

SUMMARY OF REQUIREMENTS

(Rev. 01/2014)

OPENING, RESPONDENT, REPLY BRIEFS, AND PETITIONS FOR REHEARING IN THE COURT OF APPEAL	
DUE DATES (before any extensions of time)	
Appellant's opening brief Rules 8.360(c)(1), 8.412(b)(1), 8.416(e)(1)	<input type="checkbox"/> Criminal, delinquency, and non-fast-track dependency cases: 40 days after record filed, or as court otherwise orders <input type="checkbox"/> Dependency fast-track cases: 30 days after record filed
Respondent's brief Rules 8.360(c)(2), 8.412(b)(2), 8.416(e)(2)	<input type="checkbox"/> 30 days after appellant's opening brief filed
Reply brief Rules 8.360(c)(3), 8.412(b)(3), 8.416(e)(2)	<input type="checkbox"/> 20 days after respondent's brief filed
Dependency non-appealing minor's brief (if any) Rules 8.412(b)(4), 8.416(e)(2)	<input type="checkbox"/> 10 days after respondent's brief filed
Petition for rehearing, answer Rules 8.264(b)(3)&(c)(2), 8.268(b) & (c), 8.366(a), 8.470	<input type="checkbox"/> 15 days after opinion filed (or upon modification of judgment or publication of opinion after judgment is filed: see rule 8.268(b)) <input type="checkbox"/> no answer may be filed unless court asks for it <input type="checkbox"/> for good cause, presiding justice may grant relief from default from failure to file timely petition or answer if court still has jurisdiction
FORMAT (Governed by rule 8.204, made applicable to criminal cases by rule 8.360(a) and to juvenile cases by rule 8.412(a))	
Font and 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
Margins Rule 8.204(b)(6)	<input type="checkbox"/> side margins must be at least 1.5 inches <input type="checkbox"/> top/bottom margins must be at least 1.0 inch
Line spacing Rule 8.204(b)(5)	<input type="checkbox"/> line spacing must be at least 1.5 <input type="checkbox"/> headings, footnotes, and indented quotations may be single spaced <input type="checkbox"/> lines must not be numbered
Citation form Rules 1.200, 8.204(b)(3)	<input type="checkbox"/> citations must conform to California Style Manual (ADI: strongly preferred as "the" standard for California, used by appellate courts) or Bluebook <input type="checkbox"/> same citation form must be used throughout document <input type="checkbox"/> case names italicized (preferred) or underscored
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
Paper (other than covers) Rule 8.204(b)(1) & (10)	<input type="checkbox"/> white or unbleached <input type="checkbox"/> 8 ½ by 11 inches <input type="checkbox"/> at least 20-pound weight

Signature Rule 8.204(b)(9)	<input type="checkbox"/> brief need not be signed (but most attorneys do sign the brief)
Binding Rule 8.204(b)(8)	<input type="checkbox"/> filing copies must be bound on left margin; service copies stapled in left corner <input type="checkbox"/> if filing copies stapled, bound edge and staples must be covered with tape
COVER (Rule 8.40(b) and (c))	
Color Rule 8.40(b)	<input type="checkbox"/> opening brief – green <input type="checkbox"/> respondent's brief – yellow <input type="checkbox"/> reply brief – tan <input type="checkbox"/> non-appealing dependency minor's brief or letter – yellow for brief; none for letter <input type="checkbox"/> petition for rehearing - orange; answer (permitted only if ordered by court): blue <input type="checkbox"/> supplemental brief - not specified in rule, but may be same color as brief it supplements; letter brief - no cover but first page must comply with rule 8.204(b)(10)(D)
Content of cover Rules 8.40(c), 8.204(b)(10)(A) - (D)	<input type="checkbox"/> title of document <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, fax number (if available), e-mail address (if available), and CA State Bar number of each attorney filing or joining the brief (required on the cover, or if no cover required on the first page of document) <input type="checkbox"/> if more than one attorney is representing one party and is joining in the document, the name and State Bar number of each attorney joining in the document must be provided on the cover. The party must designate one attorney to receive notices and other communication in the case from the court by placing an asterisk before that attorney's name on the cover and must provide the contact information specified above for that attorney. <input type="checkbox"/> if brief is filed pursuant to <i>People v. Wende</i> (1979) 25 Cal.3d 436, it must include prominent statement: "Brief Submitted on Behalf of Appellant Pursuant to <i>People v. Wende</i> (1979) 25 Cal.3d 436, and <i>Anders v. California</i> (1967) 386 U.S. 738." <input type="checkbox"/> name of the party that each attorney on the brief represents
CONTENTS OF BRIEF (Rule 8.204(a))	
All briefs Rule 8.204(a)(1)	<input type="checkbox"/> table of contents and 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
Opening brief Rule 8.204(a)(2)	<input type="checkbox"/> indicate nature of action, relief sought in trial court, judgment or order appealed from <input type="checkbox"/> include statement of appealability, indicating judgment is final or explaining why order is appealable <input type="checkbox"/> summarize significant facts, limited to matters in the record

