

INTRODUCTION

This manual describes, in simple terms, what you must do when you lose in the trial court and decide to appeal. It also covers the related California Rules of Court. The manual is intended for persons who represent themselves (also called “self-represented litigant,” “pro per” or “pro se”) in the California Court of Appeal, Second Appellate District. The Second Appellate District hears all appeals from Los Angeles, Ventura, Santa Barbara and San Luis Obispo Counties. This manual only covers civil appeals. It does not discuss criminal or juvenile dependency appeals nor does it cover writs or any kind of original proceeding.

You should seriously consider hiring an attorney if you can afford to do so. Bringing a case to the Court of Appeal without an attorney is hard work, extremely complicated, and takes a good deal of time. If you choose to be self-represented, even though you do not need to pay attorney’s fees, there is still an expense associated with bringing an appeal, including filing and transcript fees. You also are held to the same standard and expectations as if you were an attorney. In most cases, you have only one chance to have the court hear your case. **You must follow all of the court’s rules and procedures, or your case may be dismissed.** An attorney who is familiar with appeals and knows how to handle them will know how to guide your case through the appeal process. You can proceed with your appeal on your own, but given the particular nature of your case, you may want to consult a lawyer.

You must complete many steps when appealing a civil case. The steps are presented in this manual in the order in which they must be completed. Make sure to read each chapter in its entirety before attempting to complete the steps. Ideally, you should read through the entire manual before beginning the appeal process. Questions you may have often will be answered later in the text.

The appendices to this manual include a timeline to assist you in computing and meeting applicable deadlines for an appeal ([Appendix 1](#)) and a glossary defining important terms used in the manual ([Appendix 4](#)).

All of the forms referred to in this manual are included in the final section entitled "Sample Forms and Instructions," along with detailed instructions for filling them out.

If you are reading a hard copy of this manual, for the electronic version is available at the Second Appellate District website: www.courts.ca.gov/2dca, under Self Help Resources. There you will find the entire manual online and can print the sample forms. Just click on "Civil Appellate Practices and Procedures for the Self-Represented" to access the manual. Other useful

information is available on this website, such as, directions to the court, parking information, frequently asked questions (“FAQs”), local rules and Practices & Procedures of the court. You may also find online information about your own case by clicking on "Search Case Information." (See **Chapter 5.**)

Many of the sample forms in this manual are also available online in Adobe Acrobat PDF format and can be filled out electronically for free at www.courts.ca.gov/2dca/forms. A shorter description of the civil appeal process (form APP-001) is also available.

It is extremely important to understand that the Court of Appeal does not retry the case, take new evidence, or decide which witnesses were telling the truth. Rather, it reviews the superior court trial or hearing for errors of law. The Court of Appeal presumes the superior court judgment is correct, and the appealing party must overcome this presumption to win the appeal. The Court of Appeal can only reverse a case if it finds an error of law that was so important to the trial court proceedings that it changed at least part (or all) of the outcome of the case. Because of this heavy burden of proof, it is quite difficult to win an appeal.

You may not visit or talk about your case with a justice or a member of his or her staff. The staff in the Court of Appeal clerk’s office will help you as much as they can, but they **cannot give you legal advice or tell you what to put in your papers.**

If you have any questions about the steps outlined in this guide, call the clerk’s office at (213) 830-7000. The staff at the court would be happy to help you in any way they can.