

IN THE SUPREME COURT
STATE OF NORTH DAKOTA

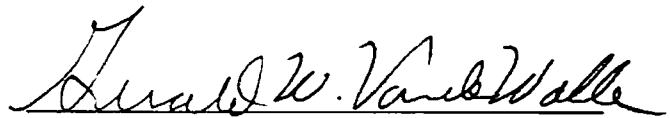
ORDER OF ADOPTION
Supreme Court No. 980382


Amendments to the North Dakota Rules of Appellate Procedure

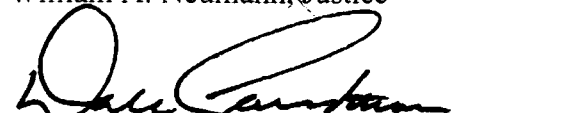
The Supreme Court considered, sua sponte, amendments to Rules 10 and 31, North Dakota Rules of Appellate Procedure. Amendments to Rule 10, N.D.R.App.P., require the filing of a computer diskette of transcripts prepared by administrative agencies. Amendments to Rule 31, N.D.R.App.P., require the filing of a computer diskette of each brief filed. It is hereby,


ORDERED, amendments to Rules 10 and 31, N.D.R.App.P., are ADOPTED effective March 1, 1999.

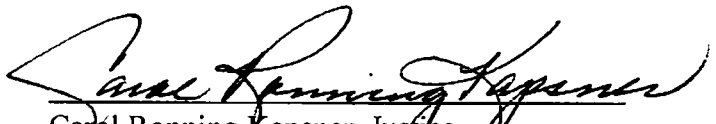
Dated at Bismarck, North Dakota, December 9, 1998.

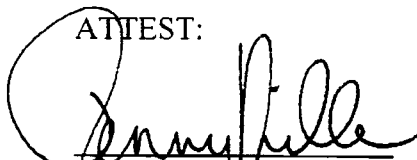

Gerald W. VandeWalle, Chief Justice


William A. Neumann, Justice


Dale V. Sandstrom, Justice


Mary Muehlen Maring, Justice


Carol Ronning Kapsner, Justice

ATTEST:

Penny Miller, Clerk

RULE 10. THE RECORD ON APPEAL

* * * * *

(c) Time for Furnishing Transcript; Filing of Transcript; Financial Arrangements. The transcript must be completed within 50 days after the order for the transcript is filed unless the person preparing the transcript or a party applies for and receives an extension of time under subdivision (d). The person preparing the transcript shall file three copies of the transcript and proof of service of other copies of the transcript with the clerk of the supreme court. The other copies must be served on parties designated in the order for transcript. The person preparing the transcript shall also file a 3.5 inch computer diskette of the transcript. In an appeal of the determination of an administrative agency, the agency shall file a diskette of the transcript unless the agency certifies the transcript was not prepared on a computer or word processor. If demanded by the person preparing the transcript, the appellant or a party obliged by an order of the court under subdivision (b) to pay for the transcript or a portion thereof shall advance the payment of his portion of the estimated cost of any transcript ordered, provided a written estimate of the

26 amount and a demand for payment is served on any
27 obligated party within 10 days after receipt of the
28 order for transcript or an order of the trial court
29 under subdivision (b). Failure to furnish a written
30 estimate and make a timely demand for payment waives the
31 right to demand advance payment. No advance payment is
32 required if the transcript is to be paid for by the
33 state or any agency or subdivision thereof. If an
34 obligated party fails to make the advance payment within
35 10 days after service of the demand, the person
36 preparing the transcript may suspend preparation of the
37 transcript until payment is made.

38 * * * * *

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40 EXPLANATORY NOTE

41 Rule 10 was amended, effective 1978; March 1, 1986;
42 January 1, 1995; March 1, 1998; March 1, 1999.

43 Rule 10 was amended, effective January 1, 1995.
44 The amendment allows a transcript to be prepared and
45 certified from an electronic recording by someone other
46 than the operator of recording equipment or court
47 reporter.

48 SOURCES: Procedure Committee Minutes of January
49 30, 1997, pages 9-10; September 26-27, 1996, page 18;
50 April 28-29, 1994, pages 3-4; January 27-28, 1994, page
51 18; September 23-24, 1993, pages 20-21; March 28-29,
52 1985, pages 13-14; November 29, 1984, pages 5-6; May

53 25-26, 1978, pages 7-8; March 16-17, 1978, pages 1, 2,
54 9-13; January 12-13, 1978, pages 14-15; October 27-28,
55 1977, pages 2-3; September 15-16, 1977, pages 5-8, 16-
56 18; June 2-3, 1977, pages 2-4. Rule 10, F.R.App.P.

57 STATUTES AFFECTED:

58 SUPERSEDED: §§ 28-18-04, 28-18-05, 28-18-06,
59 28-18-07, 28-18-08, 28-27-07, 28-27-33, 29-23-01,
60 29-23-02, 29-23-03, 29-23-04, 29-23-08, 29-23-09,
61 NDCC.

62 CROSS REFERENCE: Rules 3 (Appeal as of Right--How
63 Taken), 7 (Bond for Costs on Appeal in Civil Cases), 11
64 (Transmission and Filing of the Record), and 12
65 (Docketing the Appeal), NDRAppP.

1 RULE 31. FILING AND SERVICE OF BRIEFS

2
3 * * * * *

4 ~~(b) Number of Copies to Be Filed and Served.~~
5 ~~Seven copies and an original of each brief shall be~~
6 ~~filed with the clerk of the supreme court unless the~~
7 ~~court by order in a particular case shall permit a~~
8 ~~lesser number, and one copy shall be served on counsel~~
9 ~~for each party separately represented.~~

10 (b) Number of Copies to Be Filed and Served.

11 (1) Each brief must be served and filed as
12 follows:

13 (A) One copy of each brief must be served on
14 counsel for each party separately represented.

15 (B) Seven copies and an original of each brief
16 must be filed with the clerk of the supreme court.

17 (C) One electronic copy of each brief must be
18 filed with the clerk of the supreme court on a 3.5 inch
19 diskette unless the filing party certifies the brief was
20 not prepared on a computer or word processor.

21 (2) The diskette must be formatted in WordPerfect;
22 or, if WordPerfect is not available, Microsoft Word; or,
23 if Microsoft Word is not available, ASCII; or other
24 compatible electronic language. The diskette must
25 contain a label indicating:

- 26 (A) the title and docket number of the case;
27 (B) the name of the document contained on the
28 diskette; and
29 (C) the language format of the document.

30 * * * * *

31
32 EXPLANATORY NOTE

33 Rule 31 was amended, effective January 1, 1988;
34 March 1, 1997; March 1, 1999.

35 SOURCES: Procedure Committee Minutes of September
36 28-29, 1995, page 12; May 21-22, 1987, page 17;
37 February 19-20, 1987, page 8; September 18-19, 1986,
38 pages 2, 20; May 25-26, 1978, page 17; October 27-28,
39 1977, pages 6-7; September 15-16, 1977, pages 13-14.
40 Rule 31, FRAppP.

41 CROSS REFERENCE: Rule 26(b) (Enlargement of Time),
42 Rule 28 (Contents of Briefs; Briefs Involving Cross-
43 Appeals), Rule 30 (Appendix), and Rule 32 (Form of
44 Briefs), NDRAppP.