

Table of Contents

INTRODUCTION

- Intro: I In general
- Intro: II Appointment and tenure of Supreme Court Justices
- Intro: III The Supreme Court's jurisdiction
- Intro: IV Advisory opinions
- Intro: V The Supreme Court's rulemaking authority
- Intro: VI The Supreme Court's authority over the practice of law

RULE 1 SCOPE OF RULES AND MANDATORY ELECTRONIC FILING

- § 1:1 Scope of Rules
- § 1:2 Rules do not affect jurisdiction
- § 1:3 Comparison with Federal Rule

RULE 2 SUSPENSION OF RULES

- § 2:1 Suspension of the Rules
- § 2:2 Comparison with Federal Rule

RULE 3 APPEAL—HOW TAKEN

- § 3:1 Filing the notice of appeal
- § 3:2 Final judgment rule
- § 3:3 Exception to the final judgment rule—R.I. Gen. Laws § 9-24-7
- § 3:4 Exception to the final judgment rule—The McAuslan doctrine
- § 3:5 Exception to the final judgment rule—Super. R. Civ. P. 54(b)
- § 3:6 Contents of the notice of appeal
- § 3:7 Service of the notice of appeal
- § 3:8 Joint or consolidated appeals
- § 3:9 Comparison with Federal Rule

RULE 4 APPEAL—WHEN TAKEN

- § 4:1 Appeals in civil cases
- § 4:2 Appealable judgment, decree, or order
- § 4:3 Tolling of appeal deadline
- § 4:4 Extension of appeal deadline
- § 4:5 Cross-appeals
- § 4:6 Appeals in criminal cases
- § 4:7 Comparison with Federal Rule

RULE 5 FILING FEES

- § 5:1 Filing fees

RHODE ISLAND CIVIL AND APPELLATE PROCEDURE

- § 5:2 Relief from filing fees
- § 5:3 Comparison with Federal Rule

RULE 6 CERTIFICATION OF QUESTIONS OF LAW

- § 6:1 Certification from federal courts
- § 6:2 Standards for certifying questions of law
- § 6:3 Procedure for certification from federal courts
- § 6:4 Certification from Superior Court
- § 6:5 Certification on agreed statement of facts
- § 6:6 Certification of questions of importance
- § 6:7 Procedure for certification from the Superior Court
- § 6:8 Comparison with Federal Rule

**RULE 7 TRIAL COURT ORDERS FOR PROTECTION OF PARTIES
PENDING APPEAL OR PETITIONS FOR REVIEW**

- § 7:1 Trial court orders for the protection of parties
- § 7:2 Effect of docketing the appeal
- § 7:3 Standard for issuance of an injunction
- § 7:4 Standard for requiring posting of a bond
- § 7:5 Appointment of a receiver
- § 7:6 Cases requiring appointment of counsel
- § 7:7 Comparison with Federal Rule

RULE 8 STAY OR INJUNCTION PENDING APPEAL

- § 8:1 Stay or injunction pending appeal
- § 8:2 Standards for issuance of a stay or injunction
- § 8:3 Comparison with Federal Rule

RULE 9 RELEASE IN CRIMINAL CASES

- § 9:1 Release or modification of conditions of release
- § 9:2 Standards for release
- § 9:3 Comparison with Federal Rule

RULE 10 THE RECORD ON APPEAL

- § 10:1 The record on appeal
- § 10:2 The record on appeal when further proceedings are contemplated below
- § 10:3 Transcripts
- § 10:4 Statement of evidence when transcript is unavailable
- § 10:5 Agreed statement as the record on appeal
- § 10:6 Correction or modification of the record
- § 10:7 Comparison with Federal Rule

