The ABC'S of Appellate Practice

A Guide for Processing Appeals and Extraordinary Writs in the Missouri Court of Appeals, Eastern District

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Introduction

This manual is a summary of basic procedural requirements for processing and perfecting direct appeals from the lower courts and administrative agencies, and extraordinary remedial writs in the Missouri Court of Appeals, Eastern District. It is merely a reference tool and a general, simple informational guide for attorneys and litigants practicing before this Court. It is not to be used as a substitute for the Supreme Court Rules or the judicial decisions interpreting them. Attorneys and litigants are urged to examine the Rules and judicial decisions when certain legal issues arise, as for example, the meaning of a "final" judgment.

The Supreme Court of Missouri has said that the Rules of appellate practice are simple, plain, and direct; they must be followed for the good of court and counsel. Every lawyer should become familiar with the appellate principles set forth in *Thummel v. King*, 570 S.W.2d 679 (Mo. banc 1978).

Appellate practice before the Eastern District is governed by Supreme Court Rules that are applicable to all three appellate districts in Missouri, and certain Local Rules promulgated by the Eastern District alone.

The Supreme Court Rules that generally govern the procedure relating to appeals are found in Rule 30 (criminal appeals), Rules 81 and 84 (civil appeals) and the Local Rules of the Eastern District. In addition, electronic filing by attorneys is governed by Rule 103 and Operating Rule 27.

This Court established internal administrative procedures and policies relating to the perfection of appeals. Litigants and members of the Bar practicing before this Court should become familiar with these internal procedures. Although the material included in this manual should prove informative and helpful, the information is not meant to provide the sole basis for any action taken by a party on appeal or other proceeding

pending in the Eastern District. A party should always refer to the actual text of the Rules governing appellate practice and the case law for authority. An excellent discussion of the rules of appellate practice may be found in the Missouri Bar CLE "Appellate Court Practice," as well as Vol. 24 of the Missouri Practice series entitled "Appellate Practice."

The Eastern District is composed of 14 judges and has general appellate and original remedial writ jurisdiction over cases arising in the City of St. Louis and 25 counties in Eastern Missouri. The Court is located in the Old Post Office, Third Floor, 815 Olive St., St. Louis, Missouri 63101. Phone Number: (314) 539-4300 and Telefacsimile Number: (314) 539-4324. All attorneys representing parties in this Court must use the electronic filing system for all filings. The Court holds oral argument in St. Louis from September to June. The Court generally sits two times a year in Cape Girardeau and Hannibal. The Court may sit in other locations in the Eastern District during the year.

Missouri judicial website

The Eastern District maintains a website, which contains useful information. Access to the Eastern District website can be found at the Missouri Judiciary website. The Eastern District website includes full-text opinions of the court, monthly dockets, biographies of the judges, the local Eastern District Rules, the ABC's of Appellate Practice, as well as announcements of interest to the bar. The Missouri Judiciary website provides full-text opinions of the Supreme Court of Missouri and the other appellate court districts. Also at that website, access is provided to Casenet, a case information service. Casenet allows a search by litigant name and case number for courts, including the Eastern District. Generally, the identity of all parties, attorneys and docket entries for an appeal are available on Casenet.

"Track This Case" is an e-mail notification system provided through Casenet. This feature allows parties and the public to be notified by e-mail about docket activity in a particular case. Access this feature through Casenet. Self-represented litigants are encouraged to use this notification system to follow the activity of their cases on appeal. "Track This Case" notifications are in addition to any notices provided by this Court.

The Missouri Judiciary website also provides access to the electronic filing system. Any attorney who is a member in good standing of the Missouri Bar must file all documents through the electronic filing system. Electronic filing in this Court is governed by Rule 103 and Operating Rule 27.

The appellate process: step by step

This section summarizes the procedures for filing and perfecting direct appeals in the Eastern District. It is intended to be both an overview of the appellate process and a practical guide for the benefit of all individuals appearing before this Court.

Generally, a party initiates an appeal by filing a notice of appeal with the clerk of the trial court that issued the judgment. Once the notice of appeal is filed, the party appealing, or Appellant, has responsibility for ordering and filing a record on appeal and then filing an "Appellant's Brief." Strict time lines govern these filings and the process can be complicated. If an appellant is representing himself or herself *pro se*, he or she is advised to retain an attorney if possible. While the staff at the Court can explain the appellate process and court procedure to litigants, they cannot give legal advice to litigants about their cases.

1. Preserving the record

Although an appeal is first set in motion by the filing of a notice of appeal with the clerk of the trial court, the appellate process actually begins at the trial and pre-trial level. Counsel and the parties are bound by the record made at the trial level. A litigant cannot present any new evidence or testimony in the appellate court because the appellate court may only review the record from the proceedings at the trial court. Trial errors cannot be raised for the first time on appeal, and constitutional issues must be raised at the first opportunity. Two things are important to keep in mind in this regard.

First, objections during the trial must be both specific and timely. A general objection is not sufficient. Untimely or general objections preserve nothing for appellate review, unless the court, in rare cases, considers the matter “plain error.” Rules 30.20 and 84.13(c).

Second, in jury-tried cases, allegations of error must be included in a motion for new trial to be preserved for appellate review. Rules 29.11(d) and 78.07. A motion for new trial must be timely filed in the trial court and must be specific as to the allegations of error. In a civil case, a motion for new trial must be filed within 30 days after the entry of a judgment on a jury verdict. Rule 78.04. In a criminal case, the motion for new trial must be filed 15 days after return of the verdict and the time may be extended for one period of ten days. Rule 29.11(b). In a civil case, the time for filing the motion for new trial may not be extended either by the trial court or the appellate court. In all cases, whether jury-tried or tried without a jury, allegations of error relating to the form or language of the judgment must be raised in a motion to amend the judgment in order to be preserved for appellate review. Rule 78.07(a). The motion for new trial, timely filed, is overruled automatically at the expiration of 90 days after the motion is filed, if it is not ruled on prior to that time. Rules 29.11(g) and 78.06.

2. Initiating an appeal

General Rule: In general civil and criminal appeals, the notice of appeal is due ten (10) days after the judgment becomes final.

A. Jurisdiction

This Court has jurisdiction of all appeals, except where jurisdiction is vested in the Supreme Court of Missouri, pursuant to Article five, Section 3, Missouri Constitution, from cases of the following courts:

1. Circuit Courts. *See generally* Section 512.020.
2. Associate Circuit Courts. *See* Sections 512.180.2 and 543.335 for the circumstances under which an appeal may be filed with this Court directly from the associate circuit court.
3. Probate courts. *See* Section 472.160 for a list of some of the orders of the probate court that may be appealed.

