



King County Law Library

STARTING AN APPEAL FROM SUPERIOR COURT TO COURT OF APPEALS

In King County

These instructions are for informational purposes only and are not legal advice.

If you do not understand this information, contact an attorney.

About this packet:

When you ask for an appeal, a higher court will review the decision made by a lower court. In Washington, the lower court is the Superior Court and the higher court is the Court of Appeals. The person who asks for the appeal is called the Appellant. The person who has to defend against the appeal is called the Respondent.

For the Court of Appeals to take your case it needs a party in the case to: make a request for an appeal, send the Court of Appeals the record of the case, and tell the Court of Appeals what legal mistakes were made in the case, what the correct decision was supposed to be, and why.

The *Notice of Appeal* is the document you use to ask the court to review your case. The *Designation of Clerk's Papers* and the *Statement of Arrangements* are the documents you use to give the court the record of your case. The *Appellant's Brief* is the document that you write to the court to explain what the law is in your case, what mistakes the Superior Court made about the law in your case, and what the correct decision should have been.

A person who wants to start an appeal needs to:

- Complete a *Notice of Appeal*
- File the *Notice of Appeal* and pay the filing fee with the Superior Court Clerk
- Serve the *Notice of Appeal* on the other party
- Have the person who served the *Notice of Appeal* complete a *Certificate of Service*

- File the *Certificate of Service* with the Superior Court Clerk
- Complete a *Designation of Clerk’s Papers*
- File the *Designation of Clerk’s Papers* with the Superior Court Clerk
- Complete a *Statement of Arrangements*
- File the *Statement of Arrangements* with the Superior Court Clerk

Completion of these steps will start the appeal process. You will then need to write and submit your argument to the Court of Appeals using a document called a “brief.” The steps for briefing are:

- Complete an *Appellant’s Brief*
- File the *Appellant’s Brief* with the Court of Appeals Court Clerk

Once these steps are complete, the other party may respond to your appeal with a document called a *Respondent’s Brief* and you will then have the option to write and file a *Reply Brief* to argue against the *Respondent’s Brief*.

The legal requirements for requesting an appeal and serving documents on the other party are in the Washington Rules of Appellate Procedure, the Washington Civil Rules, and the King County Local Civil Rules.

Forms included in this packet:

- A - Notice of Appeal
- B - Certificate of Service (Notice of Appeal to the other party)
- C - Designation of Clerk’s Papers
- D - Certificate of Service (Designation of Clerk’s Papers to the other party)
- E - Statement of Arrangements
- F - Certificate of Service (Statement of Arrangements to the other party)
- G - Certificate of Service (Statement of Arrangements to the transcriptionist)
- H - Certificate of Service (Report of Proceedings to the other party)
- I - Certificate of Service (Appellant’s Brief to the other party)
- J - Certificate of Service (Appellant’s Reply Brief to the other party)

WARNING

- **YOU MAY NEED TO ACT QUICKLY.** Generally, you will have to file a *Notice of Appeal* no later than 30 days after the final decision was made in your case.
- **THIS PACKET IS FOR STARTING THE APPEAL OF A FINISHED CIVIL SUPERIOR COURT CASE TO THE COURT OF APPEALS.** This packet is not for making an appeal while your Superior Court Case is still active. This packet has the instructions and forms to start an appeal up to the brief writing stage. This packet does not give instructions on how to write your appellate brief.
- **YOU WILL NEED TO REVIEW THE WASHINGTON STATE COURT RULES.** The Rules of Appellate Procedure (RAP) that apply to all Court of Appeals in Washington are available in hardcopy at the Law Library and online, located at: https://www.courts.wa.gov/court_rules/?fa=court_rules.list&group=app&set=RAP
- **YOU WILL NEED TO REVIEW THE KING COUNTY LOCAL COURT RULES.** The King County Local Civil Rules (LCR) that apply to King County Superior Court are available in hardcopy at the Law Library and online, located at: <https://www.kingcounty.gov/courts/clerk/rules.aspx>
- **ARE YOU ABLE TO PAY THE COSTS AND FEES FOR AN APPEAL?** An appeal is expensive. There will be costs to file the appeal, clerk's fees, copying costs, the cost of having the record transcribed, and other unforeseeable costs. While some of these costs may be waived by the Court, most other costs will not.