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Appellate Clinic for Self-Represented Litigants

Second District of the Court of Appeal

Appellate Division of any Superior Court within the Second District

STARTING AN APPEAL¹

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*. The general timeline of an appeal is [here](#).

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 is found in Code of Civil Procedure sections 902 and 904.1, and the Court’s website discusses appealability [here](#).

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

¹ This guide is for appeals in “unlimited” civil cases (generally speaking, cases seeking monetary damages greater than \$35,000 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 \$35,000 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.

3. You start an appeal by filing a [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.

Other than your name and contact information at the top of the Notice of Appeal form, only two pieces of information **MUST** be provided in a Notice of Appeal:

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

This information must be exactly correct, so please double-check!

The Notice of Appeal form 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.

4. You *must* date and sign the Notice of Appeal.

5. 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 “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 the form. Otherwise, leave item 2 blank.

6. Like nearly every document that is filed in a court, a Notice of Appeal must be served on the other parties. Use a [Proof of Service form](#) to show whom you served. 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 appeal documents can be found on page two of the fillable form [APP-009-INFO](#).