

# What is an appeal?

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## What is an appeal?

If you disagree with a court's final order in your case, you can appeal it. An **appeal** asks a higher court (an appeals court) to change the decision of the court that made the order you disagree with. This is different from asking the same court to change a final order through revision of a court commissioner's order or reconsideration.

We also use the word appeal to describe the process when you disagree with a state or federal agency's decision.

It can be hard to appeal a court order without help from a lawyer. There are many court rules and deadlines to be aware of. For example, most appeals from Superior Court to the Court of Appeals

([https://www.courts.wa.gov/newsinfo/resources/?fa=newsinfo\\_jury.display&altMenu=Citi&fold](https://www.courts.wa.gov/newsinfo/resources/?fa=newsinfo_jury.display&altMenu=Citi&fold)) must be filed within **30 days** of when the Superior Court made the order.

You generally cannot ask the court to look at new evidence in an appeal, so you usually must have a good legal argument. It can also cost a lot to appeal a court order. Try to get help from a lawyer to find out if it's worth the time and money to appeal your case.

## Step-by-step

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Here are the basic steps for an appeal. Your specific steps and deadlines will depend on the type of case and court.

### 1. **File a notice of appeal**

The notice of appeal tells the court and the other side that you disagree with the court's final order and are asking a higher court to change it. You usually must do this within **30 days** of the decision.

### 2. **Gather the record**

You must collect all the documents, evidence, and transcripts from your original trial. This is the "record" you will send to the higher court for review. You usually must pay a fee for this.

A **transcript** is a written recording of what happened and was said at a court hearing or trial.

### 3. **Write briefs**

Both sides write their arguments in legal documents called “briefs.” The person appealing (the appellant) writes about why they think the first court made a mistake. The other side (the appellee) writes about why they think the decision was right. If you must write your own brief, you should do so by referring to the parts of your court record that help your argument. You should also try to talk to a lawyer.

### 4. **Oral Arguments (sometimes)**

Sometimes, the higher court will ask the lawyers to come in and present their case in person, at a hearing, in front of a judge or a panel of judges. This is called “oral argument.” This isn’t always needed.

If you must go to a hearing to do oral argument, you should try to talk to a lawyer who specializes in appeals. The experience is more formal than what you may have had at the trial court level.

### 5. **Appeals court decides**

The higher court looks at everything: the record, the briefs, and any oral arguments. Then the judges decide whether to keep the original decision is the same (called “upholding” the original decision), change it, or send it back to the lower court to be looked at again (called “remanding” the

decision). The higher court can uphold some parts of a decision and change or remand others.

## **6. Further appeals**

If the higher court's decision still isn't what one side wants, that side might try to take the case to an even higher court. But these higher courts, like the Washington Supreme Court or the U.S. Supreme Court, rarely take cases. They choose cases that are important or involve big legal questions. And they have still different rules from the courts below them.

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