

1 **Rule 3. Appeal as of right: — how taken.**

2 (a) **Filing ~~appeal from final orders and judgments~~ the notice of appeal.**

3 (1) Except as otherwise provided by law, A party may appeal ~~may be taken~~
4 final order or judgment from a district or juvenile court to the appellate court ~~with~~
5 ~~jurisdiction over the appeal from all final orders and judgments, except as~~
6 ~~otherwise provided by law,~~ by filing a notice of appeal with the trial court clerk ~~of~~
7 ~~the trial court~~ within the time allowed by Rule 4.

8 (2) An appellant's Failure ~~of an appellant~~ to take any step other than ~~the~~ timely
9 filing ~~of~~ a notice of appeal does not affect the validity of the appeal, but is ground
10 only for ~~such action as~~ the appellate court to act as it deems considers appropriate,
11 ~~which may include~~ dismissal ~~of~~ ing the appeal or other sanctions short of
12 dismissal, ~~as well as~~ and the awarding ~~of~~ attorney fees.

13 (b) **Joint or consolidated appeals.** If two or more parties are entitled to appeal from a
14 judgment or order and their interests are such as to make joinder practicable, they may
15 file a joint notice of appeal or may join in an appeal of another party after filing separate
16 timely notices of appeal. Joint appeals may proceed as a single appeal with a single
17 appellant. Individual appeals may be consolidated by order of the appellate court upon
18 its own motion or upon motion of a party, or by stipulation of the parties to the separate
19 appeals.

20 (c) **Party Designation ~~of parties~~.** The party taking the appeal ~~shall be~~ is known as the
21 appellant and the adverse party as the appellee. Unless otherwise directed by the
22 appellate court, The appeal will not change the title of the action or proceeding ~~shall not~~
23 ~~be changed in consequence of the appeal, except where otherwise directed by the~~
24 ~~appellate court.~~ In For original proceedings in the appellate court, the party making the
25 original application ~~shall be~~ is known as the petitioner and any other party as the
26 respondent.

27 (d) **~~Content of n~~ Notice of appeal contents.** The notice of appeal ~~shall~~ must:

- 28 (1) specify the party or parties taking the appeal;
- 29 (2) ~~shall~~ designate the judgment, ~~or~~ order, or part thereof, being appealed ~~from~~;
- 30 (3) ~~shall designate~~ name the court from which the appeal is taken; and
- 31 (4) ~~shall designate~~ name the court to which the appeal is taken.

32 (e) ~~Service of~~ ng the notice of appeal. The ~~party taking the appeal shall~~ appellant must
33 ~~give notice of the filing of a~~ serve the notice of appeal ~~by serving on~~ each party to the
34 judgment or order in accordance with the requirements of the court from which the
35 appeal is taken. If counsel of record is served, the certificate of service ~~shall~~ must
36 ~~designate~~ include the name of the party represented by that counsel.

37 (f) **Filing fee in civil appeals.** ~~At the time of~~ When filing any notice of separate, joint, or
38 cross appeal in a civil case, the party taking the appeal or cross appeal ~~shall~~ must pay the
39 filing fee established by law to the trial court clerk ~~of the trial court~~ ~~the filing fee~~
40 ~~established by law~~. The trial court clerk ~~of the trial court~~ ~~shall~~ must accept a notice of
41 appeal regardless of whether the filing fee has been paid. Failure to pay the filing fee
42 within a reasonable time may result in dismissal.

43 (g) **Docketing of appeal.**

44 (1) Transmitting notice of appeal to the appellate court. ~~After an appellant~~ Upon
45 ~~the filing of~~ the notice of appeal, the trial court clerk ~~of the trial court~~ ~~shall~~ must
46 immediately ~~transmit a certified~~ email a copy of the notice of appeal to the
47 appellate court clerk. ~~The email will include:~~

48 (A) ~~showing~~ the date the notice of appeal was filed ~~of its filing,~~ and

49 (B) the clerk's statement ~~by the clerk indicating~~ declaring whether the
50 filing fee was paid and whether the cost bond required by Rule 6 was filed.

51 (2) Docketing the appeal. Upon receipt ~~of~~ ving the copy of the notice of appeal
52 from the trial court clerk, the appellate court clerk ~~of the appellate court~~ ~~shall~~ will
53 enter the appeal ~~upon~~ on the docket. An appeal ~~shall~~ will be docketed under the

54 title given to the action in the trial court, with the appellant identified as such, but
55 if the title does not contain the name of the appellant, such name ~~shall~~will be added
56 to the title.

57 Effective November 1, 2020

58 **~~Advisory Committee Note~~**

59 ~~But for the order of filing, the cross-appellant would have been the appellant and~~
60 ~~therefore the designation of an appeal as a “cross-appeal” does not eliminate the~~
61 ~~obligation to pay filing and docketing fees.~~

62 *Adopted 2020*