B. Finality of judgment

Generally, an appeal may be taken only from a final judgment. A judgment is rendered when a writing signed by a judge and denominated “judgment” or “decree” is filed. Rule 74.01(a). A final judgment is one that disposes of all issues, claims, and parties. In the absence of a final judgment, the appeal is premature. A judgment that disposes of fewer than all parties or claims may be made final for purposes of appellate review, if the trial court makes an express determination that there is “no just reason for delay.” Rule 74.01(b). In the absence of this express determination, the appellate court has no jurisdiction. *Bi-State Development Agency v. Peckham, Guyton, Albers & Viets, Inc.*, 747 S.W.2d 332, 334 (Mo. App. 1988).

In civil cases, the judgment becomes final 30 days after the entry of the judgment if no timely motion for new trial is filed. If a timely motion for new trial is filed, the judgment becomes final at the expiration of 90 days after the filing of the motion or, if such motion is passed on at an earlier date, at the later of: 1) 30 days after the entry of judgment; or 2) disposition of the motion. Rule 81.05(a).

In criminal cases, the judgment is final "if the judgment disposes of all disputed issues in the case and leaves nothing for future adjudication." *State v. Bodenhamer*, 689 S.W.3d 485, 487 (Mo. banc 2024) (quoting *State v. Waters*, 597 S.W.3d 185, 187 (Mo. banc 2020)). The judgment becomes final when the motion for new trial is overruled, a written judgment and sentence is entered in accordance with the jury verdict, and sentence is imposed. *State v. Welch*, 865 S.W.2d 434 (Mo. App. 1993). In cases where no sentence is imposed, there is no right of appeal. *State v. Vandergrift*, 669 S.W.3d 282 (Mo. banc 2023).

C. Filing the notice of appeal

In general, civil and criminal appeals, the notice of appeal is filed with the clerk of the trial court no later than ten (10) days after the judgment becomes final. Rules 30.01(a) and 81.04(a).

The form and contents of a notice of appeal to the court of appeals are contained in Form 8-A(2) for civil appeals and Form 8-A(3) for criminal appeals. Rules 30.01(a) and 81.04(a). *See* Appellate Court Forms on Missouri Judiciary website. At the time of the filing the notice of appeal with the clerk of the trial court, a docket fee of $70.00 or a motion to proceed in forma pauperis must be filed. Rules 30.01(a) and 81.04(e); section 488.031. The appellant shall also serve a copy of the notice of appeal on any persons other than registered users of the Missouri eFiling system. Rule 84.026(c).

The notice of appeal must specify the parties taking the appeal, the judgment or order appealed from, and the court to which the appeal is taken. Rule 81.04(a). The clerk of the trial court shall transmit the notice of appeal to the appellate court clerk and give notification of the transmittal of the notice of appeal to any person other than registered users of the eFiling system. Rule 81.04(g).

D. Cross-appeal

If a notice of appeal is timely filed by a party, any other party may file a notice of appeal within 10 days of the date the first notice of appeal was filed. Rule 81.04(c). The Court generally consolidates all appeals arising from the same circuit court judgment into one case for judicial efficiency. Any party by motion may request that appeals be consolidated.

E. Late notice of appeal

If a timely notice of appeal has not been filed, all is not lost. A party may seek leave from the Court of Appeals to file a "late" notice of appeal. The request for leave to file a late notice of appeal must be within twelve months of a final criminal judgment, including post-conviction proceedings. Rule 30.03. In civil cases, the request for leave to file a late notice of appeal must be filed within six months of a final judgment. Rule 81.07. Leave to file a late notice of appeal is sought by filing with the Clerk of the Court of Appeals a written motion for special order permitting a late notice of appeal.

In a civil case, the Court of Appeals may issue a special order only upon motion, with notice to the adverse parties, and a showing by affidavit or otherwise that the delay was not due to the appellant's culpable negligence. In addition, a copy of the final judgment from which the appeal is sought shall be attached to the motion. Rule

81.07(a). In a criminal case, the Court of Appeals may issue a special order in its discretion “for good cause shown.” Rule 30.03.

When a special order is granted, the clerk of the trial court shall permit the appellant to file a notice of appeal within the time specified by the appellate court. Rules 30.03 and 81.07(a). The notice of appeal should not be filed with the trial court until after the appellate court has granted the motion. If a notice of appeal has been previously filed, it is still necessary to file a new notice of appeal. The notice of appeal should never be filed directly in the appellate court.

F. Interlocutory appeal by the state

In accordance with Section 547.200, the State may appeal from an order that quashes an arrest warrant, suppresses evidence, a confession or admission. The notice of appeal must be filed in the trial court within five days of the entry of the order. The filing of the record on appeal and the briefing cycle are expedited in accordance with Rule 30.02.

G. SPECIAL TIME LIMITS

In workers’ compensation cases, the notice of appeal is due within 30 days of the date of the award. Section 287.495.1. In unemployment cases, decisions must be appealed within 20 days of finality. Finality occurs 10 days after the date of mailing of the decision. Sections 288.200.2 and 288.210. There is a mailbox rule applicable to notices of appeal sent to the Labor and Industrial Relations Commission in workers’ compensation and unemployment cases. Sections 287.480.1 and 288.240.

3. Stay of execution

A. Civil appeal

The filing of a notice of appeal automatically stays execution on a judgment during the pendency of an appeal when the appellant is an executor, administrator, personal representative, conservator, guardian, curator, a county, city, township, town, school district, or other municipality. Rule 81.09(a).

In all other cases, the appellant may, at or prior to, the filing of the notice of appeal, file a supersedeas bond in an amount determined under Rule 81.09(b), which if approved and accepted by the trial court, shall have the effect of staying execution on the judgment while the appeal is pending. Rule 81.09. The trial court may also, at or prior to the filing of the notice of appeal, fix the amount of the supersedeas bond by order and allow appellant a reasonable period of time not to exceed 30 days to file the bond, subject to its approval. This means that a bond may be filed in the trial court after the notice of appeal has been filed, if the trial court set the amount of the bond at or before the filing of the notice of appeal. Security other than a bond, such as a letter of credit or the posting of other property, may be approved only for good cause shown and after notice and hearing. Rule 81.09(b).

In cases when an appeal is taken out of time after a special order of the appellate court, or if the notice of appeal has been filed and a supersedeas bond has not been filed with the trial court in accordance with Rule 81.09(a), the power to issue a stay of execution rests exclusively in the appellate court. Rule 81.10. In such cases, an application for a stay of execution should be directed to the Court of Appeals, which may in its discretion decline to grant the application, issue a stay upon such terms and conditions with respect to the supersedeas bond as it deems appropriate, or remand the matter to the trial court. Rule 81.10. It is the general practice of this Court, if it grants the application, to remand the matter to the trial court to approve the amount and form of

the bond. A copy of the appeal bond filed with the trial court should then be filed with the appellate court. Rule 81.09(a). Original bonds should not be filed with the appellate court.

B. Criminal appeal

If a convicted defendant is entitled to a conditional release pending an appeal, the conditions shall be determined by the trial court pursuant to Rule 33. Rule 30.16. Section 547.170, contains a list of the offenses for which a defendant may not be released on bail pending appeal. A defendant on an appeal bond is only entitled to release until an opinion is issued affirming the conviction or dismissing the appeal. The appellate court may in its discretion, order the appellant arrested before the opinion is made public. Section 547.330.

