

DECISIONS REVIEWED AS A MATTER OF DISCRETION

(a) What May Be Reviewed. A party may seek discretionary review by the Supreme Court of any decision of the Court of Appeals which is not a ruling including:

(1) *Decision Terminating Review.* Any decision terminating review.

(2) *Interlocutory Decision.* Subject to the restrictions imposed by rule 13.5(b), any interlocutory decision, including but not limited to (i) a decision denying a motion to modify a ruling of the commissioner or clerk which denies a motion for discretionary review, and (ii) if the clerk refers a motion for discretionary review to the court, a decision by the court which denies a motion for discretionary review.

(b) Decision Terminating Review. A party seeking review of a Court of Appeals decision terminating review may first file a motion for reconsideration under rule 12.4 and must file a "petition for review" or an "answer" to a petition for review as provided in rule 13.4.

(c) Interlocutory Decision. A party seeking review of an interlocutory decision of the Court of Appeals must file a "motion for discretionary review" as provided in rule 13.5.

(d) Incorrect Designation of Motion or Petition. A motion for discretionary review of a decision terminating review will be given the same effect as a petition for review. A petition for review of an interlocutory decision will be given the same effect as a motion for discretionary review.

(e) Ruling by Commissioner or Clerk. A ruling by a commissioner or clerk of the Court of Appeals is not subject to review by the Supreme Court. The decision of the Court of Appeals on a motion to modify a ruling by the commissioner or clerk may be subject to review as provided in this title.

References

Rule 12.3, Forms of Decision; Rule 17.3, Content of Motion, (b) Motion for discretionary review.

[Adopted effective July 1, 1976; Amended effective June 7, 1979; September 1, 1994.]