## SUMMARY OF REQUIREMENTS FOR DOCUMENTS FILED IN <u>ELECTRONIC</u> FORM (Rev. 06/2020)

## OPENING, RESPONDENT, AND REPLY BRIEFS, AND PETITIONS FOR REHEARING IN THE COURT OF APPEAL: <u>ELECTRONIC</u> FORM

TrueFiling is mandatory for filings by an attorney in every Court of Appeal. Special exemptions include a self-represented party or an excuse granted by court order under rule 8.71(d).

**New formatting rules:** As of January 1, 2020, California Rules of Court, rule 8.74 has new formatting requirements for electronic documents.

All rule references are to the California Rules of Court, unless otherwise designated.

DUE DATES (before any extensions of time)			
General		Filing a document electronically does not alter any filing deadline	
Rule 8.71(f)(2)			
Appellant's opening brief		Criminal, delinquency, and non-fast-track dependency cases: 40 days after record filed, or as court otherwise orders	
Rules 8.360(c)(1), 8.412(b)(1), 8.416(e)(1)		Dependency fast-track cases: 30 days after record filed	
Respondent's brief		30 days after appellant's opening brief filed	
Rules 8.360(c)(2), 8.412(b)(2), 8.416(e)(2)			
Reply brief		20 days after respondent's brief filed	
Rules 8.360(c)(3), 8.412(b)(3), 8.416(e)(2)		10 days after respondent's brief filed	
Dependency non-appealing minor's brief (if any)		To days after respondent's brief filed	
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Rules 8.412(b)(4), 8.416(e)(2)		15 days after opinion filed (or upon modification of judgment or publication	
Petition for rehearing, answer		of opinion after judgment is filed: see rule 8.268(b))	
		no answer may be filed unless court asks for it	
		for good cause, presiding justice may grant relief from default from failure to file timely petition or answer if court still has jurisdiction	
Rules 8.268(b), (c); 8.366(a), 8.470			
FORMAT (Governed by rules 8.74 and 8.204, ma	ade app	olicable to criminal cases by rule 8.360(a) and to juvenile cases by rule 8.412(a)(2))	
General		Electronic docments must be in text-searchable portable document format (PDF) that maintains original document formatting	
		software for creating and reading must be in public domain or generally available at reasonable cost	
		printing of documents must not result in the loss of document text, format, or appearance	
Rule 8.74(a)		each electronic document must include an electronic bookmark to each heading, subheading, and the first page of any component of the document, including tables, certificate of word count, proof of service, etc.	
Font and type style		font must be 13-point for both text and footnotes	
		a proportionally spaced serif font is required for text (Century Schoolbook is preferrred); sans-serif fonts may be used for headings, subheadings, and captions.	
		italics and boldface may be used for emphasis or the text may be underscored; do not use all capitals for emphasis.	
Rule 8.74(b)(1)		headings may be in uppercase letters	

Margins		left and right margins must be set at 1.5 inches
		top/bottom margins must be set at 1.0 inch
Dula 9 74/b)/2)		quotations may be block-indented
Rule 8.74(b)(3)  Line spacing		lines of text must be 1.5 spaced
		headings, footnotes, and indented quotations may be single spaced
Dula 0.74/h/(2)		lines must not be numbered
Rule 8.74(b)(2)  Alignment		paragraphs must be left-aligned, not fully justified
Rule 8.74(b)(4)		
Pages and pagination		consecutively numbered beginning with the cover or other top page and continuing through all appendices. (The number on the cover may be suppressed and need not appear.) Only Arabic numerals – e.g., 1, 2
Rule 8.74(a)(2) Signature		brief need not be signed
Rule 8.74(c)(1)		
COVER		
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Content of cover		title of document
		title of the case
		trial court number of the case
		Court of Appeal number of the case
		names of trial court and each participating trial judge
		name of the party that each attorney on the brief represents
		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)
		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.
		State whether the case is assisted or independent [ADI practice]
Rules 8.74(a)(9) & (c)(1), 8.40(c), 8.204, court or ADI practice		name of the party that each attorney on the brief represents
CONTENTS OF BRIEF		
All briefs		table of contents and table of authorities separately listing cases, constitutions, statutes, court rules, and other authorities cited
		state each point under a separate heading or subheading summarizing the point and support each point by argument and if possible citation to authority
Rules 8.74(c)(1), 8.40(c), 8.204(a)		support references to the record by citing the volume and page number
Opening brief		indicate nature of action, relief sought in trial court, judgment or order appealed from
		include statement of appealability, indicating judgment is final or explaining why order is appealable
Rule 8.204(a)(2)		summarize significant facts, limited to matters in the record

<b>LENGTH</b> (Rules 8.74(c)(1), 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 limit is 7,000 words, per rule $8.204(c)(5)$ . See also $8.268(b)(3)$ .		
		presiding justice may allow over-length brief on application showing good cause		
SERVICE AND FILING (Rules 8.70 et seq., 8.360(d), 8.412(e), 8.416(a)(2))				
General		filing with Court of Appeal is by TrueFiling, if available, with exceptions for self-represented parties or those to whom the court grants an excuse. Those not using TrueFiling should file hard copies under rules applicable to that format		
		service should be by email or TrueFiling if recipient has service email address, otherwise by mail $$		
		see CHEAT SHEET on ADI website home page, www.adi-sandiego.com, for current service addresses		
Appellant's opening brief		Court of Appeal, with proof of service		
		opposing counsel (generally, Attorney General in criminal and delinquency cases, County Counsel in dependency cases, but may include other respondents)		
		superior court judge who handled trial court proceedings		
		client		
		[appellate counsel for each co-appellant, if any]		
		[district attorney in criminal and delinquency cases]		
		[minor's appellate counsel, if any, and minor's trial counsel in dependency cases]		
		client's trial counsel		
		Appellate Defenders, Inc.: eservice-court@adi-sandiego.com		
Respondent's brief		mostly same as opening brief, with certain commonsense exceptions		
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)		