

Instructions for Filling Out Forms in the Appellate Division

The purpose of the following instructions is to indicate what is to be entered in each section of various forms used in the Appellate Division and what documents must accompany the forms. Enclosed are copies of the forms with each section numbered. That number corresponds with the number under the instructions for filling out that specific form. Please print or type the information on the forms which are enclosed.

Notice of Appeal Form

1. Enter the complete caption or title of the case exactly as it appears on the papers from the trial court or State agency from which you are appealing.
2. Enter your name, address, including any email address, and daytime telephone number. If you are not an attorney at law admitted to practice in the State of New Jersey, you may not represent any person other than yourself.
3. Enter the name of the judge whose judgment or order you are appealing.
4. Enter the name of the trial court from which this case originates (for example, "Superior Court, Law Division, Essex County", or "Superior Court, Family Part, Mercer County", or "Tax Court"). If the appeal is from a final decision of a State agency, enter the name of the agency.
5. In civil cases, enter the trial court docket number. In criminal cases, enter the complaint, accusation or indictment number(s). If a municipal appeal, enter the Law Division docket number. In agency matters, enter the number assigned by the agency.
6. Enter your name.
7. Check the appropriate box or boxes. Enter the date of the judgment, order or agency decision appealed from.
8. If you are appealing the entire judgment, order or agency decision, leave this space blank. If appealing only a part or several parts, specify in this space.
9. If all issues as to all parties are disposed of in this action in the trial court or agency, check "Yes". If all issues as to all parties are not disposed of, check "No". If you check "No", you should not be filing a notice of appeal, but rather a motion for leave to appeal, unless the answer to the next question, whether there is a certification of final judgment entered pursuant to Court Rule 4:42-2, is "Yes".
10. Only complete this section if the case is criminal, quasi criminal or juvenile action.
 - (A) Give a concise statement of the offense and the judgment including the date entered and any sentence or disposition imposed.
 - (B) Check the appropriate box indicating what the appeal is from. If from a post-conviction relief, indicate if it is a 1st, 2nd or other.

- (C) Indicate whether you are incarcerated and if bail or a stay was granted. If in custody, enter the name and full address of the facility or institution at which you are confined. Be sure to include any inmate identification number assigned to you.
- (D) Check the appropriate box indicating who represented you below.

11. Pursuant to Court Rule 2:5-1, a notice of appeal must be served upon a number of individuals. Enter the names, date of service and other information requested. Pursuant to Court Rule 1:5-2, service may be made by personal delivery of the papers, by ordinary mail or by certified or registered mail return receipt requested.
12. As discussed elsewhere in this pro se kit, the transcript of the proceedings of the trial court or state agency from which you are appealing must be ordered. As appellant, you must order the transcript and complete this section of the notice of appeal. Enter the names of the persons on whom you served the court transcript request form(s), the date of service and the amount of deposit paid.
13. You need not order nor pay a deposit for the transcript at the time of filing the notice of appeal if any of the conditions enumerated in this section apply. If applicable, check the appropriate box. If none of the four statements in this section applies to your case, you should leave this section blank.

No Verbatim Record

This means that during the proceedings in the trial court or agency from which you are appealing, there was no court reporter present, no tape recorder that was sound recording, nor any other verbatim record of the proceedings being made.

Transcript in Possession of Attorney or Pro Se Litigant

This means that either you or an attorney representing another party have already obtained the transcript. In these instances, it will not have to be reordered as a new transcript. As you are the appellant, however, it will be your responsibility to have sufficient copies made of the transcript for filing and service. If the transcript is in the possession of another person, you will be responsible for making arrangements to obtain it from that person, or obtain a copy from the person who produced the transcript. List the date(s) of the trial or hearing.

Motion for Abbreviation of Transcript Filed with the Court or Agency Below

In lieu of a transcript of the entire proceedings in the trial court or agency, the transcript may be abbreviated by either the consent of all parties or by a motion to the trial court or agency. See the Appellate Division Practice Checklist and Court Rule 2:5-3(c) for more information. If you have filed a motion for abbreviation of the transcript, a copy of that motion must be attached to your notice of appeal. As the person who filed the motion with the trial court or agency, it is your responsibility to keep the Clerk's office informed as to the status of that motion and to obtain a copy of the decision deciding same.