This District's Local Rule 425 requires that if an eligible defendant is released on bail pending appeal pursuant to Rules 30.16 and 33, the stated conditions of the bond shall include: (1) that defendant report to and appear before an officer of this Court with defendant's surety at a designated time within 30 days after filing the notice of appeal and defendant appear thereafter at such time and place as required by the Court of Appeals or by the circuit court; (2) that defendant submit to the orders, judgment, sentence and process of the Court; (3) that defendant will not leave the geographical jurisdiction of the Court of Appeals without its written permission. Further, the bond shall contain the defendant's residence and mailing address and the surety's address.

An appellant on appeal bond must inform the appellate court and provide the Court with a copy of the appeal bond. Civil Procedure Form Number 9. Upon receipt of the appeal bond, the appellant will generally be required to make a personal appearance within one week before the Marshal of this Court and every four months thereafter. The appellant bears an affirmative duty to advise this Court of any change of

address. Local Rule 310. Failure to comply with the conditions of the bond will result in issuance of a warrant for appellant's arrest. Rule 33.08.

4. Settlement docket

After the notice of appeal and supplemental filings are filed, a settlement judge screens all civil cases and selects those cases that the judge determines are appropriate for possible settlement. Once a case is placed on the settlement docket, the time requirements for ordering the record on appeal and filing the record and briefs may be suspended. Local Rule 320. If settlement efforts fail, the case is returned for regular processing. The policy of the Court of Appeals is that no information about any case selected and processed for settlement docket shall be disclosed to any other judge.

5. The record on appeal

General Rule: In most cases, the Record on Appeal is due 90 days after the notice of appeal is filed with the circuit court, if a legal file and transcript are to be filed. If the case is a legal file only, then the legal file is due within 30 days.

A. General procedure

It is the appellant's burden to provide this Court with the record on appeal that contains all of the record, proceedings, and evidence necessary to the determination of all questions presented to the Court. Rules 30.04(a) and 81.12(a).

The record on appeal is divided into two components - the "legal file" and the "transcript." The record on appeal must be filed with the appellate court within 90 days from the date of filing of the notice of appeal, if both a legal file and a transcript are to be filed. Rule 81.19. If an extension of time is sought on the ground that the transcript has not been completed, the appellant or counsel must request from the court reporter or

the Office of the State Court Administrator, whichever is appropriate, a written statement in support of the request for an extension. Rule 81.20 and Local Rule 340. This Court's website provides a sample court report statement.

In appeals regarding the termination of parental rights, this Court accelerates the review process. The record on appeal will be due thirty (30) days after the notice of appeal is filed. Local Rule 348.

If the record on appeal consists of the legal file only, the legal file must be filed within 30 days after the notice of appeal is filed in the trial court. Rule 81.19(a). A legal file only case is one in which all of the record has been previously reduced to written form. Even though a case may include a deposition or a transcript of an administrative hearing, it is still considered a legal file only and the record is due within 30 days of filing the notice of appeal.

The record on appeal is to be filed with the Clerk of the Court of Appeals. All attorneys must file the record on appeal electronically. If the record on appeal is filed electronically, then service is provided through the electronic filing system on other registered users. Rule 84.026(b). Service must be served on all any party ineligible to use the electronic filing system as provided in Rule 84.026(c). Parties ineligible to use the electronic filing system shall serve documents as provided in Rule 43.01 on other ineligible parties, but service need not be made on parties represented by an attorney. Rule 84.026(c).

B. Legal file

All attorneys must file the legal file electronically. Even if filed electronically, the legal file must comply with Rules 30.04 and 81.12, unless modified by any electronic filing rules. If the electronic filing system permits the creation of a system-generated

legal file as provided in Rule 81.12(b)(1), a registered user shall use that method. If a system generated legal file is not allowed, then the legal file shall be prepared as provided in Rule 81.12(b)(2).

1. **Contents.**

In a civil case, the legal file should contain in chronological order at least the following documents:

(1) circuit court docket sheets;

(2) last amended pleadings upon which the action was tried;

(3) the verdict;

(4) findings of the court or jury;

(5) judgment or order appealed from;

(6) motions and orders after judgment; and

(7) notice of appeal.

In a criminal case, the legal file should contain in chronological order at least the following:

(1) circuit court docket sheets;

(2) indictment or information on which the defendant was tried;

(3) defendant's arraignment or waiver thereof and plea;

(4) the fact of defendant's presence at the trial;

(5) the verdict;

(6) any motion for new trial or waiver thereof and plea or other after-trial motion;

(7) the court's rulings thereon;

(8) the fact that allocution was accorded defendant;

(9) the judgment and sentence; and

(10) notice of appeal.

Generally, the following items should **not** be included in any legal file unless necessary to the resolution of issues on appeal: motions, continuances, abandoned pleadings, briefs, memoranda, notices of filing, subpoenas, summonses, motions to extend time, affidavits and admissions of service, notices of settings, jury lists, and depositions and notices. Rules 81.12(b)(1)(D) and 81.12(b)(2)(D).

2. System-Generated Legal File.

Most attorneys will prepare a system-generated legal file, which consists of the legal file index generated by the system and all of the hyperlinked documents referenced therein. Appellant will designate trial court documents for inclusion in the legal file. If the legal file is a system-generated legal file, then no paper copy is required. For more information see the "How Do I…?" section of the Missouri Judiciary website.

3. Non-System Generated Legal File.

Most appellants who represent themselves will prepare a non-system generated legal file, which shall contain clearly reproduced, exact copies of the pleadings and other portions of the trial court record previously reduced to written form. Rules 30.04(b) and 81.12(b)(2). The legal file should be ordered from the clerk of the trial court within 30 days of filing the notice of appeal. Rule 81.12(b)(1). The clerk of the trial court may not charge for a copy of the legal file in cases where the appellant has been granted leave to proceed *in forma pauperis*.

A non-system generated legal file shall be labeled with a cover page that shall contain the style of the case and the Eastern District Appeal Number. The legal file shall be paginated, contain an index referring to the documents by page number, and shall not contain more than 200 pages in a volume. If multiple volumes are filed, a comprehensive index must be included for the entire legal file.

The documents in a non-system generated legal file shall be arranged with the docket sheets on top numbered as page one. The oldest document shall follow the docket sheets with the remaining documents arranged in chronological order ending with the notice of appeal at the bottom. Rule 81.12(b)(4). **The non-system generated legal file must be certified by the clerk of the trial court to consist of true copies of the portions of the record filed in the trial court. Rules 81.12(b)(5).** Certification is not necessary if the parties agree in writing that the legal file is true and accurate. Rule 81.15(a).

If an attorney has to file a non-system generated legal file, it must be filed electronically. The electronic version of the legal file shall be prepared in portable document format or PDF. Rule 103.04.

