

In re Amendments to Article I of the Supreme :
Court Rules :
(Appellate Procedure). :

ORDER

Section 1. Article I, Rule 6 of the Supreme Court Rules is hereby amended as follows:

“Rule 6. Certification of questions of law. (a) *Certified Questions of Law.* The Supreme Court may answer questions of law certified to it by the Supreme Court of the United States, a Court of Appeals of the United States, or of the District of Columbia, a United States District Court, or the Superior, Family, District, or Workers’ Compensation Courts when requested by the certifying court if there are ~~involved in~~ any questions of law of this state involved in a proceeding before that court ~~questions of law of this state~~ which may be determinative of the cause then pending in the certifying court and as to which it appears to the certifying court there is no controlling precedent in the decisions of the Supreme Court.

* * *

(d) *Preparation of Certification Order and Filing of the Record.*

(1) *Certification Order.* The certification order shall be prepared by the certifying court, signed by the judge presiding at the hearing, and forwarded to the Supreme Court Clerk by email to supremecourtclerksoffice@courts.ri.gov or by mail ~~by~~ from the clerk of the certifying court.

* * *

(f) *Briefs and Argument.* Proceedings in the Supreme Court shall be those provided in these rules governing ~~Rule 12A statements,~~ briefs, and arguments ~~as the Court may order.~~ Unless otherwise ordered, the plaintiff shall file the opening brief, the defendant shall file the responding brief, and the plaintiff may file a reply brief. Any party wishing to seek a modification of the foregoing briefing requirements shall move for such relief with the Supreme Court.”

Section 2. Article I, Rule 10 of the Supreme Court Rules is hereby amended as follows:

“Rule 10. The record on appeal.

* * *

~~(c) *Proceedings Pending in the Superior, Family, or District Court.* When further proceedings are pending in the Superior, Family, or District Court over aspects of the case not involving the appeal or petition for review, the papers and exhibits filed in the trial court as designated by the parties, along with the transcript contemplated by subsection (b)(1), shall constitute the record on appeal. Within twenty (20) days after filing the notice of appeal or petition for review, the appellant shall arrange for the clerk to transmit such parts of the papers and exhibits as the appellant deems necessary for inclusion in the record. Unless the entire record is to be included, or the parties agree otherwise in a writing filed with the Supreme Court, the appellant shall, within the time above provided, file and serve on the appellee a description of the parts of the papers and exhibits which the appellant intends to include in the record and a statement of the orders or rulings that the appellant intends to appeal. If the appellee deems other parts of the papers and exhibits to be necessary, the appellee shall immediately arrange for the clerk to certify such parts or procure an order from the trial court requiring the appellant to do so and serve on the appellant a description of the other papers and exhibits to be included in the record on appeal. Copies of the descriptions shall be filed with the Supreme Court. The ordering and payment of certified copies shall be in accordance with the rules of the trial court.~~

~~(d) (c) *Statement of the Evidence of Proceedings When no Report was Made or When the Transcript is Unavailable.*~~

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~~(e) (d) *Agreed Statement as the Record on Appeal.*~~

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~~(f) (e) *Correction or Modification of the Record.*~~

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~~(g) (f) *Exhibits.*~~

~~* * *~~

Section 3. Article I, Rule 12A of the Supreme Court Rules is hereby amended as follows:

“Rule 12A. Statement of the Case; Single Justice Conferences; Hearing Panels.

~~* * *~~

(2) *Counter-statement.* Within fifteen (15) days after the filing of the above statement, the responding party shall file a counter-statement in accordance with Rule 18 not to exceed 3,000 words (unless special permission is granted by the Court or a justice thereof for additional words or pages). Handwritten statements

or statements produced on a typewriter, when allowed, shall not exceed ten (10) pages. No reply to the counter-statement shall be permitted without the prior approval of the Supreme Court or a justice thereof upon motion in accordance with Rule 28.

Nonelectronic transcripts and exhibits may be taken out for reference in preparing this counter-statement in accordance with Rule 29 but shall be returned upon its filing.

