

HOW TO PREPARE AN ELECTRONIC CLERK'S TRANSCRIPT TRAINING MANUAL

August 25, 2021



Introduction

Tim Schooley:

Tim Schooley is the Managing Attorney at the Third District Court of Appeal. He has previously worked at the court as a writ attorney and as the supervising writ attorney. He worked in private practice before he came to the court, and taught appellate advocacy at UC Davis Law School for ten years.

Class Presenters

Marti Browning:

Marti Browning

Marti Browning has been employed with Sutter County Superior Court for 5 years. She was assigned to the Appeals/Jury/Records Management Unit and she remains a part of that unit today. Marti has processed every type of Appeal as the sole Appeals Clerk. Marti helped to devise and implement the process of creating the electronic Clerk's Transcript, making Sutter County the first court to file a completely electronic record with the Third District Court of Appeal. Marti conducts Jury Orientation and training for new Jury Clerks and is a part of the team that is working on the Court's biggest project, digitizing all case files.

mbrowning@suttercourts.com

Deputy Clerk-Appeals Unit
Sutter County Superior Court
530-822-3456

and

Kathy Wojnarowski:

Kathy Wojnarowski started working at the Sacramento County Superior Court in April 2000. While there, she worked in the Records Department, Exhibits Unit, and finally the Appeals Unit until she was hired at the Third District Court of Appeal in September 2006. Kathy has worked in all case processing areas of the Third District Court of Appeal, which encompasses cases dealing with Criminal, Juvenile, Civil, and Original Proceedings. Kathy is currently supervising the areas of Criminal, Juvenile, Reception, and the File Room at the Third District Court of Appeal.

Kathy.Wojnarowski@jud.ca.gov

Supervising Deputy Clerk
Third District Court of Appeal
916-654-0197

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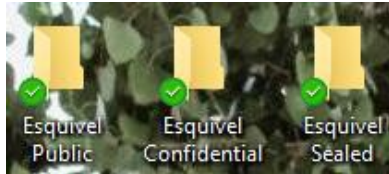
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GATHERING DOCUMENTS FOR CLERK'S TRANSCRIPT

If you have a case management system and your documents are already scanned:

Create folders on your desktop for all public documents, all confidential documents, and all sealed documents.



Open each document and Save As using the format YYMMDD Document Name into the appropriate folders.

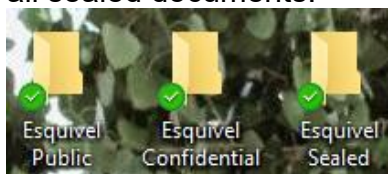
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191202 Complaint	7/20/2021 9:38 AM	Adobe Acrobat D...	117 KB
191202 Statement of Rights	7/20/2021 9:38 AM	Adobe Acrobat D...	102 KB
200108 Clerk's Minutes re Pre-Preliminar...	7/20/2021 9:37 AM	Adobe Acrobat D...	36 KB
200205 Clerk's Minutes re Pre-Preliminar...	7/20/2021 9:37 AM	Adobe Acrobat D...	38 KB
200226 Clerk's Minutes re Pre-Preliminar...	7/20/2021 9:37 AM	Adobe Acrobat D...	38 KB
200527 Clerk's Minutes re Pre-Preliminar...	7/20/2021 9:36 AM	Adobe Acrobat D...	37 KB
200529 Clerk's Minutes re Preliminary He...	7/20/2021 9:36 AM	Adobe Acrobat D...	87 KB
200604 Clerk's Minutes re Preliminary He...	7/20/2021 9:35 AM	Adobe Acrobat D...	121 KB
200610 Information	7/20/2021 9:34 AM	Adobe Acrobat D...	256 KB
200612 Reporter's Transcript of Prelimina...	7/20/2021 9:33 AM	Adobe Acrobat D...	5,645 KB
200612 Reporter's Transcript of Prelimina...	7/20/2021 9:33 AM	Adobe Acrobat D...	2,485 KB
200715 Clerk's Minutes re Arraignment o...	7/20/2021 9:31 AM	Adobe Acrobat D...	57 KB
201026 Clerk's Minutes re Felony Pre-Tria...	7/20/2021 9:31 AM	Adobe Acrobat D...	38 KB

IMPORTANT: Make sure to name all the same type of documents the same. Use the same type of spacing. Double check spelling. Verify the title of the document. This affects the way the documents will appear in the Bookmarks and Index and they must be uniform.















If you have any documents that need to be redacted, you can do that now. See **REDACTING.**

If you do not have a case management system and your documents are not already scanned:

Create folders on your desktop for all public documents, all confidential documents, and all sealed documents.



Scan each document and Save As using the format YYYYMMDD Document Name into the appropriate folders **or** you can sort all documents chronologically and scan it all together as a PDF. If you choose to do that, you will have to insert bookmarks for each document later.

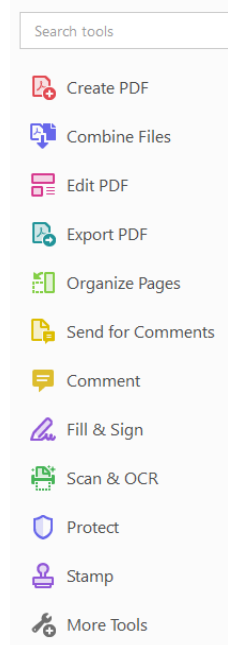
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 200108 Clerk's Minutes re Pre-Preliminar...	7/20/2021 9:37 AM	Adobe Acrobat D...	36 KB
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 200715 Clerk's Minutes re Arraignment o...	7/20/2021 9:31 AM	Adobe Acrobat D...	57 KB
 201026 Clerk's Minutes re Felony Pre-Tria...	7/20/2021 9:31 AM	Adobe Acrobat D...	38 KB

IMPORTANT: Make sure to name all the same type of documents the same. Use the same type of spacing. Double check spelling. Verify the title of the document. This affects the way the documents will appear in the Bookmarks and Index and they must be uniform.

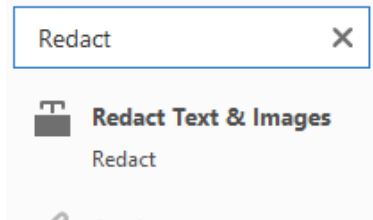
If you have any documents that need to be redacted, you can do that now. Redact before creating bookmarks and making the text searchable or redacting will remove them.

