

District of Columbia Court of Appeals

Historic Courthouse
430 E Street NW
Washington, DC 20001
(202) 879-2700

Representing Yourself in a Civil Appeal.

INTRODUCTION

If you don't like what happened at the end of a civil case in the Superior Court you can file an appeal with the D.C. Court of Appeals. This guide is only for people who don't have a lawyer and are representing themselves in civil appeals, you should not use this guide if your case is a Criminal case, an Agency case, or a Small Claims case.

An appeal is hard work, it can take a lot of time, and it can be very complicated. So it's important to pay attention to the Court's Rules. The Rules control the whole appeal process and if you don't follow them you can ruin your own appeal. And don't expect special treatment just because you're representing yourself, *everyone* has to follow the Rules. This guide won't give you legal advice, but it will help you learn what you need to do to get your case in front of the Court. The Court of Appeals staff will also help you as much as they can, but they can't give you legal advice either.

At the end of this guide there is a list of the offices where you can file things or get information. There is also a list of what different legal terms mean and copies of all the forms mentioned in this guide.

**BUT REMEMBER, THE COURT'S RULES CONTROL AND
YOU SHOULD ALWAYS FOLLOW THEM, NO MATTER
WHAT THIS GUIDE SAYS.**

THE BASIC STEPS

Step 1. How to File an Appeal.

- A. **When to Appeal?** You have to file an appeal within 30 days after the Superior Court enters a final order or judgment. Don't be late! The order also has to be signed by an Associate Judge, not a Magistrate Judge. If the order was signed by a Magistrate Judge then you have 10 days to ask for an Associate Judge to review it, and you have to do that before you can file an appeal in the Court of Appeals.
- B. **What to File?** A Notice of Appeal is what you need to file. The Superior Court Clerk's Civil Division Office has blank forms, like Form 1 at the end of this guide, that you can use. You don't have to use these forms, but if you don't, then be sure that your Notice has the names of all the people who are bringing the appeal and that it says which order or judgment you're appealing. Once you file the Notice you become the "Appellant," and your opponent becomes the "Appellee." But if they were the one that filed the Notice, they are the "Appellant" and you are the "Appellee."
- C. **Where to Appeal.** You file your Notice in the Superior Court Clerk's Civil Division Office, unless your case is a Landlord-Tenant or Family Court case. If it is, then you file your Notice in the Landlord-Tenant Clerk's Office or the Family Court Clerk's Office
- D. **How Much?** It costs \$100 to file a Notice of Appeal. If you can't afford this, you can file a *Motion for Waiver of Prepayment of Court Fees and Costs*. There is more information about how to do this on page 5.

Step 2. The Record and Transcripts.

- A. **What is the Record?** The Court of Appeals only looks to see if there was a mistake in the trial court. It doesn't hold a trial all over again and it won't look at new evidence or anything the trial court didn't see first. But to see if something did go wrong, the Court of Appeals needs to look at the record. The record is everything that was filed in the Superior Court and most of it is automatically sent to the Court of Appeals by the Superior Court.
- B. **What are Transcripts?** Transcripts are the only part of the record you have to make sure get sent to the Court of Appeals. They are a word-for-word copy

of everything that was said at the trial or at a hearing. They can be important and you need to order the transcripts for the dates that you think that a mistake was made.

- C. When do you Order Them?** You have to order transcripts within 10 days after you file your Notice of Appeal.
- D. Where do you Order Them?** You order transcripts from the Court Reporter Division which is located on the 5th floor of the Moultrie Courthouse in Room 5500. The phone number is (202) 879-1009.
- E. Costs?** Transcripts can be expensive and you have to pay a deposit for them when you first order them, and the rest when they're finished, unless you've been given permission to appeal without paying costs. If you have been given permission to appeal without paying the costs, then you don't need to order transcripts from the Court Reporter Division. Instead, you need to file a motion with the same Superior Court judge who heard your case and ask him or her to order that a transcript be prepared without you having to pay for it. You must also tell the judge what dates you need to have transcribed and why you need them. The Appeals Coordinator has blank motions forms you can use, just fill in what transcripts you need and explain why you need them. If this motion is denied, you have to pay for the transcripts.

Step 3. Briefs.

- A.** After the record is complete, the Court of Appeals will issue an order telling you when to file your brief. You file one original and 3 copies with the Clerk's Office at the Court of Appeals. You must send a copy of the brief to each appellee or their attorney.
- B.** Your brief can't be more than 50 pages long.
- C.** After you file your brief, the appellee gets 30 days to file a brief and you can file a reply brief, if you want, within 21 more days.

Step 4. Argument.

- A.** Once the briefs are all filed, the Court of Appeals will let you know if it wants to hear you make an argument in person. If it does, it will put your case on the Regular Calendar and tell you when the argument is scheduled. If the Court

of Appeals does not want to hear an argument, it will put your case on the Summary Calendar.

- B. If your case is on the Summary Calendar and you want to make an oral argument, you have to file a motion in the Court of Appeals asking for permission to argue. You have to file that motion within 10 days after you receive notice that your case is on the Summary Calendar.

Step 5. Decisions.

