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The New Florida Appellate Rules of Practice

Lawrence A. Truett

THE NEW FLORIDA APPELLATE RULES OF PRACTICE*

LAWRENCE A. TRUETT**

The 1953 Florida Legislature enacted Chapter 28087, Laws of Florida, pertaining to the taking of appeals on the original record. The act authorized the Supreme Court to promulgate rules to effectuate the purposes and intent of the law, and the Court proceeded to draft a complete revised edition of its rules. The original draft was promulgated on January 14, 1954, in a letter directed by the Clerk of the Supreme Court to the Honorable Clarence E. Brown, Chairman, Committee on Civil Procedure of The Florida Bar; and a hearing was held before the Supreme Court on March 2, 1954, relative to its adoption. Present at this hearing were various members of the Committee and representatives of the Attorney General's office. The Court took cognizance of the various modifications and changes recommended by the Committee, and many of these changes were incorporated in the final draft that was adopted on July 19, 1954, and became effective March 15, 1955.[1]

The new rules are adapted from, and patterned after, the rules of the United States Court of Appeals for the Fourth Circuit. The experience of the bench and bar of that circuit having reflected the wisdom encompassed within the framework of these procedures, the Florida Court has promulgated and adopted the new rules for the purpose of facilitating the final disposition of appellate matters and reducing the costs to the parties.

PART I

Rules 1 through 7 relate to the internal organization and government of the Court. They were drafted to track the 1940 amendment

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*This article takes cognizance of the rules adopted by the Supreme Court through Feb. 7, 1955.

**LL.B. Vanderbilt University, 1923; Assistant Attorney General, State of Florida, 1937-1943; Member, Committee on Civil Procedure, The Florida Bar; Member of Tallahassee, Florida, Bar.

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[1]FLA. SUP. CT. R. PRAC. 50.

to Article V, Section 4, of the Florida Constitution. These rules spell out in detail the organization and the responsibilities of the Court and its various associates; they are of benefit to attorneys primarily for their informative value.

New rule 1 (4) (f), (g) spells out the procedure for the assignment and preparation of opinions by the various justices. It provides that, within sixty days from the date of the assignment of any case to a justice, he must have prepared his opinion, order, or judgment. If it is not prepared within the time limit, or additional time is not secured from the Court, the Chief Justice will withdraw the assignment and reassign the case to another justice. After an opinion is prepared by one justice, it is then submitted to the other justices of his division, each of whom must concur, dissent, or question the opinion within fifteen days after its assignment to him. Obviously this rule is designed to speed up final determination of an appeal. The intent is to be commended, but it will be interesting to note the final effect.

PART II

Rules 8 through 11 concern attorneys and their relation to the Court. They contain one new provision to the effect that, after an appeal or other proceeding has been filed in the Supreme Court, no attorney other than the original attorney of record shall be permitted to appear or to participate as an attorney for any party unless allowed by the Court upon petition after good cause is shown. Since it is anticipated that employment for compensation by a client will constitute good cause and will be accepted by the Court as justification for intervention by appellate counsel, attorneys who specialize in appellate work anticipate preparing form petitions for participation setting forth the fact of their employment and their belief that the appeal is meritorious and worthy of consideration.

PART III

This portion of the new rules relates to jurisdiction of appeals. Within rules 12 through 19 there is one departure from the prior practice. Rule 16 clarifies and makes more definite the procedure first promulgated by the Supreme Court in *Wilson v. McCoy Manufacturing Company*,[2] relating to review of compensation orders of the Industrial Commission. This provision supersedes Chapter 28241,

[2]69 So.2d 659 (Fla. 1954). For a thorough discussion of this case, see Comment, *infra*, at 139.

Laws of Florida,[3] and at the same time it effectuates the purposes and intent of the act. Attorneys who specialize in appeals from the Industrial Commission will find nothing new in rule 16.

Interlocutory appeals from orders or decrees in equity remain as previously provided for.[4]

PARTS IV AND V

Rules 20 through 26 pertain to the jurisdiction of the Supreme Court to issue the extraordinary writs designated in Article V, Section 5, of the Florida Constitution. There have been no changes in these procedures. Rule 1 (3) (d), however, does indicate that in the future the Court will not favor, save in extreme emergencies, the issuance of writs of habeas corpus by one justice; apparently, in order to assure consistency and uniformity, the Court will insist that these writs be issued only by a division unless a dire need for immediate action exists and it is physically impossible to assemble a division.

