I.A.R. 38. Opinions and Remittiturs

Idaho Appellate Rule 38. Opinions and Remittiturs.

(a) Opinions. The filing of an opinion of the Court shall be the announcement of the opinion. A certified copy of the opinion filed in an appeal or proceeding shall be transmitted forthwith by the Clerk of the Supreme Court to the clerk of the district court or administrative agency from which the appeal was taken and copies of the opinion shall be transmitted to each party in the appeal or proceeding,to the presiding district judge or chairman of the administrative agency,and if the suit or proceeding originated in the magistrate division of the district court, to the presiding magistrate.

(b) Finality of Opinions. Opinions shall become final 21 days after the date of the last of the following events:

(1) The announcement of the opinion;

(2) The announcement of the opinion on rehearing;

(3) The announcement of a modified opinion without a rehearing.

(c) Remittiturs. When the opinion filed has become final in accordance with this rule, the Clerk of the Supreme Court shall issue and file a remittitur with the district court or administrative agency appealed from and mail copies to all parties to the appeal and to the presiding district judge or chairman of the agency. The remittitur shall advise the district court or administrative agency that the opinion has become final and that the district court or administrative agency shall forthwith comply with the directive of the opinion.

(d) Costs and Attorney Fees. The taxation of costs and attorney fees, if any, shall be included in the remittitur if the same have been determined, but the issuance of the remittitur shall not be delayed if the taxation of such items has not been determined.

(Adopted March 25, 1977, effective July 1, 1977; amended January 30, 2001, effective July 1, 2002; amended March 22, 2002, effective July 1, 2002.)

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