

Notice of Appeal

Filing a notice of appeal is the first step that starts the appeal process.

When the appellant serves and files a notice of appeal, it lets the trial court and all the other parties in the case know that the decision is being challenged.

Can anyone file a notice of appeal? There are rules about **who** can appeal and **what** kind of decisions can be appealed. Only a party to the case can appeal. Generally only a final judgment or appealable order can be appealed. [Learn more about the requirements to appeal](#)

When do you file a notice of appeal? A notice of appeal is usually filed after an appealable order or judgement is signed by the trial court judge *and* filed by the court clerk. There are strict time limits to file a notice of appeal. The deadline is different for each case but it is generally 60 days after the trial court's decision. You can ask the trial court clerk if you have a question about the deadline to file a notice of appeal in your case. A notice of appeal must be filed on time or the appeal will be dismissed.

Is there a court form? Yes. The appellant uses form [APP-002](#) to file a notice of appeal.

Who is served with the notice of appeal? The appellant must serve – or give – a copy of the notice of appeal form to all parties in the case. If a party has a lawyer, then notice is served to the lawyer. There are rules about who can serve notice and how to serve notice. There must be proof of service for each party that receives a copy of the notice of appeal.

Where and how do you file a notice of appeal with the court? Notice of appeal is filed with the trial court where the case was decided. The appellant must file the notice of appeal form *and* proof of service for all parties in the case.

Each trial court has different rules about how to file documents. The appellant should ask the trial court about their electronic or paper filing rules.

How much does it cost to file a notice of appeal? The trial court tells the appellant exactly how much it will cost to file the notice of appeal. This includes a \$775 filing fee (directed to the appellate court) and a deposit for the record of the case. The appellant must pay all filing fees and deposits, or apply for a fee waiver, when they file a notice of appeal.

What happens next? After filing a notice of appeal, the appellant usually designates the record. In this step, the appellant looks through the trial court record of what happened in the case. The appellant chooses parts of the trial court record – like documents and transcripts of what was said – to

send the Court of Appeal. Note that some Courts of Appeal may review the case for mediation before the appellant designates the record.

[Learn more about the notice of appeal.](#)

[Fill out a notice of appeal form.](#)



Video: To Appeal or Not to Appeal, 6:29

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FORMS

Documents you will need for your case.