Table of Contents

CHAPTER 1. OVERVIEW OF APPELLATE PROCESS

§ 1.1 Overview of the Missouri Appellate Courts
§ 1.2 Organization of the Missouri Appellate Courts
§ 1.3 Appellate jurisdiction of the Missouri Appellate Courts *[Retitled]*
§ 1.4 Appellate jurisdiction of the Missouri Supreme Court
§ 1.5 Original jurisdiction of the Missouri Appellate Courts
§ 1.6 Supervisory jurisdiction of the Missouri Appellate Courts
§ 1.7 Rule-making authority of the Missouri Supreme Court
§ 1.8 Overview of appellate process
§ 1.10 Filing *[Retitled]*
§ 1.11 Appearing and withdrawing as counsel *[New]*

CHAPTER 2. PRE-APPEAL CONSIDERATIONS

§ 2.2 Presenting and preserving issues
§ 2.3 At trial court—In general
§ 2.4 Pleadings and affirmative defenses
§ 2.5 Pretrial proceedings, discovery, and continuances
§ 2.6 Motions in limine and motions to suppress
§ 2.7 Trial proceedings
§ 2.8 Admission of evidence
§ 2.9 Excluded evidence and offers of proof
§ 2.10 Jury instructions, deliberations, and verdict
§ 2.11 Motion for directed verdict and motion for judgment notwithstanding the verdict—Civil jury-tried cases *[Retitled]*
§ 2.12 Motion for judgment of acquittal—Criminal cases *[Retitled]*
§ 2.13 Motion to dismiss—Civil court-tried cases *[Retitled]*
§ 2.14 Motion for new trial—Jury-tried cases—Civil and criminal *[Retitled]*
§ 2.15 Motion for new trial—Court-tried cases—Civil and criminal *[Retitled]*
§ 2.16 Plain error
§ 2.17 Summary Judgment *[New]*

CHAPTER 3. STANDARD AND SCOPE OF APPELLATE REVIEW

§ 3.1 Introduction
§ 3.2 Questions of law and fact
§ 3.3 De novo review
§ 3.4 Standard of review for civil non-jury cases

§ 3.5 Standard of review for civil jury cases
§ 3.6 Standard of review for criminal non-jury cases
§ 3.7 Standard of review for criminal jury cases
§ 3.8 Review for abuse of discretion
§ 3.9 Sufficiency of pleadings
§ 3.10 Admissibility and reception of evidence
§ 3.11 Review of jury instructions

CHAPTER 4. RIGHT OF APPEAL

§ 4.1 Introduction
§ 4.2 Civil cases—General statute (V.A.M.S. § 512.020)
§ 4.3 Civil cases—Final judgments
§ 4.3.5 Civil cases—Cross appeals *[New]*
§ 4.4 Civil cases—Multiclaim/multiparty litigation
§ 4.5 Civil cases—Interlocutory judgments and orders
§ 4.6 Civil cases—Interlocutory judgments in partition
§ 4.7 Civil cases—Special orders following final judgments
§ 4.8 Civil cases—Juvenile court/family court
§ 4.9 Probate court
§ 4.10 Judgments of contempt
§ 4.11 Civil cases—Right of appeal—Proceedings for an extraordinary writ in circuit court *[Retitled]*
§ 4.12 Aggrieved parties
§ 4.13 Docket sheet entries
§ 4.14 Criminal cases—Introduction
§ 4.15 Criminal cases—Final judgments
§ 4.16 Criminal cases—Interlocutory appeals
§ 4.17 Criminal cases—Appeals by the state
§ 4.18 Notice of appeal
§ 4.19 Civil cases—Finality of judgment
§ 4.20 Civil cases—Authorized after trial motions
§ 4.20.1 Civil cases—Motions for reconsideration—Motions for rehearing *[New]*
§ 4.20.2 Civil cases—Reopening judgment—Entry of new or amended judgment—Effect *[New]*
§ 4.21 Criminal cases—Authorized after trial motions
§ 4.22 Premature notices of appeal
§ 4.22.1 Review of administrative agency decisions—Direct appeal *[New]*
§ 4.23 Appeals out of time
§ 4.24 Perfecting the appeal
§ 4.24.5 Expediting the Appeal *[New]*
§ 4.25 Identification of the parties
§ 4.26 Notice of appeal to Supreme Court of Missouri *[Retitled]*
§ 4.26.30 Notice of appeal to Missouri Court of Appeals—Civil *[New]*
§ 4.26.70 Notice of appeal to Missouri Court of Appeals—Criminal *[New]*
§ 4.27 Civil Procedure Form No. 8-B—Notice of appeal to Missouri Court of Appeals *[Deleted]*
§ 4.28 Civil Procedure Form No. 8-B—Notice of appeal in workers' compensation case *[Retitled]*

