

APPEALS FROM DISTRICT COURT

The following information is provided as a brief summary of the procedures involved in filing and perfecting an appeal from a decision in District Court. The procedures are provided in the Rules for Appeal of Decisions of Courts of Limited Jurisdiction (RALJ), Local Rules for Yakima County Superior Court, Local Rules for Yakima County District Court, and several statutes. You must understand and follow those rules. They are available at the County Law Library. The clerk can provide you with this page and some basic forms. The clerk cannot provide legal advice of any kind.

This is a brief summary of the laws and rules which generally apply to appeals from District Court. Your specific situation may not be covered in this summary.

WHAT CAN BE APPEALED?

A party may appeal from most final decisions of the District Court. District Court can provide you with a standard form Notice of Appeal.

WHAT CANNOT BE APPEALED?

There is no right to appeal a decision in a mitigation hearing. There is no right to appeal a decision in Small Claims court if the amount in question was less than \$250. A party who filed the case as a small claims may not appeal if the claim was for less than \$1000..

WHEN TO FILE THE APPEAL?

A Notice of Appeal must be filed in District Court within 30 days of the final decision. The party appealing must also serve a copy of the Notice of Appeal on all other parties or their attorney of record immediately. District Court will file a copy of the Notice of Appeal with Superior Court.

FILING FEE

The filing fee is \$200.00. This fee must be paid with cash, money order, cashier's check, major credit card or debit card, or attorney's trust account check. **THE COURT WILL NOT ACCEPT A PERSONAL CHECK.** A criminal case may be appealed without paying the filing fee in advance. However, the fee will be charged if the appeal is not successful. A party who cannot afford the filing fee may move the court to waive the fee. The District Court clerk can supply a Motion and Affidavit to Proceed In Forma Pauperis. The Court will review that information to decide whether you qualify to proceed "as a pauper". You cannot appeal for a waiver on a small claims case.

DESIGNATING THE RECORD

The party seeking review of any decision (except in a Small Claims case) must file a "Designation of the Record to Transmit" with the District Court within 14 days of filing the Notice of Appeal. That party must serve a copy of the Designation on all other parties. The Designation must specifically identify each item in the District court record that you want transmitted to Superior Court for the appeal. District Court will notify you when the record is ready to transmit. You will then have 10 days from the date the Court gives notice the record is ready to transmit to pay District Court the cost of preparation (which is usually \$40). Criminal defendants are not required to pay the fee in advance but will be required to pay it later if the appeal is not successful.

If you fail to designate the record within 14 days of the day the Notice of Appeal was filed or fail to pay for record preparation within 10 days after it is ready to send to Superior Court, District Court will notify Superior Court. Superior Court may impose monetary sanctions or even dismiss an appeal for failure to comply with these deadlines.

You must request a copy of the CD recording on the "Request for CD'S & Logs" form. District Court will provide you a copy of the tape, but does not send a copy of the tape to Superior Court. The party seeking the appeal must transcribe the electronic record for the Superior Court (RALJ 6.3A).

CRIMINAL CASES

In most criminal cases, the District Court will require a defendant to post an appeal bond to stay (postpone) enforcement of the District Court sentence. The amount of the bond and any special conditions are usually contained on the "Advice of Right to Appeal, and Limitations on Collateral Attack" form the Judge will sign at the time of conviction. **If the bond is not posted, you must comply with the sentence even if you file a Notice of Appeal.**

A criminal defendant who does not file the Designation of the Record to Transmit on time or who otherwise fails to diligently pursue the appeal will be brought back to District Court for a hearing to determine whether the District Court sentence should be enforced. The stay may also be revoked if the Defendant violates any special conditions of release while the appeal is pending.

A Defendant who cannot afford a lawyer on appeal or who cannot afford to pay the cost of transcribing the record may file a Motion to Proceed in Forma Pauperis to request that these be provided at public expense. This should be done immediately to make sure no important deadlines are missed. The defendant may be required to reimburse the County for those costs later if the appeal is not successful.

CIVIL CASES (Including Traffic Infractions)

A party who receives a judgment in a civil case may enforce the judgment after 30 days unless Superior Court has granted a stay. Merely filing the appeal does not stop a party from collecting on the District Court's judgment. Under Superior Court rule, there is an automatic stay on traffic infractions during an appeal.

You may have a lawyer help you with the appeal. However, the law does not allow the Court to appoint a public defender for you on a civil case.

SMALL CLAIMS

A party appealing a Small Claims Court decision must file the Notice of Appeal, pay the **\$200.00 filing fee** pay the cost of preparing the entire record (usually \$40), and serve a copy of the Notice of Appeal on all parties within 30 days of the judgment. A bond to stay enforcement of the judgment must be posted, equal to twice the amount of the judgment and costs or twice the amount in controversy, whichever is greater. The party may then ask *Superior Court* to stay further proceedings. **Collection action is not automatically stayed (postponed) just because the case is on appeal.**

BRIEFS

Except in appeals from Small Claims, the appellant must file a brief in Superior Court and serve a copy on all other parties within 45 days after the Notice of Appeal is filed in Superior Court. The respondent must file a brief within 30 days after receiving the appellant's brief. A party who fails to file a brief may not even make oral argument to Superior Court unless Superior Court gives special permission.

Help "On Line"

For more information about Washington State Courts try the following Internet address:

- <http://198.187.0.226/courts/>

Find Washington statutes on line at:

- <http://leginfo.leg.wa.gov/www.rcw.htm>