

Appealing to the Appellate Court of Maryland

Part 4: Preparing Your Brief

Please note that 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 a Brief?

- Your brief is a written document that explains why you believe the circuit court made an error when making its decision.
- When you talk about what error the circuit court made, focus on the trial record and do not raise new information.
 - If you mention a fact, that fact must have been mentioned at trial or be documented in the record. If you refer to a statement made during trial, indicate on what page of the transcript that statement can be found.
- If you are raising an issue in your brief for the Appellate Court to consider, you must have already raised the issue in the lower court. This is called “preserving the issue.”
 - For example, if the trial court accepted evidence from the other side and now you want to argue that the court should not have considered that evidence, you must have stated at trial that the court should exclude the evidence. You have to give the trial judge the chance to rule on whether or not to admit the evidence. If you did not object to the introduction of evidence at trial, the issue is not preserved, and the Appellate Court of Maryland may not be able to consider your argument.
- Tell the Appellate Court what you want it to do. Put that information in your brief.

Legal Research

- When writing your brief, you may want to do some research to better understand the law the court applied in your case.
- Consider visiting one of Maryland’s law libraries for help with legal research. A librarian may be able to direct you to the right resources. Find a list of locations and hours at the Thurgood Marshall State Law Library’s [directory of Maryland circuit court law libraries](#).



Maryland Court Help

Free. Online. In Person. By Phone.

- Watch the video series “[How to Research the Law](#)” for more information on conducting legal research. Find the videos in the Maryland Court Help Video Library.

Informal Brief

- An informal brief is easier to prepare than a regular brief. If you file one, the rules are simpler and you do not have to file a record extract.
- You can file an informal brief if you meet one of the following requirements:
 - You are not represented by a lawyer; AND
 - One of the following apply:
 - You are appealing a decision in a foreclosure case;
 - You are incarcerated; or
 - You are appealing a family law case, which could include custody, visitation, child support, marital property, or domestic violence issues.
- If you do not fit into one of these categories, you can file a motion with the Appellate Court of Maryland requesting permission to file an informal brief.
- You can type or handwrite your informal brief. Your brief can be no more than 15 pages, not including attachments. You must number the pages.
- Find the **informal brief form** on the Court Help page, [Appeals to the Appellate Court of Maryland](#).
- Once you complete the informal brief, serve a copy on the other side or on their lawyer. File two copies of the informal brief with the Clerk of the Appellate Court of Maryland.

Regular Brief and Record Extract

- If you must file a regular brief, file **8 copies of the brief** and **8 copies of the record extract**, if it is prepared as a separate document.
- For more information on filing a formal brief and a record extract, review the Appellate Court of Maryland’s [guide for self-representation](#).

When to File a Brief and Response Briefs

- The Court will mail you a notice that will state the deadline to file briefs.
- As the appellant – the person who filed the appeal – typically, you must file your brief within **40 days** of when the case record is received by the Appellate Court of Maryland. The court’s notice will state what date that is.
- The other side – called the appellee -- may then file their own brief in response. They have **30 days** to do this after you filed your brief.
- Find the forms for an informal brief and for an informal response brief on the Maryland Court Help webpage on [Appeals to the Appellate Court of Maryland](#).
- If the appellee files a response brief, you may submit a brief replying to their arguments.

Resources

- Find more information on appealing to the Appellate Court of Maryland on the Maryland Court Help webpage on [Appeals to the Appellate Court of Maryland](#).

- If you want to hire a lawyer but are unsure how to do so, watch the Maryland Court Help video, [“Finding Legal Help in a Civil Case.”](#)
- If you represent yourself in the appeal, consider visiting 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](#).