

**Rule 42. Transfer of case from Supreme Court to Court of Appeals.**

(a) **Discretion of Supreme Court to transfer.** At any time before a case is set for oral argument before the Supreme Court, the Court may transfer to the Court of Appeals any case except those cases within the Supreme Court's exclusive jurisdiction. The order of transfer shall be issued without opinion, written or oral, as to the merits of the appeal or the reasons for the transfer.

(b) **Notice of order of transfer.** Upon entry of the order of transfer the Clerk of the Supreme Court shall give notice of entry of the order of transfer by mail to each party to the proceeding and to the clerk of the trial court. Upon entry of the order of transfer, the Clerk of the Supreme Court shall transfer the original of the order and the case, including the record and file of the case from the trial court, all papers filed in the Supreme Court, and a written statement of all docket entries in the case up to and including the order of transfer, to the Clerk of the Court of Appeals.

(c) **Receipt of order of transfer by Court of Appeals.** Upon receipt of the original order of transfer from the Clerk of the Supreme Court, the Clerk of the Court of Appeals shall enter the appeal upon the Court of Appeals docket. The Clerk of the Court of Appeals shall immediately give notice to each party to the proceeding and to the clerk of the trial court that the appeal has been docketed and that all further filings will be made with the Clerk of the Court of Appeals. The notice shall state the docket number assigned to the case in the Court of Appeals.

(d) **Filing or transfer of appeal record.** If the record on appeal has not been filed with the Clerk of the Supreme Court as of the date of the order of transfer, the Clerk of the Supreme Court shall notify the clerk of the trial court that upon completion of the conditions for filing the record by that court, the clerk shall transmit the record on appeal to the Clerk of the Court of Appeals. If, however, the record on appeal has already been transmitted to and filed with the Clerk of the Supreme Court as of the date of the entry of the order of transfer, the Clerk of the Supreme Court shall transmit the record on appeal to the Clerk of the Court of Appeals within five days of the date of the entry of the order of transfer.

(e) **Subsequent proceedings before Court of Appeals.** Upon receipt by the Clerk of the Court of Appeals of the order of transfer and the entry thereof upon the docket of the Court of Appeals, the case shall proceed before the Court of Appeals to final decision and disposition as in other appellate cases pursuant to these rules.

## Advisory Committee Note

~~Former Rules 4A and 4B have been renumbered as Rules 42 and 43 respectively and included in a new title governing the certification and transfer of cases between courts. The amendments make uniform the practices followed by the two appellate courts in transferring cases.~~