C. Transcript

The transcript must contain the portions of the proceedings and evidence not previously reduced to written form. Rules 30.04(c) and 81.12(c). In civil cases, within 10 days after the notice of appeal is filed, the appellant must order the transcript from the court reporter or from the clerk of the trial court if the proceedings were electronically recorded. Rule 81.12(c)(1). The Office of the State Court Administrator in Jefferson City supervises the transcriptions of proceedings ordered from the clerk that have been recorded electronically. In criminal cases, the transcript must be ordered within 30 days of filing of the notice of appeal. Rule 30.04(c).

The written order for the transcript should designate the portions of the proceedings and evidence not previously reduced to written form that are to be included in the transcript. In criminal cases, a copy of the written order must also be filed with the Court of Appeals. Rule 30.04(c)(1). The court reporter or state court administrator should be requested to transcribe only those portions of the trial proceedings that are

necessary for a determination of the legal issues to be presented to the appellate court for review.

Within 10 days of receiving a request for a transcript, a court reporter shall provide written notification of the amount of the estimated charges. A deposit in the amount of the estimated charges shall be paid within ten (10) days of the written notification by the court reporter. Section 512.050. Within ten (10) days after payment of the charges, appellant shall file a written certificate in the appellate court stating the date on which the transcript charges were paid. Rule 81.12(c)(1). If the appellant is appealing *in forma pauperis*, the appellant will receive the transcript at no cost.

The transcript pages shall be numbered consecutively and must be preceded by a complete index. Rule 81.12(c)(3). The transcript must be certified by the court reporter as a true and accurate reproduction of the proceedings transcribed. Rule 81.12(c)(5). Certification is not necessary if the parties agree in writing that the transcript is true and accurate. Rule 81.15(a).

All attorneys must file the transcript electronically. The electronic transcript shall be prepared in full page format in text searchable “portable document format” (PDF). Rule 81.12(c)(4).

D. Exhibits

Exhibits filed with the trial court are not automatically transferred to the appellate court. Appellant is responsible for the filing of all exhibits that are necessary for the determination of any point relied on with the appellate court.

In all cases, exhibits shall be filed on or before the day the reply brief is due or when the Court so directs, whichever is earlier. Rules 30.05(c) and 81.16(d). Any

exhibits not filed on or before the day they are due may be considered immaterial by the Court. Rules 30.05(c) and 81.16(b) require that a listing and description of exhibits be supplied at the time exhibits are deposited with the Court. In a civil appeal, except post-conviction proceedings, exhibits deposited with the clerk must be removed within thirty (30) days after final judgment or they will be destroyed. Rule 81.16(e).

Generally, trial exhibits are deposited in paper with the Clerk. Local Rule 333(e) does allow copies of trial exhibits, except photographs or oversize exhibits, to be filed electronically by registered users of the electronic filing system subject to any redaction requirements.. However, any photographs or oversized exhibits must still be deposited pursuant to Rule 81.16 and cannot be electronically filed.

E. Supplemental record

If the appellant omitted anything material at the time the record was filed and desires to file additional parts of the record, appellant may file a motion accompanied by the supplemental record. Rules 30.04(d) and 81.12(f). The supplemental record must comply with the filing requirements for a transcript or legal file. Rule 81.12(g). If the respondent is dissatisfied with the record on appeal filed by appellant, the respondent, may, up until the time for filing its brief, file such additional parts of the record on appeal as respondent considers necessary. Rule 81.12(e).

If a system-generated legal file has been filed by appellant, a registered user shall use the method in Rule 81.12(b)(1) for a system-generated legal file to create a supplemental legal file. Rule 81.12(e)(1). If the appellant filed a non-system generated legal file, a respondent’s supplemental legal file shall use the method for a non-system generated legal file under Rule 81.12(b)(2). The supplemental record must comply with the filing requirements for a transcript or legal file. Rule 81.12(g). The appellate court reserves the right to order on its own that additional parts of the record be filed at any

time. Rule 81.12(f). Attorneys must file the supplemental record through the electronic filing system and comply with the electronic filing rules.

F. Cross-appeal

Each party filing a notice of appeal has an equal duty to see that the record on appeal is prepared and timely filed. It is to be expected that only one record on appeal will be prepared. Each appellant shall share the cost. Rule 81.12(h). It is expected that counsel shall cooperate in preparing the record in these circumstances.

6. Briefs

General Rule: Appellant's brief is due 60 days after the record on appeal is filed. Respondent's brief is due 30 days after Appellant's brief is filed. The reply brief is due 15 days after Respondent's brief is filed.

A. GENERAL PROCEDURE

Within 60 days after the record on appeal is filed with the Clerk of the Appellate Court, the appellant's brief must be filed with the Clerk of the Appellate Court. Within 30 days after filing of the appellant's brief, the respondent's brief shall be filed with the appellate court. Within 15 days after the filing of the respondent's brief, the appellant's reply brief may be filed.

In cases where cross-appeals are filed, the plaintiff in the court below is deemed the appellant, unless the parties otherwise agree or the court otherwise orders. Rule 84.04(i). The appellant's brief is due 60 days after the record is filed. The respondent shall file a combined respondent/cross-appellant's brief as one brief 30 days after filing of the appellant's brief. The appellant shall file a combined appellant reply/cross-respondent's brief as one brief 30 days after filing of the combined respondent's brief.

The cross-appellant may file a cross-appellant's reply brief 15 days after filing of appellant's combined brief. Rule 84.04(i) and 84.05(b).

Termination of parental rights cases are accelerated and as such, have shorter periods of time for filing of briefs. The appellant's brief shall be filed within 30 days of the filing of the record on appeal. The respondent's brief is due within 30 days of the filing of the appellant's brief. The reply brief, if any, is due within 10 days of the filing of the respondent's brief. Local Rule 348.

Parties ineligible for electronic filing may file a brief by filing one paper copy with the clerk, or by facsimile transmission, or by email attachment. Local Rule 330(a)(3). If filed by facsimile, the brief can be no longer than 20 pages. Local Rule 330(b).

If filed by e-mail attachment, the attachment must be sent to: moapped@courts.mo.gov. Local Rule 330(c). The attachment must be in PDF and must comply in all respects with Supreme Court Rules. Local Rule 330(c)(3). The e-mail message shall include the caption of the case and the party filing the brief and the attachment may not exceed seven megabytes. Local Rule 330(c)(1).

Attorneys must file briefs through the electronic filing system.

B. General format of computer software briefs

All briefs filed in the Missouri Court of Appeals, even those filed through the electronic filing system, must comply with Rules 81.18, 84.04, 84.05, and 84.06 regarding the required formatting of the briefs. Parties ineligible to file documents through the electronic filing system shall comply with all provisions of Rules 81 to 84 except to the extent Rule 81.21 provides otherwise.

