

For help in determining whether you can appeal a decision of the superior court, here are three questions for you to consider:

## 1. ARE YOU A PERSON WHO CAN APPEAL THIS DECISION?

Only a person or entity that was a party in the trial court case can appeal a decision made in that case. You may not appeal on behalf of a friend, a spouse, a child, or another relative unless you are a legally appointed representative for that person (such as a guardian or conservator).

## 2. CAN THE DECISION IN YOUR CASE BE APPEALED?

You can appeal the superior court's final judgment in a case. The final judgment is the decision at the end that decides the whole the case. The final judgment usually says what one or more parties must do (like pay money to the other party). This judgment may be a decision by the judge or by a jury. All final judgments are appealable.

You can also appeal most orders that the trial court makes *after* the final judgment, like, for example, a child custody order made after the divorce is final. In most cases, however, decisions made by the trial court *before* the final judgment cannot be appealed right away; they can only be reviewed as part of an appeal of the final judgment. There are some exceptions to this rule. In family law and probate cases, for example, many of the orders made in a case can be appealed right away, even if they are made before the final judgment.

For other the types of orders that can be appealed right away (before final judgment), read Code of Civil Procedure sections 904.1 and 904.2.

Please be aware that there is usually only *one* opportunity to appeal any order. Thus, if the order may be appealed right away, you must do so, or you will lose your opportunity for appellate review. If the order may not be appealed right away, you must appeal from the later final judgment, or you will lose your opportunity for appellate review.

## 3. DO YOU STILL HAVE TIME TO APPEAL?

In unlimited civil cases (such as civil cases involving an amount over \$25,000 or family law or probate cases), you must file your notice of appeal by the earliest of the following times:

- 60 days after either the trial court clerk or the other side serves you with notice that the judgment has been entered in your case or with a copy of the judgment stamped "Filed"; or
- 180 days after the entry of the judgment.

The time to file a notice of appeal is extended if there is a timely motion: for a new trial; to vacate (cancel) or set aside the judgment; for judgment notwithstanding the verdict; or to reconsider an appealable order. If one of these motions or requests has been filed, carefully read rule 8.108 of the California Rules of Court (for unlimited civil case appeals, such as civil cases involving an amount over \$25,000 or family law or probate cases).

**MAKE SURE YOU MEET THESE DEADLINES. YOU CANNOT ASK FOR MORE TIME TO FILE YOUR NOTICE OF APPEAL. IF YOUR NOTICE OF APPEAL IS LATE, YOUR APPEAL WILL BE DISMISSED.**