**GUIDE TO**

**OBTAINING A WAIVER OF COURT FEES ON APPEAL**

An appeal is not only difficult; it can also be expensive. As of 2023, the fee to file an appeal in an unlimited civil case is $775 for the appeal itself, plus a $100 “administrative” fee. The fee to defend against another party’s appeal in an unlimited civil case is $390. In addition, there is a 50-cents-a-page fee for the preparation (compilation, indexing and binding) of the ”Clerk’s Transcript” the collection of documents from the trial court proceedings that must be provided to the Court of Appeal so the justices can understand and review your case. In addition to that, there are fees for preparation of the “Reporter’s Transcript,” the transcription of the court reporter’s word-for-word shorthand record of the oral proceedings in the case, which the Court of Appeal must also have in order to understand and review your case. The total cost for the Clerk’s and Reporter’s transcripts together can range from approximately $100 for a short case to thousands of dollars for a case that was pending for a year or more, and ended with a trial of several days.

If you can’t afford hundreds of dollars (at least) in court fees, **you may be entitled to a court-ordered waiver of the fees.** (See Waivers Of Court Fees In California Courts - BASIC LAW.)

With a court-ordered fee waiver, you can avoid paying fees and costs for most essentials in your appeal, including the filing fee, the “administrative” fee, the fee to prepare the Clerk’s Transcript and fees for transcribing official electronic recordings that are made of the hearings in *some* cases.

The one appellate *near*-essential that is *not* covered by a fee waiver is the reporter’s transcript. But if you have a fee waiver, you qualify to apply for payment or reimbursement of the cost of a reporter’s transcript by the California Court Reporters Board’s Transcript Reimbursement Fund (“TRF”). For information on the TRF, and to obtain an application, visit the Court Reporters Board’s website, <https://www.courtreportersboard.ca.gov/>

To help you determine whether you qualify for a waiver of Superior Court fees (including the “administrative” fee and the fee to prepare the   
Clerk’s Transcript) read Judicial Council form FW-001-INFO, “INFORMATION SHEET ON WAIVER OF SUPERIOR COURT FEES AND COSTS, which can be found at the following website--<https://www.courts.ca.gov/forms.htm>. (Under the “Popular Topics” heading, click on “Fee Waivers,” then scroll down to FW-001-INFO.)

To help you determine whether you qualify for a waiver of Court Of Appeal fees (primarily, the filing fee or “first appearance” fee for a Respondent), read Judicial Council form APP-015/FW-015-INFO, INFORMATION SHEET ON WAIVER OF APPELLATE COURT FEES—SUPREME COURT, COURT OF APPEAL, APPELLATE DIVISION, which can also be found at <https://www.courts.ca.gov/forms.htm>. (Under the “Popular Topics” heading, click on “Fee Waivers,” then scroll down to FW-015-INFO, INFORMATION SHEET ON WAIVER OF APPELLATE COURT FEES—SUPREME COURT, COURT OF APPEAL, APPELLATE DIVISION.)

To apply for waivers of Superior Court and Court of Appeal fees for your appeal, you will need to complete the following forms—

1—FW-001, Request To Waive Court Fees;

2—FW-003, Order On Court Fee Waiver (Superior Court);

3—APP-016/FW-015, Order On Court Fee Waiver (Court Of Appeal Or Supreme Court).

These forms are also available at <https://www.courts.ca.gov/forms.htm>. (Under the “Popular Topics” heading, click on “Fee Waivers,” then scroll down to the form you need,)

All three forms are self-explanatory and user-friendly, especially if you have read the two “INFO” sheets, FW-001 INFO and APP-015/FW-015 INFO. **One heads-up, however**--In form FW-001, you are asking that both Superior Court and Court of Appeal fees be waived, so **be sure to check both boxes** provided in item 4, “What court fees or costs are you asking to be waived?” In forms FW-003 and App-016/FW-016, fill in only item 1, your name and contact information. The court will fill in the rest.

If you have not yet filed your Notice of Appeal, the document that starts an appeal, DON’T DELAY FILING THAT DOCUMENT WHILE AWAITING, OR PREPARING, FORMS TO APPLY FOR A FEE WAIVER. THE CLERK IS REQUIRED TO ACCEPT YOUR NOTICE OF APPEAL WHETHER OR NOT YOU PAY THE FILING FEES OR HAVE A FEE WAIVER.

If you do not pay the fees or show evidence that you have a fee waiver or qualify for one when you submit he Notice of Appeal for filing, the Notice Of Appeal will be accepted, but within a day or so, you will be sent a notice requiring you to pay the fee or obtain a waiver within fifteen days. And even that fifteen-day period is subject to extension if you show good cause.

BUT THE DEADLINE TO FILE THE NOTICE OF APPEAL IS STRICTLY ENFORCED, as stated in our Guide To Starting An Appeal. So get the Notice Of Appeal filed before there is any risk of it expiring.

We wish you success in your appeal, and we look forward to assisting you.

Sincerely,

Appellate Self-Help Clinic