

Appeals to Superior Court

The Rules for Appeal of Decisions of Courts of Limited Jurisdiction (RALJ) apply to the appeal of all decisions from courts of limited jurisdiction in Whitman County, including Whitman County District Court, Colfax Municipal Court, Albion Municipal Court, Colton Municipal Court, and Uniontown Municipal Court, unless the appeal is from a decision of the Small Claims Department of the District Court. Small Claims appeals are governed Chapter 12.36 RCW.

RALJ APPEALS

1. A party appealing any decision of a court of limited jurisdiction, other than a small claims case, is an appeal for error on the record. (RALJ 1.1). The party is not provided with a new trial, and has no opportunity to present further evidence.
2. A party appealing any decision of a court of limited jurisdiction, other than a small claims case initiates the appeal by filing a **Notice of Appeal** in the court of limited jurisdiction where the decision being appealed was rendered. (RALJ 2.4).
 - a. The **Notice of Appeal** must be filed in the court of limited jurisdiction within 30 days after the date of entry of the final decision that the party seeks to appeal. (RALJ 2.5(a)).
 - i. Timely filing of the **Notice of Appeal** is jurisdictional, and failure to file within 30 days will result in the dismissal of the appeal by the Superior Court. (RALJ 2.4(A)).
 - b. The party filing the appeal is required to immediately serve a copy of the **Notice of Appeal** on all other parties to the action.
 - c. The party filing the appeal must also, at the time the **Notice of Appeal** is filed, pay the statutory Superior Court filing fee, together with filing, transcript, and other fees required by the court of limited jurisdiction. (RALJ 2.4(b)).
 - d. Immediately after a **Notice of Appeal** is filed, the clerk of the court of limited jurisdiction shall transmit a copy of the **Notice of Appeal**, together with the statutory filing fee (or a copy of the **Order of Indigency**, if the filing fee and/or other costs have been waived), to the clerk of the Superior Court. (RALJ 2.4(b)).
 - i. The clerk of the court of limited jurisdiction shall also provide the Superior Court Clerk with a copy of the **Order Appointing Counsel on Appeal**, if applicable.

3. Issues pertaining to indigency for purposes of appointment of counsel at public expense and waiver of the filing fee and other costs of appeal, are addressed to and determined by the judge in the court of limited jurisdiction. (RALJ 4.1(c)).
4. Within 14 days after filing the **Notice of Appeal**, the party seeking review shall serve on all parties and file with the clerk of the court of limited jurisdiction a **Designation of Record on Appeal**, setting forth those portions of the record that the party wants the clerk to transmit to the Superior Court. (RALJ 6.2(a)).
 - a. Within 14 days after the **Designation of Record on Appeal** is filed, the clerk of the court of limited jurisdiction shall prepare the record and notify each party that the record is ready to transmit and the amount to be paid by each party. (RALJ 6.2(A)).
 - i. Each party shall pay for the cost of preparing the portion of the record designated by that party within 10 days of the clerk's notification, unless the party has been excused from paying by the court. (RALJ 6.2(A)).
 - b. Promptly after receiving payment, or after preparing the record in cases where payment is waived, the clerk of the court of limited jurisdiction shall certify that the record is true and complete, transmit it to the Superior Court, and notify the parties that the record has been transmitted. (RALJ 6.2(A)).
 - i. On appeal, the Superior Court judge will not listen to the lower court's electronic recording to determine what occurred during those proceedings. The appealing party is required to provide the Superior Court with either an **Agreed Record of Proceedings** (RALJ 6.1(b)) or a typed **Transcript of Electronic Record** (RALJ 6.3A).
 1. Accordingly, the cassette tapes or other medium used to record the proceedings in the court of limited jurisdiction should not be transmitted to the Superior Court.
5. Immediately after the **Notice of Appeal** is filed in the Superior Court, the Superior Court clerk shall forward the file to the Superior Court Administrator for preparation of an **Appeal Scheduling Notice**.
 - a. Upon the judge's completion and filing of the **Appeal Scheduling Notice**, the Superior Court Administrator shall immediately mail copies to all parties involved in the appeal, and shall note the dates scheduled in the notice on the court's docket.

