

1 **Rule 10. 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
4 on the basis that the appellate court lacks jurisdiction. Any response to such motion
5 must be filed within 14 days from the date of service.

6 ~~(a)~~(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 ~~(a)~~(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 ~~(a)~~(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**h**) Simplified appeal process; eligible appeals.**

27 ~~(b)~~(1) For appeals involving the application of well-settled law to a set of facts, the
28 court 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 ~~subsection~~ paragraph within ~~10~~ ten days after the docketing statement is filed or
31 the case is transferred to the court of appeals, whichever is later.

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

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

37 ~~(b)(2)~~(C) appeals from a judgment in an unlawful detainer action; and

38 ~~(b)(2)~~(D) petitions for review of a decision of the Department of Workforce
39 Services Workforce Appeals Board or the Labor Commission.

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

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

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

45 ~~(e)(2)~~(A) an introduction describing the nature and context of the dispute,
46 including the disposition in the court or agency whose judgment or order is under
47 review;

48 ~~(e)(2)~~(B) a statement of the issues for review, including a citation to the record
49 showing that the issue was preserved for review or a statement of grounds for
50 seeking review of an issue not preserved;

51 ~~(e)(2)~~(C) an argument, explaining with reasoned analysis supported by citations
52 to legal authority and the record, why the party should prevail on appeal; no
53 separate statement of facts is required, but facts asserted in the argument must be
54 supported by citations to the record;

55 ~~(e)(2)~~(D) a claim for attorney fees, if any, including the legal basis for an award;
56 and

57 ~~(e)(2)~~(E) a certificate of compliance, certifying that the memorandum complies
58 with ~~¶~~[Rule](#) 21 regarding public and private documents.

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

63 ~~(e)~~(4) Principal memoranda must be no more than 7,000 words or 20 pages if a word
64 count is not provided. A reply memorandum must be no more than 3,500 words or
65 ~~10~~[ten](#) pages if a word count is not provided.

66 ~~(d)~~**Extension of time.** By stipulation filed with the court prior to the expiration of time
67 in which a memorandum is due, the parties may extend the time for filing by no more
68 than 21 days. Any additional motions for an extension of time will be governed by ~~¶~~[Rule](#)
69 22(b).

70 *Effective November 1, 2022*