

Rule 31. Expedited appeals decided after oral argument without written opinion.

(a) **Motion and stipulation for expedited hearing.** After the filing of all briefs in an appeal, a party may move for an expedited decision without a written opinion. The motion shall be in the form prescribed by Rule [23](#) and shall describe the nature of the case, the issues presented and any special reasons the parties may have for an expedited decision. The court may dispose of any qualified case under this rule upon its own motion before or after oral argument.

(b) **Cases which qualify for expedited decision.** The following are matters which the court may consider for expedited decision without opinion:

- (1) appeals involving uncomplicated factual issues based primarily on documents;
- (2) summary judgments;
- (3) dismissals for failure to state a claim;
- (4) dismissals for lack of personal or subject matter jurisdiction; and
- (5) judgments or orders based on uncomplicated issues of law.

(c) In all motions brought under this rule, the substantive rules of law should be deemed settled, although the parties may differ as to their application.

(d) **Appeals ineligible for expedited decision.** The court will not grant a motion for an expedited appeal in cases raising substantial constitutional issues, issues of significant public interest, issues of law of first impression, or complicated issues of fact or law.

(e) **Procedure if expedited motion is granted.** If a motion for expedited decision is granted, the appeal will be given an expedited setting for oral argument within 45 to 60 days from the date of the order granting the motion. Within two days after submission of the appeal, the court will conference, decide the case, and issue a written order which need not be accompanied by an opinion. Entry of the order by the clerk in the records of the court, shall constitute the entry of the judgment of the court.

(f) **Effect as precedent.** Appeals decided under this rule will not stand as precedent, but, in other respects, will have the same force and effect as other decisions of the court.

(g) **Issuance of written opinion.** If it appears to the court after the case has been submitted for decision that a written opinion should be issued, the time limitation in paragraph (e) shall not apply and the parties will be so notified.

Advisory Committee Note

~~Rule 31(b) is amended to permit either party to request an expedited decision after oral argument without the necessity of a stipulation by the other party. The rule expressly permits the court to invoke the rule on its own motion.~~

~~Criminal cases are no longer automatically exempt from disposition under this rule. Criminal cases must meet the qualification criteria of rules 31(b) and (c) in order to be disposed under this rule.~~