LENGTH (Rules 8.204(c) & (d), 8.268(b), 8.360(b), 8.412(a), 8.416(a)(2))**Length**

- in a criminal, juvenile, or conservatorship case, a brief produced on a computer must be no longer than 25,500 words (including footnotes) and include certificate by appellate counsel or an unrepresented party stating numbers of words in brief (may be based on count of computer program)
- a brief produced on a typewriter must not exceed 75 pages
- cover information, tables, signature block, certificate of word count, and any permitted attachments are excluded from the word count limit
- attachments may include copies of exhibits or other materials in record or regulations, rules, or other citable materials not readily accessible; may not exceed 10 pages without permission of presiding justice; citable unpublished opinion required by rule 8.1115(c) does not count toward the page limit
- petition for rehearing length not specified directly; rule 8.268(b)(3) implies no longer than civil brief (14,000 words per rule 8.204(c))
- presiding justice may allow over-length brief on application showing good cause

SERVICE AND FILING (Rules 8.25, 8.44(b), 8.360(d), 8.412(e), 8.416(a)(2)). Service with AG and San Diego County Counsel is electronic eff. Mar. 3, 2014.**Appellant's opening brief**

- filing copies in Court of Appeal: orig. plus 4 and one electronic copy, with proof of service
- 1 - opposing counsel (generally, Attorney General in criminal and delinquency cases, County Counsel in dependency cases, but may include other respondents)
- 1 - superior court judge
- 1 - client
- 1 - file
- [1 - appellate counsel for each co-appellant, if any]
- [1 - district attorney in criminal and delinquency cases]
- [1 - minor's appellate counsel, if any, and minor's trial counsel in dependency cases]
- 1 - client's trial counsel
- 1 - Appellate Defenders, Inc. (electronic copy)

Respondent's brief

- mostly same as opening brief, except that counsel for each client with court-appointed counsel must be sent 2 copies (1 for counsel, 1 for client), if service is by paper copy

Reply brief

- same as opening brief

Petition for rehearing

- same as opening brief (note: service on district attorney and superior court not required by rule, but Court of Appeal requests such service)

SUMMARY OF REQUIREMENTS

(Rev. 01/2014)

PETITIONS FOR REVIEW, ANSWERS, AND REPLIES (Rules 8.500, 8.504, 8.508)

Note: Separate petitions for review are necessary for the appeal and the habeas corpus proceeding if the Court of Appeal did not issue an order to show cause and did not formally consolidate the two. (Rule 8.500(d).) An order to consider the two together is not deemed consolidation.

