/* We present the rules of the U.S. Supreme Court, with annotations, in a total of 3 sections.*/

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PART I. THE COURT

PART I. THE COURT

Rule 1. Clerk

.1. The Clerk shall maintain the Court's records and shall not permit any of them to be removed from the Court building except as authorized by the Court. Any pleading, paper, or brief filed with the Clerk and made a part of the Court's records may not thereafter by withdrawn from the official Court files. After the conclusion of the proceedings in this Court, any original records and papers transmitted to this Court by any other court will be returned to the court from which they were received.

.2. The office of the Clerk will be open, except on federal legal holiday, from 9 a.m. to 5 p.m., Monday through Friday, unless otherwise ordered by the Court or the Chief Justice. See 5 USC Section 6103 for a list of federal legal holidays.

Rule 2. Library

.1. The Court's library is available for use by appropriate personnel of this Court, members of the Bar of this Court, Members of Congress and their legal staffs, and attorneys for the United States, it department and agencies.

.2. The library will be open during such times as the reasonable needs of the Bar may require. Its operation shall be governed by

regulations made by the Librarian with the approval of the Chief Justice or the Court.

.3. Library books may not be removed from the building, except by a Justice or a member of a Justice's legal staff.

Rule 3. Term

.1. The Court will hold a continuous annual Term commencing on the first Monday in October. See 28 USC Section 2. At the end of each Term, all cases pending on the docket will be continued to the next Term.

/* This results in the quaint practice as all the cases are captioned October term. It seems silly to state the term if there is no other term. */

.2. The Court at every Term will announce the date after which no case will be called for oral argument at the Term unless otherwise ordered.

Rule 4. Sessions and Quorum

.1. Open sessions of the Court will be held beginning at 10 a.m. on the first Monday in October of each year, and thereafter as announced by the Court. Unless otherwise ordered, the Court will sit to hear arguments from 10 a.m. until noon and from 1 p.m. until 3 p.m.

.2. Any six Members of the Court constitute a quorum. See 28 USC Section 1. In the absence of a quorum on any day appointed for holding a session of the Court, the Justices attending, or if no Justice is present, the Clerk or a Deputy Clerk may announce that the Court will not meet until there is a quorum.

.3. The Court in appropriate circumstances may direct the Clerk or the Marshal to announce recesses.

PART II. ATTORNEYS AND COUNSELORS

Rule 5. Admission to the Bar

.1. It shall be requisite for admission to the Bar of this Court that the applicant shall have been admitted to practice in the highest court of a State, Commonwealth, Territory or Possession, or of the District of Columbia for the three years immediately proceeding the date of application and shall have been free from any adverse disciplinary action whatsoever during that 3-year period, and that the applicant appears to the Court to be of good moral and professional character.

.2. Each applicant shall file with the Clerk (1) a certificate from the presiding judge, clerk, or other authorized official of the court evidencing the applicant's admission to practice there and the applicant's current good standing, and (2) a completely

executed copy of the form approved by the Court and furnished by the Clerk containing (i) the applicant's personal statement and (ii) the statement of two sponsors (who must be members of the Bar of this Court and who must personally know, but not be related to, the applicant) endorsing the correctness of the applicant's statement, stating that the applicant possesses all the qualifications required for admission, and affirming that the applicant is of good moral and professional character.

.3. If the documents submitted demonstrate that the applicant possesses the necessary qualifications, has signed the oath or affirmation, and has paid the required fee, the Clerk will notify the applicant of acceptance by the Court as a member of the Bar and issue a certificate of admission. An applicant who so desires may be admitted in open court on oral motion by a member of the Bar of this Court, provided that all other requirements for admission have been satisfied.

.4. Each applicant shall take or subscribe to the following oath or affirmation:

I, _____, do solemnly swear (or affirm) that as an attorney and as a counselor of this Court, I will conduct myself uprightly and according of law, and that I will support the Constitution of the United States.

.5. The fee for admission to the Bar and a certificate under seal is $100, payable to the Marshal, U. S. Supreme Court. The Marshal shall maintain the proceeds as a separate fund to be disbursed by the Marshal at the direction of the Chief Justice for the costs of admissions, for the benefit of the Court and the Supreme Court Bar, and for related purposes.