Rule 27 relates to certified questions. This procedure remains substantially the same as under the old rules of practice.

PART VI

It is this section, relating to practice in the Court, in which the first major change is found. Rule 28 is but a restatement of Section 59.45, Florida Statutes 1953, familiar to all practicing attorneys. Rule 29 likewise gives effect to existing law as set forth in section 59.09. Rule 30 is similar to Rule 1.4 (b) of the 1954 Florida Rules of Civil Procedure. Rule 30 (4) authorizes proof of service to be made by certificate rather than affidavit, as has been the rule – though not the practice – in the past.

Rules 31 and 32 deal with assignments of error. Under the new procedure it is thought that more emphasis will be placed upon proper assignment of error and that failure to assign error will be ground for the Court's refusal to consider any contention raised in the brief or argument. Careful consideration should be given to assignments of error under the new procedure.

Within the confines of rules 33, 34, and 36 will be found the real changes brought about by the new rules.

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[3]FLA. STAT. §440.27 (1953).

[4]FLA. SUP. CT. R. PRAC. 14.

Record on Appeal

Rule 33 provides for the form of the record on appeal. The majority of appeals will be prosecuted on the original record, and this rule sets forth the details to be followed in compiling such a record. This rule is one that has won the heartfelt appreciation and endorsement of attorneys practicing in the Court of Appeals for the Fourth Circuit. It will not be as effective in dollar savings to parties litigant in this jurisdiction as it is in the fourth circuit, because tremendous savings are occasioned there by elimination of the former necessity of printing the entire record. Under the Florida practice, records consist principally of testimony rather than pleadings and are generally typewritten. The only savings to inure to parties litigant in Florida will result from the advantage of not having to recopy the pleadings. In some instances a stipulated record may be used as the basis of appeal, and this also will appreciably reduce the costs. The Court has indicated that the provision in the old rules for appeals by stipulated record has been retained[5] in the hope that attorneys will make greater use of this method of review. If utilized, this method will greatly aid the Court, since it will no longer be required to sift through reams of testimony and pleadings. Careful study and consideration should be given to rule 33 in order that practicing attorneys and the clerks of the respective trial courts may become familiar with the new procedure.

Under the new rules the record on appeal must be filed within ninety days after the notice of appeal has been filed.[6]

Briefs and Appendices

Rule 36 concerns the form, contents, and filing of briefs; it represents a second major change in procedure. At least twenty days before the record on appeal is filed in the Supreme Court, the appellant must serve one copy of his brief *and appendix* upon the appellee. Upon the date the record on appeal is required to be filed in the Supreme Court, the appellant must file the original and one copy of his brief *and appendix* with the Clerk of the Supreme Court, together with proof of service of a copy upon appellee. Within twenty days after a copy of appellant's brief has been served upon appellee, the appellee

[5]FLA. SUP. CT. R. PRAC. 33 (9).
[6]FLA. SUP. CT. R. PRAC. 33 (2).

must serve appellant with a copy of his brief *and appendix* and file the original and one copy, together with proof of service, with the Clerk of the Supreme Court. This means that appellant's main brief, appellee's brief, and the record on appeal — original record below — will theoretically arrive at the clerk's office on the same day. Within ten days after a copy of appellee's brief has been served upon him, appellant may serve appellee with a copy of his reply brief and file the original and one copy, together with proof of service, with the Clerk of the Supreme Court. The rules provide that the Court or the Chief Justice may, for good cause shown, extend the time for filing briefs *and appendices.*

The *appendices* represent a completely new *modus operandi* for appellate practice in this state. The appendix shall contain a copy of the order, judgment, or decree appealed from, together with any opinion of the court or pertinent portions of any report of a master filed in the case.[7] The appendix shall also contain a copy of all material parts of the original record that the appealing party shall desire the Court to read and consider. This means, in effect, that in most appeals the Court should find it necessary to read only the briefs and appendices in order to consider all matters necessary to the complete determination of the points raised by the assignments of error and argued in the briefs. Under the old rules of practice all too frequently counsel sent the entire transcript of testimony to the Supreme Court for consideration, hoping that the Court would find material to support any contentions that counsel had overlooked or failed to recognize. This is no longer possible; the results will depend on the amount of skill and effort expended.

The burden and responsibility for properly presenting an appeal is now placed squarely upon the shoulders of counsel. In no instance should counsel copy the entire transcript of the testimony as his appendix, but he should be most careful in preparing the appendix and should include only testimony needed by the Court for proper consideration of the questions raised by the assignments of error. The rules provide for the assessment of costs against counsel or his client for noncompliance with these provisions. This procedure, although not utilized in the past, will come into prominence in the near future.