§ 4.29 Civil Procedure Form No. 8-C—Notice of appeal in unemployment compensation case *[Retitled]*
§ 4.30 Criminal case information form supplement (Eastern District Court of Appeals) *[New]*

CHAPTER 5. RECORD ON APPEAL

§ 5.1 Overview
§ 5.2 Ordering and filing record on appeal
§ 5.3 Legal file and the transcript of proceedings
§ 5.4 Trial exhibits
§ 5.5 Approval and certification
§ 5.6 Abbreviated short form record on appeal
§ 5.7 Review of administrative proceedings
§ 5.8 Partial or total unavailability of or errors in a transcript or other parts of the record *[Retitled]*

CHAPTER 6. STAY OF ENFORCEMENT—SUPERSEDEAS BONDS AND OTHER RELIEF PENDING APPEAL

A. CIVIL CASES

§ 6.1 Introduction
§ 6.2 Stays and supersedeas bonds
§ 6.4 Stays in injunction, quo warranto, habeas corpus, and related proceedings *[Retitled]*
§ 6.10 Supersedeas bond—Modified—Alternate form of security—Standby letter of credit posted with clerk *[Retitled]*
§ 6.11 Irrevocable standby letter of credit—For use with supersedeas bond—Bank form *[Retitled]*
§ 6.11.5 Supersedeas bond—After notice of appeal filed—Motion for leave to post bond *[New]*

B. CRIMINAL CASES

§ 6.12 Stay pending appeal

CHAPTER 7. BRIEFS

§ 7.1 Introduction
§ 7.2 Number and type of briefs
§ 7.3 Time frames for preparing and filing briefs
§ 7.4 Form of briefs
§ 7.5 Contents of opening brief on the merits—Overview
§ 7.6 Jurisdictional statement
§ 7.7 Statement of facts
§ 7.8 Points relied on
§ 7.9 The argument
§ 7.10 Conclusion and appendix
§ 7.11 Respondent's brief
§ 7.12 Reply brief
§ 7.12.5 Briefs in cross-appeals *[New]*

§ 7.13 Amicus briefs

CHAPTER 8. MOTIONS, SANCTIONS, AND SETTLEMENT CONFERENCES

§ 8.1 Introduction
§ 8.2 Filing and docketing fees
§ 8.3 Format of Documents *[Retitled]*
§ 8.4 Filing and Service of Documents *[Retitled]*
§ 8.5 Motion practice—Overview
§ 8.6 Motions for procedural matters
§ 8.7 Dismissal of appeal—Motion to dismiss
§ 8.9 Dismissal of appeal—Violations of rules of appellate procedure
§ 8.10 Dismissal of appeal—Issues rendered moot
§ 8.11 Dismissal of appeal—Actions inconsistent with right of appeal—Civil
§ 8.12 Dismissal of appeal—Action inconsistent with appeal—Criminal
§ 8.13 Frivolous appeals
§ 8.14 Docketing and settlement conferences
§ 8.15 Settlement during pendency of appeal—Civil
§ 8.16 Death of a party

CHAPTER 9. ORAL ARGUMENT

§ 9.1 Introduction
§ 9.2 Request for and waiver of oral argument
§ 9.2.50 Remote oral argument *[Retitled]*
§ 9.3 Time limits and other procedural matters
§ 9.6 Waiver of oral argument

