

Shannon McLin Carlyle:

Generally speaking, from the beginning of an appeal to the end of an appeal is a year to a year and a half, so it's a long drawn out process. Once the Final Judgment is entered, there's a Notice of Appeal that must be filed within 30 days of a rendition of the final judgment. Once the appeal is filed, there's 70 days before an initial brief is filed, then there's an opportunity if there's extensions of time, that can make that process take longer. And then approximately a month later, an answer brief is filed. Approximately another month later, a reply brief is filed. And then if there's an oral argument, that could occur three to four months after a reply brief. Following the oral argument, the case is under consideration with the panel of the appellate judges. After that, it varies widely depending on whether or not the court is going to affirm just summarily, called a PCA per curiam affirmed, or whether the court is going to write an opinion.

Shannon McLin Carlyle:

In the family law case, There are final appeals and then there are non final appeals. And if it's a non final appeal, but also an appeal with relating to children's issues. If it's a children's issue appeal, then it's on an expedited basis, which means it's very, very difficult to get extensions of time and then that case actually goes to the front of the line once it's perfected at the appellate court. So in a family law case, if you have issues that are dealing with children, then that appeal will generally be resolved quicker than if it's a regular final appeal, from say a final judgment of dissolution of marriage, that is only dealing with equal distribution and alimony and those types of subjects. But those financial stressors can also need to be expedited given a client's circumstances, maybe their house is going into foreclosure because the former spouse is failing to pay the mortgage payment, so we can seek expedited review, even in financial cases, when the circumstances merit it.

Shannon McLin Carlyle:

Sometimes the client retains us and the trial lawyer really takes a back seat and we work directly with the client. And then other times, when it makes sense for the trial lawyer to stay involved, then we can handle cases on like a co-counsel basis. That can take less time, so it's not as expensive for the client.

Mark Rabinowitz:

Appellate procedure requires specific knowledge and familiarity with being able to argue in front of a three judge panel and be persuasive. It is very difficult to do that, but I can't remember any of the appeals that Shannon's done with me that we've ever lost, which is very unusual.

Shannon McLin Carlyle:

If you have a question, you can call me anytime and I'm happy to answer your questions.