

VIRGINIA:

In the Supreme Court of Virginia held at the Supreme Court Building in the City of Richmond on Monday, the 2nd day of May, 2022.

It is ordered that the Rules heretofore adopted and promulgated by this Court and now in effect are hereby amended, effective immediately.

Amend Rules 5:5, 5:17, 5:24, 5A:3, and 5A:17 as follows:

Rule 5:5. Filing Deadlines; Post Trial Proceedings Below; Timely Filing by Mail; Inmate Filing; Extension of Time.

(a) *Filing Deadlines.* — The times prescribed for filing a notice of appeal (Rules 5:9(a), 5:14(a), 5:21(a)(3), and 5:21(b)(2)), a petition for review pursuant to Code § 8.01-626 (Rule 5:17A) and a petition for rehearing (Rules 5:20 and 5:37), are mandatory. A single extension not to exceed 30 days may be granted if at least two Justices of the Supreme Court of Virginia concur in a finding that an extension for papers to be filed is warranted on motion for good cause shown.

(a1) *Filing Deadlines for Petitions for Appeal.* — The times prescribed for filing a petition for appeal (Rules 5:17(a) and 5:21(a)(6)) are mandatory; provided, however, that an extension may be granted, in the discretion of the Supreme Court, on motion for good cause shown.

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Rule 5:17. Petition for Appeal.

(a) *When the Petition Must be Filed.* — Unless otherwise provided by rule or statute, in every case in which the appellate jurisdiction of this Court is invoked, a petition for appeal must be filed with the clerk of this Court, as provided for in Rule 5:1B, within the following time periods:

(1) in an appeal direct from a trial court, not more than 90 days after entry of the order appealed from;

(2) in an appeal from the Court of Appeals, within 30 days after entry of the judgment appealed from or a denial of a timely petition for rehearing.

However, an extension may be granted, in the discretion of this Court, on motion for good cause shown.

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Rule 5:24. Security for Appeal.

(a) *Compliance With Forms.* — All security for appeal required under Code § 8.01-676.1 must substantially conform to the forms set forth in the Appendix to this Part Five.

(b) *Procedure Concerning Defects.* — The time for initially filing the appeal bond or letter of credit prescribed by Code § 8.01-676.1(B) is not jurisdictional under Code § 8.01-676.1(P), and the time for filing such security may be extended by a justice of this Court on motion for good cause shown. No appeal will be dismissed because of a defect in any appeal bond or irrevocable letter of credit unless an appellee, within 21 days after the issuance of the certificate pursuant to Rule 5:23, files with the clerk of this Court a statement in writing of the defects in the bond or irrevocable letter of credit, and unless the appellant fails to correct such defects, if any, within 21 days after such statement is filed. If the appellant fails to correct such defects within such period of 21 days, an appellee may move that the appeal be dismissed and it will be dismissed unless the appellant satisfies this Court that the bond or irrevocable letter of credit, either as originally given or as amended, has been filed in the required form.

Rule 5A:3. Filing Deadlines; Post Trial Proceedings Below; Timely Filing by Mail; Inmate Filing; Extension of Time.

(a) *Certain Filing Deadlines and Extensions.* — The times prescribed for filing a notice of appeal (Rules 5A:6 and 5A:11), a petition for appeal (Rule 5A:12), a petition for review (Rule 5A:12A), a petition for rehearing (Rule 5A:33), and a request for rehearing en banc (Rule 5A:34) are mandatory, except that an extension of the time to file a notice of appeal, a petition for rehearing, and a petition for rehearing en banc may be granted in the discretion of this Court on motion for good cause shown. The time period for filing the notice of appeal is not extended by the filing of a motion for a new trial, a petition for rehearing, or a like pleading unless the final judgment is modified, vacated, or suspended by the trial court pursuant to Rule 1:1, in which case the time for filing is computed from the date of the final judgment entered following such modification, vacation, or suspension.

(b) *Extensions Generally.* — Except as provided in paragraph (a) of this Rule, the times prescribed in these Rules for filing papers, except transcripts (Rule 5A:8(a)), may be extended by a judge of the court in which the papers are to be filed on motion for good cause shown. Filing a motion for extension does not toll the applicable deadline.

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Rule 5A:17. Security for Appeal.

(a) *Form for Security.* — All security for appeal required under Code § 8.01-676.1 must substantially conform to the forms set forth in the Appendix to this Part Five A.

(b) *Security for Appeal; Defects.* — Whenever an appellant files an appeal bond or irrevocable letter of credit, he must contemporaneously give notice in writing to the appellee. The time for initially filing the appeal bond or letter of credit prescribed by Code § 8.01-676.1(A) and (B) is not jurisdictional under Code § 8.01-676.1(P), and the time for filing such security may be extended by a judge of this Court on motion for good cause shown. No appeal will be dismissed because of a defect in any appeal bond or irrevocable letter of credit unless an appellee, within 21 days after the giving of such notice, files with the clerk of this Court a statement in writing of the defects in the bond or irrevocable letter of credit, and unless the appellant fails to correct such defects, if any, within 21 days after such statement is filed. If the appellant fails to correct such defects within 21 days, an appellee may move that the appeal be dismissed and it will be dismissed unless the appellant satisfies this Court that the bond or irrevocable letter of credit, either as originally given or as amended, has been filed as required by law.

A Copy,

Teste:


Clerk