* * *

(3) *Single Justice Conferences and Orders.* Following the filing of such statements, the Supreme Court may require appearance by the attorneys for the parties before a single justice of the Supreme Court for a conference. The objective of said conference will be to achieve settlement of the dispute in civil cases, to determine the issues on appeal/certiorari, to determine the manner in which the appeal, cross-appeal, certiorari petition, or petition for review shall proceed, and to consider whether proceedings over aspects of the case not involved in the appeal, cross-appeal, certiorari petition, or petition for review are contemplated or pending below while the matter is pending in the Supreme Court. In civil matters, attorneys for each party shall confer in advance of the conference with the attorney's client and obtain authority to settle the matter, if possible. In the event that the single justice of the Supreme Court determines it appropriate, the justice may:

(a) Issue an order in accordance with ~~subdivisions~~ subsections (4) and (6) of this rule to either or both parties to show cause why the issues raised by the appeal or petition for certiorari should not be decided on the show cause calendar;

* * *

(5) *Appendices.* All documents from the record required to be filed by the appellant, petitioner, or other moving party in accordance with subsection (1) of this rule or to which a party seeks to direct the particular attention of the Court shall be filed as a separate bound appendix to that party's Rule 12A statement filed pursuant to subsection (1) or (2) of this rule or show cause supplemental statement filed pursuant to subsection (4) of this rule.

The appendix shall have a table of contents, pages separately numbered, and appropriate demarcation separating discrete sections. When portions of a transcript are included in the appendix, parties shall ensure that the cover sheet of the transcript volume and the index of witness names are included, together with sufficient pages assembled in sequence to enable the Supreme Court to read the cited passages in context. The appendix must be bound in any manner that is secure, does not obscure text, and permits the appendix to lie reasonably flat when open and not fall apart.

~~(5)~~(6) *Form and Manner.* All papers filed pursuant to this Rule shall be submitted in the form and manner set forth in Rule 18.

~~(6)~~(7) *Show Cause Arguments, Orders, and Decisions.* The show cause argument shall be conducted before a hearing panel of the Supreme Court

consisting of at least three (3) justices, except for appeals in criminal cases which shall be heard by the full Court or by as many members of the Court as are available. The Supreme Court or hearing panel may issue an order or opinion dismissing the appeal or certiorari petition, reversing or modifying the judgment, or remanding the case to the appropriate trial court or other tribunal for further proceedings. The Supreme Court or panel may if it sees fit determine that the case should be placed on the regular calendar for full briefing and argument.

~~(7)~~(8) *Cases Referred to the Full Court.* Cases referred to the Supreme Court for a determination of the manner in which the appeal or certiorari petition shall proceed or for disposition with or without briefing or oral argument may be:

(a) Ordered to be placed on the regular calendar for full briefing and argument;

(b) Decided by the Court on the merits of the controversy without further briefing or oral argument; or

(c) Ordered to be placed on the motion calendar with such further filing of supplemental memoranda as the Court may require for oral argument before a hearing panel of the Court consisting of at least three (3) justices, except for appeals in criminal cases and proceedings pursuant to Rule 6 which shall be heard by the full Court or as many members of the Court as are available.

(9) The cover of any filings made pursuant to this rule shall be white.”

Section 4. Article I, Rule 13 of the Supreme Court Rules is hereby amended as follows:

“Rule 13. Extraordinary Writs. (a) *Petition for Issuance of Writ.* Other than for habeas corpus and except where otherwise provided for by statute a proceeding seeking the issuance of an extraordinary writ shall be by petition. The petition shall include:

* * *

(3) A copy of any order or opinion which the petitioner seeks to have reviewed and any other parts of the record which may be essential to an understanding of the matters set forth in the petition.

A memorandum shall ~~be appended to~~ accompany the petition stating the grounds relied upon by the petitioner, together with citations of the authorities in support thereof. The petitioner shall serve upon all other parties a copy of said petition and memorandum. The petitioner shall file the petition and memorandum in the office of the Clerk of the Supreme Court and shall pay to the clerk a filing fee of one hundred fifty dollars (\$150) per petitioner.

Any document filed pursuant to subsection (a), may be attached to the petition or memorandum or may be filed as a separate appendix. All such documents shall have a table of contents, pages separately numbered, and appropriate demarcation separating discrete sections. When portions of the transcript are included in the appendix, parties shall ensure that the cover sheet of the transcript volume and the

index of the witness names are included, together with sufficient pages assembled in sequence to enable the Supreme Court to read the cited passages in context.

