

1 **Rule 10. ~~Motion~~ 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 review on the basis
4 that the appellate court lacks jurisdiction.

5 (a)(2) ~~Within 10 days a~~ After the docketing statement ~~or an order granting a petition under Rule~~
6 ~~5(e) is served, a party may move:~~

7 ~~(a)(2)(A) To affirm the order or judgment which is the subject of review on the basis that the~~
8 ~~grounds for review are so insubstantial as not to merit further proceedings and consideration by~~
9 ~~the appellate court; or~~

10 ~~(a)(2)(B) To reverse the order or judgment which is the subject of review on the basis of~~
11 ~~manifest error.~~

12 ~~(b) Number of copies; form of motion. For matters pending in the Supreme Court, an original~~
13 ~~and seven copies of a motion made pursuant to this rule shall be filed with the Clerk of the~~
14 ~~Supreme Court. For matters pending in the Court of Appeals, an original and four copies shall be~~
15 ~~filed with the Clerk of the Court of Appeals. The motion shall be in the form prescribed by Rule~~
16 ~~23.~~

17 ~~(c) Filing of response. The party moved against shall have 10 days from the service of such a~~
18 ~~motion in which to file a response. For matters pending in the Supreme Court, an original~~
19 ~~response and seven copies shall be filed in the Supreme Court. For matters pending in the Court~~
20 ~~of Appeals, an original response and four copies shall be filed in the Court of Appeals.~~

21 ~~(d) Submission of motion; suspension of further proceedings. Upon the filing of a response or the~~
22 ~~expiration of time therefor, the motion shall be submitted to the court for consideration and an~~
23 ~~appropriate order. The time for taking other steps in the appellate procedure is suspended~~
24 ~~pending disposition of a motion to affirm or reverse or dismiss.~~

25 ~~(e) Ruling of court. has been filed. ~~T~~he court, upon its own motion, and on such notice as it~~
26 directs, may dismiss an appeal or petition for review if the court lacks jurisdiction; or may

27 summarily affirm the judgment or order which is the subject of review, if it plainly appears that
28 no substantial question is presented; or may summarily reverse in cases of manifest error.

29 ~~(f) Deferral of ruling.~~(a)(3) The time for taking other steps in the appellate process is suspended
30 pending disposition of a motion for summary disposition to affirm, reverse, or dismiss.

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

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

34 (b)(1) After a docketing statement has been filed, and for appeals involving the application of
35 well-settled law to a set of facts, the court may designate an appeal for a simplified appeal
36 process. An appellant in a case pending before the court of appeals may move for a simplified
37 appeal process under this subsection within 10 days after the docketing statement is filed or the
38 case is transferred to the court of appeals, whichever is later.

39 (b)(2) Appeals eligible for a simplified process are:

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

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

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

43 (b)(2)(D) petitions for review of a decision of the Department of Workforce Services Workforce
44 Appeals Board or the Labor Commission; and

45 (b)(2)(E) other appeals involving the application of well-settled law to a set of facts.

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

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

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

- 51 (c)(2)(A) an introduction describing the nature and context of the dispute, including the
52 disposition in the court or agency whose judgment or order is under review;
- 53 (c)(2)(B) a statement of the issues for review, including a citation to the record showing that the
54 issue was preserved for review or a statement of grounds for seeking review of an issue not
55 preserved;
- 56 (c)(2)(C) an argument, explaining with reasoned analysis supported by citations to legal
57 authority and the record, why the party should prevail on appeal; no separate statement of facts is
58 required, but facts asserted in the argument must be supported by citations to the record;
- 59 (c)(2)(D) a claim for attorney fees, if any, including the legal basis for an award; and
- 60 (c)(2)(E) a certificate of compliance, certifying that the memorandum complies with rule 21
61 regarding public and private documents.
- 62 (c)(3) An appellant or petitioner may file a reply memorandum limited to responding to the facts
63 and arguments raised in appellee's or respondent's principal memorandum. The reply
64 memorandum must include an argument and a certificate of compliance with rule 21 regarding
65 public and private documents.
- 66 (c)(4) Principal memoranda must be no more than 7000 words or 20 pages if a word count is not
67 provided. A reply memorandum must be no more than 3500 words or 10 pages if a word count is
68 not provided. The form of memoranda must comply with the requirements of rule 23(f)(2) and
69 23(f)(3).
- 70 (d) **Extension of time.** By stipulation filed with the court before the date a memorandum is due
71 to be filed, the parties may extend the time for filing by no more than 21 days. Any additional
72 motions for an extension of time will be governed by rule 22(b).