

Appealing to the Appellate Court of Maryland

Part 1: Can I Appeal My Case?

The video series, “Appealing to the Appellate Court of Maryland,” and the accompanying tip sheets cover how to appeal

your circuit court case to the Appellate Court of Maryland. For information on appealing a District Court case, visit the Maryland Court Help webpage on [Appeals and Motions After Trial in the District Court](#).

Watch the Video



What is an Appeal?

- If you disagree with the court’s final decision in your case, you may be able to appeal. This typically means asking the higher court to review the decision.
- When appealing to the Appellate Court of Maryland, the purpose of the appeal is to ensure the lower court applied the law correctly in your case.
- An appeal to the Appellate Court of Maryland is not a new trial. You cannot call witnesses or show new evidence.

Can You Appeal to the Appellate Court?

- Whether you can appeal to the Appellate Court of Maryland depends on several factors.
 - **Which lower court heard your case.** Most cases decided by a circuit court may be appealed to the Appellate Court of Maryland.
 - **If the lower court entered a final judgment.** Typically, you cannot appeal a case until the circuit court enters a final judgment. A final judgment is a decision that ends the circuit court case.
 - **The type of case.** Depending on what your case is about, you may be required to first ask the Appellate Court of Maryland for permission to appeal. For most civil cases, you can file your appeal without asking permission, called a direct appeal. For more information, visit the Maryland Court Help webpage on [Appeals to the Appellate Court of Maryland](#).
 - **The date of the final judgment.** For most direct appeals, file your Notice of Appeal within 30 days after the circuit court issues a judgment or other appealable order. There are circumstances in which your deadline to file the notice may be less than 30 days. Talk to a lawyer.



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Is an Appeal Right for You?

- Appeals are complicated, take time, and are expensive. Be sure you understand the process and what it will take.
- An appeal involves a number of steps. You will have to:
 - ☐ File your notice of appeal;
 - ☐ Pay court costs;
 - ☐ Order and pay for transcripts;
 - ☐ Write a brief, a document that explains the legal reasons why the court should change the decision of the lower court;
 - ☐ Provide copies of the transcript to the other party; and
 - ☐ Give a copy of your brief to the other party.
- Appeals are not decided quickly. The court must receive the record of the case, and both parties must have time to prepare a brief. There is no specific amount of time in which the court will make its decision.

What You Can Expect

- The Appellate Court will review what happened in the lower court and determine if the law was correctly applied in your case.
- Keep in mind an appeal is not a new trial. You cannot introduce new evidence or facts.
- When one or more individuals in an appeal do not have a lawyer, the Appellate Court will usually decide the appeal based on the written briefs. When both parties are represented, the lawyers may ask to present their arguments in court, called an oral argument.

Get Help

- If you do not have a lawyer, you can get free, brief legal advice from a lawyer at the Maryland Court Help Center. Call 410-276-1392 or visit the [Help Center's webpage](#). Help Center lawyers cannot represent you in court.
- If you want to hire a lawyer but are unsure how to do so, watch our video, "Finding Legal Help in a Civil Case."
- If you represent yourself in the appeal, consider visit a law library for help with legal research. A librarian may be able to direct you to the right resources. For a list of hours and locations visit the Thurgood Marshall State Law Library's [directory of Maryland circuit court law libraries](#).