

APPENDIX A – RULES OF APPELLATE PROCEDURE

NOTICE OF APPEAL

Intermediate Court of Appeals
Supreme Court of Appeals of West Virginia

ATTACH
COPIES OF ALL
ORDERS BEING
APPEALED

1. COMPLETE CASE TITLE AND CASE NUMBERS IN LOWER TRIBUNAL

(Include all party designations, such as plaintiff, intervenor, etc. Use an extra sheet if necessary)

2. COUNTY OR LOWER TRIBUNAL APPEALED FROM AND NAME OF JUDGE(S) WHO ISSUED DECISION(S) (If the presiding judge was appointed by special assignment, include an explanation of the circumstances on an extra sheet.)

3. PETITIONER(S) (list all parties who join in the appeal and provide the name, firm name, address, phone number, and e-mail address of counsel of record for each party. Self-represented parties must provide an address, phone number, and e-mail address.)

4. RESPONDENT(S) (list all parties against whom the appeal is taken and provide the name, firm name, address, phone number, and e-mail address of counsel of record for each party. For self-represented parties provide an address, phone number, and e-mail address.)

5. NON-PARTICIPANT(S) (list any parties to the lower tribunal action that will not be involved in the appeal and provide the name, firm name, address, telephone number and e-mail address of counsel of record for each non-participant. Provide the name, address, and telephone number of any self-represented litigant who was a party to the lower tribunal action but is not participating in the appeal.)

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CASE NAME: _____

6. DATE OF ENTRY OF JUDGMENT ON APPEAL

DATE OF ENTRY OF JUDGMENT ON POST-TRIAL MOTIONS, IF ANY

7. CRIMINAL CASES: DEFENDANT'S SENTENCE AND BAIL STATUS

8. **ABUSE AND NEGLECT CASES:** On an extra sheet, provide a brief list of the names, ages, and parent's names of all minor children, a description of the current status of the parental rights of each parent as of the filing of the notice of appeal, a description of the proposed permanent placement of each child, and the name of each guardian ad litem appointed in the case.

9a. Is the order or judgment appealed a final decision on the merits as to all issues and all parties? YES / NO

If your answer is no, was the order or judgment entered pursuant to R. Civ. P. 54(b)? YES / NO

If your answer is no, you must attach a brief explanation as to why the order or judgment being appealed is proper for the court to consider.

9b. Is the family court order entered under W. Va. Code 48-9-203(f)? YES / NO

10. Has this case previously been appealed? YES / NO

If yes, provide the case name, docket number and disposition of each prior appeal.

11. Are there any related cases currently pending in the Intermediate Court or Supreme Court or in a lower tribunal? YES / NO If yes, cite the case, provide the status, and provide a description of how it is related.

12. Is any part of the case confidential? YES / NO

If yes, identify which part and provide specific authority for confidentiality.

13. If an appealing party is a corporation an extra sheet must list the names of parent corporations and the name of any public company that owns ten percent or more of the corporation's stock. If this section is not applicable, please so indicate below.

The corporation who is a party to this appeal does not have a parent corporation and no publicly held company owns ten percent or more of the corporation's stock.

14. Do you know of any reason why one or more of the Intermediate Court Judges or Supreme Court Justices should be disqualified from this case? YES / NO If yes, set forth the basis on an extra sheet. Providing the information required in this section does not relieve a party from the obligation to file a motion for disqualification in accordance with Rule 33.

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15. Is a transcript of proceedings necessary for the Court to fairly consider the assignments of error in the case?

YES / NO **If yes, you must complete the appellate transcript request form on page 4 of this form.**

16. **NATURE OF THE CASE, RELIEF SOUGHT, and OUTCOME BELOW** (Limit to two double-spaced pages; please attach.)

17. **ASSIGNMENTS OF ERROR** (Express the assignments in the terms and circumstances of the case but without unnecessary detail. Separately number each assignment of error and for each assignment: (1) state the issue; (2) provide a succinct statement as to why the court should review the issue. Limit to eight pages double-spaced; please attach.)

18. **ATTACHMENTS**

Attach to this notice of appeal the following documents in order: (1) extra sheets containing supplemental information in response to sections 1-14 of this form; (2) a double-spaced statement of the nature of the case, not to exceed two pages, as material required by section 16 of this form; (3) a double-spaced statement of the assignments of error not to exceed eight pages as required by section 17 of this form; (4) a copy of the lower tribunal’s decision or order from which you are appealing; (5) a copy of any order deciding a timely post-trial motion; (6) a copy of any order extending the time period for appeal; and (7) the statutory docket fee of \$200 (made payable to the State of West Virginia if made by check or money order); or a copy of the lower court’s granting of the application for fee waiver in this case. The statutory docket fee does not apply to criminal cases, appeals from the Workers’ Compensation Board of Review or original jurisdiction actions. The statutory docket fee does not apply to appeals from family court to the Intermediate Court of Appeals; however, the statutory docket fee applies to appeals from family court to the Supreme Court of Appeals, whether taken directly or after an appeal to the Intermediate Court of Appeals.

NOTICE:

You must file a separate affidavit and application anytime your financial situation no longer meets the official guidelines or anytime the court orders you to do so.

CERTIFICATIONS

I hereby certify that I have performed a review of the case that is reasonable under the circumstances and that the contents of the Notice of Appeal are accurate and complete.

Date

Counsel of record or self-represented party

I hereby certify that on or before the date below, copies of this notice of appeal and attachments were served on all parties to the case, and copies were provided to the clerk of the circuit court from which the appeal is taken and to each court reporter from whom a transcript is requested.

Date

Counsel of record or self-represented party

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CASE NAME: _____

APPELLATE TRANSCRIPT REQUEST FORM

INSTRUCTIONS:

1. If a transcript is necessary for your appeal, you must complete this form and make appropriate financial arrangements with each court reporter from whom a transcript is requested.
2. Specify each portion of the proceedings that must be transcribed for purposes of appeal. *See* Rule of Appellate Procedure 9(a).
3. A separate request form must be completed for each court reporter from whom a transcript is requested. If you are unsure of the court reporter(s) involved, contact the circuit clerk’s office for that information.
4. Failure to make timely and satisfactory arrangements for transcript production, including necessary financial arrangements, may result in denial of motions for extension of the appeal period, or may result in dismissal of the appeal for failure to prosecute.

Name of Court Report, ERO, or Typist: _____

Address of Court Reporter: _____

Case No.: _____ **County:** _____ **Date of Final Order:** _____

Date of Proceeding	Type of Proceeding	Length of Proceeding	Name of Judge(s)	Portions Previously Prepared

CERTIFICATIONS

I hereby certify that the transcripts requested herein are necessary for a fair consideration of the issues set forth in the Notice of Appeal.

I hereby further certify that I have contacted the court reporter and satisfactory financial arrangements for payment of the transcript have been made as follows:

- Private funds. (Deposit of \$_____ enclosed with court reporter’s copy. Attach documentation.)
- Criminal or habeas corpus appeal with fee waiver (Attach order appointing counsel or order stating defendant is eligible.)
- Abuse and neglect or delinquency appeal with fee waiver (Attach order appointing counsel.)
- Advance payment waived by court reporter (Attach documentation.)

Date mailed to court reporter

Counsel of record or self-represented party

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NOTICE OF APPEAL – EXTRA SHEET

CASE NAME: _____

Response to SECTION: _____