

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.

<p>Due dates</p> <p>Rules 8.264, 8.387(b)(2), 8.500(e)</p>	<ul style="list-style-type: none"> <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
<p>Format</p> <p>Rules 8.204(b), 8.504(a)</p>	<ul style="list-style-type: none"> <input type="checkbox"/> same as briefs in Court of Appeal
<p>Cover</p> <p>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"/> must state the name of the party each attorney on the brief represents <input type="checkbox"/> color: petition - white; answer - blue; reply - white
<p>Contents of petition other than exhaustion petition</p> <p>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>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 • Attachments to petition (to be bound at back of original and all filed copies of petition) <input type="checkbox"/> see attachments, below
<p>Contents of answer</p> <p>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 (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>