Since beginning preparation of this article, the writer has been informed that the official version of section 6 (e) of rule 36 will provide that the appendix shall contain a copy of *the material portions*

[7]FLA. SUP. CT. R. PRAC. 36 (6) (e), (7) (c), (8).

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of the order, judgment, or decree appealed from. This will relieve the appellant of including, in toto, orders or decrees that are too lengthy.

Briefs shall not contain more than twenty-five pages if printed or more than fifty pages if typewritten, exclusive of the appendices.[8] The Court is empowered to allow additional length for briefs, but it is anticipated that it will be reluctant to do so. There is no limitation placed upon the length of appendices; but, as heretofore pointed out, the Court very suggestively includes a provision for the taxation of costs against any party or counsel making the record or appendix unnecessarily lengthy.[9]

It is interesting to note that the section of the brief formerly called "History of the Case" is now referred to as "Statement of the Case." This portion of the brief will no longer consist of a chronological listing of the pleadings, but it should contain a short, concise, and complete picture of what transpired in the court below. The section of the brief formerly known as "Questions Involved" is replaced by a portion designated as "Points Involved." This change was designed to relieve counsel of the almost impossible task of drafting a question — capable of being answered in and of itself — without its becoming so complicated as to be of no benefit to the Court or to the parties. The new rules also contemplate that there will be a section labeled "Applicable Law," which will contain any specific legislative act or section of a code that might control the appeal. This will serve to pinpoint the issues and simplify the matters to be decided by the Court. It should be noted that page references to support factual statements appearing in the brief are to pages of the appendix and not to pages of the original record. The only instance when reference should be made to the original record is when a previous reference to the appendix has been questioned by opposing counsel.[10]

The Honorable Claude M. Dean, Clerk of the United States Court of Appeals for the Fourth Circuit, discusses the provisions of these rules as utilized in that circuit relative to the preparation of the record and briefs on appeal in two addresses in the *Federal Rules Decisions*.[11] These enlightening discussions and the cases cited therein furnish a comprehensive working knowledge of the procedures. The cases cited, it might be pointed out, deal with instances in which the court as-

[8]FLA. SUP. CT. R. PRAC. 36 (5) (e).
[9]FLA. SUP. CT. R. PRAC. 47, 48.
[10]FLA. SUP. CT. R. PRAC. 36 (6) (c).
[11]2 F.R.D. 27 (1941); 8 F.R.D. 143 (1948).

sessed costs against counsel or his client for failing to comply with the rules.

MISCELLANEOUS

Rule 37 preserves the motion to quash appeal as we have known it in the Florida practice. Rule 38 adopts the motion to affirm judgment that has been used so successfully in federal court practice. Rule 39 sets forth the procedure governing motions to quash, dismiss, or affirm. Logically, proper and timely usage of the motion to affirm judgment, authorized by rule 38, will result in summary disposition of many appeals that are without merit. This is obviously beneficial to all concerned and will afford astute counsel an opportunity to shorten appreciably the final consideration of many appeals that are taken without merit or for purposes of delay.

Rule 40 sets forth in detail the procedure relative to oral argument, which remains substantially the same. Rules 41 through 48 make no major change, and rule 49 contains certain forms that have been approved by the Court.

All original papers are returned to the trial court after the appeal is concluded.[12] This means that no longer will the justices or the attorneys have access to the complete record in every case by merely calling at the clerk's office at Tallahassee. The slight disadvantage resulting from this new procedure is probably offset by the tremendous saving in storage space that will result to the clerk. The experience in the Court of Appeals for the Fourth Circuit has been, as pointed out by Mr. Dean,[13] that not a single original record has been lost or misplaced either in transit or in handling since the adoption of this practice. This fact should be of sufficient significance to quell the fears of counsel who might be reluctant to see their original records go off unescorted in the mails.

Rules 17 and 35 deal with criminal appeals. Inasmuch as the Attorney General's office represents the state in all criminal appeals, it appears advisable to retain the established method of appeal, encompassing the filing of a complete transcript of record within forty days from the day that the notice of appeal was filed. Briefs are to be prepared as required by rule 36, but the appellant is not required to include an appendix. If appellant does not include an appendix, however, the appellee is prohibited from doing so. The appellant's

[12]FLA. SUP. CT. R. PRAC. 2 (7), 33 (8).

