

**UNITED STATES DISTRICT COURT FOR DISTRICT OF PUERTO RICO**  
**FEDERAL BAR EXAMINATION**  
**SAMPLE APPELLATE PROCEDURE QUESTIONS**

A notice of appeal filed before the entry of judgment:

- a. Is never valid.
- b. Is valid upon leave of the Court of Appeals.
- c. Is treated as filed on the date of and after entry of judgment.
- d. Is treated as timely, if none of the parties oppose it within 48 hours.

Answer: (c)

Source: Federal Rule of Appellate Procedure 4(a)(2)

If a judgment is affirmed on appeal:

- a. Costs are never taxed against the appellant, except upon a determination by the Court of Appeals of extreme bad faith in presenting the appeal.
- b. Costs may only be taxed against the appellant if the Court of Appeals finds that the appeal was taken to delay execution of the judgment below.
- c. Costs are taxed against the appellant, unless the law provides or the Court of Appeals orders otherwise.
- d. Costs are taxed against the appellant only if the Court of Appeals affirms the judgment on the merits.

Answer: (c)

Source: Federal Rule of Appellate Procedure 39(a)(2)