.6. The cost for a duplicate certificate of admission to the Bar under seal is $10, payable to the Marshal, U. S. Supreme Court. The proceeds shall be maintained by the Marshall as provided in paragraph .5 of this rule.

Rule 6. Argument Pro Hac Vice

.1. An attorney not admitted to practice in the highest court of a State, Commonwealth, Territory or Possession, or the District of Columbia for the requisite three years, but who is otherwise eligible for admission to practice in this Court under Rule 5.1, may be permitted to argue pro hac vice.

/* Although this rule is stated such relief is extremely unqualified. */

.2. An attorney, barrister, or advocate who is qualified to practice in the courts of a foreign state may be permitted to argue pro hac vice.

.3. Oral argument pro hac vice will be allowed only on motion of the attorney of record for the party on whose behalf leave is

requested. The motion must briefly and distinctly state the appropriate qualifications of the attorney who is to argue pro hac vice. It must be filed with the Clerk, in the form prescribed by Rule 21, no later than the date on which the respondent's or appellee's brief on the merits is due to be filed and must be accompanied by proof of service pursuant to Rule 29.

Rule 7. Prohibition Against Practice

.1. The Clerk shall not practice as an attorney or counselor while holding office.

.2. No law clerk, secretary to a Justice, or other employee of this Court shall practice as an attorney or counselor in any court or before any agency of government while employed at the Court; nor shall any person after leaving employment in this Court participate, by way of any form of professional consultation or assistance, in any case pending before this Court or in any case being considered for filing in this Court, until two years have elapsed after separation; not shall a former employee ever participate, by way of any form of professional consultation or assistance, in any case that was pending in this Court during the employee's tenure.

Rule 8. Disbarment and Disciplinary Action

.1. Whenever it is shown to the Court that a member of the Bar of this Court has been disbarred or suspended from practice in any court of record, or has engaged in conduct unbecoming a member of the Bar of this Court, that member will be suspended from practice before this Court forthwith and will be afforded the opportunity to show cause, within 40 days, why a disbarment order should not be entered. Upon response, or upon the expiration of the 40 days if no response is made, the Court will enter an appropriate order.

.2. The Court may, after reasonable notice and an opportunity to show cause why disciplinary action should not be taken, and after a hearing if material facts are in dispute, take any appropriate disciplinary action against any attorney who practices before it for conduct unbecoming a member of the Bar or failure to comply with these Rules or any Rule of the Court.

Rule 9. Appearance of Counsel

.1. An attorney seeking to file a pleading, motion, or other paper in this Court in a representative capacity must first be admitted to practice before this Court pursuant to Rule 5. The attorney whose name, address, and telephone number appear on the cover of a document being filed will be deemed counsel of record, and a separate notice of appearance need not be filed. If the name of more than one attorney is shown on the cover of the document, the attorney who is counsel of record must be clearly identified.

.2. An attorney representing a party who will not be filing a document must enter a separate notice of appearance as counsel of record indicating the name of the party represented. If an attorney is to be substituted as counsel of record in a particular case, a separate notice of appearance must also be entered.

PART III. JURISDICTION ON WRIT OF CERTIORARI

Rule 10. Considerations Governing Review on Writ of Certiorari

.1. A review on writ of certiorari is not a matter of right, but of judicial discretion. A petition for a writ of certiorari will be granted only when there are special and important reasons therefor. The following, while neither controlling nor fully measuring the Court's discretion, indicate the character of reasons that will be considered:

(a) When a United States court of appeals has rendered a decision in conflict with the decision of another United States court of appeals on the same matter; or has decided a federal question in a way in conflict with a state court of last resort; or has so far departed from the accepted and usual course of judicial proceedings, or sanctioned such a departure by a lower court, as to call for an exercise of this Court's power of supervision.

(b) When a state court of last resort has decided a federal question in a way that conflicts with the decision of another state court of last resort or of a United States court of appeals.

(c) When a state court or a United States court of appeals has decided an important question of federal law which has not been, but should be, settled by this Court, or has decided a federal question in a way that conflicts with applicable decisions of this Court.

/* A careful reading of this rule is necessary for all advocates before the Court. It is vital to consider this part of the rule as an actual guide to the inner workings of the court itself. Having spoken to persons who have worked for the Court cases are considered for possible review in accordance with their public importance; the factors stated above are in fact primary to the Court. */

.2. The same general considerations outlined above will control in respect to a petition for a writ of certiorari to review a judgment of the United States Court of Military Appeals.