REDACTING

Open the document in Adobe Acrobat. In **Search Tools**, type in "Redact"



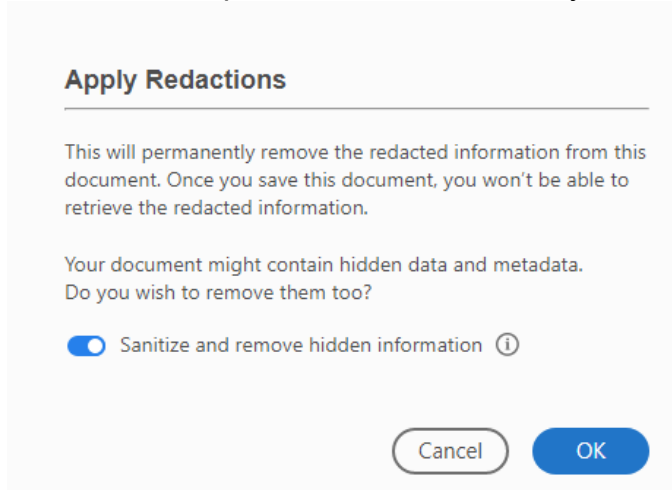
Click Redact Text & Images



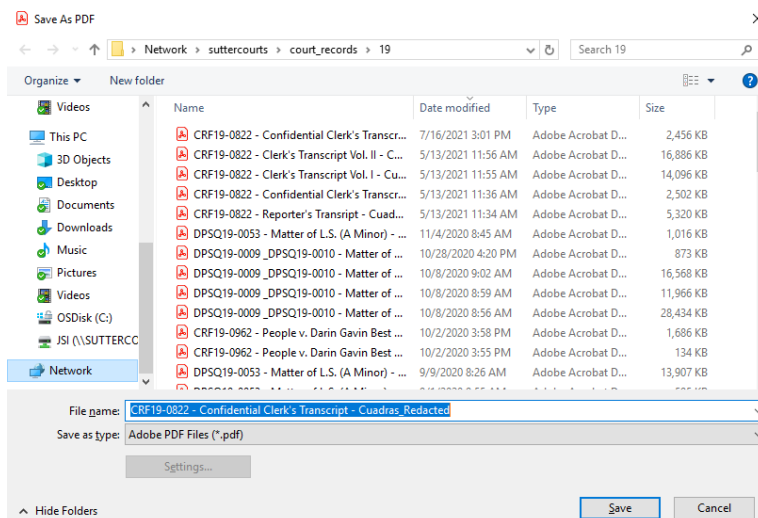
Highlight the information to be redacted and Click Apply



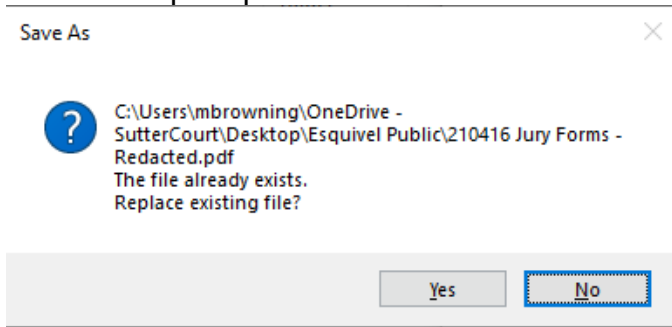
A window will open, click OK to confirm you want to Redact



You will be prompted to Save the Document as Redacted, remove the word Redacted and click Save



You will be prompted to overwrite the un-redacted version, click Yes.



In Adobe, Click Close



CREATE CLERK'S CERTIFICATE

Open the Clerk's Certificate of Record on Appeal template and, fill out with case information.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SUTTER STREET ADDRESS: 1175 Civic Center Boulevard MAILING ADDRESS: 1175 Civic Center Boulevard CITY AND ZIP CODE: Yuba City, CA 95993 BRANCH NAME:		
PETITIONER: PEOPLE OF THE STATE OF CALIFORNIA		
VS.		
RESPONDENT: RICKY RAY KINGSLEY		
CLERK'S CERTIFICATE OF RECORD ON APPEAL	CASE NUMBER: CRF11-0000969	

I, Stephanie M. Hansel, Court Executive Officer of the Superior Court of California, County of Sutter and custodian of the records of said court, do hereby certify the foregoing to be a full, true, and correct copy of the documents requested and/or specifically listed on the index pages of the Clerk's Transcript, as the same now appears on file in this office.

The Clerk's Transcript is in compliance with California Rules of Court, Rule 8.332 regarding juror-identifying information.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Superior Court.

Date: March 29, 2021



Stephanie M Hansel
Court Executive Officer

By: Deputy Court Clerk
Marti Browning

Save as YYMMDD Clerk's Certificate of Record on Appeal as a PDF in each folder you have documents in.

COMBINING FILES IN ADOBE

Start with creating any Confidential or Sealed Transcripts first as a copy of those indexes will need to go in the original Clerk's Transcript.

In the Appeal folder you created, highlight all documents by clicking on the first document and then [Ctrl+A], this will highlight all documents. Right click *Choose Combine Supported Files in Acrobat*.

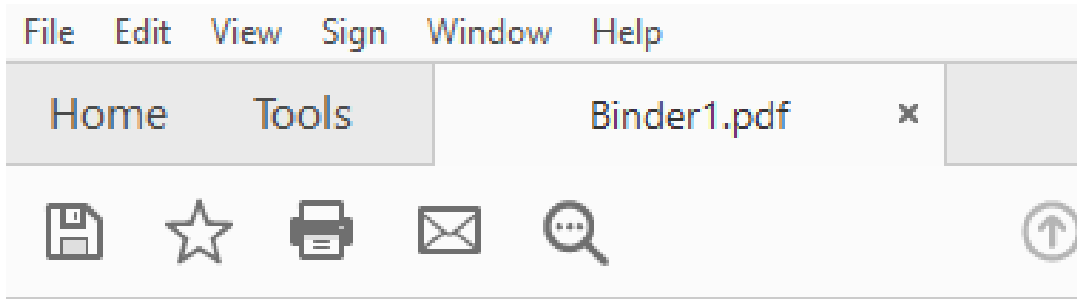
Name	Date modified	Type	Size
McNamara - Abstract of Judgment	7/19/2021 4:35 PM	Adobe Acrobat D...	191 KB
McNamara - Criminal Info Sheet	7/19/2021 2:39 PM	Adobe Acrobat D...	220 KB
McNamara - Notice of Appeal	7/19/2021 2:29 PM	Adobe Acrobat D...	110 KB
McNamara - Notice of Filing	7/19/2021 4:50 PM	Adobe Acrobat D...	61 KB
McNamara - Proof of Service	7/20/2021 8:11 AM	Microsoft Word 9...	63 KB
McNamara - Proof of Service	7/20/2021 8:11 AM	Adobe Acrobat D...	63 KB
McNamara - Reporter's Schedule	7/19/2021 4:35 PM	Microsoft Word 9...	38 KB
McNamara - Reporter's Schedule	7/19/2021 4:27 PM	Adobe Acrobat D...	186 KB

The documents will already be in date order, but you may need to move documents around within a specific date. Here you can use the *Move Up / Move Down* arrows to move your documents into date order. Once your documents are where they need to be, click Combine.

