

**APPELLATE OPENING, RESPONDENT, AND REPLY BRIEFS
FILED IN THE COURT OF APPEAL**

FORMAT (Governed by rule 8.204, made applicable to criminal cases by rule 8.360(a), to juvenile cases by rule 8.412(a), and to Supreme Court cases by rule 8.520(b)(2).)	
<input type="checkbox"/> Font & Type Style Rule 8.204(b)(2), (3), (4)	<input type="checkbox"/> at least 13 point for both text and footnotes <input type="checkbox"/> any conventional font (Times New Roman, Courier, etc.) <input type="checkbox"/> proportionally spaced or monospaced <input type="checkbox"/> type style must be roman, i.e., normal typography, where vertical lines of characters are straight up and down <input type="checkbox"/> italics and boldface may be used for emphasis or the text may be underscored <input type="checkbox"/> headings may be in uppercase letters
<input type="checkbox"/> Margins Rule 8.204(b)(6)	<input type="checkbox"/> side margins must be 1.5 inches <input type="checkbox"/> top/bottom margins must be 1.0 inch
<input type="checkbox"/> Line Spacing Rule 8.204(b)(5)	<input type="checkbox"/> line spacing must be 1.5 or 2.0 <input type="checkbox"/> headings and footnotes may be single spaced <input type="checkbox"/> quotations may be block-indented and single-spaced <input type="checkbox"/> lines are not numbered
<input type="checkbox"/> Case Names Rule 8.204(b)(3)	<input type="checkbox"/> italicized (preferred) or underscored
<input type="checkbox"/> Pages Rule 8.204(b)(4) & (b)(7)	<input type="checkbox"/> consecutively numbered <input type="checkbox"/> tables and body of brief may have different numbering systems <input type="checkbox"/> may use both sides of the paper
<input type="checkbox"/> Paper (body of brief) Rule 8.204(b)(1)	<input type="checkbox"/> white or unbleached <input type="checkbox"/> recycled <input type="checkbox"/> 8 ½ by 11 inches <input type="checkbox"/> at least 20-pound weight
<input type="checkbox"/> Signature Rule 8.204(b)(9)	<input type="checkbox"/> brief need not be signed (but most attorneys do sign the brief)
<input type="checkbox"/> Binding Rule 8.204(b)(8)	<input type="checkbox"/> on left margin <input type="checkbox"/> if stapled, bound edge and staples must be covered with tape

<input type="checkbox"/> Length Rules 8.204(d), 8.360(b), 8.412(a), 8.1115(c)	<input type="checkbox"/> a brief produced on a computer must be no longer than 25,500 words <input type="checkbox"/> must include certificate by appellate counsel or an unrepresented party stating the numbers of words in the brief (person certifying may rely on the word count of the computer program used to prepare the brief) <input type="checkbox"/> a brief produced on a typewriter must not exceed 75 pages <input type="checkbox"/> the tables, certificate of word count, and any permitted attachments are excluded from the word count limit <input type="checkbox"/> attachments may include copies of exhibits or other materials in the record or regulations, rules, or other citable materials not readily accessible; may not exceed 10 pages without permission of the presiding justice; opinion required by rule 8.1115(c) does not count toward the page limit
COVER (Rules 8.40(b) and 8.204(b))	
<input type="checkbox"/> Color Rule 8.40(b)	<input type="checkbox"/> See chart of color and service requirements. Click here.
<input type="checkbox"/> Content Rule 8.204(b)(10)(A) - (E)	<input type="checkbox"/> title of brief <input type="checkbox"/> title of the case <input type="checkbox"/> trial court number of the case <input type="checkbox"/> Court of Appeal number of the case <input type="checkbox"/> names of trial court and each participating trial judge <input type="checkbox"/> name, address, telephone number, and CA State Bar number of each attorney filing or joining the brief <ul style="list-style-type: none"> • the cover does not need to state the bar number of any supervisor of the attorney responsible for the brief <input type="checkbox"/> name of the party that each attorney on the brief represents
CONTENT OF BRIEF (Rule 8.204(a))	
	<input type="checkbox"/> table of contents <input type="checkbox"/> table of authorities separately listing cases, constitutions, statutes, court rules, and other authorities cited <input type="checkbox"/> state each point under a separate heading or subheading summarizing the point and support each point by argument and if possible citation to authority <input type="checkbox"/> support references to the record by citing the volume and page number <input type="checkbox"/> opening brief: state nature of action relief sought in trial court, judgment or order appealed from; state judgment is final or explain why order is appealable; summarize significant facts limited to matters in the record
SERVICE (Rules 8.40(b) and 8.204(b))	
	<input type="checkbox"/> See chart of color and service requirements. Click here

