**Introduction to Civil Limited Jurisdiction Appeals**

This is a general overview of the Appeals process. More detailed instructions are available in the Appeals Manual. The Appeals Manual can be purchased through the California Court Association Inc’s website located at www.calcourt.org.

In every county there is an appellate division of the superior court consisting of at least three judges that will review civil limited jurisdiction cases. Limited jurisdiction appeals apply to an appeal taken from a trial court judgment or appealable order. In limited jurisdiction cases, the original amount in controversy does not exceed $25,000.00. This amount is the dollar demand or prayer for the recovery sought or the value of the property. This amount is exclusive of attorney’s fees, interest and costs. This includes landlord/tenant cases.

REFERENCE: California Rules of Court, Rules 8.821 through 8.842

Rules 8.950 through 8.966 apply to appeals on small claims cases

The appellate division does not review questions of fact, it only decides if there was an error of law. When an appeal is filed the appellant is asking the appellate division of the superior court to review the trial courts final order as to whether there was an error of law serious enough to have prevented a fair trial.

The filing of a notice of appeal does not stay execution of the judgment. The trial court retains jurisdiction over post judgment proceedings unless an order for stay has been granted and the proper undertaking or bond has been posted.

In order for the appellate court to be able to understand what took place at the trial, it is necessary for a record of the proceedings to be prepared. A party may proceed on appeal by a record of the written document from the trial court proceedings in the form of one of the following:

1. A clerk’s transcript
2. The original trial court file
3. An agreed statement

If an appellant wants to raise any issue that requires consideration of the oral proceedings in the trial court, the record on appeal must include a record of these oral proceedings in the form of one of the following:

* A reporter’s transcript
* An official electronic recording of the proceedings
* An agreed statement
* Statement on appeal

In order for the processing of the appeal to proceed, the appellant must follow the rules of court governing appeals in a timely manner. Failure to comply with these rules will result in default of the appeals process. Once default has occurred in the appellate process, the trial court is barred from proceeding with the appeal processing until the reviewing court has granted relief. Any clerk or court reporter working on the appeal must also comply with the rules and process the appeal in a timely manner. Failure to comply may be treated as a breach of duty and any sanction allowed by law may be imposed.

Upon completion of the transcript(s), the appeal is forwarded to the appellate division of the superior court for a decision. The parties to the appeal receive an order from the appellate department fixing the dates by which “briefs” shall be filed with the clerk in the appellate division. A brief is a written argument by each party. Failure of the appellant to file a brief maycause the appeal to be dismissed. After the briefing period, the matter will be set for oral argument where the parties may orally argue before the judges. The parties are usually advised in court of the decision unless the matter was taken under submission. The parties will be advised of the final decision by way of a REMITTITUR. There is a 30 day waiting period between the appellate court rendering a decision and the issuance of the Remittitur. During this waiting period, a party may file a motion for a rehearing or a motion to transfer to a higher court.

A Remittitur is the written notice given by the appellate division to the parties to the appeal informing them that the decision is final and the case has been returned to the lower court. The appellate division may affirm, reverse or modify the decision of the lower court.

If the decision was to affirm the trial court’s decision, the original order or judgment of the trial court stands. If the decision was reversed, the parties are placed in the same position as though the case had never been tried. If the decision was modified, the trial court follows the direction for modification as set forth by the appellate division.

The prevailing party is entitled to their cost on appeal from the lower court. In any case in which the interests of justice require it, the reviewing court may make any award or apportionment of cost that it may deem proper. The awarding of costs on appeal shall be indicated on the remittitur by the reviewing court and transmitted to the trial court. If costs are awarded and the party claims those costs, the party shall within 30 days after the remittitur is filed with the trial court, serve on all parties and file with the clerk of the trial court a memorandum of costs, which may be taxed. Adding text ahere and here and here and here and here.

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