

Additional Civil Appeals: Delaware

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Status: Law stated as of 07 Mar 2023 | Jurisdiction: Delaware, United States

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A Q&A guide to appealing from a trial court of general jurisdiction in Delaware. This Q&A addresses starting an appeal (as of right or by permission), obtaining a stay pending appeal, completing preliminary requirements (like mediation), submitting a factual record or appendix, briefing the appeal, arguing the appeal, and requesting rehearing. Answers to questions can be compared across a number of jurisdictions (see Initial Civil Appeals: State Q&A Tool).

Following the suspension or modification of nonessential judicial functions in 2020 due to COVID-19, Delaware courts have resumed most operations, but local courts may impose special rules impacting some litigation (such as remote proceedings). Check [The Delaware Judiciary Response to Coronavirus Disease \(COVID-19\)](#) website for the latest developments in this jurisdiction.

Overview of State Appeals

1. What types of rulings, if any, can a party appeal as of right?

Delaware has no intermediate appellate court. For information about the types of rulings a party may appeal as of right in Delaware, see [State Q&A, Initial Civil Appeals: Delaware, Question 1](#).

2. What type of rulings can a party appeal by permission (for example, anything not appealable as of right, final judgments)?

Delaware has no intermediate appellate court. For information about the types of rulings a party may appeal by permission in Delaware, see [State Q&A, Initial Civil Appeals: Delaware, Question 2](#).

3. Are there any restrictions on the types of issues the court of last resort can consider (for example, only constitutional questions, only questions of law)?

Delaware has no intermediate appellate court. For information about any restrictions on the types of issues

that the Delaware Supreme Court can consider, see [State Q&A, Initial Civil Appeals: Delaware, Question 3](#).

4. Can the court of last resort consider the entire case (subject to any restrictions in Question 3) or is it limited to particular matters (for example, questions on which certiorari was granted)?

Delaware has no intermediate appellate court. For information as to whether the Delaware Supreme Court's scope of review may be limited to particular matters, see [State Q&A, Initial Civil Appeals: Delaware, Question 3](#).

Starting an Appeal

5. When must a party start an appeal?

Delaware has no intermediate appellate court. For information when a party must start an appeal in Delaware, see [State Q&A, Initial Civil Appeals: Delaware, Question 4](#).

6. How, if at all, can a party extend the time to start an appeal?

Delaware has no intermediate appellate court. For information about how a party may extend the time to start an appeal in Delaware, see [State Q&A, Initial Civil Appeals: Delaware, Question 5](#).

7. How does a party start an appeal as of right (for example, notice of appeal, petition)?

Delaware has no intermediate appellate court. For information about how a party may start an appeal as of right in Delaware, see [State Q&A, Initial Civil Appeals: Delaware, Question 6](#).

8. How does a party start an appeal by permission (for example, motion to the court of last resort, motion to the intermediate appellate court)?

Delaware has no intermediate appellate court. For information about how a party may start an appeal by permission in Delaware, see [State Q&A, Initial Civil Appeals: Delaware, Question 7](#).

Stay Pending Appeal

9. How, if at all, can a party stay the lower courts' rulings pending appeal (for example, posting a bond, making a motion, automatically by appealing)?

Delaware has no intermediate appellate court. For information about how a party may stay the lower court's ruling pending appeal in Delaware, see [State Q&A, Initial Civil Appeals: Delaware, Question 8](#).

Preliminary Matters

10. What, if any, preliminary matters are required before the parties brief the appeal (for example, filing informational forms, participating in mediation or settlement conferences)?

Delaware has no intermediate appellate court. For information about mandatory preliminary matters before

the parties brief the appeal in Delaware, see [State Q&A, Initial Civil Appeals: Delaware, Question 9](#).

Court Submissions

11. What factual materials are submitted to the court (for example, the trial court record, excerpts of the record, an appendix)? When and by whom?

Delaware has no intermediate appellate court. For information about the factual materials that are submitted to the court on appeal in Delaware, see [State Q&A, Initial Civil Appeals: Delaware, Question 10](#).

12. What briefs are filed and when? Does this change when there is a cross-appeal?

Delaware has no intermediate appellate court. For information about briefs that are filed on appeal in Delaware, see [State Q&A, Initial Civil Appeals: Delaware, Question 11](#).

13. How, if at all, can a party extend the time to file a brief (for example, stipulation, so-ordered stipulation, motion)?

Delaware has no intermediate appellate court. For information about how a party may extend the time to file a brief in Delaware, see [State Q&A, Initial Civil Appeals: Delaware, Question 12](#).

14. Are there word or page limits for briefs? If so, please indicate:

- The word or page limit for each type of brief (for example, appellant's brief, appellee's brief, reply brief).
- How, if at all, a party can obtain permission to exceed the usual limit (for example, stipulation, so-ordered stipulation, motion).

Delaware has no intermediate appellate court. For information about the word or page limits for briefs in Delaware and how a party may obtain permission to exceed the usual word or page limit on a brief, see [State Q&A, Initial Civil Appeals: Delaware, Question 13](#).

Oral Arguments

15. Is oral argument available? If so, please indicate:

- Any restrictions on what types of cases may be argued.
- Whether the parties can request oral argument or submission on the papers.
- How much time each party or side typically receives for argument.

Delaware has no intermediate appellate court. For information about oral arguments on appeal in Delaware, see [State Q&A, Initial Civil Appeals: Delaware, Question 14](#).

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