Rule 11. Certiorari to a United States Court of Appeals Before Judgment.

A petition for a writ of certiorari to review a case pending in a United States court of appeals, before judgment is given in that

court, will be granted only upon a showing that the case is of such imperative public importance as to justify deviation from normal appellate practice and to require immediate settlement in this Court. 28 USC Section 2101(e).

Rule 12. Review on Certiorari; How Sought; Parties

.1. The petitioner's counsel, who must be a member of the Bar of this Court, shall file, with proof of service as provided by Rule 29, 40 copies of printed petition for a writ of certiorari, which shall comply in all respects with Rule 14, and shall pay the docket fee prescribed by Rule 38. The case then will be placed on the docket. It shall be the duty of counsel for the petitioner to notify all respondents, on a form supplied by the Clerk, of the date of filing and of the docket number of the case. The notice shall be served as required by Rule 29.

.2. Parties interested jointly, severally, or otherwise in a judgment may petition separately for a writ of certiorari; or any two or more may join in a petition. A party who is not shown on the petition for a writ of certiorari to have joined therein at the time the petition is filed with the Clerk may not thereafter join in that petition. When two or more cases are sought to be reviewed on a writ of certiorari to the same court and involve identical or closely related questions, a single petition for a writ of certiorari covering all the cases will suffice. A petition for a writ of certiorari shall not be joined with any other pleading.

.3. Not more than 30 days after receipt of the petition for writ of certiorari, counsel for a respondent wishing to file a cross-petition that would otherwise be untimely shall file, with proof of service as prescribed by Rule 29, 40 printed copies of a cross-petition for a writ of certiorari, which shall comply in all respects with Rule 14, except that materials printed in the appendix to the original petition need not be reprinted, and shall pay the docket fee pursuant to Rule 38. The cover of the petition shall clearly indicate that it is cross-petition. The cross-petition will then be placed on the docket subject, however, to the provisions of Rule 13.5. It shall be the duty of counsel for the cross-petitioner to notify the cross-respondent, on a form suppled by the Clerk, of the date of docketing and of the docket number of the cross-petition. The notice shall be served as required by Rule 29. A cross-petition for a writ of certiorari may not be joined with any other pleading, and the Clerk shall not accept any pleading so joined. The time for filing a cross-petition may not be extended.

.4. All parties to the proceeding in the court whose judgment is sought to be reviewed shall be deemed parties in this Court, unless the petitioner notifies the Clerk of this Court in writing of the petitioner's belief that one or more of the parties below has no interest in the outcome of the petition. A copy of the notice shall be served as required by Rule 29 on all parties to the proceeding below. A party noted as no longer interested may

remain a party by promptly notifying the Clerk, with service on the other parties, of an intention to remain a party. All parties other than petitioner shall be respondents, but any respondent who supports the position of petitioner shall meet the time schedule for filing papers which is provided for that petitioner, except that a response to the petition shall be filed within 20 days after its receipt, and the time may not be extended.

.5. The clerk of the court having possession of the record shall retain custody thereof pending notification from the Clerk of this Court that the record is to be certified and transmitted to this Court. When requested by the Clerk of the Court to certify and transmit the record, or any part of it, the clerk of the court having possession of the record shall number the documents to be certified and shall transmit therewith a numbered list specifically identifying each document transmitted. If the record, or stipulated portions thereof, has been printed for the use of the court below, that printed record, plus the proceedings in the court below, may be certified as the record unless one of the parties or the Clerk of this Court otherwise requests. The record may consist of certified copies, but the presiding judge of the lower court who believes that original papers of any kind should be seen by the Court may, by order, make provision for their transport, safekeeping, and return.

Rule 13. Review on Certiorari, Time for Petitioning

.1. A petition for a writ of certiorari to review a judgment in any case, civil or criminal, entered by a state court of last resort, a United States court of appeals, or the United States Court of Military Appeals shall be deemed in time when it is filed with the Clerk of this Court within 90 days after the entry of the judgment. A petition for a writ of certiorari seeking review of a judgment of a lower state court which is subject to discretionary review by the state court of last resort shall be deemed in time when it is filed with the Clerk within 90 days after the entry of the order denying discretionary review.

