RULE 5.1
REVIEW INITIATED BY FILING NOTICE OF APPEAL OR NOTICE FOR DISCRETIONARY REVIEW

(a) Review Initiated by Notice. A party seeking review of a trial court decision reviewable as a matter of right must file a notice of appeal. A party seeking review of a trial court decision subject to discretionary review must file a notice for discretionary review. Each notice must be filed with the trial court within the time provided by rule 5.2.

(b) Filing Fee. The first party to file a notice of appeal or notice for discretionary review must, at the time the notice is filed, pay the statutory filing fee to the clerk of the superior court in which the notice is filed. For cases that were tried together or consolidated for trial, only one filing fee need be paid, notwithstanding that separate notices are filed for each case.

(c) Incorrectly Designated Notice. A notice for discretionary review of a decision which is appealable will be given the same effect as a notice of appeal. A notice of appeal of a decision which is not appealable will be given the same effect as a notice for discretionary review.

(d) Cross Review. Cross review means review initiated by a party already a respondent in an appeal or a discretionary review. A party seeking cross review must file a notice of appeal or a notice for discretionary review within the time allowed by rule 5.2(f).

(e) Final Judgment Entered After Notice for Discretionary Review Has Been Filed. If a final judgment is entered after a notice for discretionary review is filed, a party seeking review of the final judgment must file a notice of appeal from the judgment within the time provided by rule 5.2.

(f) Order Entered After Review Accepted. If a party wants to seek review of a trial court decision entered pursuant to rule 7.2 after review in the same case has been accepted by the appellate court, the party must initiate a separate review of the decision by timely filing a notice of appeal or notice for discretionary review, except as provided by rules 2.4(c), (f) and (g), 8.1(h), 8.2(b), and 9.13.

References

Rule 2.2, Decisions of the Superior Court Which May Be Appealed; Rule 2.3, Decisions of the Trial Court Which May Be Reviewed by Discretionary Review; Rule 7.2, Authority of Trial Court After Review Accepted.

[Amended December 5, 2002]