

1 **Rule 37. Suggestion of mootness; voluntary dismissal.**

2 (a) Suggestion of mootness. It is the duty of each party at all times during the course of an appeal
3 to inform the court of any circumstances which have transpired subsequent to the filing of the appeal
4 which render moot one or more of the issues raised. If a party determines that one or more issues
5 have been rendered moot, the party shall forthwith advise the court by filing a "suggestion of
6 mootness" in the form of a motion under Rule 23. If the parties to the appeal agree as to the mootness
7 of an issue, a stipulation to that effect should be filed, and unless otherwise directed by the court, the
8 appeal will then proceed as to the remaining issues; if all issues in the appeal are mooted and the
9 parties stipulate thereto, the suggestion of mootness shall be presented to the court pursuant to the
10 provisions of paragraph (b) of this rule.

11 (b) Voluntary dismissal. If, prior to the date that a decision is entered, the parties to ~~an~~ the appeal
12 or other proceeding sign and file with the clerk an agreement that the proceeding be dismissed,
13 specifying the terms as to payment of costs and pay whatever fees are due, the clerk shall enter an
14 order of dismissal. Absent such agreement, an appeal may be dismissed on motion of the appellant
15 upon such terms as to payment of costs and fees as the court may order. If appellant has the right to
16 effective assistance of counsel, the appeal may be dismissed only if appellant's motion is
17 accompanied by appellant's personal affidavit demonstrating that appellant's decision to dismiss the
18 appeal is voluntary and made with knowledge of the right to an appeal and an understanding of the
19 consequences of voluntary dismissal.