Rule 3. Appeal as of Right — How taken.

(a) Filing the Notice of Appeal.

(1) An appeal permitted by law as of right from the Superior Court, including an expedited appeal, may be taken only by filing a notice of appeal with the Clerk of the Superior Court within the time allowed by Rule 4. Filing may be accomplished by mail addressed to the Clerk of the Superior Court; but — except as provided in Rule 4 (d) — filing will not be deemed timely unless the notice is, in fact, received by that Clerk within the prescribed time. If a timely notice of appeal is filed by a party, any other party to the proceeding in the Superior Court may file a notice of appeal within the time prescribed by Rule 4.

(2) An appellant's failure to take any step other than the timely filing of a notice of appeal does not affect the validity of the appeal, but is ground only for the Court of Appeals to act as it considers appropriate, including dismissal of the appeal.

(3) An appeal from an order or judgment of a magistrate judge may be taken only after a judge of the Superior Court has reviewed the order or judgment. See D.C. Code § 11-1732 (k) (2001) and Super. Ct. Civ. R. 73 (c).

(b) Joint or Consolidated Appeals.

(1) When two or more parties are entitled to appeal from a judgment or order of the Superior Court, and their interests make joinder practicable, they may file a joint notice of appeal. They may then proceed on appeal as a single appellant.

(2) When the parties have filed separate timely notices of appeal, the appeals may be joined or consolidated by the Court of Appeals, upon its own motion or upon motion of a party.

(3) When more than one appeal is docketed in the Court of Appeals from the same judgment or order and a single record on appeal has been prepared, the record will be docketed in each appeal but the Clerk will maintain the record in the Clerk's file bearing the lowest appeal number.

(c) Contents of the Notice of Appeal.

(1) The notice of appeal must:

(A) specify the party or parties taking the appeal by naming each one in the caption or body of the notice, but an attorney representing more than one party may describe those parties with such terms as "all plaintiffs," "the defendants," "the plaintiffs A, B, et al.," or "all defendants except X"; and

(B) designate the judgment—or the appealable order—from which the appeal is taken.

(2) The notice of appeal must be signed by the individual appellant or by counsel for the appellant. If the appellant is a corporation or other entity, the notice must be signed by counsel.

A notice of appeal not bearing the necessary signature will be stricken unless omission of the signature is corrected promptly after being called to the attention of counsel or the party. A pro se notice of appeal is considered filed on behalf of the signer and (if they are parties) the signer's spouse and minor children, unless the notice clearly indicates otherwise.

(3) In a class action, whether or not the class has been certified, the notice of appeal is sufficient if it names one person qualified to bring the appeal as representative of the class.

(4) The notice of appeal encompasses all orders that for purposes of appeal merge into the designated judgment or appealable order. It is not necessary to designate those orders in the notice of appeal.

(5) In a civil case, a notice of appeal encompasses the final judgment, whether or not that judgment is set out in a separate document under Superior Court Rule of Civil Procedure 58, if the notice designates:

(A) an order that adjudicates all remaining claims and the rights and liabilities of all remaining claims and the rights and liabilities of all remaining parties; or

(B) an order described in Rule 4(a)(4)(A).

(6) An appellant may designate only part of a judgment or appealable order by expressly stating that the notice of appeal is so limited. Without such an express statement, specific designations do not limit the scope of the notice of appeal.

(7) An appeal may not be dismissed for informality of form or title of the notice of appeal, for failure to name a party whose intent to appeal is otherwise clear from the notice, or for failure to properly designate the judgment if the notice of appeal was filed after entry of the judgment and designates an order that merged into that judgment.

(8) Parties are encouraged to use Form 1 in filing all but criminal appeals and Form 2 in criminal appeals, though the use of a particular form is not required. An appeal may be dismissed if, after notice, the party or parties taking the appeal fail to provide the information requested by Form 1 or Form 2.

(d) Serving the Notice of Appeal.

(1) The Clerk of the Superior Court must serve notice of the filing of a notice of appeal by sending a copy to each party's counsel of record — excluding the appellant's — or, if a party is proceeding pro se, to the party's last known address. When a defendant in a criminal case appeals, the Clerk must also serve a copy of the notice of appeal on the defendant, either by personal service or by mail or email addressed to the defendant at the defendant's last known address. The Clerk must promptly send a copy of the notice of appeal and of the docket entries to the Clerk of the Court of Appeals. The Clerk of the Superior Court must note, on each copy, the date when the notice was filed.

(2) If an inmate confined in an institution files a notice of appeal in the manner provided by Rule 4(d), the Clerk of the Superior Court must also note the date when the Clerk docketed the notice.

(3) The failure of the Clerk of the Superior Court to serve notice does not affect the validity of the appeal. That Clerk must transmit to the Clerk of the Court of Appeals the names of the parties to whom copies have been sent and the date of sending. Service is sufficient despite the death of a party or of the party's counsel.

(e) Payment of Fees. Upon filing a notice of appeal, the appellant must pay the Clerk of the Superior Court all required fees, unless permitted to proceed without prepayment of fees and costs. See Rule 24.