

## Appellate Clinic for Self-Represented Litigants

Second District of the Court of Appeal

Appellate Division of any Superior Court within the Second District

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### STARTING AN APPEAL<sup>1</sup>

The good news about starting an appeal is....it's easy! There are two pieces of bad news, though—

First, the filing of an appeal is subject to a strict “jurisdictional” deadline.

Second, *starting* the appeal is the *only* easy job in the appellate process, and the process takes a year on average. So if you want or need to represent yourself in an appeal, be prepared to *work long and hard*.

Here are the steps for starting an appeal:

1. *Before* you start an appeal, you need to determine whether the ruling that you want to challenge is “appealable,” and whether you have “standing” to appeal from it. The basic law governing standing to appeal and appealability is found in Code of Civil Procedure sections 902 and 904.1. (See [Who Can Appeal And What Can Be Appealed - BASIC LAW](#))

2. An appealable judgment or order *must* be appealed within a strict, “jurisdictional” period of time—usually 60 days from the date the challenged judgment or order is issued in an unlimited civil case. The deadline to appeal is called

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<sup>1</sup> This guide is for appeals in “unlimited” civil cases (generally speaking, cases seeking monetary damages greater than \$25,000 and other cases specified in Code of Civil Procedure section 904.1 as being appealable in the Court of Appeal).

Appeals in “limited” cases (generally speaking, cases seeking damages of \$25,000 or less, **including most unlawful detainer cases**) are to the Appellate Division of the Superior Court and are subject to somewhat different rules.

The biggest difference between unlimited and limited appeals is that **LIMITED APPEALS HAVE SHORTER DEADLINES**.

No online guide is currently available for limited civil appeals. If you are considering an appeal from a judgment in a limited civil case, request an appointment with the Appellate Clinic for person-to-person assistance.

“jurisdictional” because **if an appealable order is not appealed before the deadline, the Court of Appeal loses jurisdiction to consider an appeal from the judgment or order.** If you miss this deadline, the judgment or order becomes final and (with extremely rare exceptions) cannot be changed. (See [The Notice Of Appeal And When To File It - BASIC LAW](#))

3. You start an appeal by filing a Notice of Appeal. (As you read this paragraph through paragraph 7, you will find it helpful to refer to (1) the [Annotated Notice Of Appeal](#), and (2) the [Sample Notice of Appeal](#)).

This part of an appeal is easy. First, very little information needs to be provided. Second, a Notice of Appeal must be “liberally construed” by the court, so even if you make a mistake in providing the information required, the courts must file and proceed on your Notice of Appeal if it is possible for them to determine what order or judgment you want to challenge. (See [The Notice Of Appeal And When To File It - BASIC LAW](#))

4. Other than your name and contact information at the top of the Notice of Appeal form ([form APP-002](#)), only two pieces of information MUST be provided in a Notice of Appeal:

- Your Superior Court Case number<sup>2</sup> and
- The date on which the order or judgement you are challenging was filed.

5. Form [APP-002](#) also asks whether you are challenging a judgment after a jury trial, a judgment after a non-jury trial, or an order after a judgment. You should provide that information *if* you know it, but it is not required by Rule 8.100.

6. You *must* date and sign the Notice of Appeal. (See [Rule 8.100](#), the [Annotated Notice Of Appeal](#) and [Sample Notice of Appeal](#).)

7. Sometimes, neither party in a case is happy with the result and they both appeal. In those cases, the first party to file a challenge to the result is filing an

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<sup>2</sup> The case number you provide must be *EXACTLY CORRECT*. If even one digit is wrong, it *won't* be possible for the court to find your case or determine what order or judgment is being challenged.

“appeal”; the second party to file a challenge is filing a “cross-appeal.” If that happened in your case, and you are the second party to file a challenge, fill in item 2 in form [APP-002](#). Otherwise, leave item 2 blank.

8. Like nearly every document that is filed in a court, a Notice of Appeal must be served on the other parties. (See the [Sample Notice of Appeal With Proof of Service; APP-002](#); [POS-030](#); [POS:030p](#)). In some kinds of cases, the Notice of Appeal (and other documents filed in the appeal) must also be served on the Attorney General of the State of California or another public officer.

Instructions for serving Superior Court documents can be found on page two of the fillable form [POS-030](#).<sup>3</sup>

For further information, visit the [California Appellate Courts’ Self-Help Resource Center](#).

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<sup>3</sup> We are currently developing another guide that will provide further guidance on filing and serving documents for an appeal and will help you determine if you need to serve the Attorney General or other public officer.