

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

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

20 (b) **Number of copies ~~to be filed and served~~.** For matters pending in the Supreme Court,
21 ~~ten~~eight paper copies of each brief, one of which shall contain an original signature, ~~shall~~must be
22 filed with the Supreme Court Clerk ~~of the Supreme Court~~. For matters pending in the Court of
23 Appeals, ~~eight~~six paper copies of each brief, one of which shall contain an original signature,
24 ~~shall~~must be filed with the Court of Appeals Clerk ~~of the Court of Appeals~~. If a brief was filed
25 by email, the required paper copies of the brief must be delivered no more than seven days after
26 filing. If a brief is served by email, upon request ~~Two~~ paper copies ~~shall be served on~~ must be
27 delivered to counsel for each party separately ~~represented~~ requesting paper copies.

28 (c) **Consequence of ~~failure~~ing to file principal briefs.** If an appellant fails to file a principal
29 brief within the time provided in this rule, or within the time as may be extended by order of the
30 appellate court, an appellee may move for dismissal of the appeal. If an appellee fails to file a

31 principal brief within the time provided by this rule, or within the time as may be extended by
32 ~~order of the~~ appellate court [order](#), an appellant may move that the appellee not be heard at oral
33 argument.

34 (d) **Return of record to the clerk.** Each party, upon ~~the~~ filing ~~of~~ its brief, ~~shall~~ [must](#) return the
35 record to the [court](#) clerk ~~of the court~~ having custody pursuant to these rules.

36 [Effective February 19, 2020](#)