1. Page Size, Type Style, and Spacing

All briefs shall be prepared using computer software and filed in text searchable PDF, except those filed by parties ineligible for electronic filing. Rule 84.06(a). The briefs must be formatted for pages of size 8 1/2 by 11 inches. Rule 84.06(a)(1) and Rule 81.21(b)(1). The type must have line spacing not less than 1.5, except that the following may be single-spaced: the cover, headings, quotations more than two lines long, footnotes, certificate of service, certificate required by Rule 84.06(c), and signature block. Rule 84.06(a)(5). The type of paper briefs should be only on one side of the page, with margins not less than one inch on each side. Rule 81.21(b)(1) and Rule 84.06(a)(2). All pages must be numbered using Arabic numbers, including the cover page. Rule 84.06(a)(3). The paper brief must be secured with a temporary binding such as a rubber band or a binder clip, but not with adhesive tape, staples, spiral binding, or edge sealing products. Rule 81.21(b)(2). The character font size throughout the brief, including footnotes, cannot be smaller than 13-point Times New Roman, unless an exception applies. Rule 84.06(a)(4).

Page limitations are calculated based on word or line counts, which can be ascertained from the computer software program. Rule 84.06(c). Briefs prepared using a monospaced font must contain a line count. Monospaced fonts, such as Courier, are those with a fixed width in which all the characters are equal in width and take up equal space. Briefs prepared using a proportional type (or any other type besides monospaced), must provide a word count. Proportional fonts are those with variable width in which the characters adapt to the width, such as Times New Roman.

If a brief is filed through the electronic filing system, it shall be prepared in text searchable PDF. Rule 84.06(a).

2. Length of Briefs

All briefs are limited by word count or line count, unless an exception applies. Rule 84.06(b). Appellant's brief (and all briefs in a cross appeal except the reply brief) shall not exceed 15,500 words or 1,100 lines of text if a monospaced font is used. Respondent's brief shall not exceed 13,950 words or 990 lines. The reply brief shall not exceed 3,875 words or 275 lines. Local Rule 360(a)(1). All material contained in the brief except the cover, any required certificate of service, Rule 84.06(c) certificate, signature block, appendix, table of contents, and table of authorities count toward the word and line limitations. Rule 84.06(b); Local Rule 360(c). A motion must be filed ten (10) days before the brief is due if a brief in excess of the page limitation is sought be filed. Local Rule 360(b). The Court strongly discourages briefs in excess of the page limitation.

3. Certificate of Compliance

The brief shall also contain a certificate that states the brief complies with the page limits of Local Rule 360, the number of words or lines in the brief, and the information that is required by Rule 55.03. Rule 84.06(c).

4. Certificate of Service

Registered users serve and receive service of all filings through the electronic filing service; no additional service or certificate of service is required. Rule 84.026(b). If any party is ineligible to file documents through the electronic filing system, service is made as provided by Rule 43.01 on every party not represented by an attorney. Rule 84.026(c). For self-represented parties, this means that the electronic filing system will serve any party represented by an attorney and that separate service on those parties is not necessary. Rule 84.026(c).

The brief must only include a certificate of service if any opposing parties were served under Rule 43.01. Service of the brief may include delivering or mailing a copy to

the party or attorney, by facsimile transmission, or by e-mail. Rule 43.01(c). If the brief is electronically filed, service is provided through the electronic filing system to other registered users. Rule 84.026(b). Service to all others shall be as provided in Rule 43.01(c). Rule 84.026(c).

C. General format of typewritten briefs

A person who is unable to produce a brief by computer software may file a typewritten brief. Rule 81.21(e). The brief must be on paper of size 8 1/2 by 11 inches. Rule 81.21(b)(1). The type must be double-spaced, except for the cover, certificates of service, and signature block, which may be single-spaced. Rule 81.21(e)(1)(B). The type should be only on one side of the page, with margins not less than one inch on each side. Rule 81.21(b)(1). All pages, including the cover page, must be consecutively paginated using Arabic numbers. Rule 84.06(a)(3). The paper brief must be secured with a temporary binding such as a rubber band or a binder clip, but not with adhesive tape, staples, spiral binding, or edge sealing products. Rule 81.21(b)(2). The type size must be not less than ten pitch and ten characters to the inch. Rule 81.21(e)(1)(A). Appellant's brief (and all briefs in a cross appeal except the reply brief) shall not exceed 50 pages. Respondent's brief is limited to 45 pages, and the reply brief is limited to 15 pages. Local Rule 360.

Appeal briefing information

BRIEF	LENGTH LIMIT	DUE DATE
Appellant's Brief	50 pages, or 15,500 words/1,100 lines of monospaced text	60 days after record is complete or from other date set by order
Respondent's Brief	45 pages, or 13,950 words/990 lines of monospaced text	30 days after appellant's brief is filed
Reply Brief	15 pages, or 3,875 words/275 lines of monospaced text	15 days after respondent's brief is filed

Cross appeal briefing information

BRIEF	LENGTH LIMIT	DUE DATE
First Brief Appellant's Brief	50 pages, or 15,500 words/1,100 lines of monospaced text	60 days after record is complete or from other date set by order
Second Brief Respondent/Cross Appellant's Brief	50 pages, or 15,500 words/1,100 lines of monospaced text	30 days after first brief is filed
Third Brief Appellant's Reply	50 pages, or 15,500 words/1,100 lines of monospaced text	30 days after second brief is filed
Fourth Brief Cross Appellant's Reply	15 pages, or 3,875 words/275 lines of monospaced text	15 days after third brief is filed

D. Contents of brief

The contents of the brief, including those electronically filed, must conform to the requirements set forth in Rules 30.06 and 84.04. Briefs not in compliance with the rules may be stricken, the party may be ordered to file a new or amended brief, or the appeal may be dismissed. In addition, Rules 30.20 and 84.13 require that the Court not consider any allegations of error that are not properly briefed. The appellate courts have required strict adherence to the rules relating to the contents of a brief. Every attorney should become familiar with the principles of brief writing laid down in *Thummel v. King*, 570 S.W.2d 679 (Mo. banc 1978) and *Ambrose v. MFA Co-operative Association*, 266 S.W.2d 647 (Mo. banc 1954).

1. Appellant's Brief

The appellant's brief shall contain:

(1) **Table of Contents** - A detailed table of contents with page references, and a table of cases (alphabetically arranged), statutes and other authorities cited, with reference to the pages of the brief where they are cited. Rule 84.04(a)(1).

(2) **Jurisdictional Statement** - A statement of the grounds upon which the jurisdiction of the reviewing court is based. "No bare recitals." Rules 30.06(b) and 84.04(b).

(3) **Statement of Facts** - A fair and concise statement of the facts relevant to the issues presented for determination without argument. Page references to the record on appeal must be included. Rule 84.04(c).

(4) **Points Relied On** - A brief statement of what actions or rulings of the trial court are sought to be reviewed and wherein and why they are claimed to be erroneous.

