

I.A.R. 18 Notice of Cross-Appeal - Contents

Idaho Appellate Rule 18. Notice of Cross - Appeal - Contents.

A notice of cross-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 party cross-appealing 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. A designation of the judgment or order appealed from shall be deemed to include, and present on appeal, the same interlocutory and final judgments and orders in the same manner as provided for a notice of appeal under Rule 17(e).

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

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

(h) Transcript. A designation as to what portion, if any, of the reporter's transcript is requested by the cross-appellant in addition to those requested by the appellant in the original notice of appeal, and a certification that the estimated reporter's fee for the transcript requested by the cross-appeal has been paid or that payment is exempt. The notice shall also state whether the cross-appellant's copy of this additional 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 cross-appeal, the cross-appellant shall receive a hard copy of the transcript.

(i) Record. A designation of documents, if any, to be included in the clerk's or agency's record in

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addition to those automatically included pursuant to the following Rule 28 and those designated by the appellant in the initial notice of appeal.

(j) Exhibits-Civil Cases. A designation of documents, charts, or pictures offered or admitted as exhibits in a trial or hearing, if any, in addition to those requested by the appellant in the original notice of appeal, to be copied and sent to the Supreme Court.

(k) Certification. A certification of the attorney of the cross-appellant, or affidavit of the person representing himself or herself:

(1) That service of the notice of cross-appeal and any request for additional transcript has been made upon the reporter;

(2) That the estimated reporter's fees for the requested transcript, if any, have been paid, or that cross-appellant is exempt from paying such fees for stated reasons;

(3) That the estimated fees for including any additional documents in the clerk's or agency's record have been paid, or that cross-appellant is exempt from paying such fees for stated reasons.

(4) That all appellate filing fees have been paid, or that cross-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.

(l) Amended Notice of Cross-Appeal. - In the event the original notice of cross-appeal erroneously states any of the information and requirements of this rule or additional facts arise after the filing of the initial notice of cross-appeal, the cross-appellant may thereafter file an amended notice of cross-appeal correctly setting forth the facts and information. An amended notice of cross-appeal shall be filed with the clerk of the district court in the same manner as the original notice of cross-appeal but no filing fee shall be required. If the original notice of cross-appeal was timely filed from an appealable judgment, order or decree, the amended notice of cross-appeal will relate back to the date of filing of the original notice of cross-appeal.

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

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

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[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 April 3, 1996, effective July 1, 1996; amended March 19, 2009, effective July 1, 2009, amended March 29, 2010, effective July 1, 2010.)

Source URL: <https://isc.idaho.gov/iar18>

Links:

[1] https://isc.idaho.gov/./rules/forms/IAR_18_Form.doc