

NUTS AND BOLTS OF A CIVIL APPEAL

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1. Initiating an appeal

An appeal is initiated by filing a notice of appeal with the clerk of the trial court. Rule 81.04(a). Each district of the court of appeals requires a supplement be filed with the Notice of Appeal. *See* ED Rule 300, WD Rule XIV, SD Rule 12.

Final judgment is usually required. Generally, to be considered a “judgment,” the ruling must resolve all issues with respect to all parties in the action. A “judgment” must be signed by a judge and denominated “judgment” or “decree.” Rule 74.01(a). A judgment is appealable once it becomes final. “A judgment becomes final at the expiration of thirty days after its entry if no timely authorized after-trial motion is filed.” Rule 81.05(a)(1). Rule 81.05(a)(2) provides that if an authorized after-trial motion is filed, the judgment becomes final at the earlier of “Ninety days from the date the last timely motion was filed, on which date all motions not ruled shall be deemed overruled; or . . . If all motions have been ruled, then the date of ruling of the last motion to be ruled or thirty days after entry of judgment, whichever is later.” Rule 81.05(a)(2). Note that special rules may apply to certain types of cases, e.g., probate. Mo. Rev. Stat. § 472.160.

Interlocutory appeals. Normally, any ruling that does not resolve all of the claims or the rights and liabilities of all the parties is not a judgment and “shall not terminate the action as to any of the claims or parties, and the order or other form of decision is subject to revision at any time before the entry of judgment . . .” Rule 74.01(b). However, “the court may enter a judgment as to one or more but fewer than all of the claims or parties only upon an express determination that there is no just reason for delay.” Rule 74.01(b). Designating a judgment as final as to particular claims pursuant to Rule 74.01(b) is “effective only when the order disposes of a distinct ‘judicial unit.’” *Gibson v. Brewer*, 952 S.W.2d 239, 244 (Mo. 1997) (“The required ‘judicial unit for an appeal’ has settled meaning: ‘the final judgment on a claim, not a ruling on some of several issues arising out of the same transaction or occurrence which does not dispose of the claim’”) (quoting *State ex rel. State Highway Comm’n v. Smith*, 303 S.W.3d 120, 123 (Mo. 1957)).

Premature notice of appeal. A notice of appeal filed before a judgment is final “shall be considered as filed immediately after the time the judgment becomes final for the purposes of appeal.” Rule 81.05(b). If the trial court enters an amended judgment after the notice of appeal was filed, the best course is to file a new notice of appeal based on the amended judgment.

Deadline for filing notice of appeal. A notice of appeal is due 10 days after the judgment becomes final. Rule 81.04(a). Cross-appeals are initiated by filing a notice of appeal within ten days of the date of the first notice of appeal, assuming that notice was timely. Rule 81.04(b).

Late notice of appeal. The failure to file a timely notice of appeal does not automatically preclude appellate review. A party who misses the deadline for filing a notice of appeal may file a motion in the court of appeals requesting leave to file a late notice of appeal. In civil cases, the motion must be filed within 6 months after the judgment became final. Rule 81.07. Notice of the motion must be given to adverse parties. The movant must make “a showing by affidavit, or otherwise, that the delay was not due to appellant’s culpable negligence.” Rule 81.07. A copy of the judgment appealed from must be attached to the motion. If the court of appeals issues an order allowing the filing of a notice of appeal out of time, the movant may file the notice of appeal with the clerk of the trial court within the time specified in the order.

