

Title: *Can't Afford Appellate Costs?*

Chapter Headings:

Two Types of appellate costs
How to ask the Court to waive appellate costs
Transcript costs
Let's Review

In this video, we will talk about costs and fees you will be charged if you appeal your case. We will also discuss how to ask the court to waive those costs and fees. First, we'll talk about the two types of appellate costs, and then we'll go into how you can ask the court to waive them. Finally, we will address transcript costs.

This video does not talk about fee waivers to file a new case in the trial courts. If you have a new case, and not an appeal, please view the video titled, "Can't Afford to Pay Court Filing Fees?"

Finally, before you begin the process to appeal your case, be sure you understand the different court levels in Maryland, and which court will consider your appeal. Watch our video "[The Maryland Court System](#)" for more information.

First, let's talk about the two types of appellate costs.

Chapter Heading: Two Types of appellate costs

If you choose to appeal your case and believe you cannot afford to pay the cost of filing, you can ask the court to waive the requirement that you pay these costs up front. Two types of appellate costs are usually paid up front. The first covers the cost of assembling the record for an appeal. The second cost is a filing fee charged by the appellate court.

In the District Court the first fee also includes the cost to the lower court of preparing a transcript of your earlier hearing or hearings. We will discuss transcripts in more detail later.

Now, let's discuss how to ask the court to waive appellate costs.

Chapter Heading: How to ask the court to waive appellate costs

First, you must complete two forms – one for each type of appellate cost. Warning...these forms have really long names, so you will want to make a note. The first form is the Request for Waiver of Prepaid Costs for Assembling the Record for an Appeal, Form CC- DC-091 The second form is the Request for Waiver of Prepaid Appellate Costs, Form CC-DC- 092. Both forms contain restricted financial information. For this reason, you must also complete and attach to each form a Notice Regarding Restricted Information. This is form MDJ-008. Submit BOTH sets of documents to the trial court – the court that heard your original case. Even though one form is reviewed by the trial court and one by the appellate court, remember to submit BOTH to the trial court. The trial court has five days to decide the first request to waive the costs for assembling the record. Then, the trial court will send its decision, along with the second request to waive the filing fee to the court hearing the appeal. That higher court has five days to make the decision on the second request about filing fees. Once the judge has ruled on your request, he or she will issue an order that states how the court ruled. The court will send you copies of both orders.

The two types of appellate costs will be waived automatically if you are represented by an approved legal services provider, including Maryland Legal Aid and the Office of the Public Defender. Your attorney must certify that there are good grounds to support your appeal, and that you are still eligible for their representation.

If you do not have a lawyer or if your lawyer is not an approved provider, your request to waive prepaid appellate costs will be decided by a judge. If your request is denied, in whole or in part, you must pay the unwaived portion of the cost within 10 days of the date the order was issued. If you do not pay, your appeal will be dismissed by the trial court.

Finally, a word about transcript costs.

Chapter Heading: Transcript costs

When you file an appeal, in many instances you must pay for transcripts of the trial to be typed. They can be expensive. The forms permit you to request a waiver of transcript costs in the District Court ONLY. If your original case was heard in Circuit Court, the court CANNOT waive transcript costs. If you are asked to pay this fee, you will need to pay for the cost of preparing a transcript, if required, in order for your case to proceed.

Let's review.

Chapter Heading: Let's Review

If you believe that you cannot afford to pay the appeal costs, you must complete two forms, CC-DC-091 and CC-DC-092. File both forms with the trial court where your case was originally heard. The court will notify you after a judge has ruled on those requests. For more information, visit mdcourts.gov/feewaiver. Thanks for watching. I hope this information is helpful.

