

In the Supreme Court of the State of Idaho

IN RE: ORDER AMENDING RULE ON
ELECTRONIC FILING AND SERVICE

)
)
)
ORDER

The Court having received recommendations for amendments to the new rule on electronic filing and service and having reviewed those recommendations:

NOW THEREFORE IT IS ORDERED THAT:

1. An appellate section of the rule is adopted for use in those counties and district courts that have approval from the Supreme Court to accept filings electronically.
2. Any court rules in conflict with this rule are superseded, and the terms of the attached rule as it relates to electronic filing and electronic service.
3. Filing in accord with this new appellate section, as adopted by this order, is permissive beginning **June 4, 2018**, and mandatory beginning **July 2, 2018**. This new section of the rule will be published on the Idaho Supreme Court website at <https://www.isc.idaho.gov/main/idaho-court-rules>, and notice will be given to the Idaho State Bar.

DATED this 14 day of May, 2018.

By Order of the Supreme Court

Roger S. Burdick

Roger S. Burdick, Chief Justice

I, Karel A. Lehrman, Clerk of the Supreme Court/
Court of Appeals of the State of Idaho, do hereby
certify that the above is a true and correct copy of
the Order
entered in the above entitled cause and now on
record in my office.

WITNESS my hand and the Seal of this Court 5-14-18

KAREL A. LEHRMAN

Clerk

By: *[Signature]*

Chief Deputy

ATTEST:

[Signature]
for Karel Lehrman, Clerk

Rule ELECTRONIC FILING AND ELECTRONIC SERVICE

(j) Appeals to Supreme Court.

1. **Notices of appeal and cross-appeal.** The notice of appeal and cross-appeal must be filed in compliance with I.A.R. 17 and I.A.R. 18, except that transcripts must be requested in electronic format or both electronic format and hard copy.

2. Clerk's or Agency's Record on Appeal.

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

- i. **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.
- ii. **Bookmarks.** The record must contain electronic bookmarks that link to each document in the electronic record.
- iii. **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.
- iv. **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.

B. **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.

- i. **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, except that the following provisions do not apply:

- Subsections (a) and (b) in Idaho Appellate Rule 24 on number and use of transcripts and additional electronic copy;
 - Subsection (l) of Idaho Appellate Rule 26 on binding.
- ii. **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.
- v. **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, except that the following provisions do not apply to briefs electronically filed:
- Subsection (a) in Idaho Appellate Rule 34 on number of copies.
 - Subsection (d) in Idaho Appellate Rule 34 in that only one electronic copy need be served on each party.
 - Idaho Appellate Rule 34.1.
 - Subsection (b) in Idaho Appellate Rule 36 on color and material of cover.

- Those portions of subsection (c) in Idaho Appellate Rule 36 regarding printing and binding.

(k) Original Petitions, Motions and Memorandums of Costs. All original petitions, motions and memorandum of costs must be filed electronically with the Supreme Court and served in compliance with this rule. Otherwise, original petitions, motions and memorandum of costs must be in compliance with the Idaho Appellate Rules, except that the following provisions do not apply:

Subsection (i) of Idaho Appellate Rule 5 on number of copies.

Subsection (e) of Idaho Appellate Rule 32 on number of copies.

Subsection (e) of Idaho Appellate Rule 40 on number of copies.