Name	Page Range	Size	Modified	Bookmark for File	Warni
191202 Clerk's Minutes re Arraignment....	All Pages	49.24 KB	7/20/2021 9:37:51 AM	191202 Clerk's Minutes re Arraign...	
191202 Complaint.pdf	All Pages	116.24 KB	7/20/2021 9:38:27 AM	191202 Complaint	⚠️ W
191202 Statement of Rights.pdf	All Pages	101.44 KB	7/20/2021 9:38:06 AM	191202 Statement of Rights	⚠️ W
200108 Clerk's Minutes re Pre-Prelimina...	All Pages	35.71 KB	7/20/2021 9:37:30 AM	200108 Clerk's Minutes re Pre-Preli...	
200205 Clerk's Minutes re Pre-Prelimina...	All Pages	37.36 KB	7/20/2021 9:37:15 AM	200205 Clerk's Minutes re Pre-Preli...	
200226 Clerk's Minutes re Pre-Prelimina...	All Pages	37.86 KB	7/20/2021 9:37:01 AM	200226 Clerk's Minutes re Pre-Preli...	
200527 Clerk's Minutes re Pre-Prelimina...	All Pages	36.16 KB	7/20/2021 9:36:36 AM	200527 Clerk's Minutes re Pre-Preli...	
200529 Clerk's Minutes re Preliminary H...	All Pages	86.67 KB	7/20/2021 9:36:10 AM	200529 Clerk's Minutes re Prelimin...	
200604 Clerk's Minutes re Preliminary H...	All Pages	120.20 KB	7/20/2021 9:35:42 AM	200604 Clerk's Minutes re Prelimin...	
200610 Information.pdf	All Pages	255.60 KB	7/20/2021 9:34:40 AM	200610 Information	
200612 Reporter's Transcript of Prelimin...	All Pages	5.51 MB	7/20/2021 9:33:16 AM	200612 Reporter's Transcript of Pr...	⚠️ W
200612 Reporter's Transcript of Prelimin...	All Pages	2.43 MB	7/20/2021 9:33:39 AM	200612 Reporter's Transcript of Pr...	⚠️ W

Your newly created document will populate as *Binder 1*, you can now do a Save As and name it according to Court of Appeals Naming Conventions.

 Binder1.pdf - Adobe Acrobat Pro DC (32-bit)



After combining documents, if you have more than 300 pages, figure out where you are going to split your volumes. You will need to create a Cover Page and a Clerk’s Certificate for those extra volumes. You can use the Clerk’s Certificate you already created by inserting it into the transcript. See **INSERTING ADDITIONAL DOCUMENTS.**

CREATING THE INDEX AND COVER PAGE

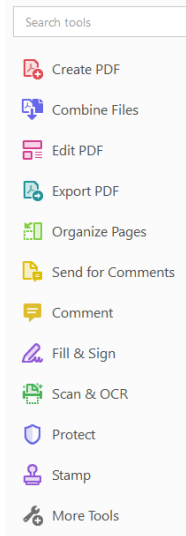
Create all Cover Pages, Chronological Index, and Alphabetical Index as you normally would but without page numbers.

<p style="text-align: center;">IN THE DISTRICT COURT OF APPEAL APPELLATE COURT NO. 3 CIVIL _____ THIRD APPELLATE DISTRICT STATE OF CALIFORNIA *****</p> <p>PEOPLE OF THE STATE OF CALIFORNIA) Plaintiff/Respondent) CASE NO. CRF19-0003080 vs.) VICTOR HUGO VIVANCO ESQUIVEL) Defendant/Appellant)</p> <p style="text-align: center;">APPEAL FROM THE SUPERIOR COURT OF SUTTER COUNTY LAURA J. DAVIS, JUDGE ***** CLERK’S TRANSCRIPT OF APPEAL ***** VOLUME I PAGES 1 - 296</p> <p>APPEARANCES:</p> <p>For Appellant:</p> <p style="text-align: center;">CENTRAL CALIFORNIA APPELLATE PROGRAM 2150 RIVER PLAZA DRIVE, SUITE 300 SACRAMENTO, CA 95833</p> <p>For Respondent:</p> <p style="text-align: center;">XAVIER BECERRA STATE ATTORNEY GENERAL P.O. BOX 944255 SACRAMENTO, CA 94244</p>	<p style="text-align: center;">CHRONOLOGICAL INDEX PEOPLE OF THE STATE OF CALIFORNIA vs. VICTOR HUGO VIVANCO ESQUIVEL CASE NO. CRF19-0003080 3 CIV. _____</p> <table border="0"> <tr><td>12/02/19</td><td>Complaint.....</td><td>1</td></tr> <tr><td>12/02/19</td><td>Statement of Rights.....</td><td>1</td></tr> <tr><td>12/02/19</td><td>Clerk’s Minutes re Arraignment.....</td><td>1</td></tr> <tr><td>01/08/20</td><td>Clerk’s Minutes re Pre-Preliminary Hearing & Setting.....</td><td>1</td></tr> <tr><td>02/05/20</td><td>Clerk’s Minutes re Pre-Preliminary Hearing & Setting.....</td><td>1</td></tr> <tr><td>02/26/20</td><td>Clerk’s Minutes re Pre-Preliminary Hearing & Setting.....</td><td>1</td></tr> <tr><td>05/27/20</td><td>Clerk’s Minutes re Pre-Preliminary Hearing.....</td><td>1</td></tr> <tr><td>05/29/20</td><td>Clerk’s Minutes re Preliminary Hearing.....</td><td>1</td></tr> <tr><td>06/04/20</td><td>Clerk’s Minutes re Preliminary Hearing.....</td><td>1</td></tr> <tr><td>06/10/20</td><td>Information.....</td><td>1</td></tr> <tr><td>06/12/20</td><td>Reporter’s Transcript of Preliminary Hearing - Volume 1.....</td><td>1</td></tr> <tr><td>06/12/20</td><td>Reporter’s Transcript of Preliminary Hearing - Volume 2.....</td><td>1</td></tr> <tr><td>07/15/20</td><td>Clerk’s Minutes re Arraignment on Information.....</td><td>1</td></tr> <tr><td>10/26/20</td><td>Clerk’s Minutes re Felony Pre-Trial Conference.....</td><td>1</td></tr> <tr><td>03/11/21</td><td>People’s Witness List.....</td><td>1</td></tr> <tr><td>03/30/21</td><td>Defendant’s Trial Brief and Motions in Limine.....</td><td>1</td></tr> <tr><td>03/30/21</td><td>Defense Witness List.....</td><td>1</td></tr> <tr><td>03/30/21</td><td>People’s Motions in Limine 1 -9.....</td><td>1</td></tr> <tr><td>04/01/21</td><td>Defendant’s Opposition to People’s Motions in Limine.....</td><td>1</td></tr> <tr><td>04/02/21</td><td>Amended Information.....</td><td>1</td></tr> <tr><td>04/02/21</td><td>Clerk’s Minutes re Trial Readiness Conference.....</td><td>1</td></tr> <tr><td>04/06/21</td><td>Defendant’s Request for Judicial Notice of Sunset.....</td><td>1</td></tr> <tr><td>04/06/21</td><td>Clerk’s Minutes re Jury Trial - Day 1.....</td><td>1</td></tr> <tr><td>04/07/21</td><td>Clerk’s Minutes re Jury Trial - Day 2.....</td><td>1</td></tr> <tr><td>04/08/21</td><td>Clerk’s Minutes re Jury Trial - Day 3.....</td><td>1</td></tr> <tr><td>04/09/21</td><td>Clerk’s Minutes re Jury Trial - Day 4.....</td><td>1</td></tr> <tr><td>04/12/21</td><td>Clerk’s Minutes re Jury Trial - Day 5.....</td><td>1</td></tr> <tr><td>04/13/21</td><td>Clerk’s Minutes re Jury Trial - Day 6.....</td><td>1</td></tr> </table>	12/02/19	Complaint.....	1	12/02/19	Statement of Rights.....	1	12/02/19	Clerk’s Minutes re Arraignment.....	1	01/08/20	Clerk’s Minutes re Pre-Preliminary Hearing & Setting.....	1	02/05/20	Clerk’s Minutes re Pre-Preliminary Hearing & Setting.....	1	02/26/20	Clerk’s Minutes re Pre-Preliminary Hearing & Setting.....	1	05/27/20	Clerk’s Minutes re Pre-Preliminary Hearing.....	1	05/29/20	Clerk’s Minutes re Preliminary Hearing.....	1	06/04/20	Clerk’s Minutes re Preliminary Hearing.....	1	06/10/20	Information.....	1	06/12/20	Reporter’s Transcript of Preliminary Hearing - Volume 1.....	1	06/12/20	Reporter’s Transcript of Preliminary Hearing - Volume 2.....	1	07/15/20	Clerk’s Minutes re Arraignment on Information.....	1	10/26/20	Clerk’s Minutes re Felony Pre-Trial Conference.....	1	03/11/21	People’s Witness List.....	1	03/30/21	Defendant’s Trial Brief and Motions in Limine.....	1	03/30/21	Defense Witness List.....	1	03/30/21	People’s Motions in Limine 1 -9.....	1	04/01/21	Defendant’s Opposition to People’s Motions in Limine.....	1	04/02/21	Amended Information.....	1	04/02/21	Clerk’s Minutes re Trial Readiness Conference.....	1	04/06/21	Defendant’s Request for Judicial Notice of Sunset.....	1	04/06/21	Clerk’s Minutes re Jury Trial - Day 1.....	1	04/07/21	Clerk’s Minutes re Jury Trial - Day 2.....	1	04/08/21	Clerk’s Minutes re Jury Trial - Day 3.....	1	04/09/21	Clerk’s Minutes re Jury Trial - Day 4.....	1	04/12/21	Clerk’s Minutes re Jury Trial - Day 5.....	1	04/13/21	Clerk’s Minutes re Jury Trial - Day 6.....	1
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04/13/21	Clerk’s Minutes re Jury Trial - Day 6.....	1																																																																																			

