

1 **Rule 10. Procedures for summary disposition or simplified appeal process.**

2 **(a) Time for filing; grounds for motion for summary disposition.**

3 (1) A party may move at any time to dismiss the appeal or the petition for review on
4 the basis that the appellate court lacks jurisdiction. Any response to such motion must
5 be filed within 14 days from the date of service.

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

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

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

15 **(b) Dismissal for failure to prosecute.**

16 (1) If the effective date of a notice of appeal is tolled under the provisions of [Rule 4\(b\)](#)
17 or [4\(c\)](#), the court, on its own motion, may dismiss the appeal for failure to prosecute
18 if:

19 (A) any motion within the scope of [Rule 4\(b\)](#) has not been submitted to the district
20 court for decision within 150 days after the motion was filed; or

21 (B) a proposed final judgment has not been submitted to the district court within
22 150 days after the announcement of judgment under [Rule 4\(c\)](#).

23 (2) A dismissal for failure to prosecute under this rule will be without prejudice to the
24 filing of a timely notice of appeal after the entry of a dispositive order or final
25 judgment.

26 (c) **Simplified appeal process; eligible appeals.**

27 (1) For appeals involving the application of well-settled law to a set of facts, the court
28 may designate an appeal for a simplified appeal process. An appellant in a case
29 pending before the Court of Appeals may move for a simplified appeal process under
30 this paragraph within ten days after the docketing statement is filed or the case is
31 transferred to the court of appeals, whichever is later.

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

35 (A) appeals challenging only the sentence in a criminal case;

36 (B) appeals from the revocation of probation or parole;

37 (C) appeals from a judgment in an unlawful detainer action; and

38 (D) petitions for review of a decision of the Department of Workforce Services
39 Workforce Appeals Board or the Labor Commission.

40 (d) **Memoranda in lieu of briefs.**

41 (1) In appeals designated under paragraph (c), the parties must file memoranda in
42 support of their positions instead of briefs. The schedule for preparing memoranda
43 will be set by appellate court order.

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

45 (A) an introduction describing the nature and context of the dispute, including the
46 disposition in the court or agency whose judgment or order is under review;

47 (B) a statement of the issues for review, including a citation to the record showing
48 that the issue was preserved for review or a statement of grounds for seeking
49 review of an issue not preserved;

50 (C) an argument, explaining with reasoned analysis supported by citations to legal
51 authority and the record, why the party should prevail on appeal; no separate
52 statement of facts is required, but facts asserted in the argument must be
53 supported by citations to the record;

54 (D) a claim for attorney fees, if any, including the legal basis for an award; and

55 (E) a certificate of compliance, certifying that the memorandum complies with
56 [Rule 21](#) regarding public and private documents.

57 (3) An appellant or petitioner may file a reply memorandum limited to responding to
58 the facts and arguments raised in appellee's or respondent's principal memorandum.
59 The reply memorandum must include an argument and a certificate of compliance
60 with [Rule 21](#) regarding public and private documents.

61 (4) Principal memoranda must be no more than 7,000 words or 20 pages if a word
62 count is not provided. A reply memorandum must be no more than 3,500 words or
63 ten pages if a word count is not provided.

64 ~~(e) Extension of time. By stipulation filed with the court prior to the expiration of time in~~
65 ~~which a memorandum is due, the parties may extend the time for filing by no more than~~
66 ~~21 days. Any additional motions for an extension of time will be governed by [Rule 22\(b\)](#).~~

67 *Effective ~~May 1, 2024~~*