

SUPREME COURT OF VIRGINIA

The Supreme Court of Virginia is the state court of last resort. It has appellate jurisdiction over an appeal directly from a final decision of a Circuit Court in civil cases where the matter of controversy exceeds \$500.00, except those cases which are appeals of decisions by an administrative agency or juvenile and domestic relations cases.

In appealing cases to the Supreme Court of Virginia, time is very important and the steps listed below, must be taken within the prescribed time frames. The parties are responsible for ensuring all steps mandated by the Code of Virginia are followed.

Rules of Court: Code of Virginia, Volume 11 - Part Five
Supreme Court Jurisdiction: §8.01-670

To appeal a civil case to the Supreme Court of Virginia, among other requirements, the appealing party or attorney must take the following jurisdictional steps:

1. File a Notice of Appeal with the trial court. Rule 5:9

- 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.

2. File Transcript or written statement of facts. Rule 5:11

- **Transcript** due 60 days after entry of final judgment.
 - Extension of time to file a transcript – A judge of the Supreme Court upon a motion filed within 60 days after entry of the final judgment may extend this time for good cause shown. Rule 5:5(a).
 - 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 5:11(c) for additional requirements.

3. Preparation and Transmission of Record. Rule 5:13

- Clerk of the trial court sends trial court record to the Supreme Court, within three (3) months after the date of entry of the judgment appealed from in accordance with Rule 5:13.

4. Filing of Petition with the Supreme Court

- Within three (3) months after judgment is entered in the trial court, the appealing party or his attorney must file a petition for appeal in the Supreme Court of Virginia. Rule 5:17.
- The Petition must contain assignments of error. Rule 5:17(c)
- The Petition is mailed to the Clerk of the Supreme Court of Virginia and must be accompanied by a \$50.00 filing fee. Rule 5:17(c) (f).
- Contact the Supreme Court for methods of payment.

5. Bond

- The Supreme Court in its discretion may require a costs bond with security, generally in the amount of \$500.00, upon awarding the appeal. Virginia Code §8.01-676.1(B)
- Any bond ordered by the Supreme Court must be filed and processed in the Circuit Court Clerk's Office of the trial court.

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.

**Supreme Court of Virginia
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