

APPEAL PROCEDURES FROM COURTS OF LIMITED JURISDICTION

What can be appealed? Traffic Infractions, civil matters, parking tickets, contempt rulings, criminal matters and small claims matters can be appealed directly to the Superior Court

Time to appeal: Notice of Appeal must be filed in District Court within 30 days of final disposition, and a copy of the Notice of Appeal must be served on all other parties or their attorney of record. (RALJ 2.4 (c), RALJ 2.5 (a), LRALJ 2.4 (a), LRALJ 2.4 (c), RCW 12.36 and CRLJ 73)

Filing Fees: The filing fee is **\$270.00**. (\$230 for Superior Court Fee and \$40 for the cost of District Court preparation.) This fee must be paid by cash, money order, cashier's check or attorney trust account check. **NO PERSONAL CHECKS WILL BE ACCEPTED.** No filing fee is required for criminal matters or upon an entry of an In Forma Pauperis order.

If the Judgment originated in Small Claims:

1. **A bond must be posted in a sum equal to twice the amount of judgment and costs, or twice the amount in controversy, whichever is greater** (*RCW 12.36.020*) so that the appellant will be able to pay any judgment, including costs, as may be rendered on appeal. No bond is required if the appellant is a county, city, town, or school district. The bond must be cash, cashier's check, money order or surety bond – **NO CHECKS**.
2. The small claims clerk will notify you when the case has been transferred. The court has 14 days to prepare the record and notify the appellant that the record is ready to transfer. If only the bond and filing fee were filed, the appellant has 10 days from the date of the court's notice to pay the \$40.00 fee. Upon payment, the designated record shall be transmitted to Superior Court.

Title of Case and Number: The title of the case for appeal purposes SHALL BE THE SAME as in the court of limited jurisdiction, unless otherwise ordered by the court. The case number will be assigned by the Superior Court Clerk and transmitted to the court of limited jurisdiction for use in the transmittal of the record (RALJ 11.3)

Record of Proceedings: Within 14 days of filing the Notice of Appeal, the appellant must file a Designation of Record with the court of limited jurisdiction setting forth which part of the record needs to be transmitted to the Superior Court. Once received, the court has 14 days to prepare the record. The court will notify appellant when the record is completed. (RALJ 6.2) Unless the Superior Court orders otherwise, the APPELLANT SHALL TRANSCRIBE the **Electronic Recording of Proceedings** from the lower court. The transcript shall be filed and served with the appellant's brief.

DISTRICT COURT COMPLIES WITH AMERICANS WITH DISABILITIES ACT (ADA). PERSONS WITH DISABILITIES THAT WOULD REQUIRE ACCOMODATIONS SHOULD CALL THE COURT AT 509-477-2903, TDD AVAILABLE.

The **Record of Proceedings** from the court of limited jurisdiction shall include the original or a copy of the LOG prepared for recording, and the originals or copies of the DOCKET, PLEADINGS, EXHIBITS, ORDERS and OTHER PAPERS filed with the clerk of the court of limited jurisdiction. (RALJ 6.1(a))

A \$40.00 cost of preparation shall be paid within 10 days of the completion of the designated record and notice to appellant. When this amount has been paid, the record will be sent to Superior Court. Unless excused from the fee, the payment of the \$40.00 is required before the court transmits the record.

Failure to complete the above process will result in a Notice to Superior Court notifying it that the appellate process is unperfected and incomplete, and that the court of limited jurisdiction is closing the file.

Briefs: Brief of Appellant shall be served on all other parties and filed with the Superior Court within 45 days after the filing of the Notice of Appeal with the Superior Court. Brief of Respondent shall be filed and served within 75 days from the filing of the Notice of Appeal. (RALJ 7.2(b), LRALJ 4.1(a)(2))

Argument: After records and briefs have been filed, the Clerk of the Superior Court will set the appeal for hearing. Notice of the hearing will be mailed to each party by the Superior Court Clerk. Each side will have 10 minutes allowed for oral argument, or longer if ordered by the Court. (RALJ 8.3)

THESE ARE GUIDELINES AND NOT TO BE SUBSTITUTED FOR KNOWLEDGE OF THE WASHINGTON RULES FOR APPEAL OF DECISIONS OF COURT OF LIMITED JURISDICTION (RALJ) OR FOR LIMITED JURISDICTION COURT CIVIL RULES (CRLJ) OR FOR SPOKANE COUNTY SUPERIOR COURT LOCAL RULES (LRALJ).

****CLERKS' OFFICE PERSONNEL ARE NOT AUTHORIZED TO GIVE LEGAL ADVICE. PLEASE **DO NOT ASK!** IT IS RECOMMENDED THAT PRO SE PARTIES CONTACT AN ATTORNEY FOR LEGAL GUIDANCE.*

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RALJ 6.3.1
TRANSCRIPT OF ELECTRONIC RECORD

(a) Transcript by Appellant. Unless the superior court orders otherwise, the appellant shall transcribe the electronic recording of proceedings as provided in section (c) of this rule. The transcript shall be filed and served with the appellant's brief.

(b) Transcript by Respondent. If the respondent wishes to add to or challenge the transcript of the recording of proceedings, the respondent shall file and serve an additional transcript with the respondent's brief.

(c) Content of Transcript. The transcript shall contain only those portions of the electronic recording necessary to present the issues raised on appeal. If the appellant intends to urge that a verdict or finding of fact is not supported by the evidence, the appellant shall include in the transcript all testimony relevant to the disputed verdict or finding. If the appellant intends to urge that the court erred in giving or failing to give an instruction, the appellant shall include all objections to the instructions given and refused and the court's rulings.

(d) Transcript Generally.

(1) *Form.* The transcript may be printed, typed, or neatly handwritten, and need not be certified by a notary public.

(2) *Certification.* The person preparing the transcript shall certify or declare under penalty of perjury that it is true and correct in accordance with RCW 9A.72.085 or any law amendatory thereof.

(3) *Disputes.* Disputes concerning the completeness or accuracy of the transcript shall be decided by the superior court.

(e) Additional Transcript. The superior court may order a party to prepare an additional transcript.

(f) No Transcript if Agreed Record. No transcript shall be required if the parties have agreed on a written form of record approved by the court of limited jurisdiction, pursuant to rule 6.1(b).

(g) Cost of Transcript. Any cost or expense in preparing a transcript shall be borne by the party providing it. The expense may be allowed as a cost in accordance with rule 9.3.

[Adopted as RALJ 6.3A effective January 1, 1981; Renumbered as RALJ 6.3.1 effective June 25, 2002; Amended effective September 1, 1995.]

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