



## **Domestic or family law cases often have multiple issues and can go on for years.**

Beyond simply divorce, family law cases may encompass other issues, such as child custody, child support, alimony, and property distribution, also called equitable distribution.

In other areas of the law, an appeal to the North Carolina Court of Appeals is possible only at the conclusion of the case, after every issue has been resolved. **But that is not the case in the world of family law.**

If you believe that the trial court incorrectly ruled on an issue about child custody, child support, alimony, or equitable distribution, North Carolina law gives you the right to appeal immediately. North Carolina law also gives you the right to appeal immediately if a trial court concludes that your pre-marital agreement is not enforceable.

When considering whether to appeal a trial court's adverse ruling, you must think and act quickly. Typically, the notice of appeal must be filed no more than 30 days after the trial court enters its decision.

Given your existing relationship with your attorney, it may be tempting to ask him or her to also handle your appeal. But that may not always be the best decision.

When fashioning a family law ruling, trial courts often have the discretion to dispose of the matter as they see fit. In practice, these courts determine what the facts are and reach a legal conclusion based solely on their view of the facts.

### **Why hire an appellate law attorney?**

#### **1.) A fresh look through a magnification lens**

A successful appellate attorney will possess a set of skills that are different from your trial court attorney's skillset.

Appellate advocacy requires keen attention to detail. For example, to succeed on appeal, you may need to challenge the trial court's findings of facts. But it is not enough to argue the facts in the same way that they were argued in the trial court. Even if your view of the facts is correct, the appellate courts are bound to follow the trial court's findings unless it can be shown that they are not supported by evidence.

Success on appeal, therefore, is likely to require mastery of the entire record. Like finding a needle in a haystack, a good appellate attorney should be able to find the one or two key facts that swing the case in your favor.

More than a different skill set, bringing in a dedicated appellate attorney will ensure that your case gets the close look it deserves.

Whether you need to appeal an order awarding custody, setting alimony, or dividing your property, it is

helpful to have a fresh set of eyes review both the order and the record.

## **2.) Appellate Procedure is not like District Court Procedure.**

The appellate practice also requires familiarity with North Carolina's Rules of Appellate Procedure. These rules can be complex and often may make appellate practice inaccessible to the inexperienced practitioner.

A successful appellate attorney should have a thorough understanding of these rules. Otherwise, even the best appeal may be lost through non-compliance.

### **Why use Ward and Smith's Appellate Law Attorneys?**

At Ward and Smith, our family law appellate team meets these needs.

We have handled family law cases before all of North Carolina's appellate courts, including the Supreme Court of North Carolina. Our attorneys have argued dozens of cases before these courts, making them familiar with their practices.

These arguments have ranged in subject matter, from ordinary equitable distribution cases to groundbreaking cases interpreting the statutes governing child custody arrangements.

In addition, at Ward and Smith, our attorneys are familiar with the Appellate Rules, with two team members serving on the Appellate Rules Committee, the group that proposes amendments to the Rules to the Supreme Court of North Carolina.

In addition, unlike some firms that only dabble in appeals, Ward and Smith focuses extensively in the area.

The leader of our appellate team, Alex Dale, is a North Carolina Board Certified Specialist in Appellate Practice. And both he and team member Chris Edwards devote more than 25% of their respective practices to appellate matters.