* * *

(d) *Form and Manner.* All papers filed pursuant to this Rule shall be submitted in the form and manner set forth in Rule 18. The cover of any filings made pursuant to this rule shall be white.

(e) *Order Granting or Denying Petition.* Upon the granting or denying of a petition, an appropriate order will be entered and the Clerk of the Supreme Court shall give notice thereof to all parties. If the petition is granted, appropriate process shall issue and the Clerk of the Supreme Court shall transmit the writ of certiorari to the clerk of the trial court. The cause shall thereafter proceed in accordance with these rules. It shall be incumbent upon the petitioner to comply with the requirements of these rules for the preparation and timely transmission of the record on appeal in accordance with the writ. In the case of certiorari petitions, the parties shall comply with Rule 12A. If the writ in question calls for review of the record of a court or other tribunal, allegations of fact contained in the petition which are not contained in the record under review shall not be considered to be established. A denial of a petition, without more, is not an adjudication on the merits and has no precedential effect, and such action is to be taken as being without prejudice to a further application to the Supreme Court or any court for the relief sought.”

Section 5. Article I, Rule 14 of the Supreme Court Rules is hereby amended as follows:

“Rule 14. Habeas corpus.

* * *

(e) *Subsequent Proceedings.* Upon the grant or denial of the writ an appropriate order will be entered. The Clerk of the Supreme Court shall thereupon notify all parties to the proceeding of entry of such order. If the application for the writ is granted, the writ and appropriate process shall issue and the Clerk of the Supreme Court shall transmit the writ to the clerk of the trial court; thereafter the cause shall, without the necessity of either party filing any further pleadings, be docketed on the return day and shall be assigned for hearing pursuant to the provisions of Rule 22. Briefs of the respective parties shall be filed pursuant to Rule 16. Upon issuance of the writ, it shall be incumbent upon the petitioner to comply with the requirements of these rules for the preparation and timely transmission of the record on appeal in accordance with the writ, except that if the petitioner has been granted permission to proceed in forma pauperis the Supreme Court may, where the respondent is a state official, direct the Attorney General to arrange for the preparation and transmission of the record.”

Section 6. Article I, Rule 16 of the Supreme Court Rules is hereby amended as follows:

“Rule 16. Briefs. (a) *Brief of Appellant or Other Moving Party.* Within forty (40) days after the date on which the Clerk of the Supreme Court notifies the appellant or other moving party that the case to be reviewed has been assigned to the regular calendar for full briefing and argument, the appellant or other moving party shall file in the office of the Clerk a brief in accordance with Rule 18. The brief shall contain:

* * *

(6) An index of authorities arranged alphabetically indicating at what page or pages of the brief each authority is cited. Errors not claimed, questions not raised, and points not made ordinarily will be treated as waived and not be considered by the Supreme Court. In cases where it may be necessary for the Supreme Court to examine the evidence, the party shall specify in the party’s brief the leading facts that the party deems to be established by the evidence, with a reference to the pages of the record and the appendix where the evidence of such facts may be found, which references will be relied upon by the Court in its consideration of such facts. ~~Ordinarily the Supreme Court will not consider evidence not referenced in conformity with this subdivision.~~ While evidence must be referenced in conformity with this subsection, in deciding a case, the Court considers the entire record before it.

* * *

(f) *Form of Briefs.* All briefs filed pursuant to this rule shall be submitted in the form and manner set forth in Rule 18. Unless authorized by order of the Supreme Court pursuant to a party's written motion, briefs shall not exceed a total of 15,000 words, except that reply briefs shall not exceed 7,500 words.

Handwritten briefs or briefs produced on a typewriter, when allowed, shall not exceed fifty (50) pages, except that reply briefs that are handwritten or produced on a typewriter shall not exceed twenty-five (25) pages.

Briefs exceeding these limitations shall not be filed, either provisionally or otherwise, along with the motion seeking their approval, and no such brief will be accepted by the clerk until such motion has first been granted. The motion for leave to file a brief exceeding these limitations shall be accompanied only by a memorandum substantiating, to the Supreme Court's satisfaction, the need for the additional words or pages requested.