Immediately following each point relied on, the party must list the cases and other legal authority, not to exceed four, upon which the party principally relies. Rules 30.06(d) and 84.04(d). Each point relied on shall: (A) identify the trial court ruling or administrative ruling that the appellant challenges; (B) state concisely the legal reasons for the appellant's claim of reversible error; and (C) explain in summary fashion why, in the context of the case, those legal reasons support the claim of reversible error. See Rule 84.04(d) for specific examples of the form.

(5) **Argument** - The argument must substantially follow the order of the "Points Relied On." The point relied on shall be restated at the beginning of the section of the argument discussing that point. If a point relates to the giving, refusal, or modification of an instruction, the instruction must be set out in full in the argument portion of the brief. The argument shall also include a concise statement of the applicable standard of review. Specific page references to the record on appeal must be included. Rule 84.04(e).

(6) **Conclusion** - At the end of the brief, the party should provide a short conclusion stating the precise relief sought. Rule 84.04(a)(6).

(7) **Appendix** – A party's brief shall contain or be accompanied by an appendix. Rule 84.04(h); Local Rule 365.

2. Respondent's Brief

The respondent's brief shall include a detailed table of contents and table of authorities and an argument in conformity with Rule 84.04(e). The respondent may adopt the jurisdictional statement and statement of facts of the appellant or, if not satisfied, the respondent may include a jurisdictional statement or statement of facts. Rules 84.04(f) and 30.06(d).

The argument portion shall contain headings identifying the points relied on contained in the appellant's brief to which each argument responds. The respondent's brief may also contain additional arguments in support of the judgment that are not raised by the points relied on in the appellant's brief. Rule 84.04(f).

3. Reply Brief

The appellant may file a reply brief but shall not reargue points covered in the main brief. Rule 84.04(g).

4. Supplemental Briefs

No supplemental briefs may be filed by a party without leave of court. Local Rule 370(a). Counsel may call attention to intervening decisions or new developments by directing a short letter providing supplemental citations to the clerk in accordance with Rule 84.20 or Rule 30.08. Local Rule 370(b).

E. Appendix to briefs

A party's brief shall be accompanied by a separate appendix. Rule 84.04(h); Local Rule 365. Any appendix must have a separate table of contents. The appendix must contain the following materials unless they have already been filed in another appendix: (1) the judgment, order, or decision in question, including the relevant findings of fact and conclusions of law; (2) the complete text of all statutes, ordinances, rules of court, or agency rules (but not case law); and (3) the complete text of any instruction to which a point relied on relates. Rule 84.04(h).

The appendix may also contain additional material, but this practice is discouraged. Original exhibits may not be included in the appendix. Copies of exhibits or excerpts from the record may be included in the appendix **only if** the original exhibits

and the excerpts are properly filed as part of the record on appeal in accordance with Rule 81 or 30. Local Rule 365.

The appendix to the brief, regardless of the number of pages, shall be filed as a separate document. Rule 84.04(h). The pages in the appendix shall be numbered consecutively beginning with page A1 and shall not be counted as part of the brief. Rule 84.04(h). The court **strongly** discourages the filing of an appendix longer than 30 pages.

F. Amicus briefs

An Amicus Curiae brief may only be filed with leave of Court. The procedure is set out in Local Rule 375.

7. Confidential appeals

Confidential appeals in this Court contain closed files. Confidential appeals include juvenile cases in accordance with Chapter 211, paternity cases in accordance with Chapter 210, cases involving orders of protection, and any other cases this Court has sealed by court order. Only attorneys of record can view docket entries and documents in the electronic filing system in confidential appeals.

8. Docketing

After the appellant's brief is filed, a notice is sent to counsel to determine whether oral argument is desired. If counsel desires oral argument, a request for oral argument must be filed with the Clerk of the Court within 10 days after the notice is sent. If oral argument is not requested within 10 days, the case will be submitted to a three-judge panel for decision without argument.

If oral argument is requested, the case is set on a docket for oral argument before one of the Court's three judge divisions. Counsel are notified of the specific time and place of oral argument and the division that will hear the case approximately eight weeks prior to the date of argument. Counsel should examine the docket carefully to avoid going to the wrong courtroom. This Court sits in St. Louis as well as Cape Girardeau, Hannibal, and other locations throughout the Eastern District. The docket will also identify the amount of time allotted for oral argument.

9. Oral argument

Court normally convenes at 9:30 a.m. to hear oral arguments. Oral argument is optional. Cases may be submitted on the briefs without oral argument. If counsel is not present when court convenes, the case will be submitted on the briefs. A respondent who fails to file a brief will not be permitted to participate in oral argument. Local Rule 395(f).

In cases that are set on the regular docket, the appellant is allowed a maximum of 15 minutes for argument and may reserve three additional minutes for rebuttal. Respondent is allowed a maximum of 15 minutes. Local Rule 395(a).

Oral argument for cases that are set on the accelerated docket is limited to 10 minutes for appellant, 10 minutes for respondent and two minutes for rebuttal. Local Rule 395(b).

If there are multiple parties on a side they shall divide the allotted time. Local Rule 395(d). On cross-appeals, the plaintiff in the trial court shall be entitled to the time allotted to the appellant and the defendant in the trial court to the time allotted to the respondent, unless otherwise directed by the presiding judge. Local Rule 395(c).

10. Opinion

In each case, the judicial decision is reduced to writing and filed in the cause. The Court is authorized to issue memorandum decisions or opinions by a simple order. Rules 30.25(b) and 84.16(b). Opinions are handed down and filed each Tuesday at 8:30 a.m. and are available in the clerk's office. The opinions are also available on the Court's website at 9:00 a.m. Notice of the opinion is sent to registered users through the electronic filing system. One copy of the opinion is mailed to other parties.

11. Post-opinion process

A. Post-opinion motions

A party may file in the Court of Appeals a motion for rehearing or in the alternative application to transfer to the Supreme Court of Missouri after an opinion of the Court of Appeals has been filed. Rules 30.26, 30.27**,** 83.02, and 84.17. A party may also file a motion to publish the opinion or motion to modify it. Rule 84.17; Rule 30.26. The post-opinion motion or application may be accompanied by suggestions in support and must be filed in the clerk's office of the Court of Appeals within 15 days after the opinion is filed. Registered users of the electronic filing system must file post-opinion motions electronically and no additional paper copies need be filed. Parties who are not registered users of the electronic filing system may file post-opinion motions by filing one paper copy with the clerk, by facsimile transmission if no more than 20 pages, or by e-mail attachment sent to: moapped@courts.mo.gov. Local Rule 330.

No suggestions in opposition may be filed unless requested by the court. If the court requests such suggestions, any other party may file suggestions in opposition within 10 days of the request. Rules 84.17; 83.06; 30.26.

As of January 1, 2025, a party may file an application for transfer directly in the Supreme Court of Missouri without filing one in the Court of Appeals. An application for transfer no longer has to be filed in the Court of Appeals and denied before an application for transfer may be filed in the Supreme Court of Missouri. However, if the party does file a motion for rehearing and application for transfer in the Court of Appeals and it is denied, a party may then make an application for transfer directly to the Supreme Court of Missouri. Application for transfer directly with the Supreme Court must be filed in the Office of the Clerk of the Supreme Court within 30 days after the opinion is filed *or* within 15 days after the date on which transfer was denied by the Court of Appeals. Rule 83.04.