The late notice of appeal provision only applies to judgments entered by trial courts. Accordingly, Rule 81.07 cannot be used to extend the deadline for filing a notice of appeal in unemployment compensation and workers’ compensation cases. *See Jackson v. Nova Marketing Servs., LLC*, 241 S.W.3d 853, 854 (Mo.App. E.D.2007) (unemployment benefits); *Porter v. Emerson Elec. Co.*, 895 S.W.2d 155, 160 (Mo.App. S.D.1995) (workers’ compensation);

Docket fee. The notice of appeal must be accompanied by a docket fee, which is currently \$70. Rule 81.04. “No trial court clerk shall accept or file a notice of appeal unless . . . [t]he docket fee is deposited therewith.” Rule 81.04(d). The appellate court acquires no jurisdiction over the appeal unless the docket fee is paid within the time for filing the notice of appeal. *Moore ex rel. Moore v. Bi-State Development Agency*, 87 S.W.3d 279, 296 (Mo.App. E.D.2002). No docket fee is required, however, where the appellant is not required by law to pay the fee or the appellant is prosecuting the appeal in forma pauperis. Rule 81.04(d).

Content of notice of appeal. The notice of appeal must “specify the parties taking the appeal, the judgment or order appealed from, the court to which the appeal is taken, and if the appeal is to [the Supreme Court], the ground or grounds on which jurisdiction of [the Supreme Court] is based.” Rule 81.08(a). Form No. 8-A in the Supreme Court Rules should be used in civil appeals. Copies of Form No. 8-A can be found at <http://www.courts.mo.gov/page.jsp?id=525>. Form No. 8-B applies to unemployment compensation appeals and Form No. 8-C applies to worker’s compensation appeals. Attach a copy of the Judgment to the Notice of Appeal.

Supplements to the Notice of Appeal. Each district of the Court of Appeals requires the filing of a supplemental form with the Notice of Appeal. ED Rule 300; SD Rule 12; WD Rule XIV. Forms for these supplements can be found at <http://www.courts.mo.gov/>.

2. The Record on Appeal

After filing the notice of appeal, the next step is preparing the record on appeal. The record on appeal consists of the transcript and legal file. Rule 81.12(a). The appellant is responsible for ordering the transcript and compiling the legal file. Rule 81.12(c). If the respondent believes relevant matters have been omitted, he or she may supplement the record within the time allowed for filing the respondent’s brief. Rule 81.12(c).

Transcript. The transcript contains the portions of the proceedings and evidence not previously reduced to written form. Rule 81.12(a). The appellant in civil cases is required to order the transcript within ten days after the notice of appeal is filed. Rule 81.12(c).

i. Ordering the transcript. The request must be in writing and designate the portions of the proceedings that are to be included in the transcript. Rule 81.12(c). It is important to order all portions of the transcript that are needed for the appeal. The transcript is ordered from the court reporter unless the proceedings were recorded electronically, in which case the transcript is ordered from the clerk of the trial court. Rule 81.12(c). TIP: If the proceedings were recorded electronically, include your written request for the transcript in your cover letter forwarding the notice of appeal to combine two steps.

ii. Payment. Within 10 days of receiving a request for a transcript, the court reporter shall provide a written estimate and request for deposit. Payment of the deposit requested by the court reporter must be made within ten days of the written notification. Mo. Rev. Stat. § 512.050. “Appellant's certificate stating the date on which the transcript was ordered and the date on which the transcript charges were paid shall be filed in the appellate court within ten days after the payment of the charges. A copy of appellant's certificate shall be served on all other parties.” Rule 81.12(c).

Legal File. The legal file contains “clearly reproduced exact copies of the pleadings and other portions of the trial record previously reduced to written form.” Rule 81.12(a).

i. Ordering the legal file. The legal file can be ordered by sending a letter to the clerk of the trial court requesting certified copies of the necessary documents. A form for ordering the documents can be found at <http://www.courts.mo.gov/file.jsp?id=653>. You can also send a letter requesting certified copies and specifying the documents by filing date and title or description. It is recommended that you contact the clerk’s office prior to ordering the documents as some clerks prefer to handle the matter differently. There is normally a charge for preparation of the certified copies. The legal file can also be handled by stipulation by and between the parties. This allows the use of copies of the relevant pleadings instead of obtaining certified copies from the circuit court.

ii. Contents. Include only documents pertinent to the appeal in the legal file. “The legal file shall always include: the docket sheet or case record, which contains a complete summary of all events in the case; the pleadings upon which the action was tried, the verdict, the findings of the court or jury, the judgment or order appealed from, motions and orders after judgment, and the notice of appeal, together with their respective dates of filing or entry of record.” Rule 81.12(a).

