



I.R.S.C.A. 15. Appeals

Idaho Rules of Small Claims Actions Rule 15. Appeals.

(a) **Who May Appeal.** Any aggrieved party may appeal to the district court as provided in these rules and by law; however, any party who defaults or does not appear will not have any right to appeal the judgment.

(b) **Notice of Appeal.** The party wishing to appeal a judgment must file a notice of appeal in the court that heard the matter within the 30-day statutory appeal period and in the form provided by law. The notice of appeal must be accompanied by the filing fee unless the fee is waived as provided by Idaho Code Section 31-3220.

(c) **Trial de Novo.** The court will conduct any appeal as a trial de novo.

(d) **Procedure on Appeal.**

(1) When a notice of appeal is filed, the clerk of the court where the action was filed will assign a file number and a magistrate in accordance with the assignment procedures of the county and serve copies of the notice of assignment on the parties or their attorneys by mail.

(2) Except as provided in this rule, the Idaho Rules of Civil Procedure apply to the trial de novo unless the court determines it is not appropriate.

(3) The court may permit or require the filing of amended or additional pleadings.

(4) The court may permit discovery as provided by the Idaho Rules of Civil Procedure only by written court order and only within such limitations as the court feels appropriate.

(5) A party may disqualify the court as provided by the Idaho Rules of Civil Procedure.

(6) If a party wants a jury, it must request a jury in the de novo trial within 14 days of service of the notice setting the appeal for a hearing. The jury must consist of 6 jurors, unless the parties agree to a lesser number.



(e) Costs on Appeal. Costs on appeal must be awarded to the prevailing party on appeal and may not exceed \$50.00.

(f) Attorneys Fees on Appeal. A prevailing party represented by an attorney will be awarded \$25.00 in attorney fees.

(Adopted March 1, 2016; effective July 1, 2016.)

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