

Rule 25.1 Emergency and Expedited Cases.

(a) In general. By statute, by rule, or as a matter of court policy, some cases are automatically granted emergency or expedited consideration. The specific procedures in such cases may depend on applicable requirements and may be further established by court order in a particular case. A party may also file a motion requesting such consideration. In addition, the court may provide for such consideration by order. Emergency or expedited consideration may be warranted, for example, based on the immediacy of the relief needed or if a particularly important interest is at stake and expedited or emergency treatment is necessary for the matter to be resolved before that interest becomes moot.

(b) Emergency Cases. Emergency cases will be given immediate attention and priority in decision making.

(1) Procedure.

(A) The appellant/petitioner or counsel for appellant/petitioner must:

(i) Review the applicable statute or rule to assure compliance with the controlling time requirements.

(ii) Timely file a notice of appeal in the Superior Court or petition for review in this court, and notify the Clerk of this court in person or by telephone of: the filing of the notice of appeal or petition for review; the nature of the emergency case; the names, email addresses, and telephone numbers of all parties or their attorneys; and any transcript or other record materials needed to decide the case.

(iii) In an emergency appeal, immediately order any necessary transcript or have necessary vouchers prepared and submitted to the trial judge. Any order or voucher for transcript must request overnight preparation. If transcript is ordered, the appellant must pay for it promptly upon completion.

(iv) Submit a written motion setting forth the relief sought and the grounds therefor, and personally or electronically serve a copy on the other parties. The motion must be accompanied by a copy of the order under review and any other documents filed in the Superior Court or before the agency which counsel believes essential for the court's consideration.

(B) Opposing counsel must submit and personally or electronically serve a written response or cross-motion in compliance with Rule 25.1 (b)(1)(A)(iv). If necessary, the court may abbreviate the time within which a response or cross-motion must be filed.

(C) In the case of a juvenile interlocutory appeal, government appeal from an intra-trial order, or extradition appeal, the motion must be filed no later than 4:00 pm on the next calendar day after the filing of the notice of appeal. Any opposition must be filed with the Clerk by noon on the following calendar day after the filing of the motion, unless these times are shortened by court order.

(D) The Clerk will advise the assigned division of this court of the pendency of the emergency cases so that the case may be promptly decided or scheduled for argument where appropriate.

(E) In appropriate cases, the court may order oral argument on an emergency basis.

(2) Examples. Emergency cases include, but are not limited to: pre-trial bail or detention appeals, D.C. Code § 23-1324, juvenile interlocutory appeals, D.C. Code § 16-2328, government appeals from intra-trial orders, D.C. Code § 23-104 (b) & (d), and extradition appeals, D.C. Code § 23-704.

(c) Expedited Cases. Expedited cases will be given priority over other cases.

(1) Procedure.

(A) The appellant/petitioner or counsel for appellant/petitioner must:

(i) Timely file a notice of appeal in the Superior Court and file a stamped copy of the notice with the Clerk of this court, or timely file a petition for review in this court.

(ii) In case of an expedited appeal, within 10 days of filing the notice of appeal, order or file an appropriate motion for preparation of the necessary transcript on an expedited basis, and make arrangements for payment as required by Rule 10 (b)(4). In case of an expedited petition for review, the court will notify the agency that the record must be filed within thirty days from the date the petition for review is served or within such other time as is set by the court.

(B) Upon completion of the record, the Clerk will issue a briefing order. Parties also may file motions for summary disposition under Rule 27 (c). Cases that are not decided by motion will be placed on the next available calendar after the case is ready to be submitted and will be given priority in the decision of cases.

(C) In appropriate cases, the court may order oral argument on an expedited basis.

(2) Examples. Expedited cases include, but are not limited to:

(A) government appeals from pre-trial orders, D.C. Code § 23-104 (a)(1);

(B) appeals from orders of the Family Court either terminating parental rights or granting or denying petitions for adoption, D.C. Code § 11-721 (g);

(C) petitions for review of certain determinations by the Board of Elections, D.C. Code § 1-309.06 (f)(3)(C), § 1-1001.08 (o)(2), and § 1-1001.17 (k)(2);

(D) appeals from decisions under enforcement provisions of the Uniform Child-Custody Jurisdiction and Enforcement Act, D.C. Code § 16-4603.14;

(E) appeals from certain orders or decisions of the Public Service Commission, D.C. Code § 34-605 (a) and § 34-1313.18;

(F) requests for review of an order regarding release or detention after a judgment of conviction, Rule 9 (b);

(G) mandamus petitions, Rule 21 (b)(6); and

(H) appeals from judgments of the Small Claims and Conciliation Branch of the Superior Court of the District of Columbia, D.C. Code § 17-301 (b).