

In the Supreme Court of the State of Idaho

IN RE: AMENDMENTS TO IDAHO)
APPELLATE RULES 12.2, 13, 17, and 24)
_____)

ORDER

The Court, having reviewed a recommendation to amend the Idaho Appellate Rules, and being fully informed:

IT IS ORDERED that the Idaho Appellate Rules are amended as follows:

Rule 12.2. Expedited Review for Appeals in Custody Cases Brought Pursuant to Rule 11.1 or Rule 12.1.

(c) Preparation and filing of transcript. Upon the filing of the notice of appeal the clerk of the district court shall forward the notice to the Trial Court Administrator, who shall be responsible for assigning preparation of the transcript. Unless otherwise ordered by the magistrate court, the appellant shall pay the estimated fee for preparation of the transcript as determined by the transcriber within the time set by the Trial Court Administrator and transcriptionist. The payment of the transcript fee may be waived by the magistrate court pursuant to section 31-3220, Idaho Code, in accordance with the local rules of the judicial district of the district court. Upon receipt of the estimated fee or payment in full, the reporter shall file a Notice of Transcript Deposit with the clerk of the district court on a form provided by the Supreme Court. The transcript shall be prepared in accord with Rule 24 (a) and (b) as to number, use and format, and in accord with Rules 25 and 26. The transcript shall be prepared and ready for service on the parties within twenty-one (21) days of the date of the filing of the notice of appeal.

Rule 13. Stay of Proceedings Upon Appeal or Certifications.

(c) Stay Upon Appeal - Powers of District Court - Criminal Action. In criminal actions, unless prohibited by order of the Supreme Court, the district court shall have the power and authority to rule upon the following motions and to take the following actions during the pendency of an appeal:

(9) Determine whether the defendant is entitled to a transcript and court appointed attorney on appeal at public expense, and if so, appoint an attorney for the defendant and upon the filing of a notice of appeal, order the preparation of the transcript and record at county public expense.

Rule 17. Notice of Appeal - Contents.

(1) Certification. A certification of the attorney of the appellant, or affidavit of the appellant representing himself or herself:

(5) That service has been made upon all other parties required to be served pursuant to Rule 20, and that in all cases referred to in Section 67-1401(1), Idaho Code, service has been made upon the attorney general of the state of Idaho. The appellant shall not be required to certify the payment of estimated fees in criminal appeals, appeals from denial of a petition for writ of habeas corpus, or petitions for post-conviction relief, if the district court has entered an order, or thereafter enters an order within 14 days of filing the notice of appeal, that such costs shall be at ~~county~~ public expense.

Rule 24. Reporter's Transcript - Format - Estimate of Fees - Time for Preparation - Waiver of Reporter's Fee.

(d) Payment of Estimated Reporter's Fees to Clerk. Before filing a notice of appeal, a party to a trial in the district court or a proceeding in the Public Utilities Commission must first serve a copy of the notice of appeal on the reporter, which may be made by mail to the reporter at the resident chambers of the reporter's judge or the office of the clerk of the Public Utilities Commission addressed to the reporter; and the appealing party shall pay to either the clerk of the district court or the reporter, as determined by the Trial Court Administrator, the estimated fees for the preparation of any requested transcript in the amount determined under subparagraph (b) of this rule. Upon receipt of the estimated fee or payment in full, the reporter or clerk of the district court, as appropriate, shall file a Notice of Transcript Deposit with the clerk of the district court on a form provided by the Supreme Court. ~~After~~ If the estimated transcript fees are paid to the clerk of the district court, the clerk shall hold the same in trust and pay the same to the reporter upon the lodging of the completed transcript by the reporter. The payment of the reporter's fee in appeals from the Industrial Commission or Public Utilities Commission shall be as ordered by the respective Commission.

IT IS FURTHER ORDERED that this order and these amendments shall be effective immediately.

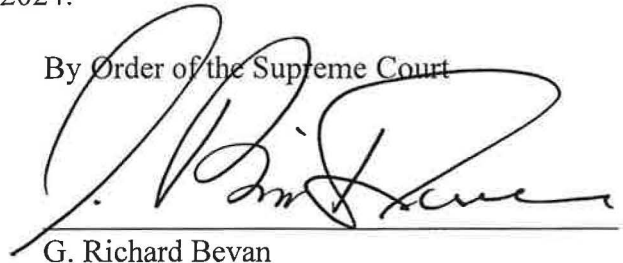
IT IS FURTHER ORDERED that the above designation of the striking of words from the Rules by lining through them, and the designation of the addition of new portions of the Rules by underlining such new portion is for the purposes of information only as amended, and NO OTHER

AMENDMENTS ARE INTENDED. The lining through and underlining shall not be considered a part of the permanent Idaho Appellate Rules.

IT IS FURTHER ORDERED, that notice of this Order shall be published for three consecutive weeks on the Idaho State Bar's website and in its weekly E-Bulletin, and that as soon as practicable, a summary of the amendment(s) effected by this Order shall be published in one issue of *The Advocate*.

DATED this 11th day of September, 2024.

By Order of the Supreme Court



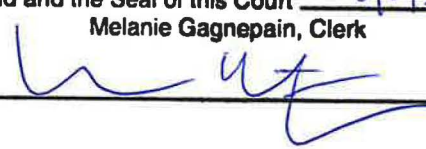
G. Richard Bevan
Chief Justice, Idaho Supreme Court

ATTEST:



Melanie Gagnepain, Clerk

I, Melanie Gagnepain, Clerk of the Supreme Court/
Court of Appeals of the State of Idaho, do hereby
Certify that the above is a true and correct copy of the
Order entered in the above entitled
cause and now on record in my office. WITNESS my
hand and the Seal of this Court 9-12-24
Melanie Gagnepain, Clerk

By  Deputy