Due dates Rules 8.264, 8.387(b)(2), 8.500(e)	<input type="checkbox"/> petition for review due within 10 days after decision becomes final as to Court of Appeal under rule 8.264; finality not changed if it occurs on day court is closed <input type="checkbox"/> answer due within 20 days after petition is filed <input type="checkbox"/> reply due within 10 days after answer is filed <input type="checkbox"/> if decisions in appeal and related habeas corpus proceeding are filed on same date, petition for review in habeas is due at the same time as that for the appeal (see rule 8.500(d) on need for separate petitions in nonconsolidated proceedings) <input type="checkbox"/> no extension of time to file petition, but Chief Justice may grant relief from default if court has jurisdiction; extension available for answer and reply
Format Rules 8.204(b), 8.504(a)	<input type="checkbox"/> same as briefs in Court of Appeal
Cover Rules 8.40(b), 8.204(b)(10), 8.504(a), (b), 8.508(b)(1)	<input type="checkbox"/> contents same as for briefs, except that exhaustion petition must also include prominent statement: "Petition for Review to Exhaust State Remedies" <input type="checkbox"/> must state the name of the party each attorney on the brief represents <input type="checkbox"/> color: petition - white; answer - blue; reply - white
Contents of petition other than exhaustion petition Rule 8.504(b)	<input type="checkbox"/> begin with concise, 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, state whether it was filed and, if so, how court ruled <input type="checkbox"/> see required and permitted attachments, below
Contents of exhaustion petition Rule 8.508(b)	<input type="checkbox"/> Must comply with rule 8.504, <u>except</u> : <ul style="list-style-type: none"> • need <u>not</u> comply with rule 8.504(b)(1)-(2)'s requirement of statement of issues presented and grounds for petition • Attachments to petition (to be bound at back of original and all filed copies of petition) <input type="checkbox"/> see attachments, below
Contents of answer Rule 8.500(a)(2), 8.504(c)	<input type="checkbox"/> answer may respond to issues in petition <input type="checkbox"/> answer may raise additional issues for court to address if it grants opposing party's petition for review; if so, should include concise, nonargumentative statement of those issues, framing them in terms of facts of case, without unnecessary detail; see <u>caveat</u> , next entry <input type="checkbox"/> <u>caveat</u> : if party wants court to grant review on that party's issues <i>regardless</i> of whether it grants review on basis of issues raised in opposing petition, the party should file a petition for review, not just an answer raising the issues

<p>Attachments to petition (to be bound at back of original and all filed copies of petition)</p> <p>Rule 8.504(b)(4) & (5), (e)(1) & (2)</p>	<p><input type="checkbox"/> <u>Required attachments</u></p> <ul style="list-style-type: none"> • copy of opinion or order that is subject of petition for review, showing date filed; copy of any order modifying opinion or directing its publication • any cited unpublished opinion citable under rule 8.1115(b), required to be furnished per rule 8.1115(c) <p><input type="checkbox"/> <u>Optional permitted attachments</u> (not to exceed 10 pages total)</p> <ul style="list-style-type: none"> • trial court or Court of Appeal exhibits or orders that the party considers unusually significant • copies of relevant local, state, or federal regulations or rules, out-of-state statutes, or other similar citable materials that are not readily accessible
<p>Length</p> <p>Rule 8.504(d)</p>	<p><input type="checkbox"/> petitions and answers must not exceed 8,400 words (including footnotes) if produced on a computer or 30 pages if typewritten</p> <p><input type="checkbox"/> replies must not exceed 4,200 words (including footnotes) if produced on a computer or 15 pages if typewritten</p> <p><input type="checkbox"/> cover information, tables, opinion, signature block, word count certificate, and any required or permitted attachments are excluded from word limits</p> <p><input type="checkbox"/> Chief Justice may allow longer petition, answer, reply, or attachment on application showing good cause</p>
<p>Incorporation by reference</p> <p>Rule 8.504(e)(3)</p>	<p><input type="checkbox"/> not permitted, except for references to petitions, answers, or replies filed by a party in same case or pending case in Supreme Court with same or similar issues</p>
<p>Service and filing</p> <p>Rule 8.44(a), 8.70, 8.500(f), 8.508(c)</p>	<p><input type="checkbox"/> filing copies in Supreme Court for petition other than one to exhaust state remedies: original plus 13, or original plus 8 and 1 electronic copy, with proof of service and copy of opinion</p> <p><input type="checkbox"/> filing copies in Supreme Court for exhaustion petition: original plus 8, with proof of service and copy of opinion</p> <p><input type="checkbox"/> service copies: same as for AOB, except: one copy for Court of Appeal (can be electronic); need not serve district attorney unless representing a party; for exhaustion petition, need not serve superior court; service copies need not attach opinion or order</p>

