



Notice of Appeal



What Will This Video Tell Me?

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?
- 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.




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.

The Form

APP-002

ATTORNEY OR PARTY WITHOUT ATTORNEY: NAME: FIRM NAME: STREET ADDRESS: CITY: TELEPHONE NO.: E-MAIL ADDRESS: ATTORNEY FOR (name):	STATE BAR NO.: STATE: ZIP CODE: FAX NO.:	FOR COURT USE ONLY 
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:		
PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT: <input type="checkbox"/> NOTICE OF APPEAL <input type="checkbox"/> CROSS-APPEAL (UNLIMITED CIVIL CASE)		
		CASE NUMBER:

Notice: Please read *Information on Appeal Procedures for Unlimited Civil Cases* (Judicial Council form APP-001) before completing this form. This form must be filed in the superior court, not in the Court of Appeal. A copy of this form must also be served on the other party or parties to this appeal. You may use an applicable Judicial Council form (such as APP-009 or APP-009E) for the proof of service. When this document has been completed and a copy served, the original may then be filed with the court with proof of service.

1. NOTICE IS HEREBY GIVEN that (name): _____
appeals from the following judgment or order in this case, which was entered on (date): _____
- Judgment after jury trial
 - Judgment after court trial
 - Default judgment
 - Judgment after an order granting a summary judgment motion
 - Judgment of dismissal under Code of Civil Procedure, §§ 581d, 583.250, 583.360, or 583.430
 - Judgment of dismissal after an order sustaining a demurrer
 - An order after judgment under Code of Civil Procedure, § 904.1(a)(2)
 - An order or judgment under Code of Civil Procedure, § 904.1(a)(3)-(13)
 - Other (describe and specify code section that authorizes this appeal):

2. For cross-appeals only:
- a. Date notice of appeal was filed in original appeal: _____
 - b. Date superior court clerk mailed notice of original appeal: _____
 - c. Court of Appeal case number (if known): _____

Date: _____

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY)



When Do I File My Notice of Appeal Form?

- 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 were not served with either of those two documents, the deadline is 180 days from when the order was made



When Do I File *My* Notice of Appeal Form?

If you don't file your Notice of Appeal on time you will lose your right to appeal.



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
 - 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

How Do I File My Notice of Appeal?

- 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.





How Do I File My Notice of 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.



Things to Know About Filing a Notice of Appeal

- 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, or you need emotional support.

Things to Know About Filing a Notice of Appeal



- The trial court judge in your case will find out you are appealing the order they made.
- For more information about the appellate process in general, you can review the Court of Appeal's self-help website at the link below this video.



What Can FVAP Do to Help with My Notice of Appeal?

- People come to us at different stages (some have a few months before Notice of Appeal is due, some have very little time, sometimes it has already passed).
- We do our best to get you an answer before your deadline, but we cannot always do so. You may have to file this form on your own before you know if we can help you.



What Can FVAP Do to Help with My Notice of Appeal?



- Unless and until FVAP agrees to represent you, we generally cannot help you fill out or file your Notice of Appeal or any other documents for your appeal.



FVAP Notice of Appeal Resources

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

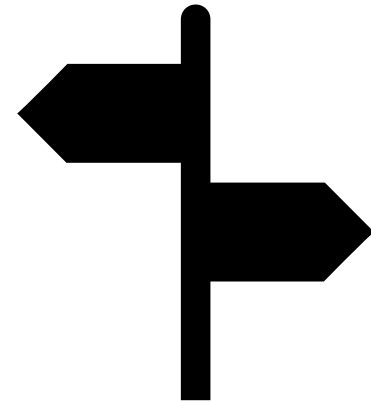
1. “Calculating Your Deadline to File a Notice of Appeal,” which may help you figure out your deadline.
2. “Notice of Appeal” tipsheet, which may help you fill out the Notice of Appeal form.

The link to these resources is below the video.



What if I file my Notice of Appeal and FVAP Tells Me They Cannot Represent Me?

- Proceed with another attorney
- Represent yourself in the appeal
- Ask the Court of Appeal to dismiss the appeal





What Happens After I File My Notice of Appeal?

- The Superior Court lets the Court of Appeal know you have filed your Notice of Appeal, and the Court of Appeal opens a new case for you.
- Once they open a case for you, the Court of Appeal will send you a letter with information about the next steps in your appeal.
- For more information about what happens after you file your Notice of Appeal, and what forms are due, see the Court of Appeal's self-help website at the link below this video.



Thank You!

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