

Court of Appeals Process

Rules of Appellate Procedure (RAPs)

See RAP Title 16 for Personal Restraint Petition Process

1. To begin a case in the Court of Appeals:

1. File the Notice of Appeal/Notice of Discretionary Review with the **Superior Court Clerk** within 30 days of the entry of the decision to be reviewed
2. In Superior Court, pay the Filing Fee, or for criminal cases make a Motion for Order of Indigency and if granted file the Order of Indigency or for civil cases seek waiver of filing fees by filing Waiver of Civil Fees and Surcharges Pattern Forms with the **Superior Court Clerk**
3. File Proof of Service or Affidavit of Service of the Notice of Appeal/Discretionary Review

2.

Appeal

1. Notice of Appeal and fees/indigency completed in Superior Court
2. Copy of Proof of service filed with Court of Appeals
3. A Perfection Notice is issued with future filing due dates

Discretionary Review

1. File Motion for Discretionary Review with the Court of Appeals within 15 days from filing Notice of Discretionary Review following Title 17. Motions
2. If **Granted**, a Perfection Notice is issued with future filing due dates
3. If **Denied**, a Certificate of Finality is issued

3. Record on Review (Title 9. Record on Review)

The following are due 30 Days from filing the Notice of Appeal or Discretionary Review is Granted:

1. **Designation of Clerk's Papers** – File the Designation of Clerk's Papers with the Superior Court Clerk and a copy with the Court of Appeals listing the trial court documents and exhibits to be transmitted from the Superior Court Clerk to the Court of Appeals (RAP 9.6). The Superior Court Clerk charges fees for preparing the record and filing it with the Court of Appeals.
2. **Verbatim Report of Proceedings/Narrative Report of Proceedings/Agreed Report of Proceedings** – Determine whether/what portions of the proceedings to provide a transcript for. Contact the Official Court Reporter(s) or a Transcriber to obtain the cost and make arrangements with the Court Reporter(s)/Transcriber for payment and production of the transcript(s)/report of proceedings. File the Statement of Arrangements with the Court of Appeals and serve on all parties/Court Reporters/Transcriptionists. Report of Proceedings are to be filed by the Reporter/Transcriptionist **60 days** after filing the Statement of Arrangements.

4.

Civil Cases

Briefing Due Dates:

1. Appellant's/Petitioner's Opening Brief – Due **45 days** from filing of the last Verbatim Report of Proceedings or Designation of Clerk's Papers filed in the trial court if no report of proceedings
2. Respondent's Brief – Due **30 days** after service of Appellant's/Petitioner's Brief
3. Appellant's/Petitioner's Reply Brief, if any – Due **30 days** after service of Respondent's Brief

Criminal Cases

Briefing Due Dates:

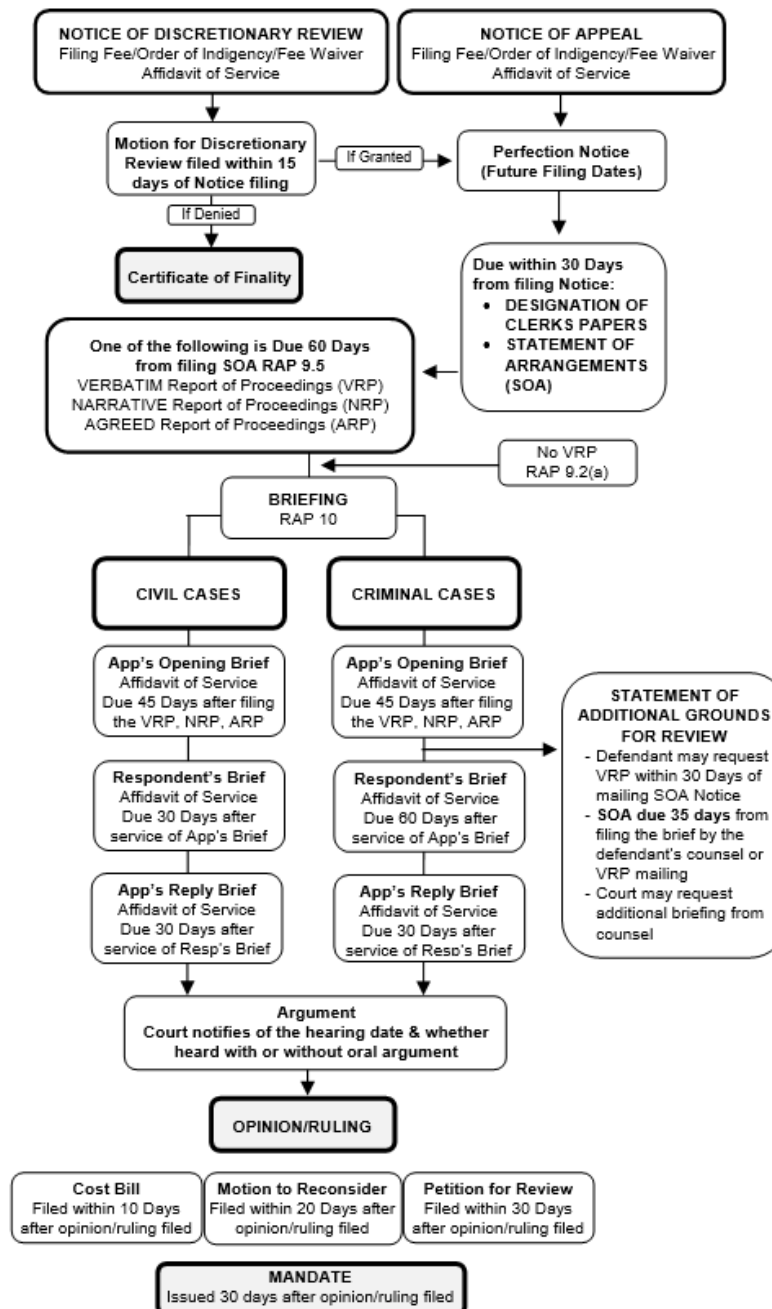
1. Appellant's/Petitioner's Opening Brief – Due **45 days** from filing of the Verbatim Report of Proceedings or Designation of Clerk's Papers filed in the trial court if no report of proceedings
2. Defendant's Statement of Additional Grounds - Due **35 days** after filing of the brief filed by the defendant's counsel
3. Respondent's Brief – Due **60 days** after service of Appellant's/Petitioner's Brief
4. Appellant's/Petitioner's Reply Brief – Due **30 days** after service of Respondent's Brief