CHAPTER 10. DISPOSITION OF THE CASE AND ENFORCEMENT OF THE MANDATE

§ 10.1 Disposition of cases in the Court of Appeals
§ 10.2 Disposition of cases by the Missouri Supreme Court
§ 10.3 Disposition of the appeal on the merits
§ 10.4 Issuance and enforcement of the mandate, and law of the case
§ 10.5 Recall of the mandate and correction of the opinion
§ 10.7 Appellate court costs and taxation
§ 10.8 Attorney's fees

CHAPTER 11. POST-DISPOSITION PROCEEDINGS *[Retitled]*

§ 11.1 Introduction
§ 11.2 Motions for rehearing and other post-disposition motions *[Retitled]*
§ 11.2.1 Motions to modify opinion *[New]*
§ 11.2.2 Motions to publish an opinion *[New]*
§ 11.3 Transfer to Missouri Supreme Court—Overview
§ 11.4 Transfer to Supreme Court—Standards governing

§ 11.5 Transfer to Supreme Court—Court of Appeals
§ 11.6 Transfer to Supreme Court—Certification by dissenting judge
§ 11.7 Transfer on order of Supreme Court—Procedure and time frames
§ 11.8 Motions for rehearing and applications for transfer—Format, filing, and service *[Retitled]*
§ 11.9 Internal procedures of the Court of Appeals
§ 11.11 Transfer to the Supreme Court—Further proceedings and disposition
§ 11.13 United States Supreme Court—Time Frames and Procedures for Seeking Petition for Writ of Certiorari
§ 11.14 Civil Procedure Form 15 (application for transfer)
§ 11.16 Reasons for transfer—Sample form *[New]*

CHAPTER 12. EXTRAORDINARY WRITS

A. EXTRAORDINARY WRITS

§ 12.1 Introduction
§ 12.2 Mandamus
§ 12.4 Prohibition
§ 12.5 Prohibition—Differences between mandamus and prohibition
§ 12.6 Habeas corpus
§ 12.7 Quo warranto
§ 12.9 Certiorari

B. PRACTICE AND PROCEDURE

§ 12.12 Introduction
§ 12.13 Process for issuance of original writs from appellate court—In general
§ 12.15 Parties
§ 12.16 Contents of pleadings
§ 12.18 Record of proceedings—Appellate Courts
§ 12.19 Masters in an appellate court
§ 12.20 Briefs and oral argument
§ 12.21 Further relief
§ 12.22 Civil Procedure Form No. 16 (writ summary)

CHAPTER 13. CIRCUIT COURTS—APPELLATE JURISDICTION

§ 13.1 Introduction
§ 13.2 Appeals from judgments rendered by an associate circuit judge
§ 13.3 Trial de novo for associate division civil cases
§ 13.4 Small claims division
§ 13.6 Municipal and county municipal court divisions

CHAPTER 14. JUDICIAL REVIEW OF ADMINISTRATIVE AGENCY DECISIONS

§ 14.1 Introduction
§ 14.2 Quasi-judicial decisions—Contested versus non-contested cases

§ 14.3 Contested cases—Standing—Exhaustion of administrative remedies—Procedures
§ 14.4 Record of proceedings
§ 14.5 Stay or other interim relief pending final review
§ 14.6 Contested cases—Standard and scope of review—Appeals from circuit court judgments
§ 14.7 Non-contested cases—Procedures—Standard and scope of review—Appeals from circuit court judgments
§ 14.8 Quasi-Legislative functions—Validity of agency rules and regulations

CHAPTER 15. POST-CONVICTION RELIEF PROCEEDINGS

§ 15.1 Introduction
§ 15.2 Ineffective assistance of counsel
§ 15.3 Time frames, venue, and procedures
§ 15.4 Right of appeal, scope of review, and standards and presumptions
§ 15.5 Compulsory forensic DNA testing

Table of Laws and Rules

Table of Cases

Index