



King County Law Library

APPEAL A DRIVER'S LICENSE SUSPENSION

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 administrative appeal, a court will review the decision made by an administrative agency. In this situation, the administrative agency is the Washington Department of Licensing, and the court is the Superior Court. The person who asks for the appeal is called the Appellant. The administrative agency is called the Respondent.

For the Superior Court to take your case it needs a party in the case to: make a request for an appeal, send the administrative record of the case, send a transcript of what was said at the hearing, and tell the Superior Court 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 administrative record and the *Transcript of Proceedings* 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 administrative agency 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 *Transcript of Proceedings*

- File the *Transcript of Proceedings* 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 Superior Court using a document called a “brief.” The steps for briefing are:

- Complete an *Appellant's Brief*
- File the *Appellant's Brief* with the Superior 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 for Appeal of Decisions of Courts of Limited Jurisdiction, the Washington Civil Rules, and the King County Local Rules for Appeal of Decisions of Courts of Limited Jurisdiction.

Forms included in this packet:

- A - Notice of Appeal
- B - King County Superior Court Clerk's Case Information Coversheet
- C - Certificate of Service (Notice of Appeal to Attorney General's Office)
- D - Certificate of Service (Notice of Appeal to Department of Licensing)
- E - Certificate of Service (Brief to Attorney General's Office)
- F - Certificate of Service (Reply Brief to Attorney General's Office)
- G - Notice of Presentation of Decision
- H - Decision on RALJ Appeal of Administrative Decision by Dep't of Licensing
- I - Certificate of Service (Notice of Presentation and Decision to Attorney General's Office)

WARNING

- **YOU MAY NEED TO ACT QUICKLY.** Generally, you will have to file a *Notice of Appeal* and serve it on the other parties no later than 30 days after the final decision was made in your administrative hearing.
- **YOU WILL NEED TO BECOME FAMILIAR WITH THE WASHINGTON STATE COURT RULES FOR CIVIL CASES.** The Civil Rules (CR) that apply to all Superior Courts in Washington are available in hardcopy at the Law Library and online, located at:
http://www.courts.wa.gov/court_rules/?fa=court_rules.list&group=sup&set=CR
- **YOU WILL NEED TO BECOME FAMILIAR WITH THE WASHINGTON STATE COURT RULES FOR APPEALS FROM SMALLER COURTS TO SUPERIOR COURT.** The Rules for Appeal of Decisions of Courts of Limited Jurisdiction (RALJ) that apply to all Superior Courts 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=clj&set=RALJ
- **YOU WILL NEED TO BECOME FAMILIAR WITH THE KING COUNTY LOCAL COURT RULES.** The King County Local Rules for Appeal of Decisions of Courts of Limited Jurisdiction (LRALJ) that apply to King County Superior Court are available in hardcopy at the Law Library and online, located at:
<https://kingcounty.gov/courts/clerk/rules/RALJ.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, and other unforeseeable costs. While some of these costs may be waived by the Court, most other costs will not.