The legal file “shall be securely bound on the top or left side” and have a cover page labeled “Legal File.” Rule 81.12(a), 81.18 (a), (d). A volume of the legal file shall not exceed 200 pages. Rule 81.18(d). The legal file shall have a tan cover, except in the Western District where the cover should be red. Rule 81.18(a); WD Rule XIX. The legal file should begin with an index followed by the documents in chronological order, starting with the docket sheet and ending with the notice of appeal. Rule 81.12(a), (c). Unless the parties file a written stipulation

that the documents in the legal file are true and accurate copies, the documents must be certified copies from the court file. Rule 81.12(c) & 81.15(a), (c).

Matters omitted from the record on appeal. Unless “necessary to determination of issues on appeal,” the following documents should be omitted from the record on appeal: “voir dire, opening statements, closing arguments, MAI 2.01, evidence regarding damages, briefs and memoranda, notices of filing, subpoenas, summonses, motions to extend time, affidavits and admissions of service and mailing, notices of settings, depositions and notices, and jury lists.” Rule 81.12(b). Include any of these items if they may be relevant to an issue that will be raised in the appeal.

Filing deadline. The record on appeal is due 30 days from the date the notice of appeal is filed in the trial court if it consists of only a legal file. Rule 81.19. Where the record on appeal includes a transcript, it is due 90 days from the date of the notice of appeal is filed. Rule 81.19. In cross-appeals, the due date is calculated from the date of the last notice of appeal. Rule 81.19.

Filing & Service. File one copy of the record on appeal and proof of service with the clerk of the appellate court. Rule 81.12(d). A copy of the index of the transcript and index of the legal file shall be filed with the clerk of the trial court. Rule 81.12(d). Each district of the Court of Appeals requires that the transcript be accompanied by an electronic copy on floppy disk, or, in the Southern District, CD-ROM. WD Rule XXVIII, ED Rule 337, SD Rule 2(b). A copy of the floppy disk or CD-ROM containing the transcript shall also be served on other parties. Rule 81.12(d).

Working With the Record. The floppy disk or CD-ROM containing the transcript makes it easy to create a searchable copy of the transcript in PDF for use in Adobe Acrobat. A searchable PDF version of the transcript allows you to conduct word searches and to copy and paste portions of the transcript into your brief. The legal file can be scanned and then OCR'd to create a hybrid PDF that contains an exact image of the legal file, but with the text also available for searching and copying.

3. Briefs

The requirements of Rule 84.04 governing the contents of appellate briefs are mandatory and must be strictly applied. *Brown v. Ameristar Casino Kansas City, Inc.*, 211 S.W.3d 145 (Mo.App. W.D.2007). A brief which substantially fails to comply with the briefing requirements of Rule 84.04 is inadequate to invoke appellate jurisdiction and preserves nothing for review. *Livingston v. Schnuck Markets, Inc.*, 184 S.W.3d 617, 619 (Mo.App. E.D.2006).

Appellant's Brief

- i. Cover.*
- ii. Table of Contents.* “A detailed table of contents, with page references.” Rule 84.04(a).

iii. *Table of Authorities.* List cases, statutes, and other authorities cited in the brief. Provide page references of where each authority is cited in the brief. Order cases alphabetically.

iv. *Jurisdictional Statement.* The jurisdictional statement must “set forth sufficient factual data to demonstrate the applicability of the particular provision or provisions of Article V, section 3 of the Constitution whereon jurisdiction is sought to be predicated.” Rule 84.04(b). “It is the appellant’s responsibility to invoke the court’s jurisdiction and to support that proposition by an affirmative statement to that effect in the brief. Where such is not done, the appeal is subject to dismissal.” *Joy v. New Plaza BMW & Pontiac*, 771 S.W.2d 906, 907 (Mo.App. W.D.1989).

