

1 **Rule 10. 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  
4 review on the basis that the appellate court lacks jurisdiction. Any response to  
5 such motion must be filed within 14 days from the date of service.

6 (a)(2) After a docketing statement has been filed, the court, on its own motion,  
7 and on such notice as it directs, may dismiss an appeal or petition for review if  
8 the court lacks jurisdiction; or may summarily affirm the judgment or order that  
9 is the subject of review, if it plainly appears that no substantial question is  
10 presented; or may summarily reverse in cases of manifest error.

11 (a)(3) The time for taking other steps in the appellate process is suspended  
12 pending disposition of a motion for summary affirmance, reversal, or dismissal.

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

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

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

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

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

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

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

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

29 **(c) Memoranda in lieu of briefs.**

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

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

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

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

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

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

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

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

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

55 (d) **Extension of time.** By stipulation filed with the court prior to the expiration of time  
56 in which a memorandum is due~~before the date a memorandum is due to be filed~~, the  
57 parties may extend the time for filing by no more than 21 days. Any additional motions  
58 for an extension of time will be governed by rule 22(b).

59 *Effective November 1, 2022*