



Updates on Appellate Practice in Idaho

Stephen W. Kenyon, Clerk of the Courts
June 12, 2014
Boise, Idaho



Update #1 additions to Rule 54(a)

- Rule 54(a). Judgments - Definition - Form.
- A judgment shall begin with the words “JUDGMENT IS ENTERED AS FOLLOWS: . . . ,” and it shall not contain any other wording between those words and the caption. A judgment can include any findings of fact or conclusions of law expressly required by statute, rule, or regulation



Final judgment cases

- *Spokane Structures v. Equitable Investments*, 148 Idaho 616 (2010). A final judgment must not contain the court's reasoning or analysis.
- *TJT v. Mori* 148 Idaho 825 (2010). Typing "it is so ordered" at the end of a memorandum decision is not a final order.
- *Camp v. East Fork Ditch Company*, 137 Idaho 850 (2002). An order or judgment that adjudicates the subject matter of a controversy must be on a separate piece of paper.
- *Goodman Oil v. Scotty's Duro-built*, 147 Idaho 56 (2009). The 42 day period begins to run once an order is entered that resolves all issues and grants relief that prevailing party is entitled and ends lawsuit.



Final judgment cases

- *State v. Ciccone*, 150 Idaho 305 (2010). Sentenced June 7, 2005, order signed by judge same day. DC clerk enters judgment as of May 7, 2005 – then on June 21, 2010 the court notices and sends out amended judgment. Appeal was filed 42 days from the amended judgment. Appeal thrown out by Supreme Court – 42 days ran from the date of sentencing. When an amended judgment alters content other than the material terms from which a party can appeal it does not enlarge the time for an appeal



Update #2 IAR 30 augmentations

- Motions to augment filed at the Supreme Court will be charged \$2.00 per page
- This does not include transcripts
- Pay close attention to settlement period.
- Effective July 1, 2014



Update # 3 New IAR 35(g)

- Briefs

- New rule requires that a map must be included in your brief if it involves easements, boundary disputes, or other types of real property disputes.



It's not SNL *but it's close*

- Watch oral arguments live
- Started in September of 2012 all Supreme Court Boise oral arguments are broadcast live
- <http://www.isc.idaho.gov/appeals-court/isc-calendar>



New resources

- Effective in June, Supreme Court audio and video files will be available on Supreme Court website
- All cases will have audio recordings
- Only Boise cases will have video recordings.



Current electronic filing

- What can and cannot be filed electronically.
- Authorized filings should be made to:
 - sctdocuments@idcourts.net



Other Resources

- Guide to appellate procedure
- [D:\001 North Idaho 2014\Deadlines, Fees, Checkists _ Supreme Court.pdf](#)