Once you have finished, save your document as a Word Doc **AND** a PDF as Cover Page – Index.

INSERTING ADDITIONAL DOCUMENTS

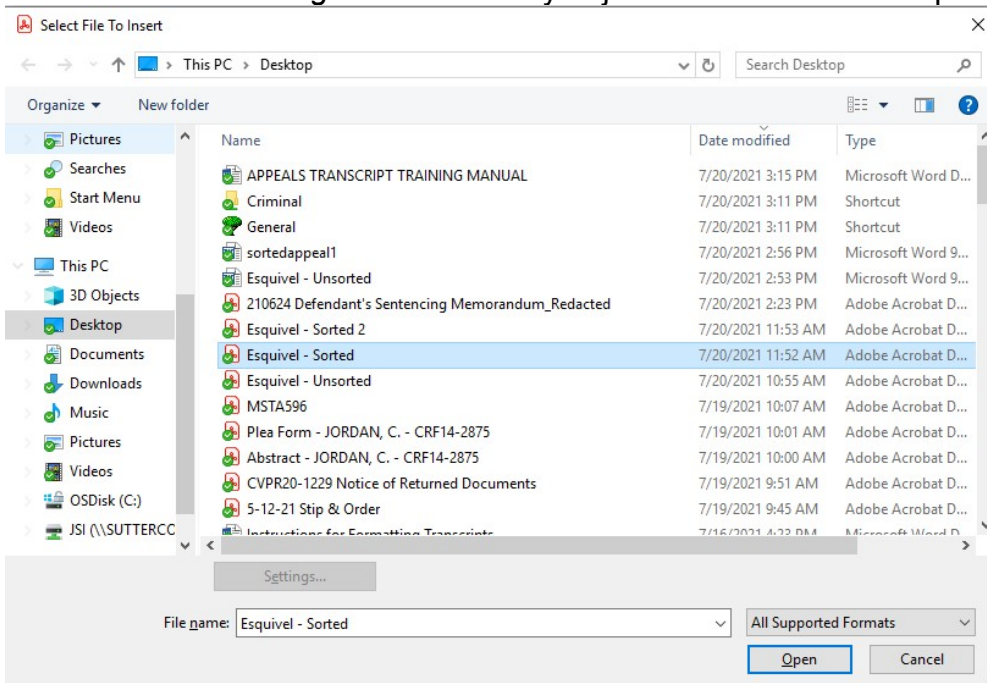
Open Acrobat and Click Organize Pages.



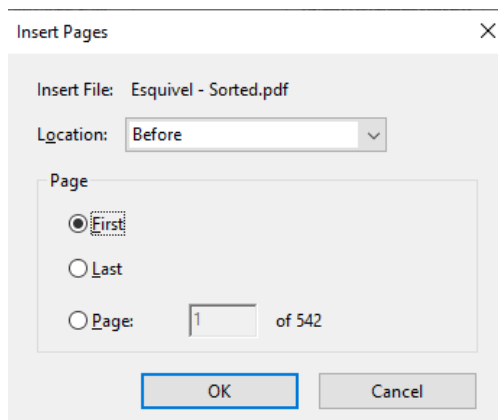
Click Insert and choose *From File* from the Drop-Down Menu



Choose the *Cover Page – Index PDF* you just created and click Open.



A window will open allowing to choose where you want to insert the new pages. Update the page and location and choose OK



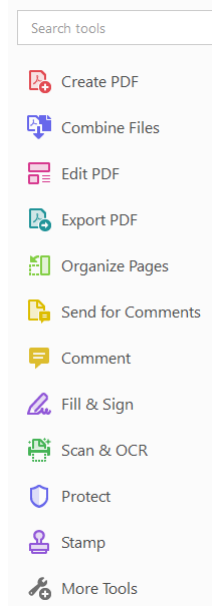
In Adobe, click Close



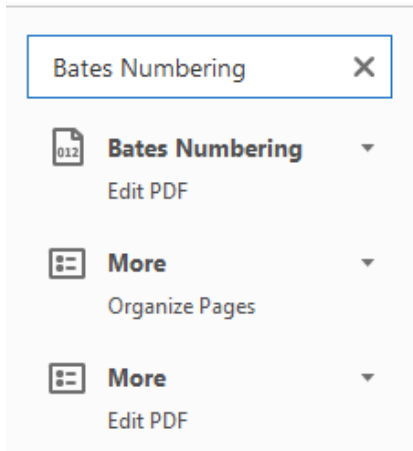
PAGINATION

Number pages consecutively beginning with the Cover Page.