B. Mandates

Judgments of the court take effect when the mandate issues. Generally, a mandate is not issued until the time for filing a post-opinion motion has expired. If a post-opinion motion is filed, the mandate will not issue until this court and the Supreme Court of Missouri resolve all such motions.

12. Additional appellate procedure

A. Administrative appeals

In worker's compensation (Section 287.495) and unemployment compensation (Section 288.210) cases, an appeal is taken from a decision of the Labor and Industrial Relations Commission by filing a notice of appeal along with any required docket fee with the Commission. Form No. 8-C is utilized for the notice of appeal in worker's compensation cases. Form No. 8-B is used in unemployment compensation cases. No docket fee is required for unemployment compensation claimants. Section 288.380.5. The appellant must also file the Labor and Industrial Relations Commission Case

Information Form with the notice of appeal per Local Rule 350(c). All these forms may be found under the Eastern District's section of the Missouri judiciary website.

The Commission shall send a copy of the notice of appeal, information form, and the docket fee, if required, to the Clerk of the Court. The Commission shall file with this Court all documents and papers on file together with a transcript of any evidence that shall constitute the record on appeal. Sections 287.495.1 and 288.210.

Petitions for review from decisions of the Administrative Hearing Commission where review is exclusively with the appellate court pursuant to section 621.189 (declaratory judgments, complaints, and rulings of the Director of Revenue) and section 198.039.3 (nursing home licensing) are filed directly in the Court of Appeals with a docket fee of $70.00. Rules 100.02(b).

The petition for review shall specify the party seeking review, the decision sought to be reviewed and a concise statement of the grounds on which jurisdiction is invoked. Rule 100.02(c). The appellant shall serve a copy of the petition for review on each party of record and the agency. Rule 100.02(d).

The record on appeal shall be composed in the manner set forth in Rule 100.02(e). The record on appeal shall be due within 30 days of the filing of the notice of appeal. Rule 100.02(f).

B. Dismissal of appeals

1. Voluntary

An appellant may file a voluntary dismissal of an appeal in the appellate court at any time prior to submission. Rules 30.13 and 84.09. After submission, leave of court is necessary to dismiss an appeal.

2. Involuntary

This Court, on its own motion, may dismiss an appeal if the appellant fails to perfect the appeal within the allowed time. Rules 30.14(a) and 84.08. Prior to this Court's dismissal of the appeal, this Court must provide notice as provided by Rule 84.025 and provide an opportunity to correct the default by placing the case on a "dismissal docket." The Court notifies the appellant that the appeal will be dismissed unless appellant remedies the default prior to a specified date, not less than 15 days from the date of the notice. If the default is not remedied by that date, the appeal shall be dismissed. Rules 30.14(a) and 84.08. In criminal cases, the defendant must be given personal notice by registered or certified mail. Rule 30.14(a).

C. Motions

Registered users of the electronic filing system must file motions through the electronic filing system. Rule 84.025(a). All motions must be signed. Rule 84.01(a). For electronically filed motions, service is provided through the electronic filing system on all registered users and to all others as provided in Rule 43.01. Rule 84.025(c) and Rule 84.026(b). No paper copies of the motion should be filed.

Registered users serve and receive service of all filings through the electronic filing service; no additional service or certificate of service is required. Rule 84.026(b). If any party is ineligible to file documents through the electronic filing system, service is made as provided by Rule 43.01 on every party not represented by an attorney. Rule 84.026(c). For self-represented parties, this means that the electronic filing system will serve any party represented by an attorney and that separate service on those parties is not necessary. Rule 84.026(c).

Parties ineligible for electronic filing may file a motion by filing one copy with the Clerk's office, or by facsimile transmission, or by email attachment. Local Rule 330(a)(1). Motions should not be in letter form and should not be addressed to a judge, but to the Clerk. If filed by facsimile, the motion can be no longer than 20 pages. Local Rule 330(b). If filed by e-mail attachment, the attachment must be sent in PDF to: moapped@courts.mo.gov. The e-mail message and attachment must comply with Local Rule 330(c).

Unless otherwise ordered by this Court, suggestions in opposition may be filed within five business days after the date of service. A certificate of service is only required if any party is unrepresented. There is no oral argument unless directed by the Court. Rules 30.10 and 84.01(a).

Local Rule 341 provides policies for extensions of time to file briefs in civil cases.

All motions to withdraw from representation of a party must comply with Local Rule 306.

D. Filings by self-represented parties

Self-represented parties may file any documents by filing a paper copy with the clerk. Self-represented parties may also file motions, correspondence, pleadings, including writ pleadings that do not require a filing fee, by facsimile transmission or by e-mail attachment. Rule 330(a)(1).

1. Facsimile filings*:*

Facsimile filings may be sent to 314-539-4324. The facsimile may not exceed 20 pages. Local Rule 330(b)(1). The original document should not be mailed or filed with the Court, but rather should be kept for production if requested by the Court. Local Rule

330(b)(3). Fax filings received at the Court on or before 11:59:59 p.m. will be considered filed as of that day. Local Rule 330(b)(2).

Writ pleadings that require a filing fee must be filed by filing a paper copy with the clerk. Local Rule 330(a)(2). Briefs may be filed by facsimile if they do not exceed 20 pages. Local Rule 330(b)(1). Legal files and transcripts, including supplemental legal files and transcripts, and exhibits may not be filed by fax. Local Rules 330(a)(4) and 330(d).

2. **Drop box filings*:***

To make the filing of documents more convenient, the Court has installed a drop box at the Old Post Office, 815 Olive St., St. Louis, Missouri. The box is located near the security desk on the first floor of the Old Post Office. Ask security on the first floor for directions if you cannot locate the box. The drop box may be used for filings Monday through Friday (except holidays) from 6:30 a.m. to 8:30 a.m. and from 4:30 p.m. to 10:00 p.m. Documents **MUST** be filed in the Clerk's Office during business hours. Attorneys may not file documents in the drop box.

3. E-mail filings*:*

Self-represented parties may file motions, correspondence, pleadings, including writ pleadings that do not require a filing fee, briefs, and electronic transcripts by e-mail attachment sent to: moapped@courts.mo.gov. Local Rule 330(c)(1). Self-represented litigants may also file exhibits, other than photographs and oversized exhibits, via email attachment. Local Rule 330(d).

The e-mail message shall include the caption of the case and identify the party filing. A single e-mail and its attachments shall not exceed ten megabytes. A single attachment shall not exceed seven megabytes. No document may be divided into more than one attachment. The filing party shall certify that the attached file has been

scanned for viruses and that it is virus-free. Local Rule 330(c)(1). Any filing submitted via e-mail attachment must be in “portable document format” (PDF). Local Rule 330(c)(1). The PDF attachment only, not the body of the e-mail message, will be processed for filing.

