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April News Alert

Dear Panel Members,

This month's content includes:

- Augment Motions in Division One
- Requests for Transmission of Exhibits & Sealed Records in Division Three
- MCLE Opportunities
- ADI Website Updates



Augment Motions in Division One

Division One has two local orders addressing the time for filing an augment motion.

Criminal Augment Order, No. 020411B directs “counsel for the appellant . . . to review the record on appeal immediately after receiving it and, if necessary, file any motion for augmentation of the record . . . within 40 days or less of the filing of the record or the appointment order, whichever is later.”

Juvenile Dependency Augment Order, No. 020411A directs” counsel for the appellant in juvenile dependency appeals to review the record on appeal immediately on receiving it and, and if necessary, file any motion for augmentation of the record within 15 days of the filing of the record or the appointment order, whichever is later.”

Please make every effort to file augment motions within the first 40 days of being appointed. If you are in a situation where you need an augment motion

after the initial 40 day period, please file the augment motion and explain why the augment motion is late.

ADI and the court understand that there will be scenarios in which counsel must file an augment motion after the initial 40 day period has run, such as when the superior court denies a rule letter request, when the materials in an earlier augment are not fully provided, etc. Explaining to the court *why* the augment motion itself is delayed will help the court understand that the late filing was warranted.

ADI and the court are aware of the extraordinarily high caseloads appointed counsel carry. ADI recommends filing the augment motion within the first 40 days of appointment, followed by extensions needed to complete the briefing. As always, robust explanations are encouraged as the justices read each extension of time.

Finally, in deciding whether to grant or deny an extension of time, the court does consider the length of the sentence (e.g. whether the client will be prejudiced) and the length of the record.

Division One's Local Rules & Orders

Requests for Transmission of Exhibits & Sealed Records in Division Three

Division Three would like to remind attorneys to serve the Court of Appeal when a Request for Transmission of Exhibits is filed in the superior court. (Rule 8.224.) Notice to the Court of Appeal will normally trigger an order directing the superior court to transmit the designated exhibits. To make sure the exhibits are transmitted as ordered, counsel can check the Court of Appeal docket.

On a separate note, ADI has been seeing more appeals in Division Three which have discrete, sealed records. ADI's website, on the Legal Resources > General Appellate Practice page contains an article about Confidential and Sealed Records. The Forms & Samples page contains several draft motions addressing confidential or sealed documents. Please reach out to your assigned staff attorney if you have any questions about these records.

General Appellate Practice

MCLE Opportunities

From Transcript to Story: Crafting a Narrative Statement of Facts
April 15, 2026 from 12 to 1:00 p.m. | Remote

ADI staff attorneys Charles Anderson and Donna Chirco will moderate a virtual discussion on drafting a more compelling and persuasive statement of facts. The interactive presentation, which includes polling questions and encourages audience participation, is relevant to both criminal and dependency appellate practitioners.

This training is eligible for 1.0 hour of general MCLE credit and 1.0 hour of Appellate Specialization credit.

[Registration Link](#)

ADI Website



Components of an Issues Memo

Have you ever wondered what to put in an issues memo? Check out the new resource!



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