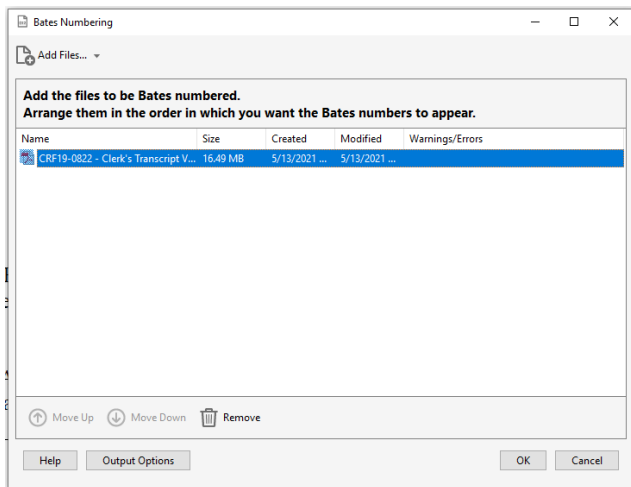
Open the volume in Adobe Acrobat. In **Search Tools**, type in “Bates Numbering”



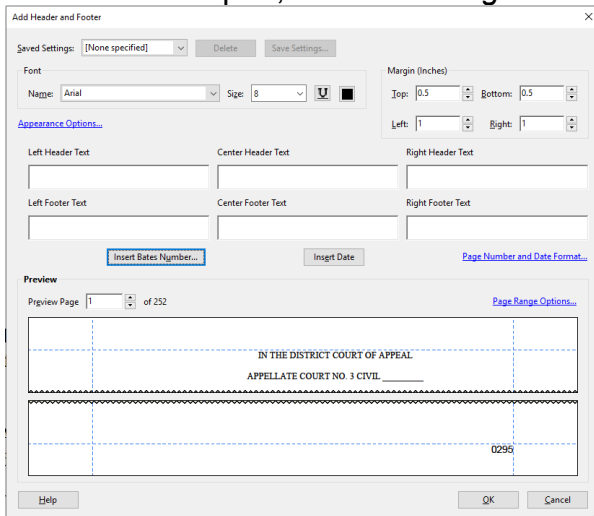
Click the drop-down menu on “Bates Numbering” and click on *Add*



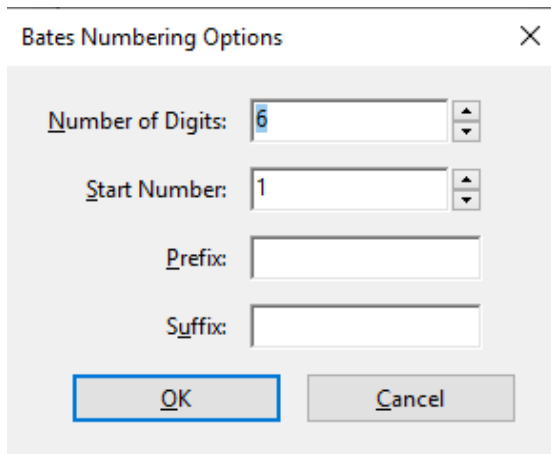
A Window will open, highlight the transcript you want to number and click OK



A window will open, click in the *Right Footer Text*, click Insert Bates Number



Choose the *Number of Digits* you will use and your *Start Number*, Click OK



Bates Numbering Options

Number of Digits: 6

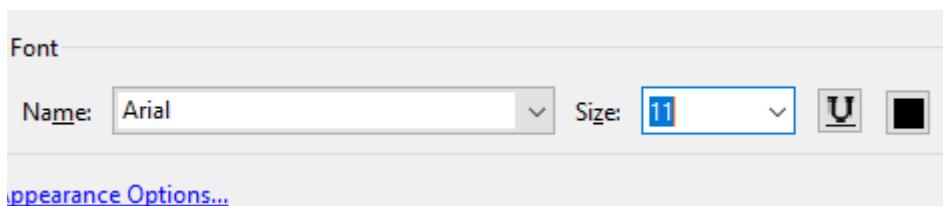
Start Number: 1

Prefix:

Suffix:

OK Cancel

Update your font size to 11 and click OK



Font

Name: Arial Size: 11

U B

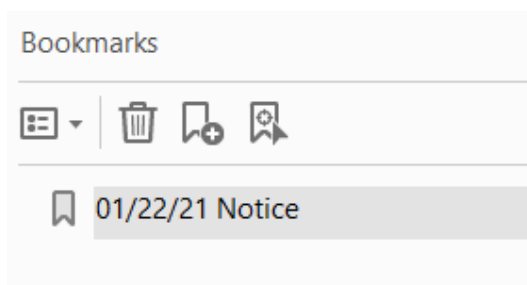
[Appearance Options...](#)

ADDING BOOKMARKS

If you are working out of a case management system with electronic documents and have already gathered and saved your documents, the bookmarks will already be created. If you are working with a paper copy that has been scanned as a whole, you will need to manually add bookmarks.

Right Click on the page you are creating the bookmark for and click on *Add Bookmark* from the drop-down menu

In the text box, type the date the document was filed and the document name.



