

COURT OF APPEALS OF VIRGINIA

Rules of Court:

Code of Virginia, Volume 11- Part Five A

Jurisdiction of Court of Appeals:

§17.1-405 & 17.1-406

To appeal a civil case to the Court of Appeals, the appealing party or attorney must:

1. File a Notice of Appeal with the trial court. Rule 5A:6

- Due 30 days after entry of final judgment or other appealable order or decree.
- Original Notice of Appeal is filed in the Clerk's Office of the trial court (§17.1-407)
- Copy of Notice of Appeal is mailed or delivered to all opposing counsel and the Clerk of the Court of Appeals.
- The copy of the Notice of Appeal mailed to the Clerk of the Court of Appeals must be accompanied by a \$50.00 filing fee.
- The form for a notice of appeal and for the required certificate are found in the Code of Virginia, Rule 5A:6 or can be accessed at the following website:

<http://www.courts.state.va.us/forms/home.html>

https://www.vacourts.gov/forms/notice_of_appeal.pdf

2. File a bond for costs. Virginia Code §8.01-676.1

- Due when the Notice of Appeal is filed.
- Filed in the Clerk's Office of the trial court.
- Amount of the bond is \$500.00 unless reduced by the Circuit Court.
- Bond may be waived if appellant is determined to be indigent.
- Forms for bond appear at the end of the Part 5A of the Rules of Court.

3. File Transcript or Written Statement of Facts. Rule 5A:8

- **Transcript** due 60 days after entry of final judgment.
 - Extension of time to file a transcript – A judge of the Court of Appeals upon a motion filed within 60 days after entry of the final judgment may extend this time for good cause shown. Rule 5A:8(a); also refer to Jordan vs. Price, 3 VA. App.672, 353 S.E.2d 168 (1987)
 - Transcripts are filed in the Clerk's Office of the trial court.
 - Within 10 days of filing the transcript with the trial court written notice must be sent to all counsel or parties of the date on which the transcript was filed and file a copy of the said notice with the trial court.
- **Written Statement of Facts:** (in lieu of transcript) must be filed in the office of the Clerk of the trial court within 55 days after entry of judgment appealed. See Rule 5A:8(c) for additional requirements.

4. Preparation and Transmission of Record. Rule 5A:10
 - Clerk of the Trial court sends trial court record to the Court of Appeals.
 - Clerk of the Court of Appeals notifies the parties of the date on which the record was filed.
 - The clerk of the trial court is not required to transmit exhibits of unusual bulk, weight or character with the record unless directed to do so by a party or by the clerk of the appellate court. Rule 5A:10(b)(4). The party desiring to make such exhibits part of the record must arrange for their transportation and receipt.

5. Appellant to file statement of questions presented and designation of contents of appendix. Rule 5A:25
 - Due no later than 15 days after trial court record filed
 - Filed in Court of Appeals clerk's office

6. File appendix and opening brief. Rules 5A:19, 20 & 25
 - Due 40 days after circuit court record filed.
 - Filed in the Court of Appeals clerk's office.
 - Seven (7) copies must be filed; three (3) copies must be sent to opposing counsel.
 - Contact Court of Appeals for cover and binding requirements.

7. Oral argument is automatically scheduled on appeals unless counsel sends written notification that counsel waives the hearing, Rule 5A:28, or the Court affirms the trial court summarily, see Rule 5A:27.

Copies of all documents filed must be sent to opposing counsel. Rule 5A:1(b)(10). These are minimum requirements. Your case may have other requirements. Please read all of the applicable rules and statutes.

*Rules of the Supreme Court of Virginia, published in volume 11, Code of Virginia Annotated.

**Court of Appeals of Virginia
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