

Rule 26. Filing and serving briefs.

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**Effective:
5/1/2024**

(a) **Time to file and serve briefs.** The appellant must file and serve a principal brief within 40 days after date of notice from the appellate court clerk pursuant to Rule 13. If a motion for summary disposition of the appeal or a motion to remand for determination of ineffective assistance of counsel is filed after the Rule 13 briefing notice is sent, an appellant's principal brief must be filed and served within 30 days from the denial of such motion. The appellee, or in cases involving a cross-appeal, the cross-appellant, must file and serve a principal brief within 30 days after service of the appellant's principal brief. In cases involving cross-appeals, the appellant must file and serve the appellant's reply brief described in Rule 24A(d) within 30 days after service of the cross-appellant's principal brief. A reply brief may be filed and served by the appellant or the cross-appellant in cases involving cross-appeals. If a reply brief is filed, it must be filed and served within 30 days after the filing and service of the appellee's principal brief or the appellant's reply brief in cases involving cross-appeals. If oral argument is scheduled fewer than 35 days after the filing of appellee's principal brief, the reply brief must be filed at least five days prior to oral argument. By stipulation filed with the court in accordance with Rule 21(a), the parties may extend each of such periods for no more than 30 days. A motion for enlargement of time need not accompany the stipulation. No such stipulation will be effective unless it is filed prior to the expiration of the period sought to be extended.

(b) **Number of copies.** For matters pending in the Supreme Court, eight paper copies of each brief, one of which shall contain an original signature, must be filed with the Supreme Court Clerk. For matters pending in the Court of Appeals, six paper copies of each brief, one of which shall contain an original signature, must be filed with the Court of Appeals Clerk. If a brief was e-filed or filed by email, the required paper copies of the brief must be delivered no more than seven days after filing. If a brief is served by e-filing or email, upon request two paper copies must be delivered to counsel for each party separately requesting paper copies.

(c) **Consequence of failing to file principal briefs.** If an appellant fails to file a principal brief within the time provided in this rule, or within the time as may be extended by order of the appellate court, an appellee may move for dismissal of the appeal. If an appellee fails to file a principal brief within the time provided by this rule, or within the time as may be extended by appellate court order, an appellant may move that the appellee not be heard at oral argument.

(d) **Return of record to the clerk.** If a party checks out the physical record from the appellate court clerk, then that party must return the physical record and all exhibits to the clerk when that party files its brief.
