

A Maryland Judiciary Production
My Laws, My Courts, My Maryland
Series: Appealing Your Case to the Appellate Court of Maryland
Title: Part 1: Can I Appeal My Case?

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CHAPTER HEADINGS

What is an Appeal?
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Hello. This video series is about appealing the decision of a Maryland circuit court to the Appellate Court of Maryland. In this video, I will explain what types of cases can be appealed to the Appellate Court, how to appeal them, and the process the court will follow to reach a decision.

One more thing before we start. You can represent yourself or hire a lawyer. But, remember, appeals can be very complicated. Consider hiring a lawyer to represent you. I will share some resources at the end of the video that you may find helpful.

Let's get started. First, what is an appeal?

Chapter Heading: What is an Appeal?

If you disagree with the final decision of your court case, you may be able to appeal. This typically means asking a higher court to review the decision. The purpose of an appeal to the Appellate Court is to ensure the lower court applied the law correctly in your case. Your appeal is not a new trial. Therefore, at the Appellate Court, you cannot call witnesses or show new evidence.

Next up: can you appeal to the Appellate Court?

Chapter Heading: Can You Appeal to the Appellate Court?

Whether you can appeal to the Appellate Court of Maryland depends on several factors. This includes:

- Which lower court heard your case
- If the lower court entered a final judgment
- The type of case, and
- The date of the final judgment.

Most cases decided by a circuit court may be appealed to the Appellate Court of Maryland. Please take note. If your case was decided by the District Court, your process for filing an appeal is different. Most District Court decisions are appealed to the circuit court. For more information on appealing after a District Court decision, visit the People's Law Library of Maryland.

With a few exceptions, 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. Talk with a lawyer if you are unsure whether the court has issued a final or otherwise appealable judgment. Contact the Maryland Court Help Center to talk to a lawyer for free. Call 410-260-1392.

Depending on what your case is about, you may be required to first ask the Appellate Court of Maryland for permission to appeal. The request is called an Application for Leave to Appeal. This is most typical in criminal cases, including two specific types of cases:

- Post-conviction cases and
- Cases involving a conviction after a guilty plea.

For most civil cases, you can file your appeal without asking for permission. For more information on Applications for Leave to Appeal and a list of case types that require prior permission to appeal, visit mdcourts.gov/appealsacm.

In most cases, you must file your notice of appeal within 30 days after the circuit court enters the judgment or other appealable order. However, there are exceptions. In some cases, the deadline to file your notice of appeal is less than 30 days after the order. Read the law or speak with a lawyer to be sure you know the deadline for filing.

Now, you know if you can appeal, but is an appeal right for you?

Chapter Heading: Is an Appeal Right for You?

There are a few things to keep in mind about appealing your case.

First, the appeal process is complicated. Your appeal to the Appellate Court will require you to:

- File your notice of appeal in the circuit court,
- Pay court costs,
- Order and pay for transcripts,
- Write a brief,
- Provide copies of the transcript to the other party, and
- Give a copy of your brief to the other party.

Your brief is a document that explains the legal reasons why the court should change the decision of the lower court. You will have to research the law to prepare it. Remember, appeals can be complicated.

Non-lawyers can find legal research difficult. For more on how to appeal, watch Part 2 of this series, *Filing Your Appeal*.

Second, appeals are not usually decided quickly. There must be time for the court to receive and review the record of the case, and for both sides to prepare a brief. There is no guarantee that the court will

reach a decision within a specific period of time. The Appellate Court may decide to send the case back to the lower court for further action. In that case, it may take even longer to get a decision.

Third, appeals can be expensive. Keep in mind you may need to pay for court costs and the cost of preparing a transcript. This can add up.

Finally, an appeal is different from what happened in the circuit court. Let's talk about what you can expect.

Chapter Heading: What You Can Expect

When you appeal your case, the Appellate Court will review what happened in the lower court and determine whether they applied the law correctly in your case. An appeal to the Appellate Court is not a new trial. You cannot introduce new facts or evidence.

When one or more of the individuals in an appeal do not have a lawyer, the court will usually decide the appeal based on the written briefs. The briefs explain the arguments of each side.

When both parties are represented, the lawyers may ask to present their arguments in court. This is called an oral argument. It is an opportunity for the lawyers to explain the contents of their briefs.

For more information on the court record and your brief, watch Parts 3 and 4 of this series. For information on the possible outcomes of your appeal, watch Part 5.

Now that you know what is involved, you may decide to get help.

Chapter Heading: Get Help

Not sure where to look for a lawyer? For tips, watch our video titled *Finding Legal Help in a Civil Case*. If you are not already represented, you can get limited, free legal advice from a lawyer at a Maryland

Court Help Center. Call the same number mentioned earlier, 410-260-1392, or visit mdcourts.gov/helpcenter. Help Center lawyers can provide information on the appeals process. They cannot write a brief, provide extensive legal advice, or represent you.

If you decide to represent yourself, you will need to do some research. Consider visiting a law library. A librarian may be able to direct you to the right resources. For a list of hours and locations visit mdcourts.gov/ccl.

That was a lot of information. Let's review.

Chapter Heading: Let's Review

File your appeal in the Appellate Court of Maryland if:

- You are appealing the decision of a circuit court,
- You have received a final or otherwise appealable judgment from the court in your case, and
- The deadline for filing has not passed.

An appeal to the Appellate Court is not a new trial. You cannot call witnesses or enter new evidence. The appeals process is complex and requires that you understand the law upon which the case was decided. You may need to pay court and transcript costs. Consider hiring a lawyer or getting legal help from one of the resources mentioned earlier.

I hope you found this information helpful. Thanks for watching.