

GENERAL APPEAL PROCEDURES

Once a final judgment, or other appealable order or decree has been entered by a circuit court, either party to a case, plaintiff, or defendant, may seek appellate review of such judgment, decree or order. The two tribunals which have appellate jurisdiction to review final judgments are the Supreme Court and the Court of Appeals.

Perfecting an appeal refers to the legal process by which an appeal is taken to a higher court. The procedures relating to appeals to the Supreme Court and Court of Appeals are set out in the Rules of the Supreme Court Volume 11 Parts 5 & 5A.

Notice of Appeal must be filed in writing in the Clerk's office within thirty (30) calendar days of the entry date of a final judgment or other appealable order. The Notice of Appeal must reflect the date of the Order being appealed and to which Court (Court of Appeals or Supreme Court) the case is being appealed.

FILING FEES:

Filing fee must be submitted at the time of filing of the "Notice of Appeal" in all civil cases.

- \$32.00 filing fee - Civil cases
- \$.00 filing fee - Criminal cases

The Court will accept cash, certified check or a money order, made payable to:

Clerk of the Circuit Court
4110 Chain Bridge Road
Fairfax, VA 22030

Attn: Court of Appeals Processing Clerk
Or

Attn: Supreme Court Appeals Processing Clerk

NO PERSONAL CHECKS WILL BE ACCEPTED

REFERENCE:

Code of Virginia:

- Section 8.01-670
- Section 17.1-405 - 17.1-408
- Rules of the Supreme Court Volume 11 Parts 5 & 5A

Once a Notice of Appeal is filed, the Circuit Court clerk is responsible for preparing the record on appeal and transmitting it to the designated Appellate Court within 90 days.

Filing an appeal to the Court of Appeals or the Supreme Court, does not mean that you automatically get a new trial. The appellate court will determine if judicial error was made in the case. The final decision at the Appellate level in a case is called a "Mandate". The mandate may affirm or reverse the ruling of the trial court, or it may dismiss the appeal. If an appeal ends in reversal of the trial court's decision and remands the case for a new trial, the matter is returned to this court to set the matter on the docket for a new trial.

Appeals should contain all information required by the Rules of the Supreme Court (Code of Virginia, Volume 11 Code), comply with the statutory requirements and include to which court the case is being appealed (Supreme Court-Code Section 8.01-670 or Court of Appeals-Code Section 17.1-405 – 17.1-408).

It is the parties' responsibility to ensure that any transcripts or statement of facts are filed within the established time frames and that notices of such are sent.

The Court has guidelines for appeals to the Court of Appeals and Supreme Court on our website at:

http://www.fairfaxcounty.gov/courts/circuit/appeal_procedures.htm

SEE:

- Court of Appeals - Civil Guideline CCR-A-15b
- Court of Appeals - Criminal Guideline CCR B-115
- Supreme Court - Civil Guideline CCR-A-15c

Some of the procedures are jurisdictional and require strict compliance. Please refer to the Rules of the Supreme Court Volume 11 for more complete information pertaining to appeals, along with the deadlines and fees associated with appeals.

The Clerk's office staff is prohibited by law to give out any legal advice or to advise how to proceed on an appeal.