

CIVIL APPELLATE SELF-HELP WORKSHOP



Are you a party to an unlimited civil case on appeal from the superior court to the Court of Appeal? The appellate court is different — including its processes and procedures. You are welcome to attend a FREE workshop to learn important information about what is required at the Court of Appeal, especially if you do not have by an attorney. The workshop does not cover appeals in limited civil actions, which are taken to the appellate division of the superior court.

A Civil Appellate Self-Help Workshop will be held at the San Diego Law Library on the third Tuesday of each month in 2020. Join us at one of our workshops this year:

January 21
April 21
July 21
October 20

February 18
May 19
August 18
November 17

March 17
June 16
September 15
December 15

3:45 p.m. – 6:00 p.m.
San Diego Law Library
1105 Front Street
San Diego, CA 92101

Seating is limited.

To pre-register, call (619) 471-2781 and leave a message.

AT THE WORKSHOP

We can:

- Tell you about appellate procedures and rules in the Court of Appeal
- Explain unfamiliar words
- Tell you about sources of information
- Provide you with helpful hints on how to fill out forms and comply with the court's rules and procedures

We cannot:

- Handle your appeal
- Act as your lawyer
- Give you legal advice
- Assist with appeals from limited civil actions to the appellate division of the superior court

The Civil Appellate Self-Help Workshop is a joint project of the California Court of Appeal, Fourth Appellate District, Division One; the Legal Aid Society of San Diego, Inc.; the San Diego County Bar Association's Appellate Practice Section; and the San Diego Law Library

This workshop is for appeals in unlimited civil cases (such as civil cases involving an amount over \$25,000 or cases from the family court or probate court) from the superior court to the Court of Appeal. For help in determining whether you can appeal a superior court decision in an unlimited civil case to the Court of Appeal, here are three questions for you to consider:

1. ARE YOU A PERSON WHO CAN APPEAL THIS DECISION?

Only a person or entity that was a party in the trial court case can appeal a decision made in that case. You may not appeal on behalf of a friend, a spouse, a child, or another relative unless you are a legally appointed representative for that person (such as a guardian or conservator).

2. CAN THE DECISION IN YOUR CASE BE APPEALED?

You can appeal the superior court's final judgment in a case. The final judgment is the decision at the end that decides the whole the case. The final judgment usually says what one or more parties must do (like pay money to the other party). This judgment may be a decision by the judge or by a jury. All final judgments are appealable.

You can also appeal most orders that the trial court makes *after* the final judgment, like, for example, a child custody order made after the divorce is final. In most cases, however, decisions made by the trial court *before* the final judgment cannot be appealed right away; they can only be reviewed as part of an appeal of the final judgment. There are some exceptions to this rule. In family law and probate cases, for example, many of the orders made in a case can be appealed right away, even if they are made before the final judgment.

For other the types of orders that can be appealed right away (before final judgment), read Code of Civil Procedure sections 904.1 and 904.2.

Please be aware that there is usually only *one* opportunity to appeal any order. Thus, if the order may be appealed right away, you must do so, or you will lose your opportunity for appellate review. If the order may not be appealed right away, you must appeal from the later final judgment, or you will lose your opportunity for appellate review.

3. DO YOU STILL HAVE TIME TO APPEAL?

In an unlimited civil case, you must file your notice of appeal by the earliest of the following times:

- 60 days after you have been served with notice that the judgment has been entered in your case or with a copy of the judgment stamped "Filed"; or
- 180 days after the entry of the judgment.

The time to file a notice of appeal is extended if there is a timely motion: for a new trial; to vacate (cancel) or set aside the judgment; for judgment notwithstanding the verdict; or to reconsider an appealable order. If one of these motions or requests has been filed, carefully read rule 8.108 of the California Rules of Court.

MAKE SURE YOU MEET THESE DEADLINES. YOU CANNOT ASK FOR MORE TIME TO FILE YOUR NOTICE OF APPEAL. IF YOUR NOTICE OF APPEAL IS LATE, YOUR APPEAL WILL BE DISMISSED.