.2. A justice of this Court, for good cause shown, may extend the time to file a petition for a writ of certiorari for a period not exceeding 60 days.

.3. The Clerk will refuse to receive any petition for a writ of certiorari which is jurisdictionally out of time.

.4. The time for filing a petition for a writ of certiorari runs from the date the judgment or decree sought to be reviewed is rendered, and not form the date of the issuance of the mandate (or its equivalent under local practice). However, if a petition for rehearing is timely filed in the lower court by any party in the case, the time for filing the petition for a writ of certiorari for all parties (whether or not they requested rehearing or joined in the petition for rehearing) runs from the date of the denial of the petition for rehearing or the entry of

a subsequent judgment. A suggestion made to a United States court of appeals for a rehearing in banc pursuant to Rule 35(b), Federal Rules of Appellate Procedure, is not a petition for rehearing within the meaning of this Rule.

/* A trap for the unwary. A motion for rehearing to a panel of the Circuit Court does toll the time; a motion for re-hearing en banc (to the whole court) does not. */

.5. A cross petition for a writ of certiorari shall be deemed in time when it is filed with the Clerk as provided in paragraphs .1, .2, and .4 of this Rule, or in Rule 12.3. However, a cross-petition which, except for Rule 12.3, would be untimely, will not be granted unless a timely petition for a writ of certiorari of another party to the case is granted.

.6. An application to extend the time to file a petition for a writ of certiorari must set out the grounds on which the jurisdiction of this Court is invoked, must identify the judgment sought to be reviewed and have appended thereto a copy of the opinion and any order respecting rehearing, and must set forth with specificity the reasons why the granting of an extension of time is thought justified. For the time and manner of presenting the application, see Rules 21, 22, and 30. An application to extend the time to file a petition for a writ of certiorari is not favored.

/* Not favored means exactly what it is said. You start with two strikes against you. */

Rule 14. Content of the Petition for a Writ of Certiorari

.1. The petition for a writ of certiorari shall contain, in the order here indicated:

(a) The questions presented for review, expressed in the terms and circumstances of the case, but without unnecessary detail. The questions should be short and concise and should not be argumentative or repetitious. They must be set forth on the first page following the cover with no other information appearing on that page. The statement of any question presented will be deemed to comprise every subsidiary question fairly included therein. Only the questions set forth in the petition, or fairly included therein, will be considered by the Court.

(b) A list of all parties to the proceeding in the court whose judgment is sought to be reviewed, unless the names of all parties appear in the caption of the case. This listing may be done in a footnote. See also Rule 29.1 for the required listing of parent companies and non wholly owned subsidiaries.

(c) A table of contents and a table of authorities, if the petition exceeds five pages.

(d) A reference to the official and unofficial reports of opinions delivered in the case by other courts or administrative agencies.

(e) A concise statement of the grounds on which the jurisdiction of this Court is invoked showing:

(i) The date of the entry of the judgment or decree sought to be reviewed;

(ii) The date of any order respecting a rehearing, and the date and terms of any order granting an extension of time within which to file the petition for a writ of certiorari;

(iii) Express reliance upon Rule 12.3 when a cross-petition for a writ of certiorari is filed under that Rule and the date of receipt of the petition for a writ of certiorari in connection with which the cross-petition is filed; and

(iv) The statutory provision believed to confer on this Court jurisdiction to review the judgment or decree in question by writ of certiorari.

(f) The constitutional provisions, treaties, statutes, ordinances, and regulations involved in the case, setting them out verbatim, and giving the appropriate citation therefor. If the provisions involved are lengthy, their citation alone will suffice at this point and their pertinent text must be set forth in the appendix referred to in subparagraph .1(k) of this Rule.

(g) A concise statement of the case containing the facts material to the consideration of the questions presented.

(h) If review of a judgment of a state court is sought, the statement of the case shall also specify the stage in the proceedings, both in the court of first instance and in the appellate courts, at which the federal questions sought to be reviewed were raised; the method or manner of raising them and the way in which they were passed upon by those courts; and such pertinent quotation of specific portions of the record or summary thereof, with specific reference to the places in the record where the matter appears (e.g. ruling on exception, portion of court's charge and exception thereto, assignment of errors) as will show that the federal question was timely and properly raised so as to give this Court jurisdiction to review the judgment on a writ of certiorari. When the portions of the record relied upon under this subparagraph are voluminous, they shall be included in the appendix referred to in subparagraph .1(k) of the Rule.

