

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

2 **(a) Filing appeal from final orders and judgments.** An appeal may be taken from a district or
3 juvenile court to the appellate court with jurisdiction over the appeal from all final orders and judgments,
4 except as otherwise provided by law, by filing a notice of appeal with the clerk of the trial court within the
5 time allowed by Rule 4. Failure of an appellant to take any step other than the timely filing of a notice of
6 appeal does not affect the validity of the appeal, but is ground only for ~~such action as~~ the appellate court
7 deems appropriate, which may include dismissal of the appeal or other sanctions short of dismissal, as
8 well as the award of attorney fees.

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

15 **(c) Designation of parties.** The party taking the appeal ~~shall be known as is~~ the appellant and the
16 adverse party ~~as is~~ the appellee. The title of the action or proceeding ~~shall is not be~~ changed in
17 consequence of the appeal, except where otherwise directed by the appellate court. In original
18 proceedings in the appellate court, the party making the original application ~~shall be known as is~~ the
19 petitioner and any other party ~~as is~~ the respondent.

20 **(d) Content of notice of appeal.** The notice of appeal ~~shall must~~ specify the party or parties taking
21 the appeal; ~~shall designate~~ the judgment or order, or part thereof, appealed from; ~~shall designate~~ the
22 court from which the appeal is taken; and ~~shall designate~~ the court to which the appeal is taken.

23 **(e) Service of notice of appeal.** ~~The party taking the appeal shall give notice of the filing of a notice~~
24 ~~of appeal by serving each party to the judgment or order in accordance with the requirements of the court~~
25 ~~from which the appeal is taken. If counsel of record is served, the certificate of service shall designate the~~
26 ~~name of the party represented by that counsel.~~

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

31 **(g)-(e) Docketing of appeal.** Upon the filing of the notice of appeal, the clerk of the trial court shall
32 immediately transmit a certified copy of the notice of appeal, showing the date of its filing, and a
33 ~~statement by the clerk will promptly notify the clerk of the appellate court of the appeal,~~ indicating whether
34 the filing fee was paid and whether the cost bond required by Rule 6 was filed. ~~Upon receipt of the copy~~
35 ~~of the notice of appeal, the clerk of the appellate court shall enter the appeal upon the docket.~~

36 **Advisory Committee Notes**

37 ~~The designation of parties is changed to conform to the designation of parties in the federal appellate~~
38 ~~courts.~~

39 ~~The rule is amended to make clear that the mere designation of an appeal as a "cross-appeal" does~~
40 ~~not eliminate liability for payment of the filing and docketing fees. But for the order of filing, the cross-~~
41 ~~appellant would have been the appellant and so should be required to pay the established fees.~~

42 The provisions for service, proof of service, and paying filing fees, formerly found in this rule, have
43 been consolidated in Rule 21.

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