Bookmarks

☰ | 🗑️ | ➕ | 🔄

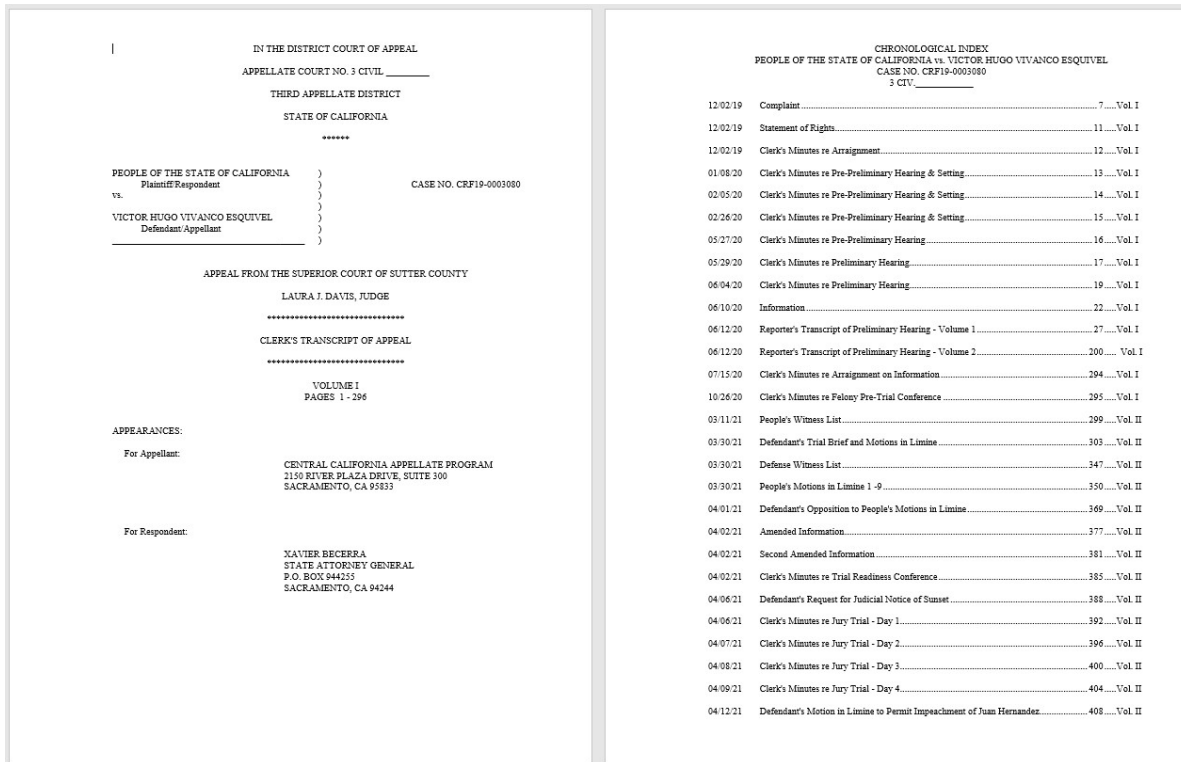
📌 01/22/21 Notice

You will also need to add a bookmark for the Cover Page and Indexes and correct the date formatting from YYMMDD to MM/DD/YY in each bookmark.

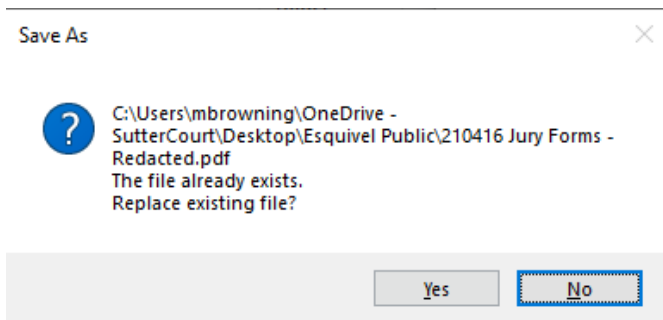
UPDATING THE INDEX AND COVER PAGE

Now that you have numbered your pages, you will need to update the *Word* version of the *Cover Page – Index* with page numbers from the transcript. If your file has multiple volumes, you will need to include the Volume #.

You will also need to update the page number information on the Cover Page.



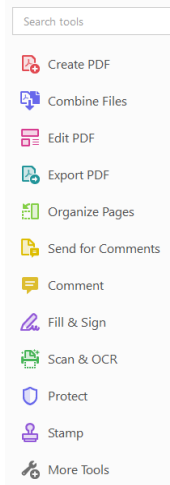
Now Save As Cover Page-Index PDF, you will be prompted to overwrite the old version, click Yes.



You will now need to replace the Cover Page – Index in your transcript with the newly created version.

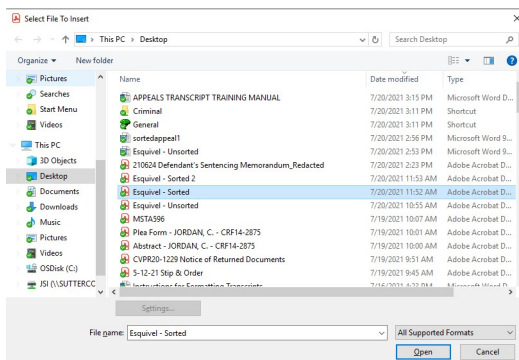
REPLACING DOCUMENTS

Open Acrobat and Click Organize Pages.

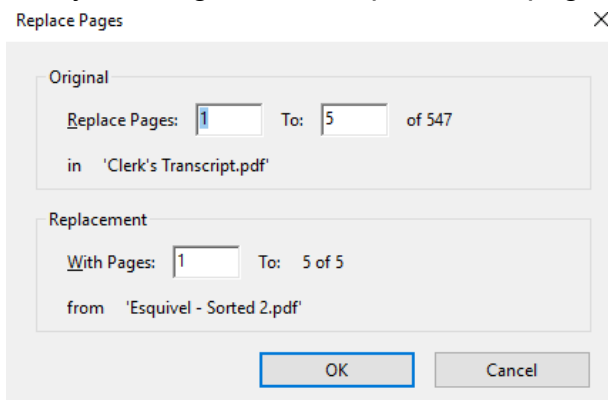


Highlight the pages you need to replace by highlighting the first page by clicking on it, press and hold the Ctrl key and click on each additional page.

When you have highlighted everything, click Replace and a new window will open. Choose the Cover Page – Index you just created and click Open.



Verify the Original and Replacement page information is correct and click OK



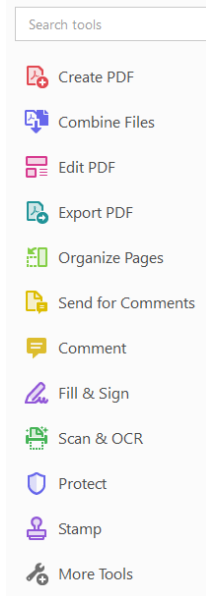
In Adobe, click Close



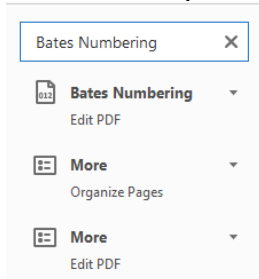
UPDATING PAGINATION

Number pages consecutively beginning with the Cover Page.

Open the volume in Adobe Acrobat. In **Search Tools**, type in “Bates Numbering”



Click the drop-down menu on “Bates Numbering” and click on *Remove*

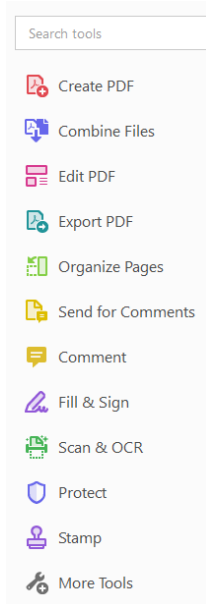


See **PAGINATION** to add the Bates Numbering again.

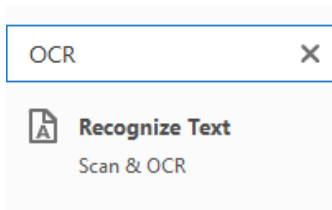
OCR

Making the Transcript text-searchable.