v. *Statement of Facts.* “The statement of facts shall be a fair and concise statement of the facts relevant to the questions presented for determination without argument.” Rule 84.04(c). Page references to the legal file or transcript must be included. Rule 84.04(i). “The primary purpose of the statement of facts is to afford an immediate, accurate, complete and unbiased understanding of the facts of the case.” *Kent v. Charlie Chicken, II, Inc.*, 972 S.W.2d 513, 515 (Mo.App. E.D.1998). “Failure to include, in the statement of facts, the facts upon which an appellant’s claim of error is based fails to preserve the contention for appellate review.” *Snyder v. Snyder*, 142 S.W.3d 780, 782 (Mo.App. E.D.2004). The failure to include specific page references to the legal file or transcript preserves nothing for appellate review. *Osgood v. Worm World, Inc.*, 959 S.W.2d 139, 140 (Mo.App. S.D.1998). Whether the statement of facts is “fair” is determined based on the applicable standard of review.

vi. *Points Relied On.* The purpose of this rule “is to give notice to the opposing party as to the precise matters that must be contended with and to inform the court of the issues presented for review.” *Eddington v. Cova*, 118 S.W.3d 678, 681 (Mo.App. S.D.2003). Rule 84.04(d) provides the format for points relied on. Issues not included in a point relied on are deemed abandoned and may not be raised in the argument. *Klinkerfuss v. Cronin*, 199 S.W.3d 831, 840 n.2 (Mo.App. E.D. 2006) (holding that errors asserted in the argument portion of a brief but not included in the point relied on “are not reviewable”). An insufficient or defective point relied on preserves nothing for review.

The requirement that each point relied on in an appellant’s brief be followed by a list of cases and other authority is “mandatory and must be strictly applied.” *Salmons v. Rich*, 206 S.W.3d 353, 355 (Mo.App. W.D.2006). The only exception is when no authority exists. In such cases, the appellant should assert this as the reason for the lack of citation of authority. *Thummel v. King*, 570 S.W.2d 679, 687 (Mo. 1978).

vii. *Argument.* The point relied on must be restated at the beginning of the section of the argument discussing that point. Rule 84.04(e). The argument must also “include a concise statement of the applicable standard of review for each claim of error.” *Id.*

Facts recited in the argument section must include page references to the legal file or transcript. Rule 84.04(i).

The appellant is obligated to “cite all precedent whether favorable or unfavorable to the claim of error.” *Botanicals on the Park, Inc. v. Microcode Corp.*, 7 S.W.3d 465, 467 n.1 (Mo.App. E.D.1999). You must support your argument with authority. Otherwise, the appellate court may find nothing has been preserved for review. The appellant “is required to develop the issue raised in the point relied on in the argument portion of the brief.” *Kuenz v. Walker*, 244 S.W.3d 191, 194 (Mo.App. E.D.2007). “If a party does not support contentions with relevant authority or argument beyond conclusory statements, the point is deemed abandoned.” *Id.*

viii. Conclusion. The conclusion should be concise and state “the precise relief sought” from the appellate court. Rule 84.04(a)(6).

ix. Certifications. Include a certificate of service and the certificate of compliance required by Rule 84.06 and the applicable local rule.

Respondent’s Brief. The respondent’s brief must contain a table of contents and table of authorities and an argument section. Rule 84.04(f). The respondent’s brief may include a separate jurisdictional statement and statement of facts. Rule 84.04(f).

If the respondent does not agree with the standard of review provided by appellant, the respondent should state the proper standard of review. Even if the appellant has properly stated the standard of review, consider restating the standard of review in terms favorable to your client.

Reply Brief. A reply brief is optional but strongly recommended. The purpose of the reply brief is to address factual or legal issues raised in the respondent’s brief. Strive for brevity and precision. Do not “reargue points covered in the appellant’s initial brief.” Rule 84.04(g).

