

Rule 7.042

AFFIRMANCE BY SUMMARY OPINION

- (a) **Generally.** The court may affirm by summary opinion a case in which the requirements of subsection (b) are satisfied.
- (b) **Requirements for Affirmance by Summary Opinion.** A case may be affirmed by summary opinion if the court determines after argument or submission on the briefs that no reversible error of law appears and:
 - (1) the appeal is frivolous;
 - (2) the appeal is without merit;
 - (3) the findings of fact of the district court, the findings of fact of the administrative tribunal, or the verdict of the jury is supported by substantial competent evidence;
 - (4) the findings of fact of the district court, the findings of fact of the administrative tribunal, or the verdict of the jury is supported by clear and convincing evidence;
 - (5) the opinion or findings of fact and conclusions of law of the district court or administrative tribunal adequately explain the decision; or
 - (6) the district court or administrative tribunal did not abuse its discretion.
- (c) **Form of Opinion.** An opinion issued under this rule must cite the rule and indicate one or more factors under subsection (b) the court has determined are applicable. The opinion must be in the following form: “Affirmed under Rule 7.042(b) [(1) (2) (3) (4) (5) and/or (6)].”

[History: New rule effective January 16, 1981; Am. effective October 7, 2004; Am. effective September 2, 2008; Restyled rule effective July 1, 2012.]