[13]See note 11 *supra*.

brief is due thirty days after filing of the transcript of record. The appellee's brief is due twenty days after a copy of appellant's brief has been served upon him; and, if the appellant desires to file a reply brief, it must be filed within ten days after service of appellee's brief upon him.

The new rules are prefaced with a topic analysis much like that appearing in the new rules of the United States Supreme Court. There is also a new word index that should materially aid those practitioners not familiar with the rules. These two innovations are designed to aid the attorney in his everyday work.

Conclusion

Only time and experience in the actual day-to-day use of these new rules will reflect the true wisdom of their adoption. Reports from other jurisdictions that have adopted them give ample reason for their trial in this state.

It should be reiterated that the major departures from our present practice are found in the manner of preparation of records on appeal[14] and in the new form and content of briefs.[15] Careful study of these rules, and continued reference to them in the course of handling an appeal, will make the transition much simpler. The clerks of the various trial courts will be more directly affected by the changes in the manner of preparing the record on appeal than will be the attorneys. It still remains the responsibility of counsel, however, to see that rule 33 is complied with and that the record reaches the Supreme Court in proper form within the time allowed.[16]

Attached hereto is a chart showing the steps necessary to effectuate an appeal under the new rules, the maximum time allowed for the filing of each pleading, the place of filing, and the rule under which the appeal is authorized. This basic table is intended to aid attorneys, both new and old in practice, who do not have the everyday opportunity to acquaint themselves with appellate practice and procedure.

The Florida Bar should enter into the spirit that prompted the new rules and give them a fair trial before questioning them merely because they present several changes. A Supreme Court that last year disposed of 1251 cases certainly deserves full co-operation in the consideration and final disposition of appeals.

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[14]Fla. Sup. Ct. R. Prac. 33, 34.

[15]Fla. Sup. Ct. R. Prac. 36.

[16]Fla. Sup. Ct. R. Prac. 33 (2).

APPEALS TO SUPREME COURT OF FLORIDA*

I. CIVIL APPEALS

Step	*What*	*When (maximum limit)*	*Where*	*Authority*	*Comment*
1	NOTICE OF APPEAL. Comply with R. 29 as to payment of costs by original plaintiff whenever applicable prior to filing.	60 days from entry of order, judgment, or decree appealed from	Clerk of court from which appeal is taken. (Serve copy on opposition).	R. 12, F.S. §59.08	See R. 49 (1) for form. Time for filing is jurisdictional and cannot be waived or extended except by statute or Court rule. Service of copy on opposition is not mandatory but is customary, F.S. §59.10. Re habeas corpus see F.S. §79.11. For supersedeas pending appeal see R. 19.
2	ASSIGNMENTS OF ERROR BY APPELLANT. Designation of such parts of proceedings as are necessary for appeal.	10 days from Step 1.	Same as Step 1 (Serve copy on appellee and make proof of service).	R. 34 (1) R. 33 (3) (a)	See R. 32 for contents.
3	CROSS-ASSIGNMENTS OF ERROR BY APPELLEE. Designation of additional parts of proceedings necessary for appeal.	10 days from Step 2.	Same as Step 1. (Serve copy on appellant).	R. 34 (2)	Serve copy of designation of additional proceedings on appellant and make proof of service. R. 33 (3) (a).

*This chart is an adaptation of one prepared by George John Miller, formerly of the College of Law, University of Florida, which he found most helpful in teaching his classes in Judgment and Appeals.

Step	*What*	*When (maximum limit)*	*Where*	*Authority*	*Comment*
4	RECORD ON APPEAL				
	a. Original record	90 days after notice of appeal was filed. Time may be reduced or increased by trial judge.	Supreme Court by clerk of court from which appeal is taken. (Serve copy of all proceedings on appellee 10 days after reporter has certified them to clerk, so appellee will receive it 50 days after notice of appeal was filed).	R. 33 (2) R. 33 (3) (c)	Responsibility for conformance with R. 33 rests with the appellant. R. 33 (2). If, prior to time original record is filed in Supreme Court, any motions are to be filed see R. 33 (7). Payment of $12.00 filing fee is required at time record is filed. R. 2 (5). Reporter is required to certify copy of proceedings to the clerk 30 days after appellant has filed the designation shown in Step 2. R. 33 (3) (b).
	b. Stipulated statement	Same as original record	Same as original record	R. 33 (9)	Useful when single issue is based on uncontroverted facts; its proper use will save time and costs.
	c. Transcript in lieu of original record	Same as original record, 90 days after notice of appeal is filed. Time may be reduced or increased, after notice, by judge of trial court.	Same as original record. (Copy of transcript of record must be served on appellee 50 days from date of filing of notice on appeal).	R. 33 (6), 34 (3)	Appellant's brief is due within 70 days after filing of notice of appeal, and appellee's brief within 90 days. When appeal is on stipulated statement each party should procure own copy of stipulation. Supervision of preparation of transcript remains with trial court until filed in the Supreme Court. R. 34 (7).

