

## Superior Court Appellate Division Guide

- Appeals from the Magistrate Division to the Appellate Division of the Superior Court are governed by **Virgin Islands Superior Court Rule 322**
- The deadline to appeal a final order of the Magistrate Division (i.e. file a “Notice of Appeal”) is **14 days from the date of entry of the final order**. This date can be found on the “Notice of Entry” document issued by the Superior Court Clerk’s Office, which is the cover page of the Order you are appealing. The appeal will not begin until there is an order signed and entered.
- An appeal from a Magistrate Division Order must include:
  - The Notice of Appeal
  - A Position Statement: You must present the issues for the Superior Court judge to consider and presents an argument supporting your position. The Position Statement cannot be longer than 780 words (or 3 pages if you are not an attorney).
  - A Certificate of Service stating that you served your Notice of Appeal upon the opposing party by mail to the party’s mailing address or other means to guarantee the opposing party’s notice. **Appeals are not served by the Marshal Division.**
  - A filing fee of \$50.00 or a Motion to Proceed In Forma Pauperis. (Failure to file either within 14 days of the date you file the notice of appeal will result in the dismissal of your appeal.)
- Transcript:

Transcripts are not required. Electronic transcripts (or FTR Recordings) of the Magistrate hearings are available from the Clerk’s office for \$50.00 or you may order a written transcript. To order a written transcript you must contact the Office of the Court Reporter and pay the fee set by the Court Reporter. **If you believe you will use a transcript in an appeal, you should order the transcript as soon as possible.**
- The Court does not require a response to a Notice of Appeal. But if Appellee (the opposing party that did not file the appeal) wishes to respond, the response is due 14 days from the date that the notice of appeal was filed. The same rules apply to Appellee’s response, except that the Appellee does not have to pay a filing fee.

**SUPERIOR COURT OF THE VIRGIN ISLANDS**  
**DISTRICT OF \_\_\_\_\_**

\_\_\_\_\_, )  
Plaintiff, )  
 ) CASE NO: \_\_\_\_\_  
v. )  
 )  
\_\_\_\_\_, )  
Defendant. )  
 )  
\_\_\_\_\_)

**NOTICE OF APPEAL**  
**From the Magistrate Division**

COMES NOW \_\_\_\_\_, the Plaintiff Defendant in the above-captioned case and files this Notice of Appeal of a final order of the Magistrate Division. (*Check and complete one*)

This order was signed by the Honorable \_\_\_\_\_ and entered by the Superior Court Clerk's Office on \_\_\_\_\_, \_\_\_\_\_, 20\_\_\_\_;<sup>1</sup>

This order was announced by the Honorable \_\_\_\_\_ at a hearing held on \_\_\_\_\_, \_\_\_\_\_, 20\_\_\_\_ but it has not yet been signed by the judge and entered by the Superior Court Clerk's Office. I understand that this appeal will not proceed until this order is signed and entered.