Nonelectronic briefs shall be bound on the left side and not at the top. The brief must be bound in any manner that is secure, does not obscure text, and permits the brief to lie reasonably flat when open and not fall apart. The cover of the nonelectronic brief of the appellant shall be blue; that of the appellee, red; that of an intervenor or amicus curiae, green; that of any reply brief, gray. The cover of the nonelectronic appendix, ~~if separately printed,~~ should be white. * * *”

Section 7. Article I, Rule 17 of the Supreme Court Rules is hereby amended as follows:

“Rule 17. Appendix to the briefs. (a) *Duty of Appellant or Other Moving Party to Prepare and File; Content.* The appellant shall prepare a separate appendix to the brief. The appendix shall contain:

* * *

(4) Any other part of the record, including the transcript, to which the party wishes to direct the particular attention of the Supreme Court. Except as otherwise provided in subsection (b) of this Rule, the appendix shall have a table of contents, pages separately numbered, and appropriate demarcation separating discrete sections ~~to assist the Supreme Court to locate portions of the record referenced in the briefs.~~ When portions of a transcript are included in the appendix, ~~attorneys~~ parties shall ensure that the cover sheet of the transcript volume and the index of witness names are included, together with sufficient pages assembled in sequence to enable the Supreme Court to read the cited passages in context.

~~(b) *Appendix in Criminal Cases.* In criminal cases, the provisions of subsection (a) concerning separate pagination of the appendix shall not be mandatory, provided that the parties employ alternative methods of organizing the appendix in a form which provides substantially equivalent assistance to the Supreme Court in locating portions of the record referenced in the briefs.~~

~~(e)~~ (b) *Duty of Appellee or Other Adverse Party to Prepare and File.*

* * *

~~(d)~~ (c) *Form of Appendices.*

* * *”

Section 8. Article I, Rule 18 of the Supreme Court Rules is hereby amended as follows:

“Rule 18. Filing, Form, Service, and Notice.

* * *

(e) *Proof of Service.* Papers presented for filing shall contain an acknowledgment of service by the person served or proof of service. Proof of service may appear on or be affixed to the papers filed and must list the name of the party or attorney receiving service.

* * *

(h) *Hardcopies Required.*

(1) *Rule 12A Statements, and Briefs, and Petitions and Supporting Memoranda.* The parties shall file with the Clerk nine (9) nonelectronic copies of Rule 12A statements, ~~and~~ briefs, petitions and applications for the issuance of a writ or for reargument, and any supporting memoranda filed therewith, within five (5) days of the Clerk's acceptance of the electronic filing thereof.

(2) *Appendices, Petitions, and Supporting Memoranda.* The parties shall file with the Clerk six (6) nonelectronic copies of appendices, petitions for extraordinary writs, petitions for reargument, and any supporting memoranda within five (5) days of the Clerk's acceptance of the electronic filing thereof.

(3) Parties exempt from electronic filing shall file an original ~~plus nine (9) the~~ number of nonelectronic copies of all papers required pursuant to subsection (1) and (2) of this rule.

(4) All nonelectronic copies shall be on good paper of sufficient opacity and a print quality to be distinctly legible. All nonelectronic copies shall match exactly what has been filed electronically.

Section 9. Article I, Rule 18A of the Supreme Court Rules is hereby amended as follows:

“Rule 18A. Sanctions for failure to file statements of the case, counter-statements and briefs in accordance with Rules 12A and 16. In implementation of Rules 12A and 16 of these rules, the following authority is hereby conferred upon the Clerk of the Supreme Court.

(1) *Failure to File a Statement of the Case.* In the event that an appellant should fail to file a statement of the case within the time limit set forth in Rule 12A or in any order entered pursuant to a single justice conference or by the Supreme Court setting a different time, the Clerk of the Supreme Court shall enter a conditional order of dismissal of the appeal subject to reinstatement if the statement of the case or a motion for an extension of time to file the statement of the case is filed within ten (10) days after the entry of the order.