	(1) Directions to clerk	10 days from filing of notice of appeal	Clerk of court from which appeal is taken. (Serve copy on appellee and make proof of service).	R. 34 (3) (a) R. 34 (4) (a)	Transcript should be abbreviated so as to include only matter material to assignments of error. R. 34 (3) (c).
	(2) Additional directions to clerk by appellee (optional)	10 days from time appellant's directions to clerk are filed	Clerk of court from which appeal is taken	R. 34 (3) (b)	Serve appellant with copy of additional directions to clerk and make proof of service. R. 34 (4) (a).
5	MOTIONS TO QUASH, DISMISS, OR AFFIRM	Day appellee is required to file his brief (day record on appeal must be filed)	Clerk, Supreme Court. (Serve copy of motion on adversary).	R. 37 (quash) R. 38 (affirm) R. 39	See R. 33 (7) for steps necessary to confer jurisdiction on Supreme Court prior to time record is filed. Procedure governing such motions is set forth in detail in R. 39. For information relative to oral argument on motions see R. 40 (2), (6). Motion to affirm is new and is adopted from Federal Rules of Civil Procedure. Motions are always heard on Mondays at 9:00 A.M. See R. 7 (a).
6	APPELLANT'S MAIN BRIEF	Day record is required to be filed in Supreme Court. Time may be extended by Supreme Court or Chief Justice	Clerk, Supreme Court. (File original and one copy, together with appendix required by R. 36 (6) (e) and proof of service of copy on appellee. Copy must be served on adversary at least 20 days before record is filed).	R. 36 (1) R. 36 (4)	See R. 36 (5) for style of brief, *i.e.*, paper, type, spacing, bindings, cover, etc. Brief must be accompanied by an appendix prepared in accordance with R. 36 (6) (e). Brief must not contain over 50 typewritten or 25 printed pages. R. 36 (5) (e). See R. 36 (6) for contents of brief. Proof of service can now be made by certificate rather than affidavit. R. 30 (4).

I. CIVIL APPEALS (continued)

Step	*What*	*When (maximum limit)*	*Where*	*Authority*	*Comment*
7	APPELLEE'S BRIEF	20 days after appellant's brief was served upon him. Time may be extended by Supreme Court or Chief Justice.	Clerk of Supreme Court. (File original and one copy, together with appendix and proof of service of copy on appellant).	R. 36 (2) R. 36 (4)	R. 36 (7) gives contents of appellee's brief. This brief likewise requires an appendix. R. 36 (9) (c). Points not argued in the brief are considered abandoned and cannot be argued orally. R. 36 (9).
8	REQUEST FOR ORAL ARGUMENT	At time applicant's first brief is filed	Clerk, Supreme Court. (Copy served on adversary; proof of service required).	R. 40 (1)	This is a separate document and shall not be incorporated in the brief, although it is filed at the same time. R. 40. Granting of oral argument is in discretion of Court. R. 40 (6). Time will be limited to 30 minutes to each party, but may be extended upon proper application. R. 40 (3). Not more than two attorneys can argue on one side. R. 40 (4).
9	APPELLANT'S REPLY BRIEF	10 days after receipt of copy of appellee's brief	Clerk, Supreme Court. (File original and one copy, together with appendix and proof of service).	R. 36 (3), (8)	Time for filing briefs may be extended by Supreme Court or Chief Justice upon proper application and showing of good cause. R. 36 (4). The rules do not provide for or recognize extension of time by stipulation of counsel.

