

1 **Rule 26. Filing and service of briefs.**

2 **(a) Time for ~~service and filing~~ briefs.** Briefs shall be deemed filed on the date of the postmark if
3 first-class mail is utilized.

4 ~~(a)(1)~~ The appellant's shall serve and file a brief within is due 40 days after the date of the notice
5 from the clerk of the appellate court pursuant to under Rule 13. If a motion for summary disposition of
6 the appeal or a motion to remand for determination of ineffective assistance of counsel is filed after
7 the ~~Rule 13 briefing notice~~ is sent, ~~service and filing of~~ appellant's brief shall be within is due 30 days
8 from ~~the denial of such the~~ motion.

9 ~~(a)(2)~~ The appellee's brief, or in cases involving a cross-appeal, the appellee/cross-appellant's,
10 shall serve and file a brief within is due 30 days after ~~service filing~~ of the appellant's brief.

11 ~~(a)(3)~~ In cases involving cross-appeals, the appellant's shall serve and file the second brief
12 described in Rule 24(g) within is due 30 days after ~~service filing~~ of the appellee/cross-appellant's
13 brief.

14 ~~(a)(4)~~ A reply brief may be served and filed by the appellant or the appellee/cross-appellant in
15 cases involving cross-appeals. If a reply brief is filed, it ~~shall be served and filed within is due~~ 30 days
16 after the filing and service of the appellee's brief or the appellant's second brief in cases involving
17 cross-appeals. If oral argument is scheduled fewer than 35 days after the filing of appellee's brief, the
18 reply brief must be filed at least ~~5-7~~ days ~~prior to before~~ oral argument.

19 ~~(a)(5)~~ By stipulation filed with the court in accordance with ~~Rule 21(a)~~ before the expiration of the
20 period sought to be extended, the parties may extend each of ~~such~~ periods for no more than 30 days.
21 A motion for ~~enlargement extension~~ of time need not accompany the stipulation. ~~No such stipulation~~
22 ~~shall be effective unless it is filed prior to the expiration of the period sought to be extended.~~

23 **(b) Number of copies to be filed and served.** For matters pending in the Supreme Court, ten copies
24 of each brief, one of which shall contain an original signature, shall be filed with the Clerk of the Supreme
25 Court. For matters pending in the Court of Appeals, eight copies of each brief, one of which shall contain
26 an original signature, shall be filed with the Clerk of the Court of Appeals. Two copies shall be served on
27 counsel for each party separately represented.

28 ~~(e)(b)~~ **Consequence of failure to file briefs.** If an appellant fails to file a brief within the original or
29 extended time provided in this rule, or within the time as may be extended by order of the appellate court,
30 an appellee may move for ~~dismissal of to dismiss~~ the appeal. If an appellee fails to file a brief within the
31 original or extended time provided by this rule, or within the time as may be extended by order of the
32 appellate court, an appellant may move that the appellee not be heard at oral argument.

33 ~~(d)(c)~~ **Return of record to the clerk.** Each party, upon the filing of its brief, shall return ~~the any~~
34 records or exhibits to the clerk of the court having custody ~~pursuant to these rules.~~

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