- A. After the Court of Appeals reads everything and hears any argument, it will issue an opinion or order which decides if you win or lose. If you lose and you think the Court of Appeals made a mistake, you have three choices:
 - 1. You can file a petition for rehearing at the Court of Appeals within 14 days after the Court makes its decision. The petition goes back to the same judges who heard your case and it explains to them why you think they were wrong. This petition can't be longer than 10 pages.
 - 2. You can file a petition for rehearing en banc at the Court of Appeals within 14 days after the Court makes its decision. This petition goes to *all* of the judges on the Court and asks them to hear your case all over again from the beginning. There's a 10 page limit for this petition too.
 - A. You can file both a petition for rehearing and a petition for rehearing en banc, but you have to file them together you can't wait to see if one type of petition is denied and then decide you're going to file the other type. Also, the combined petition still can't be more than 10 pages total.
 - 3. You can file a petition for writ of *certiorari* at the United States Supreme Court within 90 days after the Court of Appeals makes its decision. This petition asks the Supreme Court to review the Court of Appeals' decision. If you file this petition, the Court of Appeals' Rules don't apply anymore and you must follow the Rules of the U.S. Supreme Court.

IMPORTANT TIPS

1. Most of the time, you can't file an appeal for someone else like your spouse or a friend, only an attorney can do that.
2. You can't appeal every decision the Superior Court makes right away, only final orders or judgments. The order or judgment almost always has to end the whole case against everyone before you can appeal.
3. If you file an appeal don't think that means the person you've been ordered to pay can't start trying to collect or that you don't have to obey any other part of the Superior Court's order. To stop the person from trying to collect or to protect yourself from having to do something you don't think you should have been ordered to do in the first place, you need to file a Motion for Stay Pending Appeal. The first place you file that is in the Superior Court, with the same judge, and if he or she denies it, then you can file it in the Court of Appeals.
4. If you file a Motion for Waiver of Prepayment of Court Fees and Costs, you need to file it in the Superior Court Clerk's Civil Division office.
 - A. Along with your motion it is very important that you attach a copy of your Notice of Appeal and a Financial Information Form.
 - I. Form 7a is a sample Motion for Waiver of Prepayment of Court Fees and Costs.
 - II. Form 7b is a sample Financial Information Form.
 - B. If the Superior Court denies your motion, you have 10 days to file one in the Court of Appeals. You have to attach the same Forms 7a and 7b and a copy of the Superior Court's order which denied your first motion.
4. You have to sign everything you file with the Court and put your address and phone number on it. You also have to keep the Court up to date on your address and phone number, let it know if you move or they change.
5. You have to send a copy of anything you file to the appellees. You can do this by mail, by a private delivery service, by bringing it to them personally, or by faxing it to them if you both agree that faxing is ok. You cannot fax anything to the Court of Appeals. You also have to attach a certificate of service to the filing.

FORMS

You can get free copies of any forms listed in this guide at these offices. Except for the Landlord and Tenant Branch and the Court of Appeals, all of them are in the Moultrie Courthouse at 500 Indiana Avenue, NW, Washington, DC 20001.

1. Appeals Coordinator.
Third Floor, Room 3148
(202) 879-1731
2. Clerk of the Court of Appeals
First Floor, Room 115
Historic Courthouse
430 E Street NW
Washington, DC 20001
(202) 879-2700
3. Clerk of the Superior Court, Civil Division.
5th Floor, Room 5500
(202) 879-1133
4. Court Reporter Division
Fifth Floor, Room 5500
(202) 879-1009
5. Landlord and Tenant Branch
Court Building B, Room 110
510 4th Street, NW
Washington, DC 20001
(202) 879-4879

GLOSSARY – Here is what some of the legal terms in this guide mean.

Appeal – this is what your case is called when you ask the Court of Appeals to review a decision made by the Superior Court.

Appellant – is the party who filed the appeal. It doesn't matter if they were the plaintiff or the defendant in the Superior Court, either one can be an appellant in the Court of Appeals.

Appellee – this is the other party. The one who did not file the appeal. It doesn't matter who they were in the Superior Court either, a defendant or a plaintiff can be an appellee.

Associate Judge – an Associate Judge is an active judge who was appointed by the President.

Brief - Your brief is a legal argument telling the Court why the Superior Court's decision was wrong or why the judge abused his or her discretion.

Certificate of Service – this tells the Court how you sent the other parties a copy of a motion or brief and when you did it. Remember you have to do this. You can't file something with the Court and not give everyone else a copy. They have to do the same with you.

Civil case – this is a lawsuit between two parties that usually involves money.

Defendant – the person who was sued in the Superior Court.

Dismiss or dismissed – means your case has been kicked out of court, usually because the Court doesn't have the power to hear the case (maybe it's not final) or you did something wrong, like filing your notice of appeal too late.

Final order – is the decision that resolves the whole case against everyone. The Court of Appeals can only review final orders or judgments.

Judgment – is a final order that tells one person to pay another person some money or to do something specific.

Magistrate Judge - is a judge who was appointed by the Superior Court to help Associate Judges with their work. Their decisions and orders are not final until after they are reviewed by an Associate Judge.

Motion – this is what you file when you want to ask the court to do something.

Opinion – this is a written explanation from the Court that says why you won or lost your appeal.

Opposition or response – is how you answer a motion.

Party – anybody who participated in the case in the Superior Court or in the Court of Appeals.

Plaintiff – the person who filed the lawsuit in the Superior Court.

Record – is everything in the Superior Court case file and any transcripts that are prepared.

Regular Calendar – a list of cases that the Court of Appeals wants to hear oral argument on.

Service – this means you have made sure your opponent has been sent or given a copy of anything you file in the court.

Summary Calendar – is a list of the cases that the Court of Appeals will not hear oral argument on.