Proposed amendments to Appellate Rules.

Rule 12. Appeal by permission

(b) Motion to District Court or Administrative Agency--Order**.** A motion for permission to appeal from an interlocutory order or decree, upon the grounds set forth in subdivision (a) of this rule, shall be filed with the district court or administrative agency within fourteen (14) days from date of entry of the order or decree. The motion shall be filed, served, noticed for hearing and processed in the same manner as any other motion, and hearing of the motion shall be expedited. In criminal actions a motion filed by the defendant shall be served upon the prosecuting attorney of the county. The court or agency shall, within fourteen (14) days after the hearing, enter an order setting forth its reasoning for approving or disapproving the motion.

(c) Motion to Supreme Court for Permission to Appeal**.** (1) *Motion of a Party.* Within fourteen (14) days from entry by the district court or administrative agency of an order approving or disapproving a motion for permission to appeal under subdivision (b) of this rule, any party may file a motion with the Supreme Court requesting acceptance of the appeal by permission. A copy of the order being appealed shall be attached to the motion, along with a copy of the order of the district court or administrative agency approving or disapproving the permission to appeal. ~~shall be attached to the motion~~. If the district court or administrative agency fails to rule upon a motion for permission to appeal within twenty-one (21) days from the date of the filing of the motion, any party may file a motion with the Supreme Court for permission to appeal without any order of the district court or administrative agency.

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(d) Acceptance by Supreme Court**.** Any appeal by permission of an interlocutory order or decree~~, or judgment or order of a magistrate,~~ under this rule shall not be valid and effective unless and until the Supreme Court shall enter an order accepting such interlocutory order or decree~~, or judgment or order of a magistrate,~~ as appealable and granting leave to a party to file a notice of appeal within a time certain. Such appeal shall thereafter proceed in the same manner as an appeal as a matter of right, unless otherwise ordered by the Supreme Court in its order of acceptance. The clerk of the Supreme Court shall file with the district court~~,~~ or administrative agency ~~or magistrate court~~ a copy of the order of the Supreme Court granting or denying acceptance, and shall mail copies to all parties to the action or proceeding.

Rule 34. Briefs on appeal-Number- Length- Time for filing- Service of briefs.

(f) Augmentation of briefs. (1) At any time before the issuance of an opinion, any party may supplement his brief by the citation of additional authority, identifying the issue on appeal to which it pertains, without written comment thereon, and identifying the headnote or relevant pages of the authority cited. This augmentation may be done by written notice to the court and all parties without first obtaining leave of the court.

Rule 44. Extraordinary appellate procedure. The Supreme Court by order may alter, shorten, or eliminate any step or procedure in the appeal from an appealable order or judgment upon finding extraordinary circumstances; provided, however, the time within

which a party can file a notice of appeal, a notice of cross-appeal, or a petition for rehearing ~~or a petition for review~~ will not be shortened or lengthened. The decision to alter the appellate procedure and the resultant appellate opinion shall both be made by the Court en banc.

Rule 46. Extension of time generally. The time prescribed by these rules for any act, except the physical filing of a notice of appeal, a notice of cross-appeal, or petition for rehearing, may be enlarged by the Court or any Justice thereof for good cause shown upon the motion of a party. Applications for extensions of time for filing briefs shall also be subject to the requirements of Rule 34(e). Any motion for the extension of time to do an act must be served upon all parties, but the order enlarging the time for performance may be issued immediately and ex parte in the discretion of the Court or any Justice thereof, subject to review upon any written objection filed within seven (7) days of service of the motion. Any order of extension of time to do an act shall be served by the Clerk on all parties.

Rule 30. Augmentation or deletions from transcript or record. Any party may move the Supreme Court to augment or delete from the settled reporter's transcript or clerk's or agency's record. Such a motion shall be accompanied by a statement setting forth the specific grounds for the request and attaching a copy of any document sought to be augmented to the original motion and to two copies of the motion, which document must have a legible filing stamp of the clerk indicating the date of its filing. The motion and statement shall be served upon all parties. Any party may within fourteen (14) days after service of the motion, file a brief or memorandum in opposition thereto. Unless otherwise expressly ordered by the Supreme Court such motion shall be determined without oral argument. The reporter's transcript and clerk's or agency's record may also be augmented or portions deleted by stipulation of the parties and order of the Supreme Court. Any motion for augmentation and any response thereto shall be filed with the Clerk of the Supreme Court with the number of copies specified in Rule 32(e). The filing of a motion to augment shall not suspend or stay the appellate process or the briefing schedule

Rule 17. Notice of appeal- Contents.
(h) Transcript. . . . If a supplemented transcript is requested, the request shall specifically identify each of the items of additional record requested which would otherwise be excluded under Rule 25 (c) ~~(a)(1), (2), (4), (5), or (6)~~.

Rule 27. Clerk or agency's record
(d). Time for preparation. The clerk of the district court or an administrative agency shall prepare the clerk's or agency's record within 42 days from the date of filing of the first notice of appeal; provided that in the event the reporter's transcript is completed before ~~56~~ 63 days after the filing of the notice of appeal, the clerk . .