OTHER DOCUMENTS

For the following documents, the same rules listed above for Court of Appeal appellate briefs apply with the noted exceptions/additions:

OPENING, ANSWER, REPLY, AND SUPPLEMENTAL BRIEFS ON MERITS IN THE SUPREME COURT (Rule 8.520)	
<input type="checkbox"/> Content Rule 8.520(b) & (d)	<input type="checkbox"/> must be limited to issues stated in order specifying issues to be briefed or issues in petition for review or answer, if any <input type="checkbox"/> body of brief on merits should begin by quoting said statement of issues <input type="checkbox"/> supplemental briefs are limited to new authorities, new legislation, or other matters that were not available in time to be included in the party's brief on the merits
<input type="checkbox"/> Cover Rule 8.520(a)(4)	<input type="checkbox"/> if party relies on brief filed in Court of Appeal, cover should state such reliance
<input type="checkbox"/> Length Rule 8.520(c) & (d)	<input type="checkbox"/> opening and answer briefs on merits must not exceed 14,000 words including footnotes if produced on a computer or 50 pages if typewritten <input type="checkbox"/> reply brief must not exceed 8,400 words including footnotes if produced on a computer or 30 pages if typewritten <input type="checkbox"/> supplemental brief must not exceed 2,800 words including footnotes if produced on a computer or 10 pages if typewritten <input type="checkbox"/> tables, word count certificate, any permissible attachments, and required statement of issues are excluded from length limits <input type="checkbox"/> on application and for good cause, Chief Justice may permit longer brief
<input type="checkbox"/> Attachments Rule 8.520(h)	<input type="checkbox"/> may attach copies of relevant local, state, or federal regulations or rules, out-of-state statutes, or other similar citable materials that are not readily accessible <input type="checkbox"/> attachments must not exceed 10 pages, but copy of unpublished opinion required by rule 8.1115(c) does not count toward page limit
APPLICATIONS (Rule 8.50) (Note: No cover or binding is necessary, and there is no length limit) (E.g., Extensions of Time Requests under rule 8.60)	
<input type="checkbox"/> Content Rule 8.50(b)	<input type="checkbox"/> state facts showing good cause or, when required, making exceptional showing of good cause <input type="checkbox"/> identify any previous applications filed by any party
<input type="checkbox"/> Service Rule 8.50(c)	<input type="checkbox"/> enclose self-addressed, postage-prepaid envelopes for the clerk's use in mailing copies of the order on the application to all parties

EXTENSIONS OF TIME (Rule 8.60)(Note: No **cover** or **binding** is necessary, and there is no **length** limit) Content

Rule 8.60(b) & (c)

- declare facts, not mere conclusions, establishing good cause for extension
- include current due date
- include length of extension requested
- note any earlier extensions, their lengths, and whether granted by stipulation or by the court

MOTIONS AND OPPOSITIONS TO MOTIONS (Rule 8.54)(Note: No **cover** or **binding** is necessary, and there is no **length** limit)

(E.g., Calendar Preference, Rule 8.240; Judicial Notice, Rule 8.252)

 Content

Rule 8.54(a)

- state grounds
- state relief requested
- identify any documents on which motion is based

AUGMENT REQUESTS (Rule 8.155, made applicable to juvenile delinquency cases by rule 8.406(e))(Note: No **cover** or **binding** is necessary, and there is no **length** limit) Content

Rule 8.155(a)

- may request any document filed or lodged in the case in the superior court or agreed or settled statement
- include one of the following:
 - 1) attached copy of any document or transcript to be added to the record (with consecutive numbering, beginning attachment at page 1), if available; or
 - 2) if no copy is available, then identify document as required under rules 8.122 (documents for CT: note title and filing date [or date of signature if no filing date] and any portions not to be included; minute orders and instructions can be described collectively) and 8.130 (documents for RT: note date of each proceeding and any portions not to be included)

PETITIONS FOR REHEARING AND ANSWERS (Rule 8.268)

(Same rules as for opening, respondent, and reply briefs apply)

PETITIONS FOR REVIEW, ANSWERS, AND REPLIES (Rules 8.500 & 8.504)

(Note: Separate petitions are necessary for appeals and petitions for writ of habeas corpus, where the Court of Appeal did not officially consolidate the two (an order to consider the two together is not deemed consolidation (Rule 8.500(d)))

