

SUMMARY OF REQUIREMENTS FOR DOCUMENTS FILED IN ELECTRONIC FORM

(Rev. 12/2017)

PETITIONS FOR REVIEW, ANSWERS, AND REPLIES IN ELECTRONIC FORM

TrueFiling is mandatory as of September 1, 2017, for petitions for review unless a special exemption applies, such as a self-represented party or an excuse granted by court order under SCRREF, rule 6. But an unbound paper copy is also required – see chart of paper petitions for review.

All rule references are to the California Rules of Court unless designated as Supreme Court Rules Regarding Electronic Filing (SCRREF), which are available at http://www.courts.ca.gov/documents/supreme_court_of_california_rules_regarding_electronic_filing.pdf

APPEAL AND RELATED HABEAS CORPUS PETITION

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. (Cal. Rules of Court, rule 8.500(d).) An order to consider the two together is not deemed consolidation.

TRUEFILING

TrueFiling in California Supreme Court became **mandatory as of September 1, 2017**. Governed by Supreme Court Rules Regarding Electronic Filing (SCRREF) at http://www.courts.ca.gov/documents/supreme_court_of_california_rules_regarding_electronic_filing.pdf.

Documents covered by TrueFiling are specified in SCRREF, rules 3 and 4. Petitions for review, answers, and replies are included. Excuses from TrueFiling are covered by rule 6.

Registration: Filers must register with TrueFiling as a user, establish a password, and provide current contact information. (SCRREF, rule 7.)

Paper copies: The Supreme Court requires one unbound paper copy in addition to the electronic copy. (SCRREF, rule 5(a)(1).) Rules for paper documents apply to these filings. Due dates specified below.

SPECIFIC RULES

(SCRREF, rules 5(a), 8, 9, 10, 11, 12, 13; Cal. Rules of Court, rules 8.40(b), 8.204, 8.387, 8.500, 8.504, 8.508)

Due dates

- 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
- answer:** due within 20 days after petition is filed
- reply to answer:** due within 10 days after answer is filed
- appeal and related habeas:** 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)
- one unbound paper copy submitted with TrueFiling:** the unbound paper copy must be filed in addition to electronic filing. It must be mailed or delivered to a common carrier or to the court within two days of the electronic filing. If the filing requests an immediate stay, the paper copy must be delivered to court by the close of business the next court day after the document is filed electronically.
- extension of time:** no EOT to file petition, but Chief Justice may grant relief from default if court still has jurisdiction; extension available for answer and reply

SCRREF, rule 5; Cal. Rules of Court, rules 8.264, 8.387(b)(2), 8.500(e)

<p>Format</p> <p>SCRREF, rule 10; Cal. Rules of Court, rule 8.204(b), 8.504(a)</p>	<ul style="list-style-type: none"> <input type="checkbox"/> normal Court of Appeal rules, for most part: same as that required in Court of Appeal for the particular document, unless otherwise specified in SCRREF(below) <input type="checkbox"/> searchable PDF: must be in text-searchable PDF, maintaining original document formatting <input type="checkbox"/> pagination: consecutive numbering from cover. Attached Court of Appeal opinion need not be re-numbered to be consecutive to rest of petition. <input type="checkbox"/> bookmarks: petition must include in the bookmarks panel of the electronic document a descriptive link (electronic bookmark), to each heading, subheading and to the first page of any component of the document, including any table of contents, table of authorities, petition, verification, points and authorities, declaration, certificate of word count, certificate of interested entities or persons, proof of service, tab, exhibit, or attachment. Each electronic bookmark to a tab, exhibit, or attachment must include the letter or number of the tab, exhibit, or attachment and a description of the tab, exhibit, or attachment. A bookmark to the first page of an attached opinion is sufficient; no need to mark headings within opinion.
<p>Cover</p> <p>Cal. Rules of Court, rules 8.40(b), 8.204(b)(10), 8.504(a), (b), 8.508(b)(1)</p>	<ul style="list-style-type: none"> <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"/> party represented: cover must show the name of the party each attorney on the brief represents
<p>Contents of petition for review other than exhaustion petition</p> <p>Cal. Rules of Court, rule 8.504(b)</p>	<ul style="list-style-type: none"> <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
<p>Contents of exhaustion petition</p> <p>Cal. Rules of Court, rule 8.508(b)</p>	<ul style="list-style-type: none"> <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 • must state petition presents no grounds under rule 8.504(b)(1)-(2), and is filed solely to exhaust state remedies for purposes of federal review <input type="checkbox"/> see attachments, below
<p>Contents of answer</p> <p>Cal. Rules of Court, rule 8.500(a)(2), 8.504(c)</p>	<ul style="list-style-type: none"> <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 (added at end of petition)</p> <p>Cal. Rules of Court, rule 8.504(b)(4) & (5), (e)(1) & (2)</p>	<ul style="list-style-type: none"> <input type="checkbox"/> <u>Required attachments</u> <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) <input type="checkbox"/> <u>Optional permitted attachments</u> (not to exceed 10 pages total) <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 and size</p> <p>SCRREF, rule 10(b)(1); Cal. Rules of Court, rule 8.504(d)</p>	<ul style="list-style-type: none"> <input type="checkbox"/> petitions and answers must not exceed 8,400 words (including footnotes) <input type="checkbox"/> replies must not exceed 4,200 words (including footnotes) <input type="checkbox"/> cover information, tables, opinion, signature block, word count certificate, and any required or permitted attachments are excluded from word limits <input type="checkbox"/> Chief Justice may allow longer petition, answer, reply, or attachment on application showing good cause <input type="checkbox"/> electronic filing may not be larger than 25 megabytes; if larger, submit as multiple files, and comply with formatting requirements of SCRREF, rule 10(b)(2)
<p>Incorporation by reference</p> <p>Cal. Rules of Court, rule 8.504(e)(3)</p>	<ul style="list-style-type: none"> <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>Service and filing</p> <p>SCRREF, rule 5(a); Cal. Rules of Court, rules 8.70, 8.500(f), 8.508(c)</p>	<ul style="list-style-type: none"> <input type="checkbox"/> filing in Supreme Court: electronic petition plus one unbound paper copy. Must have proof of service and copy of opinion <input type="checkbox"/> service copies: same as for AOB, except: for exhaustion petition, need not serve superior court; service copies need not attach opinion or order. TrueFiling in Supreme Court constitutes service on Court of Appeal. But the Supreme Court says the Court of Appeal must still be listed on the proof of service. For example, "Court of Appeal (per Supreme Court TrueFiling policy)."