(i) If review of a judgment of a United States court of appeals is sought, the statement of the case shall also show the basis for federal jurisdiction in the court of first instance.

(j) A direct and concise argument amplifying the reasons relied on for the allowance of the writ. See Rule 10.

(k) An appendix containing, in the following order:

(i) The opinions, order, findings of fact, and conclusions of law, whether written or orally given and transcribed, delivered upon the rendering of the judgment or decree by the court whose decision is sought to be reviewed.

(ii) Any other opinions, order, findings of fact, and conclusions of law rendered in the case by courts or administrative agencies, and, if reference thereto is necessary to ascertain the grounds of the judgment or decree, of those in companion cases. Each document shall include the caption showing the name of the issuing court or agency, the title and number of the case, and the date of entry.

(iii) Any order on rehearing, including the caption showing the name of the issuing court, the title and number of the case, and the date of entry.

(iv) The judgment sought to be reviewed if the date of its entry is different from the date of the opinion or order required in sub-subparagraph (i) of this subparagraph.

(v) Any other appended materials.

If what is required by subparagraph .1(f), (h), and (k) of this Rule to be included in or filed with the petition is voluminous, it may be presented in a separate volume or volumes with appropriate covers.

/* Counsel who has never filed such a petition should read and then re-read these requirements and be sure to follow them. There is nothing more disheartening than getting your petition returned with a table of misdeeds. */

.2. The petition for a writ of certiorari and the appendix thereto, whether in the same or a separate volume, shall be produced in conformity with Rule 33. The Clerk shall not accept any petition for a writ of certiorari that does not comply with this Rule and with Rule 33, except that a party proceeding in forma pauperis may proceed in the manner provided in Rule 39.

.3. All contentions in support of a petition for a writ of certiorari shall be set forth in the body of the petition, as provided in subparagraph .1(j) of this Rule. No separate brief

in support of a petition for a writ of certiorari will be received, and the Clerk will refuse to file any petition for a writ of certiorari to which is annexed or appended any supporting brief.

.4. The petition for a writ of certiorari shall be as short as possible and may not exceed the page limitations set out in Rule 33.

.5. The failure of a petitioner to present with accuracy, brevity, and clearness whatever is essential to a ready and adequate understanding of the points requiring consideration will be a sufficient reason for denying the petition.

/* Brevity is the soul of wit. Although clever lawyering can help, for a case to make it to the Supreme Court, the facts and legal issues are vital. A clear statement of the issue, briefly and concisely made will impress more than any length of verbiage. It is hard to be brief! */

Rule 15. Brief in Opposition; Reply Brief; Supplemental Brief

.1. A brief in opposition to a petition for a writ of certiorari serves an important purpose in assisting the Court in the exercise of its discretionary jurisdiction. In addition to other arguments for denying the petition, the brief in opposition should address any perceived misstatements of fact or law set forth in the petition which have a bearing on the question of what issues would properly be before the Court if certiorari were granted. Unless this is done, the Court may grant the petition in the mistaken belief that the issues presented can be decided, only to learn upon full consideration of the briefs and record at the time of oral argument that such is not the case. Counsel are admonished that they have an obligation to the Court to point out any perceived misstatements in the brief in opposition, and not later. Any defect of this sort in the proceedings below that does not go to jurisdiction may be deemed waived if not called to the attention of the Court by the respondent in the brief in opposition.

.2. The respondent shall have 30 days (unless enlarged by the Court or a Justice thereof or by the Clerk pursuant to Rule 30. 4) after receipt of a petition within which to file 40 printed copies of an opposing brief disclosing any matter or ground as to why the case should not be reviewed by this Court. See Rule 10. The brief in opposition shall comply with Rule 33 and with the requirements of Rule 24 governing a respondent's brief, and shall be served as prescribed by Rule 29. A brief in opposition shall not be joined with any other pleading. The Clerk shall not accept a brief which does not comply with this Rule and with Rule 33, except that a party proceeding in forma pauperis may proceed in the manner provided in Rule 39. If the petitioner is proceeding in forma pauperis, the respondent may file 12 typewritten copies of a brief in opposition prepared in the manner prescribed by Rule 34.

.3. A brief in opposition shall be as short as possible and may not exceed the page limitations set out in Rule 33.