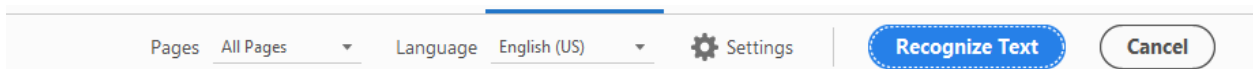
Open the volume in Adobe Acrobat. In **Search Tools**, type in “OCR”



Click Recognize Text



Under **Pages**, choose *All Pages* and click the Recognize Text Button



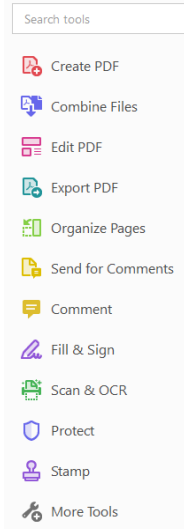
Once the document has finished processing, click Save

SPLITTING VOLUMES

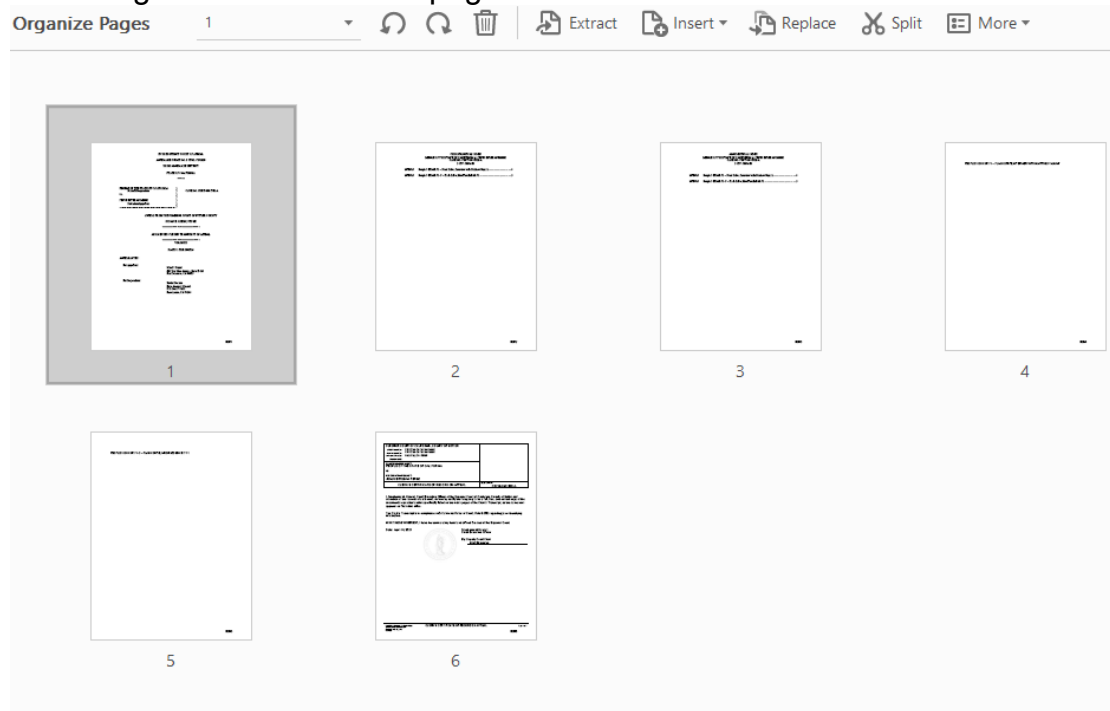
If your PDF is too large to send via e-mail, you will need to split the volumes into separate PDFs.

Make a copy of the Clerk's Transcript you are splitting and save it to the desktop.

Open the copy and click Organize Pages

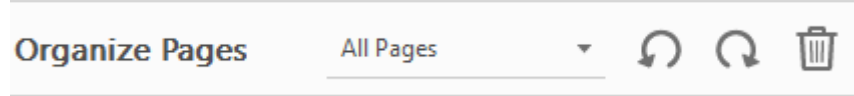


This will give a view of all the pages

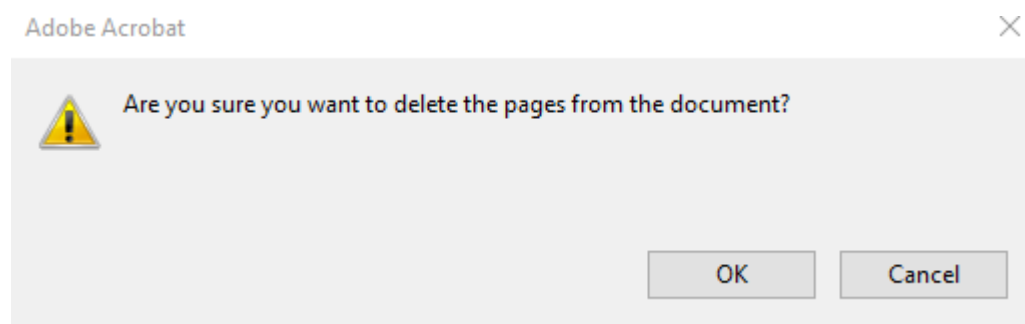


Highlight the first page you need to delete by clicking on it, press and hold the Shift key and click on the last page you need to delete, this will highlight all pages to be deleted.

When you have highlighted everything, Click the Garbage Can Icon



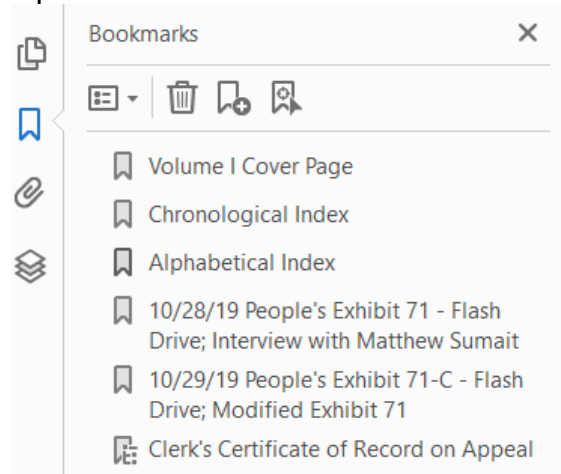
You will get a prompt to delete, click OK



Click Close



Open the Bookmarks tab



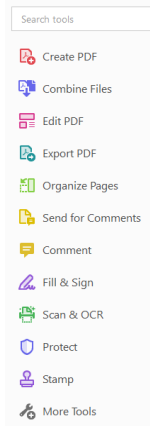
Highlight the first bookmark you need to delete by clicking on it, press and hold the Shift key and click on the last bookmark you need to delete, this will highlight all bookmarks to be deleted.

Right click anywhere on the highlighted section and choose Delete from the drop down menu.

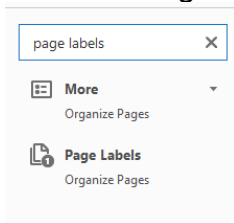
Repeat this process for each volume.

