, unglazed paper, 7 x 9 inches, leaving a margin of at least one inch at the left side and at least three-eighths of an inch on the right side, bound in book or pamphlet form, with a suitable cover containing the number and title of the cause and the court in which the case is pending. If typewritten, the lines shall be double spaced. Quotations may be single spaced. The fifth part of the statement required by Rule 21, may, however, on leave of court, be bound separately from the remainder of the brief. Not less than ten copies of each brief, three of which, if typewritten, shall be ribbon copies, shall be filed with the clerk, one of which shall be for the use of the opposite party. No carbon copies will be received unless clearly legible."

Old rule No. 25½ is now rule No. 25 without modification.

Old rule No. 26 has been modified so that the first three lines of the rule reads as follows: "Upon separate petition in writing by either party, the court will hear oral argument on the questions presented on the assigned error, etc." The following sentence has been added to the rule: "Oral argument will not be heard on motions or petitions unless ordered by the court."

Rules 27, 28 and 29 are unchanged except that by rule No. 29 it is now required that ten copies of the brief on petition for rehearing must be filed.

Rules 29½, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, and 42 are unchanged.