For both Civil & Criminal Cases, draft your briefs following RAP Title 10. Briefs and formatting requirements in RAP 18.17. The following are helpful forms to assist you in writing your brief:

1. Title Page – RAP Form 5
2. Brief of Appellant – RAP Form 6
3. Court may order corrections, strike the brief and allow time to file a new brief, or accept the brief. The Court may impose sanctions. RAP 10.7

5. Argument/Decision

1. When briefing is completed, the court determines whether a case is heard with or without oral argument and will be scheduled by the Clerk
2. After the Court of Appeals' Decision is made, the parties may:
 - a. File a motion for reconsideration within 20 days of the decision filing date ([RAP 12.4](#)),
 - b. File a motion to publish within 20 days of the decision filing date ([RAP 12.3](#)), and/or
 - c. Seek review by the Supreme Court of the Court of Appeals Decision by filing a **Petition for Review** ([Form 9](#)) within 30 days after the decision is filed, the motion for reconsideration is denied, or motion to publish is determined.
3. A Mandate will issue 30 days after the decision is filed, the reconsideration is determined, and/or the motion to publish is determined.
4. If review is denied by the Supreme Court, the mandate will issue upon denial of the petition to review.
5. **Costs** – A **Cost Bill** ([Form 10](#)) must be filed and a copy served on all parties within 10 days after the decision. A party may file an **Objection to Cost Bill** ([Form 11](#)) within 10 days after service of the cost bill.



Definitions

Appeal – seek review of a trial court’s final decision by a higher court (e.g. final judgment, termination of parental rights, order of commitment, etc.).

Brief – a written statement setting out the facts and the legal arguments of a case and citing legal authorities to support the legal arguments.

Certificate of Finality – a written notification to the parties and the trial court that review was not accepted by the higher court.

Clerk’s Papers – the filed documents and marked exhibits from the trial court that the parties need the higher court to review.

Designation of Clerk’s Papers – Document listing the trial court documents and exhibits to be transmitted from the Superior Court Clerk to the Court of Appeals (RAP 9.6). The Superior Court Clerk charges fees for preparing the record and filing it with the Court of Appeals.

Indigency – a finding by the court that a person does not have the ability to pay the filing fees and other costs to pursue an appeal.

Motion for Discretionary Review – written briefing supporting the appellant’s notice for discretionary review (granting the motion for discretionary review allows the appeal to proceed, denying the motion for discretionary review returns the matter to the superior court).

Mandate – a written notification to the parties and the trial court of the higher court’s decision terminating review.

Notice for Discretionary Review – seek review of a trial court’s decision with the appellate court’s permission by filing a motion for discretionary review when the superior court has committed obvious error, a probable error, so far departed from accepted and usual course of proceedings, or the superior court certified review.

Statement of Arrangements – Document stating that arrangements have been made for the payment of the verbatim report of proceedings to be produced by all named court reporters and/or authorized transcriptionists.

Verbatim Report of Proceedings – a word for word transcript of the proceedings held in the trial court.