(2) *Failure to File a Counter-statement.* In the event that an appellee shall fail to file a counter-statement within the time limit set forth in Rule 12A or in any order entered pursuant to a single justice conference or by the Supreme Court setting a different time, following the filing of appellant's statement of the case, the Clerk of the Supreme Court shall enter a conditional order of default subject to reinstatement if the counter-statement or a motion for an extension of time to file the counter-statement is filed within ten (10) days of the date of the order. ~~A defaulted appellee may be barred from filing~~ The order of default will have the effect of barring the appellee from filing any further statements, memoranda, or briefs in support of appellee's position and may be barred from oral argument in support of that position or from arguing orally to the Supreme Court in opposition to the appellant's argument unless otherwise ordered by the Supreme Court or a justice thereof.

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(4) *Failure of an Appellee to File a Brief.* In the event that an appellee fails to file a brief in support of the appellee's position within the time limit set forth in Rule 16 after filing of appellant's brief or such additional time as may be authorized by court order, the Clerk of the Supreme Court shall enter an order of conditional default subject to reinstatement of the appellee's right to proceed if the brief is filed within ten (10) days of the date of the order. The order of default will have the effect of barring the appellee from filing any brief in support of appellee's position or from arguing orally to the Supreme Court in opposition to the appellant's argument unless otherwise ordered by the Supreme Court or a justice thereof.

In addition to the foregoing actions which may be taken by the Clerk of the Supreme Court, the Supreme Court may impose sanctions upon attorneys for failure to meet their filing obligations in respect to appellate matters pending before this Court. Such sanctions may include monetary penalties to be paid to the opposing parties or to the Supreme Court, or both.”

Section 10. Article I, Rule 18B of the Supreme Court Rules is hereby amended as follows:

“Rule 18B. Dismissal.

* * *

(3) *Cases ~~Remanded~~, Stayed or Held in Abeyance - Duty to Keep the Supreme Court Informed.* In all cases where the Supreme Court has entered an order to ~~remand a case to the trial court or to~~ stay a case or hold a case in abeyance, the ~~appellant or petitioner~~ party that sought the stay or to hold the case in abeyance shall notify the Court, in writing, every sixty (60) days starting from the date of the order, as to the status of the case and continued need for the stay, ~~remand~~, or for holding the case in abeyance. If the ~~appellant or petitioner~~ party that sought the stay or to hold the case in abeyance fails to provide the Supreme Court with such notice, the Clerk of the Supreme Court shall, depending on which party sought the stay or to hold the case in abeyance, either enter a conditionally order of dismissal of the appeal the case for lack of prosecution pursuant to subdivision (2) of this rule or a conditional order of default subject to reinstatement if the notice is filed within ten (10) days of the date of the order.

An order of default will have the effect of barring the appellee from filing any further statements, memoranda, or briefs in support of appellee's position or from arguing orally to the Supreme Court in opposition to the appellant’s argument unless otherwise ordered by the Supreme Court or a justice thereof.”

Section 11. Article I, Rule 20 of the Supreme Court Rules is hereby amended as follows:

“Rule 20. Computation and extension of time.

* * *

(b) *Enlargement.* Except as otherwise provided in subsection (c) or in these rules, when by these rules or by order of the Supreme Court an act is required or allowed to be done at or within a specified time, the Supreme Court clerk's office may, upon motion, grant one (1) thirty (30) day extension. Thereafter, the Clerk of the Supreme Court may, upon motion, grant an additional thirty (30) day extension, or two (2) additional thirty (30) day extensions in criminal cases, unless an objection is filed within seven (7) days of filing of the motion to extend, in which case the motion shall be resolved by the Supreme Court. No further extensions shall be granted unless authorized by order of the Supreme Court for good cause shown. However, the Supreme Court may not extend the time for filing a notice of appeal. This subsection shall not apply to petitions for reargument pursuant to Rule 25, motions for extension of time to cure a conditional order of dismissal or default pursuant to Rule 18A(1) or (2), or to orders of civil certification from District Court.”

Section 12. Article I, Rule 21 of the Supreme Court Rules is hereby amended as follows:

“Rule 21. Docketing.

* * *

(d) *Civil Matters.* Civil appeals, ~~petitions for trials and new trials in civil cases,~~ and all questions certified from trial courts in civil cases shall be docketed under Civil Matters.”

Section 13. Article I, Rule 22 of the Supreme Court Rules is hereby amended as follows:

“Rule 22. Assignment of Cases.

