

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

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

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

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

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

26 (1) specify the party or parties taking the appeal;

27 (2) ~~shall~~ designate the judgment, ~~or~~ order, or part thereof; being appealed ~~from~~;

28 (3) ~~shall designate~~ name the court from which the appeal is taken; and

29 ~~(4) shall designate name~~ the court to which the appeal is taken.

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

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

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

42 **(1) Transmitting notice of appeal to the appellate court.** ~~After an appellant Upon the~~  
43 ~~files~~ **ing of** the notice of appeal, the **trial court** clerk ~~of the trial court shall must~~ immediately  
44 ~~transmit a certified~~ **email a** copy of the notice of appeal **to the appellate court clerk. The**  
45 **email will include**:-

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

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

49 **(2) Docketing the appeal.** Upon receipt ~~of~~ **ving** the copy of the notice of appeal **from the**  
50 **trial court clerk**, the **appellate court** clerk ~~of the appellate court shall will~~ enter the appeal  
51 ~~upon on~~ the docket. An appeal ~~shall will~~ be docketed under the title given to the action in  
52 the trial court, with the appellant identified as such, but if the title does not contain the  
53 name of the appellant, such name ~~shall will~~ be added to the title.

54 **Advisory Committee Note**

55 ~~But for the order of filing, the cross-appellant would have been the appellant and therefore the~~  
56 ~~designation of an appeal as a "cross appeal" does not eliminate the obligation to pay filing and~~  
57 ~~docketing fees.~~

58 *Adopted 2020*