**RULE 11 TRANSMISSION OF THE RECORD—JURISDICTION OF
SUPREME COURT AND TRIAL COURT OVER APPEALS**

TABLE OF CONTENTS

- § 11:1 Transmission of the record—Duty of the appellant
- § 11:2 Transmission of the record—Duty of the clerk
- § 11:3 Extension of time to transmit the record
- § 11:4 Effect of docketing the appeal
- § 11:5 Transmittal of the record back to the trial court
- § 11:6 Record for preliminary hearing in the Supreme Court
- § 11:7 Comparison with Federal Rule

RULE 12 FILING OF THE RECORD—DOCKETING OF THE APPEAL

- § 12:1 Filing and docketing of the record
- § 12:2 Dismissal for failure to file or docket
- § 12:3 Motion to correct the record
- § 12:4 Comparison with Federal Rule

RULE 12A STATEMENT OF THE CASE; SINGLE JUSTICE CONFERENCES; HEARING PANELS

- § 12A:1 Statement and counterstatement of the case
- § 12A:2 Single justice conferences
- § 12A:3 Show-cause calendar
- § 12A:4 Regular calendar
- § 12A:5 Comparison with Federal Rule

RULE 13 EXTRAORDINARY WRITS

- § 13:1 Writ of certiorari—Scope and purpose
- § 13:2 Other extraordinary writs
- § 13:3 Time for petition
- § 13:4 Procedure for seeking issuance of writ
- § 13:5 Consideration of petition by supreme court
- § 13:6 Stay pendente lite
- § 13:7 Statutory petitions for writ of certiorari
- § 13:8 Comparison with Federal Rule

RULE 14 HABEAS CORPUS

- § 14:1 Writ of habeas corpus
- § 14:2 Procedures for obtaining writ
- § 14:3 Writ of habeas corpus for want of bail
- § 14:4 Writ of habeas corpus to challenge rendition
- § 14:5 Comparison with Federal Rule

RULE 15 APPLICATIONS BY INDIGENT LITIGANTS AND PERSONS IN CUSTODY

- § 15:1 Applications by indigents and those in custody
- § 15:2 Comparison with Federal Rule

RULE 16 BRIEFS

- § 16:1 Scope and purpose
- § 16:2 Briefs of the parties
- § 16:3 Briefs in cases involving cross-appeals or cross-petitions
- § 16:4 Substantive content of briefs
- § 16:5 Standards of review
- § 16:6 Raise or waive rule
- § 16:7 Stare decisis
- § 16:8 Mootness
- § 16:9 Form of briefs
- § 16:10 Citation of supplemental authority
- § 16:11 Brief of amicus curiae
- § 16:12 Effect of failure to comply with Rule 16
- § 16:13 Comparison with Federal Rule

RULE 17 APPENDIX TO THE BRIEFS

- § 17:1 Duty of the parties to prepare an appendix
- § 17:2 Form of appendices
- § 17:3 Comparison with Federal Rule

RULE 18 FILING, FORM, SERVICE AND NOTICE

- § 18:1 The filing requirement
- § 18:2 Form of papers
- § 18:3 The requirement and methods of service
- § 18:4 Comparison with Federal Rule

RULE 18A SANCTIONS FOR FAILURE TO FILE STATEMENTS OF THE CASE, COUNTER-STATEMENTS AND BRIEFS IN ACCORDANCE WITH RULES 12A AND 16

- § 18A:1 Sanctions for failure to file Rule 12A statements and briefs
- § 18A:2 Comparison with Federal Rule

RULE 18B DISMISSAL

- § 18B:1 Voluntary dismissal
- § 18B:2 Involuntary dismissal
- § 18B:3 Cases remanded, stayed or held in abeyance
- § 18B:4 Comparison with Federal Rule

RULE 19 APPEARANCES

- § 19:1 Appearances of counsel
- § 19:2 Appointment of counsel
- § 19:3 Comparison with Federal Rule

RULE 20 COMPUTATION AND EXTENSION OF TIME

TABLE OF CONTENTS

- § 20:1 Computation of time
- § 20:2 Enlargement of time
- § 20:3 Comparison with Federal Rule