* * *

(f) *Dismissal of Cases not Argued.* A case reached for argument and not heard may be dismissed or made the subject of such other order as the Supreme Court may deem appropriate under the circumstances. In the event that an attorney for the parties, or the party if self-represented, fails to appear at the time the case is in order for hearing, the Supreme Court may hear the cause or decide it solely upon the briefs papers.”

Section 14. Article I, Rule 26A of the Supreme Court Rules is hereby amended as follows:

“Rule 26A. Withdrawal and excusal of attorneys.

* * *

(b) *Excusal from Attendance.* An attorney's request to be excused from attendance from appearances before the Supreme Court shall be filed with the Clerk as far in advance as possible and absent an emergency no later than thirty (30) days from the earliest excusal date being requested. A written request shall be sent by email to supremecourtexcusal@courts.ri.gov and shall be served upon the attorney of record of the adverse party for all matters the moving attorney ~~is scheduled to attend~~ has pending before this Court. * * *

Section 15. Article I, Rule 28 of the Supreme Court Rules is hereby amended as follows:

“Rule 28. Motions. (a) *Supporting Memorandum.* Except as otherwise provided by these rules, every motion or petition, ~~including petitions for trials or new trials or for leave to take and prosecute appeals,~~ shall be accompanied by a brief memorandum setting out the grounds therefor and citing the authorities relied upon.

* * *

(d) All motions and memoranda filed pursuant to this rule shall be filed in accordance with Rule 18. The cover of any filings made pursuant to this rule shall be white.”

Section 16. Article I, Rule 34 of the Supreme Court Rules is hereby amended as follows:

“Rule 34. ~~Conferences with duty justice~~ Emergency Filings. (a) *Arrangement Handling of Emergency Motions.* All ~~conferences with the duty justice~~ emergency motions shall be ~~arranged~~ handled through the ~~o~~Office of the Administrative Assistant to the Chief Justice.

(b) *Motions.* Any emergency motion to be addressed to the duty justice shall, unless otherwise ordered by the Supreme Court, or any justice thereof, first be filed with the Clerk of the Supreme Court. Every such motion shall comply with the provisions of Rules 18 and 28, and shall be accompanied by the movant's certificate stating:

(1) That every practicable effort was made to notify all interested parties of the motion and of movant's intention to seek ~~conference with the duty justice thereon~~ emergency action by the duty justice thereon; and

(2) When and how interested parties were notified, or if they were not notified, why it was not practicable to give them such notice.

Ordinarily, ~~no conference~~ emergency action by the duty justice will not be permitted on any motion hereunder unless the movant has first invoked the Supreme Court's jurisdiction, such as through the filing of a notice of appeal or petition for extraordinary writ. For the purposes of this rule, tThe term “motion” shall include any motion, petition, application, or other request for relief which may

be addressed to the Supreme Court.

(c) ~~*Scheduling Procedure for Consideration of Motions.*~~ After an emergency motion has been filed in accordance with the provisions of subsection (b), the Administrative Assistant to the Chief Justice shall promptly transmit said motion to the duty justice ~~and~~ for consideration. Any response to the emergency motion shall be filed as soon as possible, or as otherwise ordered by the duty justice or the Supreme Court. If the duty justice determines that a conference is necessary, the Administrative Assistant to the Chief Justice shall in due course advise the ~~movant parties~~ of the time of the conference ~~on such motion has been scheduled~~ and of the justice who will consider the motion. ~~The movant shall then notify all interested parties, by means as speedy as may be appropriate, of the scheduled conference. Any party opposing the motion shall file a response thereto with the clerk's office prior to the scheduled conference, if practicable, or, if not, as soon thereafter as is possible, or as otherwise ordered by the duty justice or the Supreme Court.~~

(d) Cases in which a party is self-represented are not eligible for conferences with the duty justice.

(e) *Purpose.* The purpose of this rule is to establish a formal procedure for ~~arranging conferences with the duty justice~~ the consideration of emergency motions by the duty justice, and the provisions hereof shall not be construed to alter or in any way affect the provisions of any other order, statute or rule relating to the filing of motions.”

Entered as an Order of this Court this **6th** day of **January 2026**.

/s/

Suttell, C. J.

/s/

Goldberg, J.

/s/

Robinson, J.

/s/

Lynch Prata, J.

/s/

Long, J.