

INSTRUCTIONS FOR PRO-SE APPEAL TO APPELLATE COURT

This packet will help you file a Notice of Appeal to either the Superior Court or the Commonwealth Court of Pennsylvania. This packet will **NOT** give you any information concerning what you have to do once your appeal has been filed. YOU SHOULD SPEAK TO AN ATTORNEY OR READ THE PENNSYLVANIA RULES OF APPELLATE PROCEDURE, particularly concerning the strict time limits for filing an appeal.

BEFORE you begin, **read COMPLETELY** these instructions.

A. COSTS

There are court costs which you will be required to pay, unless you apply for, and are granted in forma pauperis status. (An Application to Proceed In Forma Pauperis and Affidavit can be found on the website, or you maybe request a the form in person).

The total \$150.25. (Two checks or money orders must be supplied: \$90.25 payable to the Appellate Court you are appealing to and \$60.00 payable to the Prothonotary or Clerk of Courts)

There may also be costs for making photo copies and for obtaining the docket entries and a transcript of a hearing or trial.

YOU SHOULD CONSIDER THESE COSTS BEFORE YOU GO FURTHER.

B. COMPLETE THE FORM

The first form is the Notice of Appeal. This form gives notice to the Court of Common Pleas that you have filed an appeal of your case. It also starts the appeal process in the appellate court.

If requesting Informa Pauperis, complete and file the same. In Forma Pauperis is your request to allow the court to let you proceed in the appeal without having to pay any costs or fees. If the court denies your application, you will be required to pay all costs and fees.

Complete these forms entirely. Do not leave any blank spaces.
Some suggestions:

- (a) You are the Appellant, the person filing the appeal;
- (b) The other party is called the Appellee;
- (c) The forms must be printed in ink or type written;
- (d) A copy of the Order you are appealing **MUST** be attached.
- (e) You **MUST** attach a certified copy of the docket entries, which you can obtain from the Prothonotary/Clerk of Courts for a fee.

C. FILING AND SERVICE

1. FILING

- (a) The Prothonotary/Clerk of Courts Office is on the first floor of the Courthouse;
- (b) The original of the Notice of appeal [and In Forma Pauperis, if filing] must be filed in the Prothonotary/Clerk of Court's Office;
- (c) You should bring with you six (6) extra copies of the Notice of Appeal, 1 to be mailed to Appellate Court and 4 to serve (see below) and 1 for your records.

2. FILING FEE

- (a) You can pay the filing fee at the time you file;
- (b) If you cannot pay the filing fee, the Prothonotary/Clerk will send your Application to Proceed In Forma Pauperis to the Judge. The Judge will review your affidavit and decide your request, or possibly schedule a hearing on the same. *This may take more than a week.
- (c) **You must give the Prothonotary/Clerk a telephone number.** The Prothonotary/Clerk will contact you if the Judge denies your request for IFP. You will then have ten (10) days to pay the filing fee. **If you do not pay the filing fee within ten (10) days, the appeal will be dismissed.**

3. SERVICE OF THE NOTICE OF APPEAL

- (a) You must make service of a copy of the Notice of Appeal upon:
 - 1. The other party's attorney, or the other party if he had no attorney. (*Please note, if this is a criminal appeal, the Clerk of Courts will serve the appeal on the Commonwealth);
 - 2. The Judge who heard the case;
 - 3. The Court Administrator;
 - 4. The Court Reporter.
(*Please note, there is a 'box' located in the Prothonotary/Clerk of Courts Office for 2-4, and upon your request, this office will place the service copies in said box)
- (b) Should you choose to serve the Notice of Appeal to the individuals list in 2-4 above, you should do so by delivery the same to the appropriate offices, or by mailing them on the same day by ordinary mail. Please be sure to indicate how service was performed on the attached Certificate of Service.

D. WHAT HAPPENS NEXT?

- (a) It is your responsibility as the Appellant to submit to the appellate court a brief and reproduced record of the case. You will receive a notice from the appellate court with the date these items must be filed with that court. If they are not filed on time or in the correct manner, your appeal may be dismissed.
- (b) You must make arrangements with the court reporter for the preparation of a transcript of any hearing or trial.

IN THE COURT OF COMMON PLEAS OF THE 44TH JUDICIAL DISTRICT
WYOMING COUNTY BRANCH – CIVIL ACTION - LAW

(Plaintiff)
vs. _____
(Defendant)
Case No.: _____-C__-20____

NOTICE OF APPEAL
(Pro Se Form)

Notice is hereby give that _____, (Plaintiff/Defendant)
(name) (circle one)
in the above-captioned matter, hereby appeals to the Superior/Commonwealth Court of
Pennsylvania from the Order entered in this matter on the _____ day of
_____, _____. A copy of this Order is attached and has been entered
in the Docket as evidenced by the attached copy of the Docket Entries.

Respectfully submitted:

Date

Appellant

Address

**IN THE COURT OF COMMON PLEAS OF THE 44TH JUDICIAL DISTRICT
WYOMING COUNTY BRANCH – CIVIL ACTION - LAW**

(Plaintiff)	:	
vs.	:	Case No.: _____-C__-20_____
	:	
(Defendant)	:	

CERTIFICATE OF SERVICE

AND NOW, this _____ day of _____, 20____, I hereby certify that I served a true and correct copy of the Notice of Appeal on the following persons and in the manner indicated next to each (circle the method of service you used).

Opposing Party/Counsel: (LIST)	Personal/Mail/Box in Prothonotary Office
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President Judge (or Judge who heard case) _____ Courthouse	Personal/Mail/Box in Prothonotary Office
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Court Administrator Wyoming County Courthouse Tunkhannock, Pennsylvania 18657	Personal/Mail/Box in Prothonotary Office
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Court Reporter c/o Judge's Chambers Wyoming County Courthouse Tunkhannock, PA 18657	Personal/Mail/Box in Prothonotary Office
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Respectfully submitted:

Date

Appellant