

# Appeals Quick Guide

District Civil, Probate, and Family Cases (Magistrate 7(b))

## Duration

1 - 2  
Years

## Costs

Filing Fee - \$253 to CoA  
Transcripts - Varies. About \$150/hr. in court  
Other Parties' Costs - If you lose  
Others' Attorney's Fees - Possibly if you lose

## Work Load

30 Page Research  
Paper

### Step 0 Decide & Prepare

Order and Pay for Transcripts (JDF 4).

File in: DC.

*Optional Preparations*

File a Motion to Waive Fees (JDF 205 and 206).

File in: DC.

### Step 1 Give Notice

Form: Notice of Appeal (JDF 1911).

File in: CoA and DC.

Due: Within 49 days of:

1. Final Order (from Judge or Mag. under 7(b) procedures), or
2. Order denying a timely Motion for Post-Trial Relief, or
3. Order denying a Petition for Magistrate Review.

### Step 2 Designate Transcripts

Form: Designation of Tran. (JDF 1912).

File in: CoA and DC.

Due: Within 7 Days of Step 1.

### Step 3 Record on Appeal

Sent by the DC within 63 days of Step 1.

Not sent if: Transcripts ordered, but not paid.

### Steps 4-6 Written Arguments

Your arguments over the issues.

File in: CoA

4 - Opening Brief (JDF 1915). By Aplt. Due: 42 Days of Step 3.

5 - Answer Brief (JDF 1916). By Aple. Due: 35 Days of Step 4.

6 - Reply Brief (JDF 1917). By Aplt. Due: 21 Days of Step 5.

### Step 7 Opinion

Written decision issued by a 3 Judge panel.

Sent about 3-4 months after the case is assigned to a division.

### Quick Facts

**1. Not a New Trial:** you will not be allowed to present new evidence or call witnesses on appeal.

**2.** An Appeal is a review of the Judge's decisions in your case. Not the conduct of attorneys or witnesses.

**3. Issues:** the alleged mistakes the DC made in managing or deciding the case.

**4.** The CoA will look at the issues to see if there were any errors in the law, or to see if the court's findings were clearly wrong, or if the court abused their discretion.

**5. Roles:** The appellant (Aplt) is the person who brings the appeal, the appellee (Aple) is the person who responds to the appeal.

#### 6. Key:

**DC** District Court

**CoA** Court of Appeals