Motion for Free Transcript Filed with the Court Below

If you have filed a motion for free transcript with the trial court, a copy of that motion must be attached to your notice of appeal. As the person who filed the motion with the trial court, it is your responsibility to keep the Clerk's office informed as to the status of that motion and to obtain a copy of the order deciding same. Please refer to the cover letter of this pro se kit and the Appellate Division Practice Checklist for more information.

14. Enter the date on the line.
15. Sign your name on the line.

Necessary Attachments to the Notice of Appeal

The notice of appeal that you mail or deliver to the Clerk's office for filing, and which you serve on the other parties and individuals, must have a transcript request form and a case information statement attached.

(1) **Transcript Request Form(s).**

One copy of a transcript request form for each individual court reporter must be attached to your notice of appeal. In the case of sound recording, one copy of the transcript request form to the clerk of the trial court or agency from which this appeal is being taken must be attached to your notice of appeal. The check in payment of the deposit is not mailed to the Clerk's office, but is to be sent by you to the court reporter or, in the case of sound recording, to the clerk of the trial court or agency. If, as discussed elsewhere in this pro se kit, you can not afford the transcript, your notice of appeal should be accompanied by a copy of the motion for free transcript you filed in the trial court, or by a copy of the motion for abbreviation of transcript filed in the trial court or agency. If you are filing a motion for free transcript in the Appellate Division, you must include with your notice of appeal an original and four copies of your motion, made pursuant to Court Rule 2:8-1.

(2) **Case Information Statement.**

If your case is a civil matter, you must complete and sign a civil case information statement. If criminal, quasi-criminal or juvenile action, you must complete and sign a criminal case information statement. A copy of the judgment or order of the trial court or decision of the State agency, which is the subject of the appeal, should be attached to your case information statement.



**New Jersey Judiciary
Superior Court - Appellate Division
NOTICE OF APPEAL**

Type or clearly print all information. Attach additional sheets if necessary.	ATTORNEY / LAW FIRM / PRO SE LITIGANT			
TITLE IN FULL (AS CAPTIONED BELOW):	NAME			
	STREET ADDRESS			
	CITY	STATE	ZIP	PHONE NUMBER
	EMAIL ADDRESS			

ON APPEAL FROM		
TRIAL COURT JUDGE	TRIAL COURT OR STATE AGENCY	TRIAL COURT OR AGENCY NUMBER

Notice is hereby given that _____ appeals to the Appellate Division from a Judgment or Order entered on _____ in the Civil Criminal or Family Part of the Superior Court or from a State Agency decision entered on _____.

If not appealing the entire judgment, order or agency decision, specify what parts or paragraphs are being appealed.

Have all issues, as to all parties in this action, before the trial court or agency been disposed of? (In consolidated actions, all issues as to all parties in all actions must have been disposed of.) Yes No

If not, has the order been properly certified as final pursuant to R. 4:42-2? Yes No

For criminal, quasi-criminal and juvenile actions only:

Give a concise statement of the offense and the judgment including date entered and any sentence or disposition imposed:

This appeal is from a conviction post judgment motion post-conviction relief.

If post-conviction relief, is it the 1st 2nd other _____
specify

Is defendant incarcerated? Yes No

Was bail granted or the sentence or disposition stayed? Yes No

If in custody, name the place of confinement:

Defendant was represented below by:

Public Defender self private counsel _____
specify

Notice of appeal and attached case information statement have been served where applicable on the following:

	Name	Date of Service
Trial Court Judge		
Trial Court Division Manager		
Tax Court Administrator		
State Agency		
Attorney General or Attorney for other Governmental body pursuant to <u>R. 2:5-1(a), (e) or (h)</u>		
Other parties in this action:		
Name and Designation	Attorney Name, Address and Telephone No.	Date of Service

Attached transcript request form has been served where applicable on the following:

	Name	Date of Service	Amount of Deposit
Trial Court Transcript Office			
Court Reporter (if applicable)			
Supervisor of Court Reporters			
Clerk of the Tax Court			
State Agency			

Exempt from submitting the transcript request form due to the following:

- No verbatim record.
- Transcript in possession of attorney or pro se litigant (four copies of the transcript must be submitted along with an electronic copy).
List the date(s) of the trial or hearing:

- Motion for abbreviation of transcript filed with the court or agency below. Attach copy.
- Motion for free transcript filed with the court below. Attach copy.

I certify that the foregoing statements are true to the best of my knowledge, information and belief. I also certify that, unless exempt, the filing fee required by N.J.S.A. 22A:2 has been paid.

DATE

SIGNATURE OF ATTORNEY OR PRO SE LITIGANT