

9.00 | APPEAL

If you are unhappy with the ultimate disposition of your action, you may appeal that determination to the United States Court of Appeals. Grounds for an appeal usually consist of allegations that the Judge made an error either in interpreting or applying the law or in a procedural ruling during the course of the case. Any error must have been sufficiently significant that the Judge or jury reached an incorrect result because of the error.

In general, only final orders or judgments of the district court may be appealed. 28 U.S.C. § 1291. This kind of appeal is called an appeal as of right. Most orders issued before judgment ("interlocutory orders") cannot be appealed until a final judgment is entered. Some of the few interlocutory orders that can be appealed are listed under 28 U.S.C. § 1292. A final order or judgment is the document which announces the final decision with respect to your case (that is, whether you won or lost) and closes the case with the district court. In order to appeal, a final order or judgment should be entered on the docket of your case.

Timing.

An appeal must be filed within **30 DAYS AFTER ENTRY OF JUDGMENT** (or order being appealed). Exceptions to this rule are few. If you plan to appeal, it is very important to calendar this deadline and meet it. The process for starting an appeal is the filing of a notice of appeal in the District Court together with a filing fee. The fee may be waived under certain conditions. See Rule 24 of the Federal Rule of Appellate Procedure. The Clerk's Office then transmits the appeal and the case file to the Court of Appeals, which opens a new file with a new case number; all proceedings on appeal are then handled by the judges and the clerk of the Court of Appeals.

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Honorable Mention: USNYND, USCAND)