RULE 21 DOCKETING

- § 21:1 Docketing of cases
- § 21:2 Comparison with Federal Rule

RULE 22 ASSIGNMENT OF CASES

- § 22:1 Priority of cases to be argued
- § 22:2 Continuances
- § 22:3 Failure of counsel to appear
- § 22:4 Comparison with Federal Rule

RULE 23 AFFIDAVITS

- § 23:1 Filing of affidavits
- § 23:2 Comparison with Federal Rule

RULE 24 ARGUMENTS

- § 24:1 Content of oral argument
- § 24:2 Order of argument and time allowed
- § 24:3 The Supreme Court's decision
- § 24:4 Costs on appeal
- § 24:5 Comparison with Federal Rule

RULE 25 REARGUMENT

- § 25:1 Petitions for reargument
- § 25:2 Comparison with Federal Rule

RULE 26 AGREEMENTS

- § 26:1 Agreements
- § 26:2 Comparison with Federal Rule

RULE 26A WITHDRAWAL AND EXCUSAL OF ATTORNEY

- § 26A:1 Withdrawal and excusal of counsel
- § 26A:2 Comparison with Federal Rule

RULE 26B SIGNING OF PAPERS; SANCTIONS

- § 26B:1 Signing of papers and sanctions
- § 26B:2 Comparison with Federal Rule

RULE 27 AMENDMENTS

- § 27:1 Amendments to pleadings

RHODE ISLAND CIVIL AND APPELLATE PROCEDURE

§ 27:2 Comparison with Federal Rule

RULE 28 MOTIONS

§ 28:1 Motions

§ 28:2 Papers filed under seal

§ 28:3 Comparison with Federal Rule

RULE 29 TAKING OUT TRANSCRIPTS AND EXHIBITS

§ 29:1 Taking out of transcripts

§ 29:2 Taking out of exhibits

§ 29:3 Comparison with Federal Rule

**RULE 30 APPEALS AND EXCEPTIONS WITH RESPECT TO RULINGS
AND DECISIONS AFTER JUDGMENT**

§ 30:1 Appeal of postjudgment rulings and decisions

§ 30:2 Comparison with Federal Rule

**RULE 31 APPEALS FROM JUDGMENTS IN CASES REFERRED TO
AUDITORS**

§ 31:1 Appeals in cases referred to auditors

§ 31:2 Comparison with Federal Rule

**RULE 32 CASES INVOLVING CONSTITUTIONALITY OF FEDERAL
OR STATE STATUTES**

§ 32:1 Constitutional challenge to federal and state statutes

§ 32:2 Notice requirements in other state rules and statutes

§ 32:3 Comparison with Federal Rule

**RULE 33 STENOGRAPHIC RECORDING AND TAKING OF
TESTIMONY IN THE SUPREME COURT**

§ 33:1 Stenographic recording of the proceedings

§ 33:2 Comparison with Federal Rule

RULE 34 CONFERENCES WITH DUTY JUSTICE

§ 34:1 Conference with the duty justice

§ 34:2 Comparison with Federal Rule

RULE 35 APPELLATE MEDIATION PROGRAM

§ 35:1 Purpose of the program

§ 35:2 Eligibility

§ 35:3 Comparison with Federal Rule

RULE 36 FORMS

TABLE OF CONTENTS

- § 36:1 Forms
- § 36:2 Comparison with Federal Rule
- § 36:3 Form—Checklist for Filing Briefs
- § 36:4 —In-House Counsel Registration
- § 36:5 —Mediation Statement
- § 36:6 —Notice of Appeal
- § 36:7 —Pro Hac Vice—Attorney Certification for Admission Pro
Hac Vice
- § 36:8 — —Client Certification
- § 36:9 — —Miscellaneous Petition for Admission Pro Hac Vice

Table of Laws and Rules

Table of Cases

Index