SUMMARY OF REQUIREMENTS

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NON-CAPITAL BRIEFS ON THE MERITS AND PETITIONS FOR REHEARING IN CALIFORNIA SUPREME COURT	
<p>Due dates</p> <p>Rules 8.60, 8.268(b), 8.520(a), (d), & (f), 8.536(b)</p>	<ul style="list-style-type: none"> <input type="checkbox"/> opening brief on the merits: 30 days after order granting review <input type="checkbox"/> answer brief on the merits: 30 days after opening brief filed <input type="checkbox"/> reply brief on the merits: 20 days after answer brief filed <input type="checkbox"/> amicus curiae brief: no later than 30 days after all briefs parties may file have been filed or were required to be filed; requires application to Chief Justice for permission to file, stating the applicant's interest, explaining how brief may assist court, and complying with rule 8.520(f)(4) on contributors to brief <input type="checkbox"/> any party's answer to amicus curiae brief (may be answer to individual amicus brief or consolidated answer to more than one): within 30 days after court rules on last timely filed application to file amicus brief or time for filing amicus applications expires, whichever is later. <input type="checkbox"/> supplemental brief under rule 8.520(d), limited to new authorities not available at time of briefing: at least 10 days before oral argument <input type="checkbox"/> petition for rehearing: 15 days after opinion filed (modification of judgment after opinion is filed restart's clock: see rule 8.264(c)(2)) <input type="checkbox"/> answer to petition for rehearing: 8 days after petition filed unless court orders otherwise <input type="checkbox"/> Chief Justice may relieve party from failure to file timely on application showing good cause, if opinion not yet final
<p>Format</p> <p>Rules 8.204, 8.520(b)(1)</p>	<ul style="list-style-type: none"> <input type="checkbox"/> same format as briefs in Court of Appeal
<p>Cover</p> <p>Rules 8.40(b), 8.204(b)(10), 8.268(b)(3), 8.520(b)(1), (f)(6)</p>	<ul style="list-style-type: none"> <input type="checkbox"/> same content as covers of briefs in Court of Appeal; cover of amicus curiae brief must also identify party, if any, it supports <input type="checkbox"/> opening brief on merits: white <input type="checkbox"/> answer brief on merits: blue <input type="checkbox"/> reply brief on merits: white <input type="checkbox"/> amicus curiae: gray <input type="checkbox"/> answer to amicus curiae brief: blue <input type="checkbox"/> petition for rehearing: orange; answer: blue <input type="checkbox"/> supplemental brief: not specified
<p>Contents</p> <p>Rule 8.520(b)(2) & (3), (d)</p>	<ul style="list-style-type: none"> <input type="checkbox"/> body of petitioner's brief on merits must begin by quoting (1) order specifying issues, if any or (2) if none, statement of issues in the petition and any added by the answer <input type="checkbox"/> briefs on merits must be limited to issues listed above or fairly included therein, unless court orders otherwise <input type="checkbox"/> supplemental briefs limited to new authorities not available at time of briefing