SMALL CLAIMS COURT APPEALS

1. An appeal from the Small Claims Department of the District Court is conducted pursuant to Chapter 12.36 RCW.
2. Pursuant to RCW 12.36.055, the appeal from a small claims judgment or decision shall be a trial de novo upon the record of the case, as entered by the District Court.
 - a. In a *trial de novo on the record*, a new trial is not conducted in Superior Court, and the Superior Court will not hear new evidence or testimony.
 - b. In a *trial de novo on the record*, the Superior Court hears the testimony and evidence from the original District Court Small Claims trial, and makes a decision based upon this record.
 - i. In a *trial de novo on the record*, however, the Superior Court Judge is not bound by the factual determinations that were made by the District Court Judge.
 1. In a *trial de novo on the record*, the Superior Court Judge is permitted to make determinations as to the credibility of witnesses and other evidence, to weight the evidence, and to independently substitute its judgment for that of the District Court Judge.
 - c. No appeal is permitted from a judgment of the Small Claims Department of the District Court where the amount in controversy, exclusive of costs, is less than \$250.00. RCW 12.36.010.
 - d. In addition, no appeal is permitted by a party that requested the exercise of jurisdiction by the Small Claims Department where the amount claimed by that party was less than one thousand dollars. RCW 12.40.120.
3. To appeal a judgment or decision in a Small Claims action, an appellant must take each of the following steps within thirty days after the judgment is rendered or decision made:
 - a. File a **Notice of Appeal** in the District Court.
 - b. Pay the statutory Superior Court filing fee.
 - c. Post the required bond or undertaking.

- d. Serve a copy of the **Notice of Appeal** on all parties of record.

RCW 12.36.020(1).

Timely completion of each of these steps is jurisdictional. Failure to comply will result in the dismissal of the appeal by the Superior Court.

4. The party filing the appeal must also, at the time the **Notice of Appeal** is filed, post a cash or surety bond in a sum equal to twice the amount of the judgment and costs, or twice the amount in controversy, whichever is greater, conditioned that the appellant will pay any judgment, including costs, as may be rendered on appeal. RCW 12.36.020(2).
5. When the appellant has filed the **Notice of Appeal**, paid the statutory Superior Court filing fee and the costs of preparation of the complete record, and posted the required bond, the clerk of the District Court shall immediately file a copy of the **Notice of Appeal**, the filing fee and the bond with the Superior Court. RCW 12.36.020(3).
6. **Appeal**, the filing fee and the bond with the Superior Court. RCW 12.36.020(3).
7. Within fourteen days after a Small Claims appeal has been filed in Superior Court by the Clerk of the District Court, the complete record of the District Court proceeding shall be made and certified by the clerk of the District Court to be correct. RCW 12.36.050.
 - a. The complete record shall consist of a transcript of all entries made in the District Court docket relating to the case, together with all the process and other papers relating to the case filed with the District Court and a contemporaneous recording made of the proceeding.
 - b. The clerk shall then immediately transmit the complete record to Superior Court.
 - c. The Superior Court shall then become possessed of the cause, and all further proceedings shall be in the Superior Court, including enforcement of any judgment rendered.
8. Local Practice:
 - a. Scheduling:
 - i. Once the District Court transcript of proceedings is filed with the Superior Court, the Superior Court Clerk shall forward the file to the Superior Court Administrator for preparation of an **Appeal Scheduling Notice**.
 - ii. The Court Administrator will schedule the *trial de novo on the record* ninety days from the date the appeal is filed in Superior Court.

iii. The Court Administrator shall set deadlines in the ***Appeal Scheduling Notice*** for filing and serving briefs as follows:

1. Appellant's Brief 30 days after Superior Court filing
2. Respondent's Brief 30 days after receipt of Appellant's Brief
3. Reply Brief 15 days after receipt of Respondent's Brief

iv. Upon the Administrator's completion and filing of the ***Appeal Scheduling Notice***, the Administrator shall immediately mail copies of the notice to all parties involved in the appeal, and shall note the dates scheduled in the notice on the court's docket.

b. Briefs. The original copy of each brief shall be filed with the Clerk of the Superior Court, and copies shall be served on the opposing party by personal delivery or regular mail.

1. In addition, one copy of each brief shall be provided to the Superior Court Administrator for delivery to the Judge. This copy may be provided by a PDF or MS Word Attachment to an email addressed to superiorcourt@co.whitman.wa.us or personal delivery or mail to the Court Administrator at P.O. Box 679, Colfax, WA 99111.

c. Trial Procedures:

i. Unless otherwise ordered, the court will play the CD recording of the District Court trial at the time scheduled for the *trial de novo on the record*.

1. Typically, the appellant will not be required to prepare a written transcript of the District Court small claims trial.

ii. After the CD recording of the District Court trial is heard, each party will be given an opportunity for oral argument.

1. The time for oral argument shall be limited to fifteen minutes per side.