.4. No motion by a respondent to dismiss a petition for a writ of certiorari will be received. Objections to the jurisdiction of the Court to grant a writ of certiorari may be included in the brief in opposition.

.5. Upon the filing of a brief in opposition, the expiration of the time allowed therefor, or an express waiver of the right to file, the petition and brief in opposition, if any, will be distributed by the Clerk to the Court for its consideration. However, if a cross-petition for a writ of certiorari has been filed, distribution of both it and the petition for a writ of certiorari will be delayed until the filing of a brief in opposition by the cross-respondent, the expiration of the time allowed therefor, or an express waiver of the right to file.

.6. A reply brief addressed to arguments first raised in the brief in opposition may be filed by any petitioner, but distribution and consideration by the Court under paragraph .5 of this Rule will not be delayed pending its filing. Forty copies of the reply brief, prepared in accordance with Rule 33 and served as prescribed by Rule 29, shall be filed.

.7. Any party may file a supplemental brief at any time while a petition for a writ of certiorari is pending calling attention to new cases or legislation or other intervening matter not available at the time of the party's last filing. A supplemental brief must be restricted to new matter. Forty copies of the supplemental brief, prepared in accordance with Rule 33 and served as prescribed by Rule 29, shall be filed.

Rule 16. Disposition of Petition for a Writ of Certiorari

.1. After consideration of the papers distributed pursuant to Rule 15, the Court will enter an appropriate order. The order may be a summary disposition on the merits.

.2. Whenever a petition for a writ of certiorari to review a decision of any court is granted, the Clerk shall enter an order to that effect and shall forthwith notify the court below and counsel of record. The case will then be scheduled for briefing and oral argument. If the record has not previously been filed, the Clerk of this Court shall request the clerk of the court having possession of the record to certify it and transmit it to this Court. A formal writ shall not issue unless specially directed.

.3. Whenever a petition for a writ of certiorari to review a decision of any court is denied, the Clerk shall enter an order to that effect and shall forthwith notify the court below and counsel of record. The order of denial will not be suspended

pending disposition of a petition for rehearing except by order of the Court or a Justice.

PART IV. OTHER JURISDICTION

Rule 17. Procedure in an Original Action

.1. This Rule applies only to an action within the Court's original jurisdiction under Article III of the Constitution of the United States. See also 28 USC Section 1251 and the Eleventh Amendment to the Constitution of the United States. A petition for an extraordinary writ in aid of the Court's appellate jurisdiction must be filed in accordance with Rule 20.

.2. The form of pleadings and motions prescribed by the Federal Rules of Civil Procedure should be followed in an original action to be filed in this Court. In other respects those Rules, when their application is appropriate, may be taken as a guide to procedure in an original action in this Court.

.3. The initial pleading in any original action shall be prefaced by a motion for leave to file, and both the pleading and motion must be printed in conformity with Rule 33. A brief in support of the motion for leave to file, which shall also comply with Rule 33, may also be filed with the motion and pleading. Sixty copies of each document, with proof of service as prescribed by Rule 29, are required, except that when an adverse party is a State, service shall be made on both the Governor and the attorney general of that State.

/* Yes, the Supreme Court does consider under its original jurisdiction cases between states etc. They are usually sent to a master for a report and recommended judgment. Note that the Court requires the Motion for Leave to file. */

.4. The case will be placed on the docket when the motion for leave to file and the pleading are filed with the Clerk. The docket fee provided by Rule 38 must be paid at that time.

.5. Within 60 days after the receipt of the motion for leave to file and the pleading, an adverse party may file, with proof of service as prescribed by Rule 29, 60 printed copies of a brief in opposition to the motion. The brief shall comply with Rule 33. When the brief in opposition has been filed, or when the time within which it may be filed has expired, the motion, pleading, and briefs will be distributed to the Court of the Clerk. The Court may thereafter grant or deny the motion, set it down for oral argument, direct that additional pleadings be filed, or require that other proceedings be conducted.

.6. A summons issuing out of this Court in an original action shall be served on the defendant 60 days before the return day set out therein. If the defendant does not respond by the return day, the plaintiff may proceed ex parte.

.7. Process against a State issued from the Court in an original action shall be served on both the Governor and the attorney general of that State.

