

I.A.R. 34. Briefs on Appeal - Number - Length - Time for Filing - Service of Briefs

Idaho Appellate Rule 34. Briefs on Appeal - Number - Length - Time for Filing - Service of Briefs.

(a) Number of Copies. With the exception of cases governed by Idaho Appellate Rule 35(h), the original bound brief, six (6) bound copies, and an electronic copy of all appellate briefs shall be filed with the Supreme Court and the original shall be signed by counsel submitting the same. In cases governed by Idaho Appellate Rule 35(h), only the original and four (4) copies of all appellate briefs shall be filed. Electronic copies of briefs are governed by Idaho Appellate Rule 34.1.

(b) Length of Briefs. No brief in excess of 50 pages, including covers and anything contained between them excluding addendums or exhibits, shall be filed without consent of the Supreme Court.

(c) Time for Filing. Appellant's brief shall be filed with the clerk of the Supreme Court within 35 days of the date that the reporter's transcript and the clerk's or agency's record have been filed with the Supreme Court. The respondent's and cross-appellant's brief, which may be joined in one brief, shall be filed within 28 days after the service of appellant's brief. The cross-respondent's brief, if any, shall be filed within 28 days after the cross-appellant's brief. Any reply brief shall be filed within 21 days after service of any respondent's brief. Briefs of amicus curiae shall be filed within the time set in the order of the Supreme Court granting leave to file an amicus curiae brief.

(d) Service of Briefs. Two copies of all appellate briefs shall be served upon each party to the appeal.

(e) Extension of Time for Filing Brief. A motion for extension of time for filing a brief may be made no later than the due date for the appellate brief and shall be supported by an affidavit setting forth:

(1) The date when the brief is due;

(2) The number of extensions of time previously granted, and if extensions were granted the original date when the brief was due;

(3) Whether any previous requests for extensions of time have been denied or denied in part;

(4) The reasons or grounds why an extension is necessary;

(5) The number of days of extension deemed necessary and the date on which the brief would become due;

(6) Whether there has been any stipulation of the parties for this application for extension, which stipulation shall not be binding upon the Court;

(7) The position of the opposing parties concerning the application, and whether or not the opposing parties have verbally expressed their agreement or disagreement;

(8) What assurance there is that the brief will be filed within the extended time requested.

Extensions of time for filing briefs shall not be favored and will be granted by the Supreme Court only upon a clear showing of good cause and as provided in Rule 46.

(f) Augmentation of Briefs.

(1) At any time before the issuance of an opinion, any party may supplement his brief by the citation of additional authority, identifying the issue on appeal to which it pertains, without written comment thereon, and identifying the headnote or relevant pages of the authority cited. This augmentation may be done by written notice to the court and all parties without first obtaining leave of the court.

(2) At any time before the issuance of an opinion, any party may file a motion to augment the authority and argument presented in his brief. Such motion shall be filed in accordance with Rule 32, with or without the supplemental brief attached, and will be granted by the court upon a showing of good cause why the material had not been included in the prior brief. An order granting a motion to augment a brief will state the time within which any reply brief of an adverse party can be filed.

(Adopted March 25, 1977, effective July 1, 1977; amended April 11, 1979, effective July 1, 1979; amended April 18, 1983, effective July 1, 1983; amended March 30, 1984, effective July 1, 1984; amended March 28, 1986, effective July 1, 1986; amended June 15, 1987; effective November 1, 1987; amended January 1, 1995, effective January 1, 1995; amended March 9, 1999, effective July 1, 1999; amended January 30, 2001, effective July 1, 2001; amended March 29, 2001, effective July 1, 2001; amended March 21, 2007, effective July 1, 2007; amended March 18, 2011, effective July 1, 2011; amended May 5, 2017, effective July 1, 2017.)

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