

JUVENILE APPEALS

- I. THE NOTICE OF APPEAL WITH PETITION TO PROCEED IN FORMA PAUPERIS**
 - A. Who to File Notice With, How Many Copies, & Form of Notice
 - B. Requesting the Appropriate Notes of Testimony
 - C. MUST INCLUDE IN FORMA PAUPERIS REQUEST
 - D. Service of the Notice of Appeal & IFP Application
 - E. Correcting Errors in a (Timely) Notice of Appeal

- II. WHEN TO FILE THE NOTICE OF APPEAL, AND WHAT HAPPENS WHEN MISTAKES ARE MADE**
 - A. 30-Day Notice of Appeal Deadline
 - B. Deadline Runs from Issuance of Dispositional Order
 - C. Tolling of Deadline Due to Timely Post-Disposition Motion
 - D. The Giant Mess Caused by 42 Pa.C.S. § 5505 Motions
 - E. Premature Notices of Appeal — What Happens?
 - F. Untimely Notices of Appeal — What Happens?
 - G. Complication: The Interlocutory Appeal as of Right

- III. THE RECORD TRANSMITTED TO THE SUPERIOR COURT**
 - A. Importance of Record; Documents Contained
 - B. What to Do if a Proceeding Has No Transcript
 - C. Fixing Problems with the Record

IV. THE CONCISE STATEMENT OF ERRORS COMPLAINED OF ON APPEAL (PA.R.APP.P. 1925)

- A. When Required to File & What Statement Must Say
- B. Trial Judge Orders Concise Before Notes of Testimony Available
- C. Waiver of Claims Due to Untimely Concise Statement
- D. Waiver of Claim(s) Due to Omission from Concise Statement
- E. Preserving Claims While Ensuring Flexibility for the Brief

V. BRIEF OF APPELLANT

- A. Order of Contents
 - (1) Statement of the Jurisdiction — boilerplate
 - (2) Statement of the Scope and Standard of Review
 - (3) Order or Other Determination in Question — boilerplate
 - (4) Statement of the Question Involved
 - (5) Statement of the Case
 - (6) Summary of the Argument(s)
 - (7) Argument(s)
 - (8) Conclusion (includes prayer for relief)
 - [9] Copy of Concise Statement
 - [10] Copy of Trial Court's Opinion
- B. The Boilerplate Parts
 - (1) Statement of Jurisdiction
 - (2) Order or Other Determination in Question
- C. Statement of the Scope and Standard of Review
(not boilerplate, but fairly easy — Westlaw or Lexis search usually does the trick)
- D. Statement of the Questions Involved
(NOTE PAGE LIMITATION) (NO EXCEPTIONS)
- E. Summary of the Argument
(TWO-PAGE LIMITATION, NO EXCEPTIONS)

- F. Argument
- G. Conclusion — usually boilerplate

VI. THE REPLY BRIEF

- A. Optional; only needed if must respond to Commonwealth's arguments.
- B. Deadline for filing is 14 days after Commonwealth's Brief is filed with Superior Court.

VII. PRE-SUPERIOR COURT REVIEW (OPTIONAL): THE POST-DISPOSITIONAL MOTION

- A. Mirrors Post-Sentence Motion for Adult Clients
- B. NOTE THAT POST-DISPOSITIONAL MOTION CANNOT SAVE CLAIM THAT HAS ALREADY BEEN FORFEITED
- C. Extrarecord Claims Possible — including Ineffective Counsel Claims
- D. Exception to Optional Status: Manifest Weight of the Evidence

VIII. INEFFECTIVE ASSISTANCE OF COUNSEL CLAIMS

- A. Adult System, pre-Grant versus post-Grant
- B. How to Assert, in a Direct Appeal, Claim of Ineffective Trial Counsel
- C. Ineffectiveness that is Clear from the Record
- D. Ineffectiveness that requires an Evidentiary Hearing

IX. POST-SUPERIOR COURT LITIGATION

- A. Application for Reconsideration and for En Banc Review (14 days from judgment) (not required for allocatur)

- B. "Allocatur" — Petition for Allowance of Appeal
(30 days from last Superior Court decision date)
- C. State Habeas Corpus Review — note inapplicability of PCRA
- D. Federal Habeas Corpus Review