E-mail filings received at the Court on or before 11:59:59 p.m. will be considered filed as of that day. Local Rule 330(c)(2).

Legal files, including supplemental legal files may only be filed in paper and may **NOT** be filed by e-mail. Local Rule 330(a)(4) and 330(d).

E. Redaction of Filings Submitted to the Court

Since July 1, 2023, members of the public have been able to access public court records from Casenet on their personal electronic devices. For this reason, attorneys and litigants have been required to redact confidential information from documents submitted to any court in the State of Missouri. Confidential information includes personal identification numbers (drivers license numbers, social security numbers), financial information, sealed or expunged records, and protected individuals’ information.

When submitting a document for filing with this Court, a filer will be required to certify that they have redacted all confidential information. Effective July 1, 2026, there are two exceptions to the redaction requirements: (1) documents filed in confidential cases; and (2) transcripts of open court proceedings. If a filing party submits a redacted document in any appeal, the filing party must simultaneously file a confidential redacted information filing sheet listing the information redacted from the document OR the unredacted version of the document.

The Court will NOT review each document to ensure compliance, and the responsibility of compliance rests SOLELY with the filing party.

13. Extraordinary writs

The Court of Appeals is authorized by Article five, Section 4 of the Missouri Constitution to issue extraordinary original remedial writs. The five types of remedial writs are prohibition, mandamus, habeas corpus, quo warranto, and certiorari. The remedial writs are extraordinary remedies in contrast to a direct appeal. The writs are distinct from a direct appeal, are not intended as a substitute for appeal, and will not lie if an appeal is possible or where there is another adequate remedy. An excellent discussion of the purpose and application of each of the five extraordinary writs may be found in the Missouri Bar Continuing Legal Education desk book on Appellate Court Practice. Rules 84.22 through 84.24 set forth the procedure governing extraordinary remedial writs in general; Rule 97 governs prohibition; Rule 94, mandamus; Rule 91, habeas corpus; and Rule 98, quo warranto.

The writ duty division of the Court consists of a presiding judge and one other judge. Each writ division serves for a one-month period. Upon issuance of a preliminary order or upon disagreement by members of the writ division, a third judge, also selected by rotation, is added to the division. The Court has a writ attorney to whom inquiries and correspondence concerning writs should be directed. Original remedial writs will not be issued by an appellate court where relief can be afforded by appeal or by application to a lower court. Rule 84.22(a).

The writ petition accompanied by suggestions in support, exhibits, and a $70.00 docket fee is filed. Rules 81.04(c) and 84.24(a). In addition, a writ summary not to exceed one page shall accompany all writ petitions, other than habeas corpus. Rule 84.24(a)(1). The summary shall substantially conform to Civil Procedure Form No. 16 and identify the parties, the nature of the underlying action, the action being challenged,

the relief sought and state the date the case is set for trial or date of any other event bearing upon the relief sought. *See* the Appellate Court Forms section of the Missouri Judiciary website.

All writ filings must comply with the length and page limitations set out in Local Rule 410(a). All petitions for extraordinary writs and all suggestions in support, however denominated, shall not separately exceed 15,500 words. If a self-represented party is filing under Rule 81.21, then all petitions for extraordinary writs and all suggestions in opposition, however denominated, shall not separately exceed 50 pages. All answers and suggestions in opposition, however denominated, shall not exceed 13,950 words.

Self-represented parties filing writ pleadings that require a filing fee must file those pleadings in paper. If filed in paper, only one copy of the writ petition, suggestions in support, exhibits, and writ summary must be filed. Local Rule 330(a).

In petitions for a writ of mandamus, writ of prohibition, or petition in quo warranto, the exhibits shall be attached to the petition along with an index of all exhibits. The exhibits shall be identified in the index by number or letter and page, and, in addition, shall be described so the court can distinguish the exhibits. The pages of the exhibits shall be numbered consecutively. Rules 94.03; 97.03; and 98.03.

Proof of service shall be filed which shall identify the name, address, and phone number of each attorney served and the name of the party each represents, and each self-represented party served. Rule 84.24(a)(4). For writ petitions filed through the electronic filing system, the attorney must still serve the writ petition on the parties and attorneys and file proof of service in accordance with the Rules of Appellate Procedure. Rule 84.026(a). The respondent has 10 days in which to file suggestions in opposition that shall be served on the relator prior to or on the day of filing in the Clerk's office. Rule 84.24(c). If the 10 day time limit would defeat the purpose of the writ, the relator

may request that time to file suggestions in opposition be shortened or eliminated altogether. Rule 84.24(e).

After the petition is filed, the judges of the writ division shall determine whether to issue a preliminary order, issue a peremptory writ, or deny the writ petition. Oral argument is not granted at this stage of the proceedings. If the petition is denied, the attorneys will be informed by a written order. The Court seldom states a reason why the petition for the writ is denied. If the petition is denied, that ends the matter in this Court. Motions for reconsideration or applications for transfer shall not be filed. Rule 84.24(m). The relator's only remedy is to file an original petition in the Supreme Court of Missouri.

If a preliminary order is issued, the order will require the respondent to file an answer. Rule 84.24. Even though a respondent may have filed suggestions in opposition before the issuance of the preliminary order, the respondent must still file an answer as directed by the preliminary order. The answer admits or denies the allegations of the relator's petition. Failure to file an answer within the time specified by the preliminary order will result in judgment by default for the relief requested in the relator's petition.

There is no requirement that a legal file or a transcript be filed. Copies of the relevant documents are attached to the petition or suggestions of the parties as exhibits. The preliminary order may also set forth a briefing schedule and a date for oral argument. *See* Rule 84.04 for contents of the brief if requested. The Court will thereafter issue an opinion either making the preliminary order permanent or quashing it. A post-opinion motion may then be filed in accordance with Rules 84.17 and 83. However, if the preliminary order is quashed without an opinion, relator's only remedy is to file an original petition in the Supreme Court of Missouri.

14. The Use of Artificial Intelligence

This Court has not adopted an official policy regarding the use of generative artificial intelligence ("generative AI") to draft briefs, motions, or other filings submitted on appeal. However, it has become increasingly apparent that generative AI carries risks, including fabricating caselaw and citations or producing inaccurate or misleading information.

Attorneys and self-represented litigants who use AI to prepare filings are responsible for ensuring the accuracy and validity of those submissions. See Rule 55.03; Rule 84.06(c). While filers do not have to disclose their use of AI, the use of generative AI will not serve as a defense for submitting false, misleading, or otherwise inaccurate content. Filers should be cautioned that if a judge determines that fabricated or deceptive information has been included in a court filing because of the use of generative AI, the assigned judge may impose an appropriate sanction. Attorneys and self-represented parties are therefore encouraged to remain vigilant and informed about the limitations of AI, such as AI hallucinations, and are cautioned to verify that all information contained in filings submitted to the Court is true and accurate.