

O. TRANSFERS TO AND FROM THE SUPREME COURT

1. To: Supreme Court

a. A case shall be transferred from the Court of Appeals to the Supreme Court if (a) jurisdiction lies in the Supreme Court rather than this Court or (b) when there is an equal division of the all the judges of this Court when sitting as a body to decide a case.

~~c. b.~~ The assigned central staff attorney shall draw the ~~entire~~ order ~~on~~ of transfer when jurisdiction is proper in the Supreme Court.

~~b. c.~~ Each judge shall devise a system in his/her office to ~~ferret out early~~ identify as soon as possible those cases over which the Supreme Court, rather than this court, has jurisdiction, for prompt transfer. Transfers at the end of a term should be ~~prevented~~ avoided.

~~a. d.~~ ~~Only the order of transfer shall be sent to the Supreme Court along with the case, unless the transferring judge desires the opinion be published. The remittitur does not go out. The assigned judge's office shall be responsible for instructing the clerk to send the order of transfer with the case to the Supreme Court. The assigned judge to the case may also send up a copy of the file memorandum analyzing the reasons for transfer. At the assigned judge's discretion, he or she shall determine whether an opinion will be published and whether a copy of the file memorandum stating the reason for transfer shall be sent to the Supreme Court.~~

e. A remittitur is not issued when a case is transferred to the Supreme Court.

2. From: The Supreme Court:

- a. The docketing date in this Court of a case transferred from the Supreme Court is the date on which the record is received in this Court.
- b. When no briefs have been filed and an appeal is transferred from the Supreme Court and docketed in this Court, the time for filing briefs runs from the date of docketing in this Court.
- c. If appellant's brief and enumeration of errors and appellee's brief have been filed in the Supreme Court, no additional briefing is required in this Court.
- d. However, the time for filing of the appellees' brief always runs from the date of filing of appellant's brief and enumeration of errors, whether the appellant's brief and enumeration of errors is filed in this Court or the Supreme Court.