

A Maryland Judiciary Production
My Laws, My Courts, My Maryland
Series: Appealing Your Case to the Appellate Court of Maryland
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CHAPTER HEADINGS

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Welcome back. This video series is about appealing the decision of a Maryland circuit court to the Appellate Court of Maryland. Remember, appeals can be very complicated. Whenever possible, hire a lawyer to represent you.

If you are going to represent yourself, you need to know how to prepare and file a brief.

You may be wondering, what is a brief?

Chapter Heading: What is a Brief?

The brief is one of the most important parts of the appeal process. Your brief is a written document. In it you explain why you believe that the circuit court made an error when making its decision. The Appellate Court of Maryland will usually decide your appeal based on:

- The record of what happened at trial,
- The argument in your brief, and
- The argument presented in the brief submitted by the other side.

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. You want to make it easy for the Appellate Court to find the error you believe was made.

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. Remember, new information cannot be raised or considered on appeal.

One final thing. Be sure to tell the Appellate Court what you want the court to do. Put this information in your brief.

When writing your brief, you may want to do some research to better understand the law the court applied in your case. How will you know what laws are important? Let’s discuss how to do legal research.

Chapter Heading: Legal Research

To start your research, consider visiting one of Maryland’s law libraries. A librarian may be able to direct you to the right resources. Find a list of locations and hours at mdcourts.gov/ccll.

You can also watch our video series *How to Research the Law*. To find the series, visit the online video library at mdcourts.gov/videos and select Get Started.

You may be able to complete the brief using a form. This is called an informal brief.

Chapter Heading: 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
- 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. It is limited to no more than 15 pages, not including attachments. You must number the pages. For links to the informal brief form, or for more information on filing a motion, visit mdcourts.gov/appealsacm.

Once you complete the informal brief, serve a copy on the other side or on their lawyer. Also, complete a certificate of service. This says you gave the other side a copy. There is a certificate of service on the informal brief form. File two copies of the informal brief with the Clerk of the Appellate Court of Maryland.

These steps are different, however, if you are filing a regular brief and record extract.

Chapter Heading: Filing a 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. You can find this online at mdcourts.gov/acm.

Let's talk about when to file a brief and response briefs.

Chapter Heading: 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 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. The forms for an informal brief and for an informal response brief can both be found online at mdcourts.gov/appealsacm.

If the appellee files a response brief, you may submit one more brief replying to their arguments.

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

Chapter Heading: Let's Review

Once you receive a notice from the Appellate Court of Maryland, file your brief by the deadline.

Remember to submit the right number of copies, along with a record extract, if required. Don't forget to serve a copy on the other side.

After receiving a copy of the appellant's brief, the appellee must file a response within 30 days.

In certain circumstances, you may be able to file an informal brief. Find the informal brief form online.

Be sure to focus on what happened during the trial. Cite the law and point to what happened at trial by directing the court to the place in the transcript where that information can be found. For help, visit a law library or watch our video series on *How to Research the Law*.

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