Appendix to Brief. Rule 84.04(h) includes items that are required to be included in an appendix. The appellant’s brief must include the judgment, order, or decisions appealed from, the complete text of any statutes, ordinances, court rules, or agency rules claimed to be controlling, and the complete text of any instruction to which a point relied on relates. *Original* exhibits should *NOT* be included in an appendix. *Copies* of exhibits are appropriate for inclusion in an appendix but remember to deposit the original exhibits with the court. An effective appendix will provide judges with quick and easy access to critical evidence. Consider including exhibits, contract provisions, transcript pages, or cases that support your argument.

Form of Briefs. Rule 84.06 includes the formatting requirements for briefs as well as the limits on length. Rule 84.06(a) & (b). The Eastern and Western District have reduced limits on the length of briefs. ED Rule 360; WD Rule XLI. The filing party must certify that the brief complies with the limits on length. Rule 84.06(c). Rule 84.06 also includes the cover color required for the various briefs. Rule 84.06(f).

An electronic copy of the brief, either on floppy disk or CD-ROM, must be filed and served with the brief if the brief was prepared using computer software. Rule 84.06(g); *see also* ED Rules 361, 362, 362; SD Rules 13, 16; WD Rules XXXII, XXXIII. The party filing a brief is required to certify that the electronic copy was scanned for viruses and is virus free. Rule 84.06(g).

TIP: The Rule 84.06(c) and (g) certificates can be combined in one certificate and included at the end of the brief after the signature block and before the appendix.

Filing Deadlines. The appellant's initial brief is due 60 days after the record on appeal is filed with the respondent's brief due 30 days after the filing of the appellant's brief. The appellant's reply brief is due 15 days after the respondent's brief is filed. Rule 84.05(a). Rule 84.05(b) governs the filing deadlines in cross appeals. Rule 84.05(b). Appellate courts routinely grant motions seeking to extend these deadlines. Rule 84.05(a) & (b). Ten copies of the briefs are to be filed, except in the Western District, which requires only seven copies. Rule 84.05(a) & (b); ED Rule 330; SD Rule 2(a); WD Rule XII(A).

4. Exhibits

“Appellant is responsible for depositing all exhibits that are necessary for the determination of any point relied on.” Rule 81.12(e). If the exhibits are in another party's custody, “the appellant may request that party to either deposit the exhibits with the appellate court or deliver them to appellant for deposit with the court.” Rule 81.12(e).

In civil cases, “[o]riginal exhibits shall be deposited with the appellate court on or before the day the reply brief is due or when the court so directs, whichever is earlier.” Rule 81.16(c). The failure to deposit exhibits in a timely fashion may compromise an appeal. Rule 81.16(c) (“Any exhibits not timely deposited may be considered by the court as immaterial to the issues on appeal.”). The respondent may deposit any additional exhibits deemed necessary to determine the issues raised in the appeal. Rule 81.12(e). The party depositing exhibits “shall serve on all other parties on the day of deposit a listing and description of the exhibits deposited.” Rule 81.12(e).

If exhibits have not been filed within the time allotted, file a motion seeking leave to file the exhibits out of time. Otherwise, the court may dismiss one or more points relied on or the entire appeal if it deems the exhibits necessary to the resolution of the appeal. *See, e.g., State ex rel. Missouri Highway & Transp. Comm'n v. Gannon*, 898 S.W.2d 141, 144 (Mo.App. E.D.1995) (stating that where appellant fails to make exhibits that appellant claims were improperly admitted or excluded part of record, trial court's ruling cannot be reviewed).

MISSOURI STATE COURT APPEALS
(Last updated February 27, 2011)

NOTE: UNLESS QUOTATION MARKS INCLUDED, THE FOLLOWING ARE SUMMARIES OF VARIOUS STATUTES AND RULES. CONSULT THE RELEVANT RULES FOR ACTUAL LANGUAGE.

I. Associate Circuit Division - Trial de novo

RSMo. § 512.180.1

“Any person aggrieved by a judgment in a civil case tried without a jury before an associate circuit judge, other than an associate circuit judge sitting in the probate division or who has been assigned to hear the case on the record under procedures applicable before circuit judges, shall have the right of a trial de novo in all cases tried before municipal court or under the provisions of chapters 482, 534, and 535, RSMo.”

