

SUPREME COURT OF OKLAHOMA

IN RE AMENDMENT OF RULES 1.4 AND 1.23 OF OKLA.

SUPREME COURT RULES

IN RE AMENDMENT OF RULES 1.4 AND 1.23 OF OKLA. SUPREME COURT RULES (Okla. 2021) ·

Decided May 3, 2021

SUMMARY

The Oklahoma Supreme Court amended Rules 1.4 and 1.23 of the Oklahoma Supreme Court Rules. The amendments address filing methods and timing, mailing and commercial-carrier filings, costs, copies, service, commencement of appeals, and in forma pauperis requirements, and became effective immediately.

CASE DETAILS

COURT	Supreme Court of Oklahoma
WRITING FOR THE COURT	Chief Justice Darby; Vice Chief Justice Kane; Justice Kauger; Justice Winchester; Justice Edmondson; Justice Combs; Justice Gurich; Justice Rowe
JURISDICTION	Oklahoma
DECIDED	May 3, 2021
DISPOSITION	other
PROCEDURAL POSTURE	The Supreme Court of Oklahoma exercised its rulemaking authority to amend Rules 1.4 and 1.23 of the Oklahoma Supreme Court Rules.
PRECEDENTIAL VALUE	Published rulemaking order; binding court rules as amended

TOPICS

[appellate procedure](#) [civil procedure](#) [costs](#) [service of process](#)

PRACTICE AREAS

[Appellate procedure](#) [Civil procedure](#) [Court rulemaking](#)

QUESTIONS PRESENTED

- Whether Rules 1.4 and 1.23 of the Oklahoma Supreme Court Rules should be amended.

2. What procedures should govern the filing date of petitions delivered by mail or third-party commercial carrier.
3. What cost-deposit, in forma pauperis, notice, and filing requirements apply to the commencement of appeals.

HOLDINGS

1. Rules 1.4 and 1.23 of the Oklahoma Supreme Court Rules are amended as set forth in the attached exhibits, effective immediately.
2. For petitions covered by Rule 1.4(c), the filing date may be established by the date of mailing shown by qualifying United States Postal Service proof or by the date a third-party commercial carrier receives the petition, provided the rule's addressing, postage, documentation, and delivery requirements are satisfied.
3. An appeal from a district court is commenced by timely filing a petition in error with the required copies and by timely remitting the statutory cost deposit or filing a qualifying in forma pauperis affidavit; the cost deposit or affidavit must be received within the same thirty-day period for filing the petition in error.

KEY QUOTATIONS

“Rules 1.4, 12 O.S. Supp. 2020, ch. 15, app. 1, and 1.23, 12 O.S. Supp. 2020, ch. 15, app. 1, of the Oklahoma Supreme Court Rules, are hereby amended as shown on the attached Exhibit “A”.” (Order)

“The amended rules are effective immediately.” (Order)

FACTUAL BACKGROUND

This is a rulemaking order rather than an adversarial appeal. The Oklahoma Supreme Court revised Rule 1.4 concerning filing procedures, filing times, mailing, commercial-carrier delivery, prisoner filings, copies, and notice to parties. It also revised Rule 1.23 concerning commencement of district-court appeals, cost deposits or pauper affidavits, notice of appeal, and juvenile appeals.

PROCEDURAL HISTORY

The court entered an order amending rules governing filings, mailing, service, costs, and commencement of appeals. The amendments were attached as Exhibits A and B and made effective immediately.

DISPOSITION

other

CASES CITED

- Whitehead v. Tulsa Public Schools, 1998 OK 71, 968 P.2d 1211
- Matter of K. L. F., 1994 OK 66, 878 P.2d 1067
- Woody v. State, 1992 OK 45, 833 P.2d 257

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