<p>Length</p> <p>Rule 8.520(c), (d), (h)</p>	<ul style="list-style-type: none"> <input type="checkbox"/> opening and answer briefs: no more than 14,000 words if produced on a computer or 50 pages if typewritten <input type="checkbox"/> reply briefs: no more than 8,400 words if produced on a computer or 30 pages if typewritten <input type="checkbox"/> supplemental briefs under rule 8.520(d): no more than 2,800 words if produced on a computer or 10 pages if typewritten <input type="checkbox"/> amicus curiae brief: not specified, but rule 8.520(b)(1) implies no longer than civil brief in Court of Appeal (14,000 words, per rule 8.204(c)), which is same as opening and answer briefs on merits in Supreme Court <input type="checkbox"/> petition for rehearing length not specified directly; rules 8.536(b) and 8.268(b)(3) imply no longer than civil brief (14,000 words, per rule 8.204(c)) <input type="checkbox"/> cover information, tables, opinion, word count certificate, statement of issues under rule 8.520(b)(2), signature block, and any permissible attachments under rule 8.520(h) are excluded from word limits <input type="checkbox"/> Chief Justice may permit longer brief on application showing good cause
<p>Attachments</p> <p>Rules 8.520(h), 8.1115(c)</p>	<ul style="list-style-type: none"> <input type="checkbox"/> relevant laws not readily accessible <input type="checkbox"/> not to exceed 10 pages, not counting any opinion required by rule 8.1115(c)
<p>Service and filing</p> <p>Rule 8.25(a), 8.44(a), 8.520(a), (b), (f)</p>	<ul style="list-style-type: none"> <input type="checkbox"/> filing copies in Supreme Court: original plus 13, or original plus 8 and 1 electronic copy, with proof of service <input type="checkbox"/> service copies: same as for Court of Appeal briefs, except: serve one copy on Court of Appeal, do not serve district attorney unless representing a party <input type="checkbox"/> service by amicus curiae: all parties in Supreme Court, Court of Appeal; answer to amicus curiae brief: same, plus amicus

SUMMARY OF REQUIREMENTS

(rev 1/2014)

NON-CAPITAL HABEAS CORPUS PROCEEDINGS IN APPELLATE COURT

See *ADI Criminal Appellate Practice Manual*, § 8.84 et seq., for step-by-step guidance in preparing a petition for writ of habeas corpus in the Court of Appeal.

If the appellate court issues an order to show cause **returnable before the superior court**, do not use this chart for proceedings after the OSC. **Rule 4.550 et seq.**, rather than the rules cited in this chart, will apply.

<p>Due dates</p> <p style="text-align: right; font-size: small;">Rules 8.385(b), 8.386(b)(1), (d)(1)</p>	<ul style="list-style-type: none"> <input type="checkbox"/> petition: deadline not specified by statute or rule; time must be reasonable <input type="checkbox"/> informal response (if ordered by court): within 15 days of order, unless court specifies otherwise <input type="checkbox"/> reply to informal response: within 15 days after informal response filed, unless court specifies otherwise <input type="checkbox"/> return (if in appellate court): no more than 30 days after order to show cause issued, unless court orders otherwise <input type="checkbox"/> traverse (if in appellate court): no more than 30 days after return filed, unless court orders otherwise
<p>Format</p> <p style="text-align: right; font-size: small;">Rules 8.204(a) & (b), 8.384(a)(1) & (2), (b)(3), 8.386(c)(1) & (2), (d)(2), 8.486(c)(1)</p>	<ul style="list-style-type: none"> <input type="checkbox"/> petition: if filed by attorney, may be on Judicial Council form MC-275; if by pro per petitioner, must be on the form unless court orders otherwise <input type="checkbox"/> petition not on form MC-275 (filed by attorney), return, traverse, accompanying memorandum: same format as appellate brief <input type="checkbox"/> supporting documents: bound together with petition or in separate volumes not exceeding 300 pages; index-tabbed by number or letter; paginated consecutively; table of contents with title of each document and brief description
<p>Cover</p> <p style="text-align: right; font-size: small;">Rules 8.40(b) & (c), 8.204(b)(10), 8.384(a)(1), 8.386(c)(1), (d)(2); Pen. Code, § 1474</p>	<ul style="list-style-type: none"> <input type="checkbox"/> cover required for petition filed by attorney (including one on form MC-275), return, and traverse <input type="checkbox"/> same content as brief cover in appellate court; petition should identify custodian <input type="checkbox"/> cover color for petition, return, traverse: red
<p>Contents and accompanying documents</p> <p style="text-align: right; font-size: small;">Rules 8.384(a) & (b), 8.386(c) & (d), 8.486; Pen. Code, § 1474</p>	<ul style="list-style-type: none"> <input type="checkbox"/> petition: must contain information required by Judicial Council form MC-275, even if not filed on that form; must state sufficient facts to create prima facie case for relief (<i>People v. Romero</i> (1994) 8 Cal.4th 728) <input type="checkbox"/> petition: must be accompanied by copy of any other petition relating to the judgment (without exhibits) previously filed in any court, unless the petition was filed in the same Court of Appeal or in the Supreme Court and so states and identifies documents by name and number; must be accompanied by certified transcript of any previous evidentiary hearing <input type="checkbox"/> return: see requirements set out in <i>People v. Duvall</i> (1995) 9 Cal.4th 464; any material allegation of petition not controverted by return is deemed admitted <input type="checkbox"/> traverse: any material allegation of return not denied in traverse is deemed admitted; traverse may reassert allegations of petition or ask petition be deemed a traverse (<i>People v. Duvall</i> (1995) 9 Cal.4th 464) <input type="checkbox"/> any supporting documents that are sealed by court order or made confidential by law must comply with rules 8.45-8.47 <input type="checkbox"/> all filings: if accompanied by supporting documents, must support any reference to them by citation to applicable index tab and page and comply with rule 8.486(c)(1)