RSMo. § 512.190

Application for trial de novo due within 10 days after Judgment rendered. A copy of the application must be served on opposing side within fifteen days after Judgment rendered.

II. All Other Cases - Appeal

Rule 74.01

Judgment is a writing, signed by judge and denominated "judgment" or "decree". When multiple claims or parties and order does not dispose of entire case, judgment must recite an express determination that there is no just reason for delay.

Rule 75.01

Trial court retains control over judgment for 30 days after entry.

Rule 78.04

Motion for new trial due 30 days after entry of judgment on a jury verdict. Premature motion considered filed immediately after judgment entered.

Rule 72.01

Motion for judgment notwithstanding the verdict due 30 days after entry of judgment. Rules regarding grant or denial of jnov and right to request new trial on appeal.

Rule 78.06

Motion for new trial, motion to amend, or motion for judgment notwithstanding the verdict is overruled if not ruled on within 90 days after last such timely motion filed.

Rule 81.05

Unless timely authorized after-trial motions filed, judgment becomes final 30 days after entry. If a timely authorized after-trial motion, judgment becomes final 90 days after filing of such motion if the motion is not ruled upon. If the motion is ruled upon, the judgment becomes final at the later of 30 days after entered or the date the motion is ruled upon.

Rule 81.04

Notice of appeal to be filed with the *clerk of the trial court*. Notice of appeal due 10 days after judgment final. Notice of appeal by additional parties due 10 days after initial notice of appeal. Docket fee of \$70 due with notice of appeal.

Rule 81.07

Provisions governing appeals after time for filing notice of appeal has expired.

Rule 81.08

Contents and service of the notice of appeal. See also Form No. 8-A. Attach a copy of the Judgment to the Notice of Appeal.

Eastern District Local Rule 300

Southern District Local Rule 12

Western District Rule XIV

Required supplemental forms to be filed with the Notice of Appeal.

Rules 81.09, 81.10 and 81.11

Supersedeas bond requirements.

RSMo § 512.050

"All charges due to the court reporter for preparation of the transcript of the record of the trial court shall be paid within ten days of the ordering of the transcript. In the event that actual charges due for the preparation of the transcript cannot be readily determined, a deposit in the amount of the estimated charges due for preparation of the transcript shall be paid within ten days of the written notification by the court reporter of the amount of such estimated charges. The court reporter shall provide such written notification within ten days of any request for transcript."

Rule 81.12(c)

"Within ten days after the notice of appeal is filed, appellant shall order the transcript, in writing, from the reporter or from the clerk of the trial court if the proceedings were recorded by means of an electronic sound recording. Charges due for preparation of the transcript shall be paid as directed in Section 512.050 RSMo. The written order shall designate the portions of the proceedings and evidence not previously reduced to written form that are to be included in the transcript. Appellant's certificate stating the date on which the transcript was ordered and the date on which the transcript charges were paid shall be filed in the appellate court within ten days after the payment of the charges. A copy of appellant's certificate shall be served on all other parties."

Rule 81.12

Contents of the record on appeal. Order documents needed for legal file within 30 days of filing notice of appeal. Requirements for filing and service of the record on appeal.

Rules 81.13, 81.14 and 81.15

Rules concerning additional options for the record on appeal.

Rule 81.19

The record on appeal due 30 days after notice of appeal filed if it consists of only the Legal File. Otherwise, the record on appeal due 90 days after notice of appeal filed.

Rule 84.05

Appellant's Brief due 60 days after record on appeal filed. Respondent's Brief due 30 days after Appellant's Brief filed. Appellant's Reply Brief due 15 days after Respondent's Brief filed.

Southern District Local Rule 1(b)

Request for Oral Argument due 10 days after Respondent's Brief due to be filed. Such request can be on cover of the Appellant's Brief or by separate pleading called "Request for Oral Argument".

Eastern District Local Rule 390

Request for Oral Argument due 10 days after notice of right to submit case without oral argument.

