

DISTRICT OF COLUMBIA
OFFICIAL CODE

TITLE 17.

REVIEW.

CHAPTER 3.

DISTRICT OF COLUMBIA COURT OF APPEALS.

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DISTRICT OF COLUMBIA OFFICIAL CODE
CHAPTER 3. DISTRICT OF COLUMBIA COURT OF
APPEALS.

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CHAPTER 3. DISTRICT OF COLUMBIA COURT OF APPEALS.

§ 17-301. APPLICATIONS FOR ALLOWANCE OF APPEALS FROM CERTAIN SUPERIOR COURT JUDGMENTS; HEARING; EFFECT OF DENIAL.

(a) The application for the allowance of an appeal from a judgment of the Small Claims and Conciliation Branch of the Superior Court of the District of Columbia, or from a judgment of the criminal division of that court where the penalty imposed is less than \$50, provided for by section 11-721(c), shall be on a standard form, in simple language, prescribed by the Superior Court of the District of Columbia. If the appellant is not represented by counsel, the clerk of the Superior Court of the District of Columbia shall prepare the application in his behalf.

(b) The application provided for by subsection (a) of this section shall be filed in the District of Columbia Court of Appeals within the time limit prescribed by section 17-307(b), and shall be promptly presented by the clerk of that court to three judges thereof for their consideration. When any one of them is of the opinion that the appeal should be allowed, the appeal shall be recorded as granted, and the case set down for hearing on appeal. It shall be given a preferred status on the calendar, and heard in the same manner as other appeals in the court. When the three judges are of the opinion that the appeal should be denied, the denial shall stand as an affirmance of the judgment of the trial court, and there shall be no further appeal.

(Dec. 23, 1963, 77 Stat. 613, Pub. L. 88-241, § 1; Dec. 8, 1967, 81 Stat. 545, Pub. L. 90-178, § 2; July 29, 1970, 84 Stat. 565, Pub. L. 91-358, title I, § 146(a)(2)(A), 155(a).)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 17-301.

1973 Ed., § 17-301.

§ 17-302. REGULATION OF APPEALS; RECORD; COSTS.

The District of Columbia Court of Appeals may regulate, generally, all matters relating to appeals, whether in the District of Columbia Court of Appeals or in the court below. It may prescribe by rules what part of the proceedings in the court below shall constitute the record on appeal, and may require that the original papers, instead of copies thereof, be sent to it. It may not require that the record or briefs on appeal be printed. If they are printed, the cost of printing may not be taxed as costs in the case.

(Dec. 23, 1963, 77 Stat. 613, Pub. L. 88-241, § 1.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 17-302.

1973 Ed., § 17-302.

§ 17-303. APPEALS FROM ADMINISTRATIVE ORDERS AND DECISIONS.

An appeal from an order or decision as provided for in section 11-722, is commenced by filing, within the time prescribed pursuant to section 17-307(a), the written petition for review provided by section 11 of the District of Columbia Administrative Procedure Act (§ 2-510). The District of Columbia Court of Appeals may prescribe the necessary rules and procedures for review of administrative orders and decisions, consistent with such section 11.

(Dec. 23, 1963, 77 Stat. 614, Pub. L. 88-241, § 1; July 29, 1970, 84 Stat. 565, Pub. L. 91-358, title I, §

146(a)(3)(A).)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 17-303.

1973 Ed., § 17-303.

§ 17-304. STAY UPON APPLICATION FOR REVIEW OF, OR PENDING APPEAL FROM, ADMINISTRATIVE ORDER OR DECISION.

(a) An application for review, or pendency of an appeal, provided for by section 17-303, does not operate as a stay of the order or decision from which the appeal is taken:

(1) in any case where, under existing law, a stay may not be granted; or

(2) in any other case unless so ordered by the Mayor or Council of the District of Columbia, by the independent agency, or by the District of Columbia Court of Appeals as provided by subsection (b) of this section.

(b) For good cause shown, and upon such conditions as may be required and to the extent necessary to prevent irreparable injury, the court may take appropriate and necessary action to preserve the status or rights pending conclusion of the review proceedings provided for by section 17-303.

(Dec. 23, 1963, 77 Stat. 614, Pub. L. 88-241, § 1; July 29, 1970, 84 Stat. 565, Pub. L. 91-358, title I, § 146(a)(4); Mar. 24, 1998, D.C. Law 12-81, § 11, 45 DCR 745.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 17-304.

1973 Ed., § 17-304.

Miscellaneous Notes

Law 12-81, the "Technical Amendments Act of 1998," was introduced in Council and assigned Bill No. 12-408, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on November 4, 1997, and December 4, 1997, respectively. Signed by the Mayor on December 22, 1997, it was assigned Act No. 12-246 and transmitted to both Houses of Congress for its review. D.C. Law 12-81 became effective on March 24, 1998.

§ 17-305. SCOPE OF REVIEW.

(a) In considering an order or judgment of a lower court (or any of its divisions or branches) brought before it for review, the District of Columbia Court of Appeals shall review the record on appeal. When the issues of fact were tried by jury, the court shall review the case only as to matters of law. When the case was tried without a jury, the court may review both as to the facts and the law, but the judgment may not be set aside except for errors of law unless it appears that the judgment is plainly wrong or without evidence to support it.

(b) The provisions of section 11 of the District of Columbia Administrative Procedure Act (§ 2-510) shall apply with respect to review by the District of Columbia Court of Appeals of an order or decision under that Act.

(Dec. 23, 1963, 77 Stat. 614, Pub. L. 88-241, § 1; July 29, 1970, 84 Stat. 565, Pub. L. 91-358, title I, § 146(a)(5).)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 17-305.

1973 Ed., § 17-305.

§ 17-306. DETERMINATION OF APPEALS.

The District of Columbia Court of Appeals may affirm, modify, vacate, set aside or reverse any order or judgment of a court or any division or branch thereof, or any administrative order or decision, lawfully brought before it for review, and may remand the cause and direct the entry of such appropriate order,

judgment, or decision, or require such further proceedings to be had, as is just in the circumstances.
(Dec. 23, 1963, 77 Stat. 615, Pub. L. 88-241, § 1; July 29, 1970, 84 Stat. 565, Pub. L. 91-358, title I, § 146(a)(6).)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 17-306.

1973 Ed., § 17-306.

§ 17-307. TIME FOR TAKING OR APPLYING FOR ALLOWANCE OF APPEALS.

(a) Except as provided by subsection (b) of this section, the time during which an appeal may be taken pursuant to section 11-721 or 11-722 may be fixed by rules of the District of Columbia Court of Appeals.

(b) Applications for the allowance of appeals from judgments of the Small Claims and Conciliation Branch of the Superior Court of the District of Columbia, and from judgments in the criminal division of that court where the penalty imposed is less than \$50, specified by section 11-721(c), shall, in each case, be filed in the District of Columbia Court of Appeals within three days from the date of judgment.

(Dec. 23, 1963, 77 Stat. 615, Pub. L. 88-241, § 1; July 29, 1970, 84 Stat. 565, Pub. L. 91-358, title I, § 146(a)(7).)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 17-307.

1973 Ed., § 17-307.