<p>Length</p> <p>Rules 8.204(c), 8.384(a)(2), 8.386(c)(1), (d)(2)</p>	<ul style="list-style-type: none"> <input type="checkbox"/> petition itself: no limit specified by rule or statute (but see limit on accompanying memorandum, below) <input type="checkbox"/> return, traverse, any memorandum accompanying petition: governed by rule 8.204(c) – no more than 14,000 words or 50 pages if typewritten <input type="checkbox"/> cover information, tables, signature block, certificate of word count, and any permitted attachments are excluded from the word count limit
<p>Service and filing</p> <p>Rules 8.44, 8.380(c), 8.384(c), 8.386(b)(2), (d)(4)</p>	<ul style="list-style-type: none"> <input type="checkbox"/> filing copies of pro per petition: <ul style="list-style-type: none"> • in Supreme Court: unless the court orders otherwise, original plus 10, or original plus 8 and 1 electronic copy, with proof of service • in Court of Appeal: one, with proof of service <input type="checkbox"/> filing copies of petition filed by attorney, informal response, reply to informal response, return, traverse, and any accompanying memorandum: <ul style="list-style-type: none"> • in Supreme Court: unless the court orders otherwise, original plus 10, or original plus 8 and 1 electronic copy, with proof of service • in Court of Appeal: original plus 4, with proof of service <input type="checkbox"/> filing copies of supporting documents: <ul style="list-style-type: none"> • in Supreme Court: original plus 2, with proof of service • in Court of Appeal: 1, with proof of service <input type="checkbox"/> service: those who reasonably may be affected or have an interest in petition – e.g., AG, DA in county of conviction, custodian of the petitioner, the superior court or Court of Appeal (unless filed there), trial and/or appellate counsel, ADI, etc. – as dictated by nature of filing and issues; Pen. Code, § 1475 requires service on DA of county "wherein such person is held in custody or restraint"