Western District Local Rule I

Parties may request oral argument in writing within 10 days after date of letter from Court stating that it is the Court's opinion that oral argument would not be beneficial.

Rule 84.04

Content of Briefs

Rule 84.06

Form of Briefs, Color Coding, Electronic Copy

Rule 84.13

Allegations of Error Considered on Appeal

Rule 84.17

Motion for Rehearing or other post-disposition motion due 15 days after opinion filed. Suggestions in opposition are not to be filed unless requested by the Court. Such suggestions due 10 days after request.

Rule 83.02

Application for Transfer (to be filed in Court of Appeals) due 15 days after opinion filed. No response to an application for transfer shall be filed unless requested.

Rule 83.04

An Application for Transfer may be filed with the Supreme Court if the Application under Rule 83.02 has been denied. Such Application for Transfer is to be filed within 15 days after the order denying the Application under Rule 83.02. No response to be filed unless requested by the Supreme Court.

Rule 83.05

Form and content of Applications under Rules 83.02 and 83.04.

Due Dates

Judgment Final	30 days after Judgment Entered or when after-trial motions ruled
Notice of Appeal due	10 days after Judgment Final
Notice by other parties	10 days after 1st Notice
Order Transcript	10 days after Notice of Appeal
Pay for Transcript	10 days after Ordered or estimate of charges
Transcript Certificate	10 days after paying for Transcript
Order Documents for Legal File	30 days after Notice of Appeal
Record on Appeal - Legal File Only	30 days after Notice of Appeal
Otherwise	90 days after Notice of Appeal
Appellant's Brief	60 days after Record filed
Respondent's Brief	30 days after Appellant's Brief
Reply Brief	15 days after Respondent's Brief
Motion for Rehearing & Application for Transfer	15 days after Opinion filed
Application for Transfer (filed w/ Supreme Court)	15 days after 1st Application for Transfer denied

MISSOURI STATE COURT APPEALS CHECKLIST

Judgment is appealable only if:

- _____ Judgment determines entire case and is denominated "Judgment" or "Decree"
- OR-
- _____ Judgment is denominated "Judgment" or "Decree" and includes express determination that there is no just reason for delay.

Due Dates & Filing Dates:

Judgment Date _____

New Trial & Other Motions
Due 30 days Due Date _____
After-Trial Motions Filed: Date Filed _____

Denied if not ruled within 90 days Ruling Due Date _____
Date Ruled _____

Judgment Final:
30 days if no After-Trial Motions -or- Later of 30 days
or date After-Trial Motions determined _____

Notice of Appeal due
10 days after Judgment Final Due Date _____
1st Notice of Appeal Date Filed _____
Filing Party: _____

Notice of Cross Appeal due 10
days after 1st Notice filed Due Date _____
Cross Appeal Notice Date Filed _____
Filing Party: _____

Order Transcript - 10 days after Notice filed Due Date _____
Date Ordered _____

Pay for Transcript - 10 days after order/estimate	Due Date	_____
	Date Paid	_____
Transcript Certificate - 10 days after paid	Due Date	_____
	Date Filed	_____
Order Documents for Record 30 days after Notice filed	Due Date	_____
	Date Ordered	_____
Record on Appeal due 30 days, if Legal File only, otherwise 90 days after Notice of Appeal	Due Date	_____
	Date Filed	_____
Appellant's Brief due 60 days after Record	Due Date	_____
	Date Filed	_____
Respondent's Brief due 30 days after Appellant's	Due Date	_____
	Date Filed	_____
Reply Brief due 15 days after Respondent's Brief	Due Date	_____
	Date Filed	_____
Court of Appeals Opinion filed		_____
Motion for Rehearing & Application for Transfer in Court of Appeals due 15 days after Opinion	Due Date	_____
	Date Filed	_____
Ruling on Application for Transfer by Court of Appeals		_____
Application for Transfer in Supreme Court due 15 days after Application denied in Court of Appeals	Due Date	_____
	Date Filed	_____