

1 **Rule 3. Appeal as of right – how taken**

2 **(a) Filing the notice of appeal.**

3 (1) Except as otherwise provided by law, a party may appeal a final order or judgment
4 from a district court, ~~or a~~ juvenile court, or the Business and Chancery Court to the
5 appellate court by filing a notice of appeal with the trial court clerk within the time
6 allowed by Rule 4.

7 (2) An appellant's failure to take any step other than timely filing a notice of appeal
8 does not affect the validity of the appeal, but is ground only for the appellate court to
9 act as it considers appropriate, including dismissing the appeal or other sanctions
10 short of dismissal, and awarding attorney fees.

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

18 **(c) Party Designation.** The party taking the appeal is known as the appellant and the
19 adverse party as the appellee. Unless otherwise directed by the appellate court, the
20 appeal will not change the title of the action or proceeding. For original proceedings in
21 the appellate court, the party making the original application is known as the petitioner
22 and any other party as the respondent.

23 **(d) Notice of appeal contents.** The notice of appeal must:

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

25 (2) designate the judgment, order, or part thereof being appealed;

26 (3) name the court from which the appeal is taken; and

27 (4) name the court to which the appeal is taken.

28 (e) **Serving the notice of appeal.** The appellant must serve the notice of appeal on each
29 party to the judgment or order in accordance with the requirements of the court from
30 which the appeal is taken. If counsel of record is served, the certificate of service must
31 include the name of the party represented by that counsel.

32 (f) **Filing fee in civil appeals.** When filing any notice of separate, joint, or cross appeal in
33 a civil case, the party taking the appeal or cross appeal must, pursuant to Rule 21, pay the
34 filing fee established by law to the trial court clerk, unless waived by the trial court. The
35 trial court clerk must accept a notice of appeal regardless of whether the filing fee has
36 been paid.

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

38 (1) **Transmitting notice of appeal to the appellate court.** After an appellant files the
39 notice of appeal, the trial court clerk must immediately email a copy of the notice of
40 appeal to the appellate court clerk. The email will include:

41 (A) the date the notice of appeal was filed, and

42 (B) the clerk's statement declaring whether the filing fee was paid and whether the
43 cost bond required by Rule 6 was filed.

44 (2) **Docketing the appeal.** Upon receiving the copy of the notice of appeal from the
45 trial court clerk, the appellate court clerk will enter the appeal on the docket. An
46 appeal will be docketed under the title given to the action in the trial court, with the
47 appellant identified as such, but if the title does not contain the name of the appellant,
48 such name will be added to the title.