

1 **Rule 26. Filing and service of briefs.**

2 (a) Time for service and filing briefs. Briefs shall be deemed filed on the date of the postmark
3 | if first-class mail is utilized. The appellant shall serve and file a principal brief within 40 days
4 | after date of notice from the clerk of the appellate court pursuant to Rule 13. If a motion for
5 | summary disposition of the appeal or a motion to remand for determination of ineffective
6 | assistance of counsel is filed after the Rule 13 briefing notice is sent, service and filing of
7 | appellant's principal brief shall be within 30 days from the denial of such motion. The appellee,
8 | or in cases involving a cross-appeal, the ~~appellee~~/cross-appellant, shall serve and file a principal
9 | brief within 30 days after service of the appellant's principal brief. In cases involving cross-
10 | appeals, the appellant shall serve and file the appellant's reply ~~second~~ brief described in ~~Rule~~
11 | ~~24(g)~~Rule 24A(d) within 30 days after service of the ~~appellee~~/cross-appellant's principal brief. A
12 | reply brief may be served and filed by the appellant or the ~~appellee~~/cross-appellant in cases
13 | involving cross-appeals. If a reply brief is filed, it shall be served and filed within 30 days after
14 | the filing and service of the appellee's principal brief or the appellant's ~~second~~reply brief in cases
15 | involving cross-appeals. If oral argument is scheduled fewer than 35 days after the filing of
16 | appellee's principal brief, the reply brief must be filed at least 5 days prior to oral argument. By
17 | stipulation filed with the court in accordance with Rule 21(a), the parties may extend each of
18 | such periods for no more than 30 days. A motion for enlargement of time need not accompany
19 | the stipulation. No such stipulation shall be effective unless it is filed prior to the expiration of
20 | the period sought to be extended.

21 (b) Number of copies to be filed and served. For matters pending in the Supreme Court, ten
22 | copies of each brief, one of which shall contain an original signature, shall be filed with the
23 | Clerk of the Supreme Court. For matters pending in the Court of Appeals, eight copies of each
24 | brief, one of which shall contain an original signature, shall be filed with the Clerk of the Court
25 | of Appeals. Two copies shall be served on counsel for each party separately represented.

26 | (c) Consequence of failure to file principal briefs. If an appellant fails to file a principal brief
27 | within the time provided in this rule, or within the time as may be extended by order of the
28 | appellate court, an appellee may move for dismissal of the appeal. If an appellee fails to file a
29 | principal brief within the time provided by this rule, or within the time as may be extended by
30 | order of the appellate court, an appellant may move that the appellee not be heard at oral
31 | argument.

32 (d) Return of record to the clerk. Each party, upon the filing of its brief, shall return the
33 record to the clerk of the court having custody pursuant to these rules.