

LANDLORD & TENANT APPEALS

These are the basic steps to take if you want to appeal a decision of the Superior Court in a landlord & tenant case. This is only a summary and the Rules of the D.C. Court of Appeals give the detailed procedures you must follow. This information does not apply to appeals from decisions of the Small Claims Branch of Superior Court.

Step 1. Filing an Appeal.

When to appeal. You file an appeal within 30 days after the Superior Court enters a final order. Don't be late! The order must be signed by an Associate Judge, not a Magistrate Judge. If the order is signed by a Magistrate Judge, it has to be reviewed by an Associate Judge within 10 days before you can file an appeal in the Court of Appeals.

What do you file. A Notice of Appeal is what you need to file. The Appeals Coordinator's Office has blank Notice of Appeal forms you can use. This office is in Room 3148 of the Moultrie Courthouse at 500 Indiana Ave., NW, Washington, DC 20001. The phone number is (202) 879-1731.

Where to appeal. You file your Notice in the Superior Court Landlord & Tenant Branch Clerk's Office. That office is in Court Building B, Room 110, at 510 4th Street NW, Washington, DC. The phone number is (202) 879-4879.

Fee. There is a \$100 fee 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*. You file that motion in the Superior Court. 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.

Step 2. Transcripts.

You have to order transcripts within 10 days after you file your Notice of Appeal. 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. You have to pay for the transcripts when you order them unless you've been given permission to appeal without paying costs. In that case, you have to file a motion for transcript in the Appeals Coordinator's Office. 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 & Argument.

After the record is complete, the Court of Appeals will issue an order telling you when to file your brief.

After the briefs are filed, the Court of Appeals will let you know if it wants to hear oral argument. If it does, it will put your case on the Regular Calendar. If it does not it will put your case on the Summary Calendar. If your case is on the Summary Calendar and you want an oral argument, you have to file a motion asking for permission to argue. You file that motion within 10 days after you receive notice that your case is on the Summary Calendar.

Stopping an Eviction.

If a writ of restitution has been issued and you want to stop the eviction, you have to file an emergency motion to stay in the Superior Court. If the Superior Court denies your motion, then you

can ask the Court of Appeals for a stay. Be sure you explain why your motion should be granted and attach any documents that support what you're saying. Also, make sure that the order or judgment you want to stay is attached.

Don't wait until the last minute to file a motion for stay; the sooner you file, the better!

You have to personally deliver a copy of your motion and any documents you've attached to all of the other parties in the case. You can fax these things to them, if they agree, but you cannot fax anything to the Court of Appeals.

General Tips.

Send a copy of anything you file to all of the other parties in the case.

Make sure the court always has your correct address and phone numbers.

Legal Assistance. If you can't afford a lawyer, you can still get help in a couple of places.

1. **The Landlord-Tenant Resource Center** is open Monday through Friday from 9:15 a.m. to 12:00 noon. There are three attorneys and one legal assistant who can give you legal information and can help you fill out forms and help you prepare your case. Sometimes they might even be able to give you the name of an attorney or other group to represent you in court. The phone number is (202) 508-1710, but the Resource Center does not give help over the phone, if you want help you have to go in when it's open.

Location: Court Building B, Room 115
510 4th Street, NW

2. **The Landlord and Tenant Legal Services Office** can represent people who need help in court. These services are free and provided by attorneys who work at legal-aid groups in the city. If you need it, they might even be able to help you the same day. But you have to meet low income requirements and these attorneys are only available two days a week, so you need to call (202) 879-4879 first.
3. **The Law Students in Court** program lets law students represent tenants. These student-attorneys are supervised by a licensed lawyer. Besides representing you in court, they can they also help you fill out forms and can give you legal information. But the services of Law Students in Court are not always available, especially during the summertime or at other vacation times, like Christmas, when the schools are closed. They are also Court Building B, in Room 113.
4. **The Appellate Advocacy Project of the Legal Aid Society of the District of Columbia** can represent people on appeal and some Legal Aid attorneys help at the Landlord and Tenant Legal Services Office. The phone number is (202) 628-1161. The Legal Aid Society has intake hours on Monday, Tuesday, and Thursday from 12:30 p.m. to 4:00 p.m.