

I.A.R. 17. Notice of Appeal - Contents

Idaho Appellate Rule 17. Notice of Appeal - Contents.

A notice of appeal shall contain substantially the following information:

(a) Title. The title of the action or proceeding.

(b) Court or Agency Title. The title of the court or agency which heard the trial or proceeding and the name and title of the presiding judge or official.

(c) Case Number. The number assigned to the action or proceeding by the trial court or administrative agency.

(d) Parties. The name of the appealing party and the party's attorney and the name of the adverse party and that party's attorney. An address, phone number and email address must also be given, except no email address is required for persons appearing pro se.

(e) Designation of Appeal.

(1) A Designation of the Judgment or Order Appealed From. The notice of appeal shall designate and have attached to it a copy of the judgment or order appealed from which shall be deemed to include, and present on appeal:

(A) All interlocutory judgments and orders entered prior to the judgment, order or decree appealed from, and

(B) All final judgments and orders entered prior to the judgment or order appealed from for which the time for appeal has not expired, and

(C) All interlocutory or final judgments and orders entered after the judgment or order appealed from except orders relinquishing jurisdiction after a period of retained jurisdiction or orders granting probation following a period of retained jurisdiction.

(2) Premature Filing of Notice of Appeal. A notice of appeal filed from an appealable judgment or order before formal written entry of such document shall become valid upon the filing and the

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placing the stamp of the clerk of the court on such appealable judgment or order, without refileing the notice of appeal.

(f) Issues. A preliminary statement of the issues on appeal which the appellant then intends to assert in the appeal; provided, any such list of issues on appeal shall not prevent the appellant from asserting other issues on appeal.

(g) Jurisdictional Statement. A statement as to the basis for the right to appeal to the Idaho Supreme Court from the judgments or orders described in paragraph 1 of the notice of appeal.

(h) Transcript. A designation as to whether a transcript is requested, and if requested, whether a standard transcript, a supplemented transcript, or a partial transcript as defined in Rule 25 is requested by the appellant. The notice shall also state whether appellant's copy of the transcript shall be provided in hard copy or electronic format or both. If no election is made within 21 days of filing the notice of appeal, the appellant will receive a hard copy of the transcript. If a supplemented transcript is requested, the request shall specifically identify each of the items of additional record requested which would otherwise be excluded under Rule 25 (c).

(i) Record. A designation of documents, if any, to be included in the clerk's or agency's record in addition to those automatically included pursuant to the following Rule 28.

(j) Exhibits-Civil Cases. A designation of documents, charts, or pictures offered or admitted as exhibits in a trial or hearing to be copies and sent to the Supreme Court.

(k) Sealed Record. A statement as to whether an order has been entered sealing all or any part of the record or transcript.

(l) Certification. A certification of the attorney of the appellant, or affidavit of the appellant representing himself or herself:

(1) That service of the notice of appeal has been made upon the reporter of the trial or proceeding;

(2) That the clerk of the district court or administrative agency has been paid the estimated fees for preparation of the designated reporter's transcript as required by Rule 24, or that appellant is exempt from paying such fees because of stated reasons;

(3) That the estimated fees for preparation of the clerk's or agency's record have been paid, or that appellant is exempt from paying such fees because of stated reasons;

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(4) That all appellate filing fees have been paid, or that appellant is exempt from paying such fees because of stated reasons; and

(5) That service has been made upon all other parties required to be served pursuant to Rule 20, and that in all cases referred to in Section 67-1401(1), Idaho Code, service has been made upon the attorney general of the state of Idaho. The appellant shall not be required to certify the payment of estimated fees in criminal appeals, appeals from denial of a petition for writ of habeas corpus, or petitions for post-conviction relief, if the district court has entered an order, or thereafter enters an order within 14 days of filing the notice of appeal, that such costs shall be at county expense.

(m) Amended Notice of Appeal. In the event the original notice of appeal erroneously states any of the information and requirements of this rule or additional facts arise after the filing of the initial notice of appeal, the appellant may thereafter file an amended notice of appeal correctly setting forth the facts and information. An amended notice of appeal shall be filed with the clerk of the district court in the same manner as the original notice of appeal but no filing fee shall be required. If the original notice of appeal was timely filed from an appealable judgment, order or decree, the amended notice of appeal will relate back to the date of filing of the original notice of appeal. If the amended notice of appeal includes a request for preparation of additional transcripts, the notice must include an estimate of the number of additional pages requested and a certification that the amended notice has been served on each reporter of whom a request for additional transcript is made. Except in capital cases, an amended notice of appeal may not be filed after the record has been filed with the Supreme Court.

(n) Signature. The name and signature of the attorney for the appellant, or name of appellant if the appellant does not have an attorney.

(o) Form. The notice of appeal shall be in substantially the following form:

[Click here](#) [1] for form.

(Adopted March 25, 1977, effective July 1, 1977; amended March 31, 1978, effective July 1, 1978; amended April 11, 1979, effective July 1, 1979; amended December 27, 1979, effective July 1, 1980; amended April 18, 1983, effective July 1, 1983; amended March 30, 1984, effective July 1, 1984; amended June 15, 1987, effective November 1, 1987; amended March 27, 1989, effective July 1, 1989; amended March 26, 1992, effective July 1, 1992; amended April 3, 1996, effective July 1, 1996; amended January 30, 2001, effective July 1, 2001; amended March 24, 2005, effective July 1, 2005; amended January 3, 2008, effective March 1, 2008; amended February 4, 2008, effective March 1, 2008; amended March 19, 2009, effective July 1, 2009; amended January 4, 2010, effective February 1, 2010, amended March 29, 2010, effective July 1, 2010; amended March 18, 2011, effective July 1, 2011; amended November 20, 2012, effective January 1, 2013; amended September 1, 2015, effective January 1, 2016.)

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[1] https://isc.idaho.gov/./rules/forms/IAR_17_Form_Amended.doc