

Last amended by Order dated Friday, February 26, 2010; effective May 3, 2010.

RULES OF SUPREME COURT OF VIRGINIA
PART TWO A
APPEALS PURSUANT TO THE
ADMINISTRATIVE PROCESS ACT

Rule 2A:2. Notice of Appeal.

(a) Any party appealing from a regulation or case decision shall file with the agency secretary, within 30 days after adoption of the regulation or after service of the final order in the case decision, ~~with the agency secretary~~ a notice of appeal signed by ~~him~~ the appealing party or ~~his~~ that party's counsel. In the event that ~~service of~~ a case decision ~~upon a party~~ is ~~accomplished by mail~~ required by § 2.2-4023 or by any other provision of law to be served by mail upon a party, 3 days shall be added to the 30-day period for that party. Service under this Rule ~~shall be consistent with § 2.2-4023 and, if made by mail,~~ shall be sufficient if sent by registered or certified mail to the party's last address known to the agency.

(b) The notice of appeal shall identify the regulation or case decision appealed from, shall state the names and addresses of the appellant and of all other parties and their counsel, if any, shall specify the circuit court to which the appeal is taken, and shall conclude with a certificate that a copy of the notice of appeal has been mailed to each of the parties. Any copy of a notice of appeal that is sent to a party's counsel or to a party's registered agent, if the party is a corporation, shall be deemed adequate and shall not be a cause for dismissal of the appeal; provided, however, sending a notice of appeal to an agency's counsel shall not satisfy the requirement that a notice of appeal be filed with the agency secretary. The omission of a party whose name and address cannot, after due diligence, be ascertained shall not be cause for dismissal of the appeal.

(c) Any final agency case decision as described in § 2.2-4023 shall advise the party of the time for filing a notice of appeal under this Rule.