SUMMARY OF REQUIREMENTS

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APPLICATIONS, MOTIONS, AND MISCELLANEOUS DOCUMENTS

Note: No cover/binding required & no length limit for the following documents

APPLICATIONS IN REVIEWING COURT	
INCLUDING EXTENSIONS OF TIME	
REQUEST FOR EXTENSION OF TIME	
Content of request for extension of time Rule 8.50(b), 8.60(b), (c)	<ul style="list-style-type: none"> <input type="checkbox"/> state facts, not mere conclusions, showing good cause or making exceptional showing of good cause when required by rule (e.g., rule 8.416(f); see Code Civ. Proc. § 45) <input type="checkbox"/> current due date <input type="checkbox"/> length of extension being requested <input type="checkbox"/> identify any previous applications filed by any party (e.g., number and length of prior extensions requested, any time granted under rule 8.360(c)(5), 8.412(d), or 8.416(g))
Service and filing, envelopes Rules 8.25, 8.44(a)(6), (b)(7), 8.50(c)	<ul style="list-style-type: none"> <input type="checkbox"/> if filing in Supreme Court: original and 1, with proof of service; plus 1 for self (if counsel wants conformed copy) <input type="checkbox"/> if filing in Court of Appeal: original and 1, with proof of service (EOTs may be fax filed); plus 1 for each party and 1 for self (if counsel wants conformed copy), for mailing order when issued <input type="checkbox"/> if filing in Court of Appeal: enclose one self-addressed, stamped envelope for each party, plus 1 for self, for mailing order when issued <input type="checkbox"/> service in criminal and delinquency cases: Attorney General, ADI (electronic copy), appellate counsel for each co-appellant <input type="checkbox"/> service in dependency cases: respondent (County Counsel, district attorney, or private counsel), minor's appellate attorney, ADI (electronic copy), appellate counsel for each co-appellant and respondent
Policies and factors governing extensions of time Rule 8.63	<ul style="list-style-type: none"> <input type="checkbox"/> policies – e.g., balancing efficient administration of system with adequate time for effective work (rule 8.63(a)) <input type="checkbox"/> factors – e.g., prejudice to parties, length of record, number and complexity of issues, any entitlement to priority, other obligations of counsel, etc. (rule 8.63(b))
APPLICATION OTHER THAN REQUEST FOR EXTENSION OF TIME	
Content Rule 8.50(b)	<ul style="list-style-type: none"> <input type="checkbox"/> state facts, not mere conclusions, showing good cause or making exceptional showing of good cause when required by rule
Service and filing, envelopes Rules 8.25, 8.44(a)(6), (b)(6), 8.50(c)	<ul style="list-style-type: none"> <input type="checkbox"/> same as request for extension of time, except: in Court of Appeal, no need to provide court with copies for each party for mailing of order when issued

MOTIONS AND OPPOSITIONS TO MOTIONS IN REVIEWING COURT

INCLUDING MOTIONS TO AUGMENT RECORD

Rules 8.54; 8.155, made applicable to criminal cases by rule 8.340(c), to non-fast-track juvenile cases by rule 8.410(b), modified for fast-track cases by rule 8.416(d)

<p>Due dates</p> <p>Rules 8.54, 8.155, 8.340(c), 8.410(b), 8.416(d)</p>	<ul style="list-style-type: none"> <input type="checkbox"/> all cases: at earliest possible time; usually before original due date of opening brief for augmentation request <input type="checkbox"/> fast-track dependency cases under rule 8.416: appellant must file request for augmentation within 15 days of receiving record and respondent within 15 days after opening brief filed <input type="checkbox"/> opposition to motion must be served and filed within 15 days after motion is filed
<p>Content of motion other than augment request</p> <p>Rules 8.54, 8.57</p>	<ul style="list-style-type: none"> <input type="checkbox"/> state grounds <input type="checkbox"/> state relief requested <input type="checkbox"/> identify any documents on which motion is based <input type="checkbox"/> must include memorandum and, if based on matters outside record, declarations or other supporting evidence <input type="checkbox"/> motion made before record is filed must include declarations or other evidence necessary to support motion; if motion is one to dismiss appeal, it must comply with rule 8.57(a)
<p>Content of motion to augment record</p> <p>Rules 8.155(a)</p>	<ul style="list-style-type: none"> <input type="checkbox"/> request for document filed or lodged in the superior court or transcript (or agreed or settled statement) of oral proceeding not part of the reporter's transcript <input type="checkbox"/> if available, attach copy of document/transcript to be added to the record <input type="checkbox"/> if copy of augment matter is not available, must identify document in manner prescribed by rules 8.122 and 8.130
<p>Opposition to motion</p> <p>Rules 8.54(a)(3), (c)</p>	<ul style="list-style-type: none"> <input type="checkbox"/> must be filed within 15 days after motion is filed <input type="checkbox"/> failure to oppose may be deemed consent to granting motion
<p>Service and filing</p> <p>Rules 8.25, 8.44(a)(5) & (b)(4), 8.54</p>	<ul style="list-style-type: none"> <input type="checkbox"/> if filing in Supreme Court: original plus 8, with proof of service <input type="checkbox"/> if filing in Court of Appeal: – original plus 1, with proof of service <input type="checkbox"/> service in criminal and delinquency cases: Attorney General, ADI (electronic copy), appellate counsel for each co-appellant <input type="checkbox"/> service in dependency cases: respondent (County Counsel, district attorney, or private counsel), minor's appellate attorney, ADI (electronic copy), appellate counsel for each co-appellant

