

1 **Rule 10. ~~Motion~~ Procedures for summary disposition or simplified appeal process.**

2 (a) **Time for filing; grounds for motion for summary disposition.**

3 (a)(1) A party may move at any time to dismiss the appeal or the petition for review on  
4 the basis that the appellate court lacks jurisdiction. Any response to such motion must be  
5 filed within 14 days from the date of service.

6 (a)(2) ~~Within 10 days a~~ After the docketing statement ~~or an order granting a petition~~  
7 ~~under Rule 5(e) is served, a party may move:~~

8 ~~(a)(2)(A) To affirm the order or judgment which is the subject of review on the basis that~~  
9 ~~the grounds for review are so insubstantial as not to merit further proceedings and~~  
10 ~~consideration by the appellate court; or~~

11 ~~(a)(2)(B) To reverse the order or judgment which is the subject of review on the basis of~~  
12 ~~manifest error.~~

13 ~~(b) Number of copies; form of motion. For matters pending in the Supreme Court, an~~  
14 ~~original and seven copies of a motion made pursuant to this rule shall be filed with the~~  
15 ~~Clerk of the Supreme Court. For matters pending in the Court of Appeals, an original and~~  
16 ~~four copies shall be filed with the Clerk of the Court of Appeals. The motion shall be in~~  
17 ~~the form prescribed by Rule 23.~~

18 ~~(c) Filing of response. The party moved against shall have 10 days from the service of~~  
19 ~~such a motion in which to file a response. For matters pending in the Supreme Court, an~~  
20 ~~original response and seven copies shall be filed in the Supreme Court. For matters~~  
21 ~~pending in the Court of Appeals, an original response and four copies shall be filed in the~~  
22 ~~Court of Appeals.~~

23 ~~(d) Submission of motion; suspension of further proceedings. Upon the filing of a~~  
24 ~~response or the expiration of time therefor, the motion shall be submitted to the court for~~  
25 ~~consideration and an appropriate order. The time for taking other steps in the appellate~~  
26 ~~procedure is suspended pending disposition of a motion to affirm or reverse or dismiss.~~

27 ~~(e) Ruling of court. has been filed. T~~he court, ~~up~~on its own motion, and on such notice as  
28 it directs, may dismiss an appeal or petition for review if the court lacks jurisdiction; or  
29 may summarily affirm the judgment or order ~~which~~that is the subject of review, if it  
30 plainly appears that no substantial question is presented; or may summarily reverse in  
31 cases of manifest error.

32 ~~(f) Deferral of ruling.~~(a)(3) The time for taking other steps in the appellate process is  
33 suspended pending disposition of a motion for summary affirmance, reversal, or  
34 dismissal.

35 (a)(4) As to any issue raised by a motion for summary disposition, the court may defer its  
36 ruling until plenary presentation and consideration of the case.

37 **(b) Simplified appeal process; eligible appeals.**

38 (b)(1) For appeals involving the application of well-settled law to a set of facts, the court  
39 may designate an appeal for a simplified appeal process. An appellant in a case pending  
40 before the Court of Appeals may move for a simplified appeal process under this  
41 subsection within 10 days after the docketing statement is filed or the case is transferred  
42 to the court of appeals, whichever is later.

43 (b)(2) Appeals eligible for a simplified process are those involving the application of  
44 well-settled law to a set of facts, which may include, but are not limited to, cases in the  
45 following categories:

46 (b)(2)(A) appeals challenging only the sentence in a criminal case;

47 (b)(2)(B) appeals from the revocation of probation or parole;

48 (b)(2)(C) appeals from a judgment in an unlawful detainer action; and

49 (b)(2)(D) petitions for review of a decision of the Department of Workforce  
50 Services Workforce Appeals Board or the Labor Commission.

51 (c) Memoranda in lieu of briefs.

52 (c)(1) In appeals designated under subsection (b), the parties must file memoranda in  
53 support of their positions instead of briefs. The schedule for preparing memoranda will be  
54 set by appellate court order.

55 (c)(2) A party's principal memorandum must include:

56 (c)(2)(A) an introduction describing the nature and context of the dispute,  
57 including the disposition in the court or agency whose judgment or order is under  
58 review;

59 (c)(2)(B) a statement of the issues for review, including a citation to the record  
60 showing that the issue was preserved for review or a statement of grounds for  
61 seeking review of an issue not preserved;

62 (c)(2)(C) an argument, explaining with reasoned analysis supported by citations to  
63 legal authority and the record, why the party should prevail on appeal; no separate  
64 statement of facts is required, but facts asserted in the argument must be  
65 supported by citations to the record;

66 (c)(2)(D) a claim for attorney fees, if any, including the legal basis for an award;  
67 and

68 (c)(2)(E) a certificate of compliance, certifying that the memorandum complies  
69 with rule 21 regarding public and private documents.

70 (c)(3) An appellant or petitioner may file a reply memorandum limited to responding to  
71 the facts and arguments raised in appellee's or respondent's principal memorandum. The  
72 reply memorandum must include an argument and a certificate of compliance with rule  
73 21 regarding public and private documents.

74 (c)(4) Principal memoranda must be no more than 7,000 words or 20 pages if a word  
75 count is not provided. A reply memorandum must be no more than 3,500 words or 10  
76 pages if a word count is not provided.

77 (d) **Extension of time.** By stipulation filed with the court before the date a memorandum is due  
78 to be filed, the parties may extend the time for filing by no more than 21 days. Any additional  
79 motions for an extension of time will be governed by rule 22(b).

80 Effective February 19, 2020