

I.A.R. 20. Filing and Service and Documents

Idaho Appellate Rule 20. Filing and Service of Documents.

A notice of appeal or notice of cross-appeal from a district court or an administrative agency, a petition for rehearing, and a petition for review to the Supreme Court are not deemed filed until they are physically received by the clerk of the respective court or administrative agency. For the purpose of filing all other documents involved in the appellate process, and for the purpose of service of all documents upon parties to an action, including service of a copy of a notice of appeal, a petition for rehearing or a petition for review, if the document is transmitted by mail such filing and service shall be deemed complete upon mailing. A certificate of mailing signed by an attorney that a document was properly mailed in the United States mail with postage prepaid to named persons on a day certain shall create a rebuttable presumption that such mailing was so made. At the time of the filing of a notice of appeal or cross-appeal, the appellant or cross-appellant shall serve copies thereof upon all persons who were parties and who appeared in the proceedings below, whether or not they are parties to the appeal, and upon each court reporter from whom a transcript is requested. At the time of the filing of any other document in the appellate process, the party filing the same shall serve a copy thereof upon all other parties to the action who are parties to the appeal, or who were parties in the proceeding below and who could be affected by the appeal; provided, if the parties to be served are numerous or cannot be found the trial court may order substituted service by publication, or otherwise, upon motion of the serving party. The party shall certify such service and the date and manner of service on the original document filed. Upon receipt of the notice of appeal, the Clerk of the Supreme Court shall notify the court reporter(s) identified in the Clerk's Certificate of Appeal that a transcript has been requested.

(Adopted March 25, 1977, effective July 1, 1977; amended March 20, 1985, effective July 1, 1985; amended March 28, 1986, effective July 1, 1986; amended June 15, 1987, effective November 1, 1987 amended January 3, 2008, effective March 1, 2008)

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