

COURT OF APPEAL UNIFORM RULE CHANGES – OCTOBER 2012 – ENotification

Language with ~~strike through~~ are deletions from current rules;
language with **bold and underline** are additions to current rules.

2-2.1. Notice of Appeal

Within seven (7) days of the granting of an order of appeal, the clerk of the trial court shall ~~mail~~ **transmit** to the appellate court and the judicial administrator of the Supreme Court, the notice of appeal required by the Code of Civil Procedure or the Code of Criminal Procedure.

Adopted April 11, 1996. Amended April 7, 2005

~~2-2.2. Additional Notice Requirements in Election Cases; Responsibility of Appellant and Clerk of Trial Court~~ **See redundant provisions in Rule 3.2**

~~In any action objecting to candidacy or contesting an election, governed by the provisions of Title 18 of the Revised Statutes, the following notices to the appellate court shall be given by either or both the appellant and the clerk of court as provided below:~~

~~(1) Within 24 hours after signing of judgment, a party who is aggrieved by the judgment and who both obtains an order of appeal and provides the necessary bond, as required by the provisions of Title 18, shall give notice of the order of appeal to the clerk of the Court of Appeal by telephone and/or facsimile transmission; and~~

~~(2) Within 24 hours after an order of appeal has been obtained and a bond given, as required by the provisions of Title 18, the clerk of the trial court shall give notice of the order of appeal to the clerk of the Court of Appeal by telephone and/or facsimile transmission.~~

~~(3) The telephonic or facsimile transmission required above shall be immediately followed by the mailing of that notice to the clerk of the court of appeal.~~

~~*Adopted April 11, 1996.*~~

2-5.2. Notification

Upon the filing of the record and the docketing of the case, the clerk shall forthwith notify counsel of record, and each party not represented by counsel, ~~in writing~~, of the date of the filing and docketing.

2-8.6. Abandonment of Civil Appeal

For civil appeals, if an appellant does not file a brief within the time prescribed by Rule 2-12.7 or any extension thereof granted by the court as provided by Rule 2-12.8, a notice shall be ~~mailed~~ **transmitted** by the clerk to counsel for the appellant, or to the appellant if not represented, that the appeal shall be dismissed 30 days thereafter unless a brief is filed in the meantime. If an appellant does not file a brief within 30 days after such notice is ~~mailed~~ **transmitted**, the appeal shall be dismissed as abandoned. Provided, however, that irrespective of the time limit provided

in Rule 2-12.7 for the appellee to file a brief, the appellee's brief shall be filed within 20 days from the due date shown on the notice of abandonment.

Amended effective October 7, 1991, amended October 3, 1994, effective January 1, 1995; amended October 1, 2001.

2-11.9. Calendar of Assignments

The clerk shall post the calendar of assignments for hearing and ~~mail~~ **transmit** it to all counsel of record, and to any party not represented by counsel, not less than 30 days prior to the date fixed for the hearing of a case on the calendar, provided, however, that the 30 day notice herein required shall not be applicable where there will be no oral argument. The clerk shall note on the calendar the dates and hours of sessions of court.

2-16.4. Copies of Opinions

In every case, one copy of the ~~published or unpublished~~ opinion, when rendered, shall be ~~delivered or mailed~~ **transmitted** to the trial judge, the clerk of the trial court, all appeal counsel of record, and all parties not represented by counsel.

2-16.5. Certificate

The clerk of this court shall file a certificate in the record showing the date on which and to whom the copy of opinion was ~~delivered or mailed~~ **transmitted and the transmission method**.

2-17.1. Notice

Notice of judgment of a Court of Appeal shall be ~~delivered personally or mailed~~ **transmitted** by the clerk to all counsel of record, and to all parties not represented by counsel.

2-17.2. Certificate

The clerk shall file a certificate in the record showing the date on which and the names of all parties or persons to whom the notice of judgment was ~~delivered or mailed~~ **transmitted and the transmission method**.

Amended March 22, 2001, effective January 1, 2002.

Rule 2-20. Notices or Copies by Clerk, Sufficiency of

All notices or copies of papers required by these Rules to be ~~given~~ **transmitted** by the clerk shall be ~~delivered personally or mailed by the clerk addressed~~ **sent** to appeal counsel of record for each party, and to any party not represented by counsel, to the **United States mailing address, email address or facsimile number** shown by the record or to the **United States mailing address, email address or facsimile number** furnished to the clerk.

Rule 3-2. Additional Notice Requirements in Election Cases; Responsibility of Appellant and Clerk of Trial Court

In any action objecting to candidacy or contesting an election, governed by the provisions of Title 18 of the Revised Statutes, the following additional notices and procedures shall be applicable to either parties or the clerk of district court.

(a) Within 24 hours after any ~~pleading~~ **document** is filed in an action objecting to candidacy or contesting an election, the clerk of district court shall by facsimile transmission or by e-mail, ~~if~~ **as** directed by the Court of Appeal, provide a copy to the clerk of the Court of Appeal. ~~All parties to the action must provide a copy of any legal memorandum to the clerk of the Court of Appeal by facsimile transmission or by e-mail, if directed by the Court of Appeal, on the same date provided to the trial court.~~

(b) Within 24 hours after the signing of judgment, the clerk of the district court shall provide a copy of the judgment and reasons for judgment to the clerk of the Court of Appeal by facsimile transmission or by e-mail, ~~if~~ **as** directed by the Court of Appeal.

(c) Within 24 hours after an order of appeal has been obtained and a bond given, ~~as required by the provisions of Title 18,~~ the clerk of district court shall give notice of the order of appeal to the clerk of the Court of Appeal by ~~telephone,~~ facsimile transmission or by e-mail, ~~if~~ **as** directed by the Court of Appeal. ~~The telephone, facsimile, or e-mail transmission required above shall be immediately followed by the mailing of that notice to the clerk of the Court of Appeal.~~

(d) Once the record lodges with the Court of Appeal, all briefing and docketing notices issued by the clerk of court shall be by ~~telephone,~~ facsimile, or e-mail transmission.

Adopted October 4, 1999; effective October 4, 1999; Amended October 2, 2006, effective November 1, 2006.

Rule 4-6. Notices of Disposition of an Application for Writs

(A) The clerk shall ~~mail~~ **transmit** a copy of the court of appeal's disposition of an application for writs in each particular case to

- (1) The applicant;
- (2) The opposing party or parties respondent;
- (3) The trial judge whose ruling has been complained of;
- (4) The trial court clerk; and
- (5) Any ~~interested~~ party who has requested, before disposition, a copy of such disposition.

If a party is not represented by a counsel of record, the clerk shall ~~mail~~ **transmit** a copy of the disposition to the litigant at the **United States mailing** address shown in the application or in care of the trial court clerk where no **such** address of the litigant is shown.

(B) Where circumstances require prompt notice of the court's disposition of an application for writs, the clerk **shall transmit the disposition in accordance with Rule 2-20, but** may **also** give **prompt** notice of the disposition by telephone **and/or** ~~other electronic means followed by the required notice by mail~~ **by email or facsimile transmission to those who are to receive the notice via United States mail.** *Amended October 2, 1989, effective January 1, 1990.*