10	PETITION TO INTERVENE	"Timely filed" Prior to oral argument	Clerk, Supreme Court	R. 36 (10) (brief) R. 40 (7) (oral argument)	Brief as amicus curiae: Petition must be set down and heard, after notice, on Regular Motion Day. Alternative: Applicant may file written consent of attorneys for all parties to appeal. Oral argument as amicus curiae by petition only. Brief may be filed by agreement of all counsel but argument only by permission of Court after petition.
11	PETITION FOR REHEARING	15 days after filing of judgment, decree, or order of Supreme Court	Clerk, Supreme Court. (Serve copy on adversary and file proof of service).	R. 45	No new ground or position permitted. Must set forth concisely the errors, omissions, oversights, causes, and grounds upon which it is based. Extensive reargument is not allowed. R. 45 (2). No additional argument will be allowed unless petition be granted. Only one petition for rehearing may be filed by any one party. R. 45 (6). Mandate goes down 15 days after rehearing is denied. R. 46.
12	MOTION FOR NEW ATTORNEY TO PARTICIPATE	When applicable	Clerk, Supreme Court	R. 11 (3)	Any attorney not of record when appeal was filed or docketed in Supreme Court who desires to participate must secure permission of Court, upon application properly made. Likewise, permission to withdraw after once becoming an attorney of record must be obtained from the Court. R. 11 (2).

II. CRIMINAL APPEALS

Step	*What*	*When (maximum limit)*	*Where*	*Authority*	*Comment*
1	NOTICE OF APPEAL				
	a. By defendant	90 days after judgment or sentence	Clerk of trial court	R. 17, 35; F.S. §924.09	Criminal appeals are governed by F.S. c. 924 and R. 35; stay of execution of sentence, F.S. §924.14.
	b. By state	20 days after order or sentence is entered	Clerk of trial court. (Copy served on defendant).	R. 17, 35; F.S. §924.07.	
2	TRANSCRIPT OF RECORD	40 days from Step 1. (Time may be extended by trial court or justice of Supreme Court).	Clerk, Supreme Court	R. 35 (2) (a); F.S. §§924.23-924.26	Clerk prepares original and two copies of transcript. Original filed in Supreme Court, with copies to Attorney General and defendant. F.S. §924.25.
3	APPELLANT'S BRIEF	30 days after Step 2	Clerk, Supreme Court. (File original and one copy, together with proof of service).	R. 35 (2) (6)	Brief does not have to have an appendix, but it may if counsel so desires. If it does, appellee has the same privilege.
4	APPELLEE'S BRIEF	20 days after Step 3	Clerk, Supreme Court. (File original and one copy, together with proof of service).	R. 35 (2) (c)	Briefs cannot contain more than 50 typewritten or 25 printed pages. See R. 36 for form and contents of briefs.
5	APPELLANT'S REPLY BRIEF	10 days after Step 4	Same as Step 3	R. 35 (2) (c)	

III. APPEALS FROM COMPENSATION ORDERS OF INDUSTRIAL COMMISSION

1	PETITION FOR CERTIORARI	60 days from date order is filed with Industrial Commission	Clerk, Supreme Court	R. 16 (1); FLA. CONST. art. 5	Review is by constitutional certiorari. Fla. Laws 1953, c. 28241, see Wilson v. McCoy Mfg. Co., 69 So.2d 659 (1954), Comment, *infra* at 139.
2	PETITIONER'S BRIEF	With petition for certiorari (copy to be served on respondent).	Clerk, Supreme Court. (File original and one copy, together with proof of service).	R. 16 (1), (6)	Brief to be prepared in accordance with R. 36.
3	RESPONDENT'S BRIEF	10 days after Step 2	Clerk, Supreme Court. (File original and one copy, together with proof of service).	R. 16 (7)	
4	RECORD ON APPEAL	10 days after Step 1	Clerk, Supreme Court. (Fla. Indus. Comm'n is a party to all compensation appeals and should be served with copies of all briefs on petitions).	R. 16 (4) R. 16 (2)	Director of Workmen's Compensation Division will transmit original record. Certiorari will be heard on a regular motion day as provided in R. 22, 20, 7 (2). Ten minutes allowed each side for oral presentation. R. 40 (2).
5	REHEARING	15 days after filing of judgment, decree, or order	Clerk, Supreme Court. (Copy served on adversary and proof of service made).	R. 45	Proof of service can now be made by certificate rather than affidavit. R. 30 (4).

IV. OTHER PROCEDURES

CERTIFIED QUESTIONS	See R. 27
INTERLOCUTORY APPEALS (EQUITY)	See R. 14
EXTRAORDINARY WRITS	See R. 20-26[1]
FORMS. Suggested forms approved by Supreme Court	See R. 49

[1]See Symposium, 4 U. FLA. L. REV. (1951).

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