

District of Columbia Court of Appeals

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

Representing Yourself in a Small Claims Appeal.

INTRODUCTION

If you don't like what happened at the end of a your Small Claims case you can ask the Court of Appeals to review the decision. This guide is only for people who don't have a lawyer and are representing themselves in Small Claims cases, you should not use this guide if your case is a Civil case, a Criminal case, or an Agency 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 can 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 will file things or can 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 Do I Appeal?

1. If the Small Claims order is signed by a Magistrate Judge, you have 10 days to file a Motion for Review by an Associate Judge in the Superior Court.
 - a. If the Associate Judge approves the Magistrate Judge's decision, you can file an appeal within 3 days after they issue that order. This is a very short time. It's much shorter than the time to file an appeal, so be careful and don't be late!
2. If the Small Claims order is signed by an Associate Judge, you can file an Application for Allowance of Appeal directly in the Court of Appeals. But, the time is the same, you only have 3 days.

B. What to File? An Application for Allowance of Appeal is what you need to file. This is where you tell the Court what you think the Magistrate Judge or Superior Court Judge did wrong. The Court of Appeals Clerk's Office has blank Application forms, like Form 3 at the end of this guide, that you can use. This office is in Room 115 of the Historic Courthouse at 430 E Street, NW, Washington, DC 20001. The phone number is (202) 879-2700.

C. Where to Appeal. You file your Application in Court of Appeals Clerk's Office. When you file your application, you become the "Applicant" and the other parties become the "Respondents."

D. How Much? It costs \$10 to file an Application for Allowance of Appeal. If you can't afford this, you can file a *Motion for Waiver of Prepayment of Court Fees and Costs*. You file that motion with your Application for Allowance of Appeal. If you have already been allowed to proceed without paying costs in the trial court, you don't need to file this motion because your costs will also be waived on appeal.

E. What Happens Next? Applications for Allowance of Appeal are not granted very often.

1. If your Application is granted, it will be treated like a Notice of Appeal. This means that the rules for civil appeals will apply and you should pick up a copy of the guide for representing yourself in Civil Appeals. You will also be directed to pay \$40 more.
2. If your Application is denied, it means the Court of Appeal has affirmed the Small Claims decision.
3. If your Application is denied, you can file a petition for reconsideration within 7 days.

IMPORTANT TIPS

1. Most of the time, you can't file an Application for someone else like your spouse or a friend, only a lawyer can do this.
2. 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.
3. 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 & IMPORTANT OFFICES

You can get free copies of any forms listed in this guide at these offices.

1. Clerk of the Court of Appeals
Historic Courthouse, Room 115
430 E Street, NW
Washington, DC 20001
(202) 879-2700

2. Small Claims Branch
409 E Street, NW
Building B, Room 210
Washington, DC 20001
(202) 879-1037 or (202) 879-1120

GLOSSARY – Here is what some of the legal terms that you might see 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.

Applicant – this is the party who files the Application for Allowance of Appeal. It doesn't matter if they were the plaintiff or the defendant in the Superior Court, either one can be an applicant.

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

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.

Respondent – this is the other party. The one who did not file the Application for Allowance of Appeal. It doesn't matter who they were in the Superior Court either, a defendant or a plaintiff can be a respondent.

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.