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

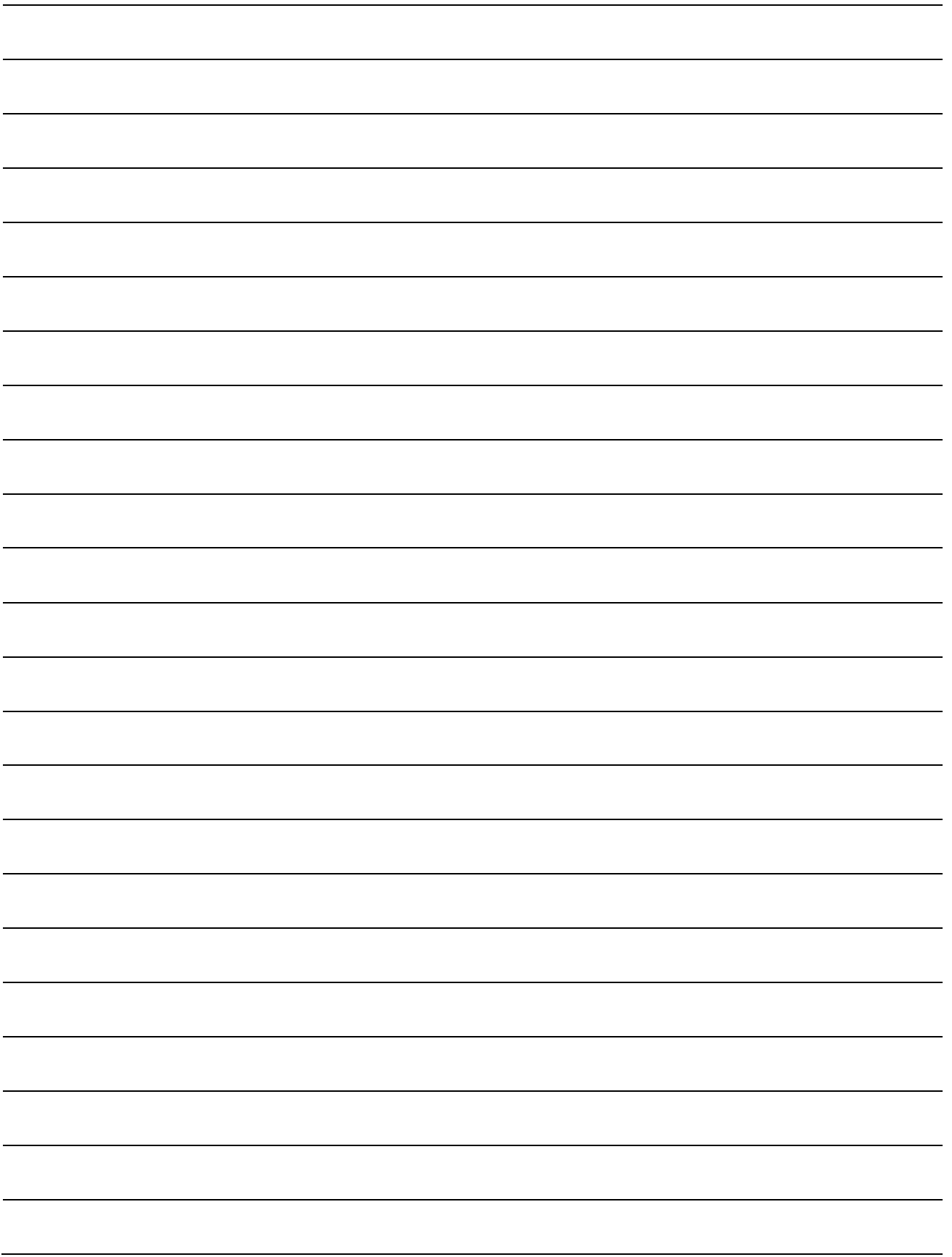
Name: \_\_\_\_\_

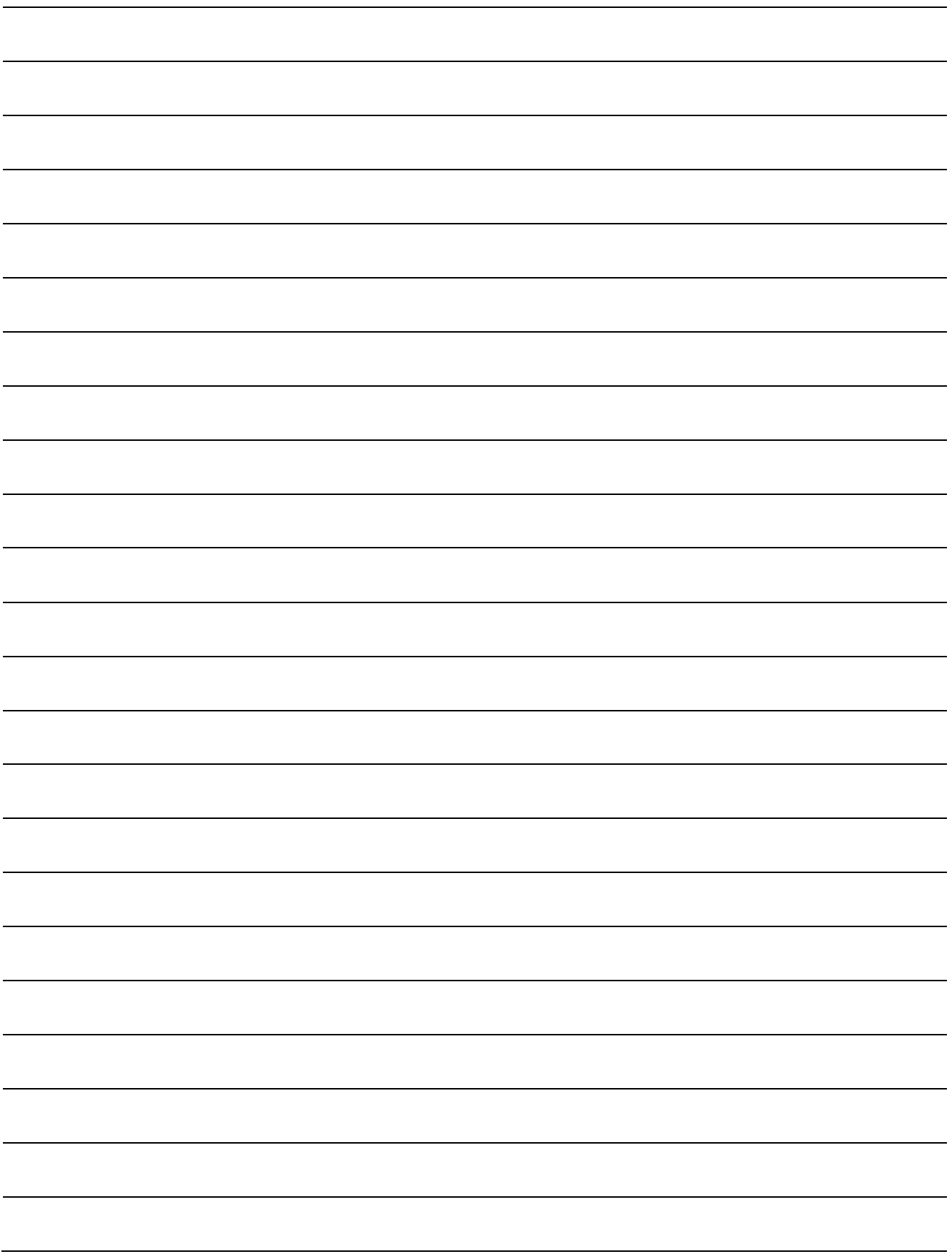
Mailing Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

<sup>1</sup> This date can be found on the "Notice of Entry" document issued by the Superior Court Clerk's Office, which is the cover page of the Order you are appealing.







**CERTIFICATE OF SERVICE**

[All parties to the Superior Court action must be served.]

I certify that on \_\_\_\_\_, 20\_\_\_\_, I served an exact copy of this *Notice of Appeal* upon the party/parties listed below, in the manner given below.

Signature: \_\_\_\_\_

Name of Party: \_\_\_\_\_

Name of Attorney: \_\_\_\_\_

Method of Service (if a party is represented by an attorney, the attorney must be served):

U.S. Mail, full postage pre-paid to: (*insert party's mailing address*)

\_\_\_\_\_  
 Personal Service at (*insert exact location*) \_\_\_\_\_

Other (*describe*) \_\_\_\_\_