

APPEAL INSTRUCTIONS
(except Small Claims)

The procedures for initiating, perfecting and prosecuting an appeal from Limited Jurisdiction Court judgments or decisions (except Small Claims cases) are provided in the Rules for Appeal of Decisions of Courts of Limited Jurisdiction (RALJ). There are 45 rules, with several subsections, and you are advised to review all of the rules. There are additional deadlines and costs, which must be paid in addition to what is set forth here. Copies of the rules are available at the County Law Library. Significant changes occur from time to time, so you should make certain that the rules you utilize are the most current.

The procedures for INITIATING an appeal generally provide:

IN A CRIMINAL CASE, within 30 days of the final decision of the Limited Jurisdiction Court, the DEFENDANT must file a Notice of Appeal in the Limited Jurisdiction Court where the decision was rendered (RALJ 2.4(a)). The DEFENDANT must also serve a copy of the Notice of Appeal immediately upon the Prosecuting Attorney (or City Attorney if it is a city case) (RALJ 2.4(c)).

IN A CIVIL CASE (including traffic infractions, but not Small Claims), within 30 days of the final decision of the Limited Jurisdiction Court, the APPEALING PARTY must file a Notice of Appeal in the Limited Jurisdiction Court where the decision was rendered (RALJ 2.4(a)). The APPEALING PARTY must also serve a copy of the Notice of Appeal immediately on all other parties who will be affected by the appeal (RALJ 2.4(c)). A stay of enforcement of judgement must be obtained from Superior Court to avoid enforcement of the judgment being appealed.

SMALL CLAIMS CASES are covered by different rules. You should get the Small Claims Appeal information sheet from the clerk.

A filing fee of \$220 must be paid to the Clerk of the Limited Jurisdiction Court when the appeal is filed, unless excused by statute or the Constitution (RALJ 2.4(b)). The Limited Jurisdiction Court Clerk will notify the Superior Court when the Notice of Appeal is accepted.

IN BOTH CRIMINAL AND CIVIL CASES a Notice of Appeal form may be obtained from the Clerk of the Limited Jurisdiction Court. Other forms necessary to process and prosecute the appeal may also be obtained from the clerk.

CLERKS OF THE COURT AND COURT STAFF ARE NOT ALLOWED TO GIVE LEGAL ADVICE. PLEASE DO NOT ASK THEM FOR ADVICE. PARTIES SEEKING LEGAL ADVICE OR INFORMATION SHOULD CONTACT AN ATTORNEY.

**THERE IS IMPORTANT INFORMATION ON THE OTHER SIDE OF THIS PAGE.
YOU NEED TO READ BOTH SIDES CAREFULLY.**

CAUTION:

IF YOU FAIL TO FILE A NOTICE OF APPEAL AS ABOVE WITHIN THE 30 DAY PERIOD (AND PAY THE SUPERIOR COURT FILING FEE (unless excused by law)), YOUR RIGHT TO APPEAL WILL BE LOST. YOU WILL THEN BE BOUND BY THE DECISION OF THE LIMITED JURISDICTION COURT AND WILL NOT BE ABLE TO CONTEST OR OTHERWISE CHALLENGE THE DECISION.

NOTE:

- (1) Filing a Notice of Appeal does not stop enforcement of the Limited Jurisdiction Court decision, unless the decision is stayed pursuant to RALJ 4.3.
- (2) The appealing party has a positive duty to prosecute the appeal. Appeals will be dismissed if there is no action of Record for 90 days. (RALJ 10.2)
- (3) A copy of the electronic record and log for the record may be obtained from the Clerk of the Limited Jurisdiction Court Upon payment of the expense of preparation of the requested copies.(RALJ 6.3) This is in addition to the required payment under RALJ 6.2(a).

Costs have been determined to be:

RALJ 6.2(a) preparation fee	\$40/per case
Copy of CD	\$10/per CD