

## CHECKLIST FOR APPEALS

Robert M. Derosier

### 1. Review adverse ruling by trial court or agency to determine if there is error.

- A. Can error be effectively corrected at the trial court or agency level.
  - i. Discretionary and mandatory reconsiderations.
  - ii. Standard: Did the trial court or agency misapprehend or overlook facts.
  - iii. Create a record for appeal.
- B. Was the error preserved for appeal.
  - i. Question presented to the trial court.
  - ii. Contemporaneous objection.
  - iii. Does the record support the alleged claim of error.
- C. Types of errors
  - i. Errors of fact: Presumption in favor of trial court's decision.
  - ii. Errors of law: "De novo" review.
- D. Is claim of error supported by New Hampshire law or precedent.
  - i. Question of first impression.
  - ii. Legal treatises.
  - iii. Authority from another jurisdiction.

### 2. Time for filing an appeal.

- A. 30 days from final decision.

**3. Other considerations.**

- A. Goals on appeal.
- B. Cross-appeal.
  
- C. Costs

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