I.A.R. 11 Appealable Judgements and Orders

Idaho Appellate Rule 11. Appealable Judgments and Orders.

An appeal as a matter of right may be taken to the Supreme Court from the following judgments and orders, a copy of which must be attached to the notice of appeal:

(a) Civil Actions. From the following judgments and orders of a district court in a civil action:

(1) Final judgments, as defined in Rule 54(a) of the Idaho Rules of Civil Procedure, including judgments of the district court granting or denying peremptory writs of mandate and prohibition.

(2) Decisions by the district court dismissing, affirming, reversing or remanding an appeal.

(3) Judgments made pursuant to a partial judgment certified by the trial court to be final as provided by Rule 54(b), I.R.C.P.

(4) Any order or judgment of contempt.

(5) An order granting or refusing a new trial, including such orders which contain a conditional grant or denial of a new trial subject to additur and remittitur.

(6) An order granting or denying a motion for judgment notwithstanding the verdict.

(7) Any order made after final judgment including an order denying a motion to set aside a default judgment, but excluding an order granting a motion to set aside a default judgment. A copy of the final judgment must also be attached to the notice of appeal.

(8) Any order appealable under the Uniform Arbitration Act, Title Seven, Chapter 9 of the Idaho Code.

(9) A district court order designating a person a vexatious litigant pursuant to Idaho Court Administrative Rule 59, in which case the notice of appeal may be filed with either the district court clerk or the Clerk of the Supreme Court.

(b) Probate Proceedings. From any interlocutory or final judgment or order made after final judgment of a district court in a probate proceeding, whether original or appellate, which is or would be appealable from the magistrates division to the district court by statute or these rules.

(c) Criminal Proceedings. From the following judgments and orders of the district court in a criminal action, whether or not the trial court retains jurisdiction:

(1) Final judgments of conviction.

(2) Decisions by the district court dismissing, affirming, reversing or remanding an appeal.

(3) An order granting a motion to dismiss an information or complaint.

(4) Any order or judgment, whenever entered and however denominated, terminating a criminal action, provided that this provision shall not authorize a new trial in any case where the constitutional guarantee against double jeopardy would otherwise prevent a second trial.

(5) Any order, however denominated, reducing a charge of criminal conduct over the objection of the prosecutor.

(6) Any judgment imposing sentence after conviction, except a sentence imposing the death penalty which shall not be appealable until the death warrant is issued as provided by statute.

(7) An order granting a motion to suppress evidence.

(8) An order granting or denying a motion for new trial.

(9) Any order made after judgment affecting the substantial rights of the defendant or the state.

(10) Decisions by the district court on criminal appeals from a magistrate, either dismissing the appeal or affirming, reversing or remanding.

(11) Any order or judgment of contempt.

(d) Administrative Proceedings - Industrial Commission.

(1) From any final decision or order of the Industrial Commission or from any final decision or order upon rehearing or reconsideration by the administrative agency.

(2) From any order of the Industrial Commission deciding compensability that the Commission has determined should be immediately appealable pursuant to Rule 12.4. Any appeal from the order must be taken within fourteen (14) days from the date file stamped by the Industrial Commission on the written determination that the order should be immediately appealable. The appeal shall be expedited as set forth in Rule 12.4. The failure to appeal the order on compensability pursuant to this subsection shall not preclude consideration of the order in an appeal taken pursuant to subsection (1) of this rule.

(e) Administrative Proceedings - Public Utilities Commission. From any decision or order of the Public Utilities Commission which is appealable to the Supreme Court by statute.

(f) Administrative Proceedings - Judicial Review of Agency Decisions. From any final decision or order of the district court on judicial review of an agency decision.

(g) Cross-appeals and additional issues on appeal. - After an appeal has been filed from a judgment or order specified above in this rule, a timely cross-appeal may be filed from any interlocutory or final judgment order or decree. If no affirmative relief is sought by way of reversal, vacation or modification of the judgment, order or decree, an issue may be presented by the respondent as an additional issue on appeal under Rule 35(b)(4) without filing a cross-appeal.

(Adopted March 25, 1977, effective July 1, 1977; amended March 31, 1978, effective July 1, 1978; amended March 24, 1982, effective July 1, 1982; amended March 30, 1984, effective July 1, 1984; amended March 20, 1985, effective July 1, 1985; amended March 28, 1986, effective July 1, 1986; amended June 15, 1987; effective November 1, 1987; amended March 20, 1991, effective July 1, 1991, amended March 9, 1999, effective July 1, 1999; amended January 30, 2001, effective July 1, 2001; amended March 21, 2007, effective July 1, 2007, amended March 29, 2010, effective July 1, 2010; amended November 20, 2012, effective January 1, 2013; amended June 20, 2013, effective July 1, 2013; amended April 23, 2015, effective July 1, 2015; amended September 1, 2015, effective January 1, 2016.)

Source URL: http://www.isc.idaho.gov/iar11