

Notice of Appeal Video Transcript

Hello everyone, and welcome to Family Violence Appellate Project's video on the Notice of Appeal.

If you have any technical difficulties viewing this recording or if this recording is not accessible to you or you use a language other than English, please contact us at info@fvapl原因.org and we will work with you to provide the material in an accessible format.

This video will cover:

- What is a Notice of Appeal, and where, when, and how do I file it?
- What should I know when filing a Notice of Appeal?
- What can FVAP do to help me?
- What if I file my Notice of Appeal and FVAP cannot take my case?
- And what happens after I file my Notice of Appeal?

Unless we enter into a written agreement with you, FVAP is not your lawyer. None of the information in this video is intended to be legal advice. We recommend you consult with an attorney regarding all legal matters, including your deadline to file a Notice of Appeal form and any other deadlines. Laws can change, so you should check to make sure this information is still current before you rely on it.

It is possible that after reviewing your case we may decide that we cannot represent you. For this reason, you may want to consult another attorney as early in the process as possible.

What is a Notice of Appeal?

A Notice of Appeal is a court form that gives notice to the trial court where your case was decided that their decision is being appealed. To appeal an order you file a form called a Notice of Appeal.

The Notice of Appeal is Judicial Council form App-002. A link to find this form can be found under this video.

The Notice of Appeal form asks for some basic information like your name and address, the name and address of your county's superior court branch, and specifically what type of judgment or order you are appealing and the date of the judgment or order. It is important to fill out all sections of the form and that you should only file a hand-written form if you are representing yourself in court.

The form can be filled out online, printed, and filed to the trial court that decided your case.

Generally, the deadline to appeal a civil court order is: 60 days from when you are served with a file-stamped copy of the order, or a Notice of Entry of Judgment -OR- If you are not served with either of those two documents, the deadline is 180 days from when the order was made.

It is very important that you know what your deadline is to file your Notice of Appeal and that you file your Notice of Appeal on time. If you don't file your Notice of Appeal on time you will lose your right to appeal the order. Stay tuned for information about FVAP resources that can help you calculate your deadline.

What things can extend my deadline?

Keep in mind there are some things that can extend your deadline including if after the order you want to appeal was made, any party in your case files a motion for:

- New Trial,
- Reconsideration,
- a Judgment Notwithstanding the Verdict,
- Vacate, or
- Motion to Set-aside the Order.

This is not a complete list.

For more information, see California Rule of Court 8.108 at www.courts.ca.gov/rules

How do I file my Notice of Appeal?

After completing the Notice of Appeal form, you should have someone who is both over the age of 18 AND not a party in your case serve a copy of the Notice of Appeal form on the opposing party and complete a Proof of Service Form.

If you can't afford to pay the fee to file an appeal, you can also file a form called Request to Waive Court Fees. This is Form Number FW-001 and a link to the form can be found below this video.

Even if you already have a Fee Waiver in superior court you still need to request a fee waiver for your appeal.

Once the Notice of Appeal has been served, file the completed Notice of Appeal, the Fee Waiver Request (if you are filing one), and the Proof of Service in the court where your case was heard.

DO NOT serve the Fee Waiver Request on the other party because it has confidential information.

Please contact FVAP if the clerk of the superior court refuses to file your notice of appeal on the basis that you missed your deadline.

You must serve the Notice of Appeal on the other party, so they will find out you are appealing. We can give you referrals to domestic violence agencies who may be able to work with you if you have concerns about your safety after the other party finds out.

The trial court judge in your case will find out you are appealing the order they made. We don't tell you this to discourage you from appealing your order, but so you can have all the information you need to decide what you are going to do to keep you and your family safe, and whether an appeal is right for you.

What can FVAP do to help me with my Notice of Appeal?

If you reach out to FVAP for help with your case, while we are working to see if we can help, you may have to file the Notice of Appeal form on your own so that you do not miss your deadline. We do our best to get you an answer before your deadline, but this may not always be possible.

In general, FVAP cannot help you fill out or file your Notice of Appeal form unless we are representing you in your appeal, but FVAP has resources that can help you understand the Notice of Appeal form in our Legal Resource Library. Links to these resources are below this video.

Specifically, our online Legal Resource Library has two resources that may help you with your Notice of Appeal. They are:

the “Calculating Your Deadline to File a Notice of Appeal” sheet which may help you figure out your deadline. As well as the “Notice of Appeal Tipsheet” which may help you fill out the Notice of Appeal form. As previously said, the link to these resources are below.

What if I file my Notice of Appeal and FVAP tells me they can not represent me?

If after reviewing your case FVAP decides that we cannot represent you and you have already filed your Notice of Appeal, you have three options:

- Proceed with another attorney,
- Represent yourself in the appeal,
- or ask the Court of Appeal to dismiss the appeal.

What happens after I file my Notice of Appeal?

After you file your Notice of Appeal, the Superior Court lets the Court of Appeal know that you are appealing.

Then the Court of Appeal opens a new case for you, and sends you a letter with the next steps. After filing a Notice of Appeal, there are other documents you have to file and they each have their own deadlines. For more information on those documents and deadlines, see the court’s self-help website at the link below the video.

Thank you for watching this video. For more resources, visit FVAP’s Legal Resource Library and for other resources check our description section below this video.