<input type="checkbox"/> Contents of petition Rule 8.504(b)	<input type="checkbox"/> begin with short, nonargumentative statement of the issues presented for review, framing them in terms of the facts of the case but without unnecessary detail <input type="checkbox"/> explain how the case presents a ground for review under rule 8.500(b) <input type="checkbox"/> if a petition for rehearing could have been filed in the Court of Appeal, state whether it was filed and, if so, how the court ruled <input type="checkbox"/> attach a copy of the order showing the date it was entered to the original and each copy filed in Supreme Court
<input type="checkbox"/> Contents of answer Rule 8.504(c)	<input type="checkbox"/> if answer raises additional issues for review, include concise, nonargumentative statement of those issues, framing them in terms of the facts of the case but without unnecessary detail
<input type="checkbox"/> Length Rule 8.504(d)	<input type="checkbox"/> petitions and answers must not exceed 8,400 words if produced on a computer or 30 pages if typewritten <input type="checkbox"/> replies must not exceed 4,200 words if produced on a computer or 15 pages if typewritten <input type="checkbox"/> tables, opinion, word count certificate, and any permissible attachments are excluded from word limits <input type="checkbox"/> on application and showing fo good cause, Chief Justice may permit longer petition, answer, reply, or attachment
<input type="checkbox"/> Attachments Rule 8.504(e)	<input type="checkbox"/> the following attachments are the only permitted attachments 1) opinion or order that is subject of review petition 2) trial court or Court of Appeal exhibits or orders that the party considers unusually significant 3) copies of relevant local, state, or federal regulations or rules, out-of-state statutes, or other similar citable materials that are not readily accessible 4) an unpublished opinion, pursuant to rule 8.1115(c) <input type="checkbox"/> attachments other than the opinion or order for which review is sought and unpublished opinions required under rule 8.1115(c) must not exceed 10 pages
<input type="checkbox"/> Case / Party Names Rule 8.504(b)(6)	<input type="checkbox"/> title of the case and designation of parties on cover must be identical to that in Court of Appeal opinion or order at issue

PETITIONS FOR REVIEW TO EXHAUST STATE REMEDIES (Rule 8.508)

(Note: Separate petitions are necessary for appeals and petitions for writs of habeas corpus, where the Court of Appeal did not officially consolidate the two (an order to consider the two together is not deemed consolidation (Rule 8.500(d)))

<input type="checkbox"/> Cover Rule 8.508(b)	<input type="checkbox"/> include title “Petition for Review to Exhaust State Remedies” prominently on the cover
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<input type="checkbox"/> Contents Rule 8.508(b)	<input type="checkbox"/> rule 8.504(b)(1)-(2) does not apply <input type="checkbox"/> include statement that case presents no grounds for review under rule 8.500(b) and the petition is filed solely to exhaust state remedies for federal habeas corpus purposes <input type="checkbox"/> include brief statement of the underlying proceedings, including the nature of the conviction and punishment <input type="checkbox"/> include brief statement of factual and legal basis of the claim
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<input type="checkbox"/> Service Rule 8.508(c)	<input type="checkbox"/> petition need not be served on superior court clerk
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PETITIONS FOR WRITS OF HABEAS CORPUS AND TRAVERSES FILED IN REVIEWING COURTS (filed by an attorney) (Rule 8.384)

<input type="checkbox"/> Contents of Petition Rule 8.384(a)	<input type="checkbox"/> all information requested in form MC-275 [MAKE LINKABLE TO PETITION FOR WRIT OF HABEAS CORPUS FORM] must be included in petition for writ of habeas corpus, but need not be on MC-275 form <input type="checkbox"/> petition and any memorandum must support any reference to a matter in the supporting documents by a citation to its index-tab and page
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<input type="checkbox"/> Contents of Traverse Rule 8.386(d)	<input type="checkbox"/> any material allegation of Return must be denied, if contested; otherwise, it will be deemed admitted
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<input type="checkbox"/> Supporting Documents Rule 8.384(b) & 8.486(c)	<input type="checkbox"/> accompany petition with copy of any petition – excluding exhibits – regarding the same judgment and petitioner previously filed in any state or federal court, unless said documents were previously filed in the same Court of Appeal or the Supreme Court and the petition so states and identifies them with case name and number <input type="checkbox"/> include certified transcript of evidentiary hearing, where petition asserts claim subject of evidentiary hearing <input type="checkbox"/> bind supporting documents together at end of petition or in separate volumes not exceeding 300 pages each <input type="checkbox"/> consecutively number pages of supporting documents <input type="checkbox"/> index-tab documents by number or letter <input type="checkbox"/> begin with table of contents listing each document by its title and index-tab number or letter, and where attached to document, brief description of contents of each attachment
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