Rule 18. Appeal from a United States District Court

.1. A direct appeal from a decision of a United States district court, when authorized by law, is commenced by filing a notice of appeal with the clerk of the district court within 30 days after the entry of the judgment sought to be reviewed. The time may not be extended. The notice of appeal shall specify the parties taking the appeal, shall designate the judgment, or part thereof, appealed from and the date of its entry, and shall specify the statute or statutes under which the appeal is taken. A copy of the notice of appeal shall be served on all parties to the proceeding pursuant to Rule 29 and proof of service must be filed in the district court with the notice of appeal.

.2. All parties to the proceeding in the district court shall be deemed parties to the appeal, but a party having no interest in the outcome of the appeal may so notify the Clerk of this Court and shall service a copy of the notice on all other parties. Parties interested jointly, severally, or otherwise in the judgment may appeal separately; or any two or more may join in an appeal.

.3. No more than 60 days after the filing of the notice of appeal in the district court, counsel for the appellant shall file, with proof of service as prescribed by Rule 29, 40 printed copies of a statement as to jurisdiction and pay the docket fee prescribed by Rule 38. The jurisdictional statement shall follow, insofar as applicable, the form for a petition for a writ of certiorari prescribed by Rule 14. The appendix must also include a copy of the notice of appeal showing the date it was filed in the district court. The jurisdictional statement and the appendices thereto must be produced in conformity with Rule 33, except that a party proceeding in forma pauperis may proceed in the manner prescribed in Rule 39. A Justice of this Court may, for good cause shown, extend the time for filing a jurisdictional statement for a period not exceeding 60 days. An application to extend the time to file a jurisdictional statement must set out the basis of jurisdiction in this Court, must identify the judgment to be reviewed, must include a copy of the opinion, any order respecting rehearing, and the notice of appeal, and must set forth specific reason why the granting of an extension of time is justified. For the time and manner of presenting the application, see Rules 21, 22, and 30. An application to extend the time to file a jurisdictional statement is not favored.

.4. The clerk of the district court shall retain possession of the record pending notification from the Clerk of this Court that the record is to be certified and transmitted. See Rule 12.5.

.5. After a notice of appeal has been filed, but before the case is docketed in this Court, the parties may dismiss the appeal by stipulation filed in the district court, or the district court may dismiss the appeal upon motion of the appellant and notice to all parties. If a notice of appeal has been filed, but the case has not been docketed in this Court within the time prescribed for docketing or any enlargement thereof, the district court may dismiss the appeal upon the motion of the appellee and notice to all parties and may make any order with respect to costs as may be just. If an appellee's motion to dismiss the appeal is not granted, the appellee may have the case docketed in this Court and may seek to have the appeal dismissed by filing a motion pursuant to Rule 32. If the appeal is dismissed, the Court may give judgment for costs against the appellant.

.6. Within 30 days after the receipt of the jurisdictional statement, the appellee may file 40 printed copies of a motion to dismiss, to affirm, or, in the alternative, to affirm and dismiss. The motion shall comply in all respects with Rules 21 and 33, except that a party proceeding in forma pauperis may proceed in the manner provided in Rule 39. The Court may permit the appellee to defend a judgment on any ground that the law and record permit and that would not expend the relief granted.

.7. Upon the filing of the motion, or the expiration of the time allowed therefor, or an express waiver of the right to file, the jurisdictional statement and motion, if any, will be distributed by the Clerk to the Court for its consideration.

.8. A brief opposing a motion to dismiss or affirm may be filed by an appellant, but distribution to the Court under paragraph .7 of this Rule will not be delayed pending its receipt. Forty copies, prepared in accordance with Rule 33 and served as prescribed by Rule 29, shall be filed.

.9. Any party may file a supplemental brief at any time while a jurisdictional statement is pending, calling attention to new cases, new legislation, or other intervening matter not available at the time of the party's last filing. Forty copies, prepared in accordance with Rule 33 and served as prescribed by Rule 29, shall be filed.

.10. After consideration of the papers distributed under this Rule, the court may summarily dispose of the appeal on the merits, not probable jurisdiction, or postpone jurisdiction to the hearing on the merits. If not disposed of summarily, the case will stand for briefing and oral argument on the merits. If consideration of jurisdiction is postponed, counsel, at the outset of their briefs and at oral argument, shall address the question of jurisdiction.

/* The rules continue in part II of this section. */