MISCELLANEOUS DOCUMENTS

INCLUDING ABANDONMENT OF APPEAL, RECORD CORRECTION NOTICE, CREDITS LETTER AND MOTION

<p>Abandonment</p> <p>Rule 8.25, 8.70, 8.316</p>	<ul style="list-style-type: none"> <input type="checkbox"/> before record is filed in appellate court: file abandonment in superior court <input type="checkbox"/> after record is filed in appellate court: file abandonment in Court of Appeal; court may dismiss appeal <input type="checkbox"/> service: same as opening brief, Court of Appeal will accept electronic filing
<p>Record correction letter</p> <p>Rules 1.21, 8.25, 8.340(b), 8.410(a), 8.416(d)</p>	<ul style="list-style-type: none"> <input type="checkbox"/> sample on ADI website at http://www.adi-sandiego.com/practice/forms_samples.asp <input type="checkbox"/> copies to be sent to superior court clerk: original plus 1 if counsel wants conformed copy for self <input type="checkbox"/> service in criminal and delinquency cases: Attorney General, ADI (electronic copy), Court of Appeal (courtesy), appellate counsel for each co-appellant <input type="checkbox"/> service in non-fast-track dependency cases: respondent (County Counsel, district attorney, or private counsel), minor's appellate attorney, ADI (electronic copy), Court of Appeal (courtesy), appellate counsel for each co-appellant <input type="checkbox"/> service in fast-track dependency cases: practice may vary from court to court; check with ADI: may be same as non-fast-track cases, above (letter to superior court clerk), or same as augmentation (motion in Court of Appeal)
<p>Informal credits correction letter</p> <p>Rule 1.21, Pen. Code, § 1237.1; <i>People v. Fares</i> (1993) 16 Cal.App.4th 954</p>	<ul style="list-style-type: none"> <input type="checkbox"/> sample on ADI website at http://www.adi-sandiego.com/practice/forms_samples.asp <input type="checkbox"/> copies to be filed with superior court judge: original plus 1 if counsel wants conformed copy, plus proof of service <input type="checkbox"/> service: district attorney, ADI (electronic copy), plus courtesy copies to Attorney General and Court of Appeal <input type="checkbox"/> <u>caveat</u>: informal letter not adequate to preserve credits issue for appeal under Pen. Code, § 1237.1; must file formal motion (<i>People v. Clavel</i> (2002) 103 Cal.App.4th 516); see next entry, "Motions in superior court"
<p>Motion in superior court (e.g., Pen. Code, § 1237.1; unauthorized sentence correction)</p> <p>Rules 1.21, 3.1110 et seq.</p>	<ul style="list-style-type: none"> <input type="checkbox"/> sample on ADI website at http://www.adi-sandiego.com/practice/forms_samples.asp <input type="checkbox"/> copies: original plus 1 if counsel wants return of filed copy, with proof of service - superior court <input type="checkbox"/> service: district attorney, ADI (electronic copy), plus courtesy copies to Attorney General and Court of Appeal <input type="checkbox"/> format: see rule 3.1110 et seq. and check local rules of superior court