



## **I.R.E.F.S. 20. Appeals to the Supreme Court**

### **Idaho Rules for Electronic Filing and Service**

#### **Rule 20: Appeals to the Supreme Court**

**(a) Notice of appeal and cross-appeal.** The notice of appeal and cross-appeal must be filed in compliance with Idaho Appellate Rules 17 and 18, except that transcripts must be requested in electronic format or both electronic format and hard copy.

**(b) Clerk or Agency record on appeal.**

(1) Clerk's record. The clerk of the district court must prepare the designated record in electronic format as follows:

(A) Arrangement and Numbering. Except for pre-scanned bulk files, all pleadings, documents, and papers required to be in the clerk's record must be in chronological order as indicated by the date of filing. Each page of the clerk's record must be numbered consecutively at the bottom of the page. The numbering must include every page included in the record even if it was not a filed document, such as the title page, the index, the case summary and any register of actions.

(B) Bookmarks. The record must contain electronic bookmarks that link to each document in the electronic record.

(C) Time for preparation. The clerk of the district court must prepare the record and have it ready for service on the parties with 28 days of the filing of the notice of appeal.

(D) Clerk's Fee. The clerk of the district court must charge and collect a fee for preparation of the record in the sum of \$0.65 a page. Any party may request an additional copy of the record on CD upon payment of \$20.00 to the clerk of the district court. Payment of the estimated fee and waiver of the clerk's fee is in accord with Idaho Appellate Rule 27.

(2) Agency Record. Agency records, including transcripts and exhibits, must be submitted in electronic format. The record must contain bookmarks that link to each document in the electronic record.

**(c) Transcripts.**

(1) Designation and Preparation. All transcripts must be designated in the notice of appeal or cross-appeal in accord with Idaho Appellate Rules 17 and 18. Transcripts must be provided in electronic format, but each party may request one hard copy from the reporter at no additional cost. The transcripts must be prepared in accord with Idaho Appellate Rules 24, 25, and 26.

(2) Filing. Upon completion of the transcript, the reporter must lodge an electronic version of the transcript with the clerk of the district court or administrative agency.



(3) Service of Transcript and Clerk or Agency's Record on Appeal on the Parties. Upon completion of the reporter's transcript, the reporter must lodge the electronic transcript with the clerk of the district court or administrative agency, and file a notice of lodging with the district court clerk. Upon receipt of the transcript and upon completion of the clerk or agency's record, the clerk of the district court or clerk of the administrative agency must serve one copy of the transcript and record on the appellant and one copy on the respondent. The clerk of the district court must accomplish this service electronically; however, if the record and transcripts are too large for a party to accept electronically then the record and transcripts may be placed on a CD and served.

**(d) Settlement of record on appeal.** Once the record on appeal has been served on the parties, the parties have 28 days to object. Any objection must be accompanied by a notice setting the objection for hearing and must be heard and determined by the district court or administrative agency from which the appeal is taken. After a determination is made, the record on appeal is deemed settled as ordered by the district court or administrative agency. The record on appeal may also be settled by stipulation of all affected parties.

**(e) Filing transcript and record with Supreme Court.** Upon settlement of the reporter's transcript and clerk's or agency's record, the clerk of the district court or administrative agency must, within seven days, file the electronic copy of the transcript and clerk's or agency's record with the Clerk of the Supreme Court. The Clerk of the Supreme Court must notify all attorneys of record, or self-represented parties, of the date of filing and also state when the briefs of the parties are required to be filed.

**(f) Briefing.** Briefing in all case types must be submitted electronically to the Supreme Court and served on the parties in compliance with this rule. Otherwise, briefing must be in compliance with the Idaho Appellate Rules.

*(Adopted April 15, 2019, effective July 1, 2019)*

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