PAGINATION ACROSS MULTI-VOLUME TRANSCRIPTS

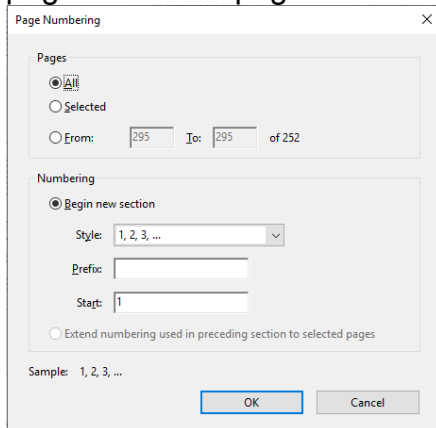
Clerk's Transcripts consisting of multiple volumes must be paginated consecutively. Open Volume II in Adobe Acrobat. In **Search Tools**, type in "Page Labels"



Click on "Page Labels"



A Window will open, under **Pages**, choose *All*. Under **Numbering** change your *Start* page to the first page of Volume II. Click OK



Save and repeat for additional volumes.

Naming Conventions

Below is a list of naming convention titles for the different types of cases and records submitted to this court for filing. Please use these titles when uploading electronic clerk or reporter's transcripts.

Please use the appellate case number in the naming convention which can be found on our website or you can contact our clerks for the assigned appellate case number. If we have not set up the case yet with an appellate case number, and the reporter or clerk still wants to transmit the record, they may use the first trial court case number in place of the appellate case number in the naming convention.

E-filed transcripts and naming conventions/titles

(Appellate case number_ Case type_ document type _docket code_ Name of appellant)

Criminal Cases

C084752_CR_electronicRT_raf_Carbajal	Original reporter's transcript
C084752_CR_electronicCT_raf_Carbajal	Original clerk's transcript
C084752_CR_electronicRT_sdf_Carbajal	Sealed reporter's transcript
C084752_CR_electronicCT_sdf_Carbajal	Sealed clerk's transcript
C084752_CR_electronicRT_arf_Carbajal	Augmented reporter's transcript
C084752_CR_electronicCT_arf_Carbajal	Augmented clerk's transcript
C084752_CR_electronicRT_srf_Carbaja	Supplemental reporter's transcript
C084752_CR_electronicCT_srf_Carbajal	Supplemental clerk's transcript

When an electronic declaration is submitted in place of any record, substitutive electronic CT or RT for Declaration

C084752_CR_Declaration_raf_Carbajal

Civil Cases which include Family Law and Probation cases

C082083_CV_electronicRT_raf_Samuel	Original reporter's transcript (designated with clerk's transcript)
C082083_CV_electronicCT_raf_Samuel	Original clerk's transcript
C082083_CV_electronicRT_rtf_Samuel	Original reporter's transcript (if RT only. No clerk's transcript designated)
C082083_CV_electronicRT_sdf_Samuel	Sealed reporter's transcript
C082083_CV_electronicCT_sdf_Samuel	Sealed clerk's transcript
C082083_CV_electronicRT_arf_Samuel	Augmented reporter's transcript
C082083_CV_electronicCT_arf_Samuel	Augmented clerk's transcript
C082083_CV_electronicRT_srf_Samuel	Supplemental reporter's transcript
C082083_CV_electronicCT_srf_Samuel	Supplemental clerk's transcript

When an electronic declaration is submitted in place of any record, substitutive electronic CT or RT for Declaration

C082083_CV_declaration_raf_Samuel

Juvenile Dependency Cases J300, J366, and adoption cases with a termination of parental rights appeal

C084383_J1_electronicRT_raf_EH	Original reporter's transcript
C084383_J1_electronicCT_raf_EH	Original clerk's transcript
C084383_J1_electronicRT_sdf_EH	Sealed reporter's transcript
C084383_J1_electronicCT_sdf_EH	Sealed clerk's transcript
C084383_J1_electronicRT_arf_EH	Augmented reporter's transcript
C084383_J1_electronicCT_arf_EH	Augmented clerk's transcript
C084383_J1_electronicRT_srf_EH	Supplemental reporter's transcript
C084383_J1_electronicCT_srf_EH	Supplemental clerk's transcript

When an electronic declaration is submitted in place of any record, substitutive electronic CT or RT for Declaration

C084383_J1_Declaration_raf_EH

Juvenile Delinquency cases

C084752_JV_electronicRT_raf_JC	Original reporter's transcript
C084752_JV_electronicRT_sdf_JC	Sealed reporter's transcript
C084752_JV_electronicRT_arf_JC	Augmented reporter's transcript
C084752_JV_electronicRT_srf_JC	Supplemental reporter's transcript

When an electronic declaration is submitted in place of any record, substitutive electronic CT or RT for Declaration

C084752_JV_Declaration_raf_JC

Juvenile Intent cases (Original Proceedings-Writs)

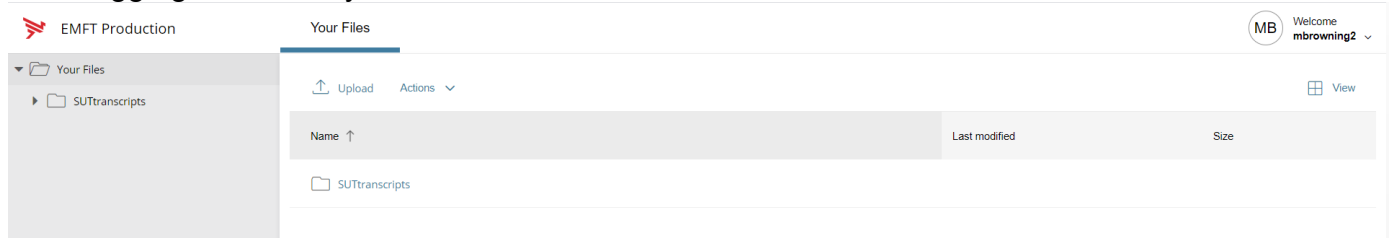
C084383_OPJ1_electronicRT_jwr_EH	Original reporter's transcript
C084383_OPJ1_electronicCT_jwr_EH	Original clerk's transcript

When an electronic declaration is submitted in place of any record, substitutive electronic CT or RT for Declaration

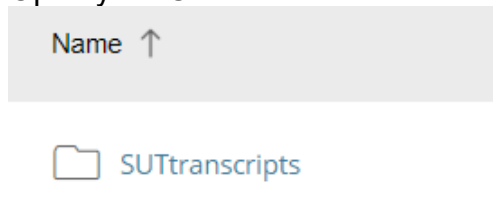
C084383_OPJ1_Declaration_raf_EH

UPLOADING TRANSCRIPT TO AXWAY

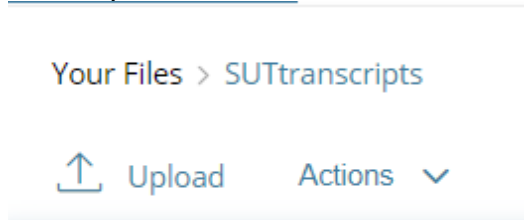
After logging in to Axway, the home screen will look like this:



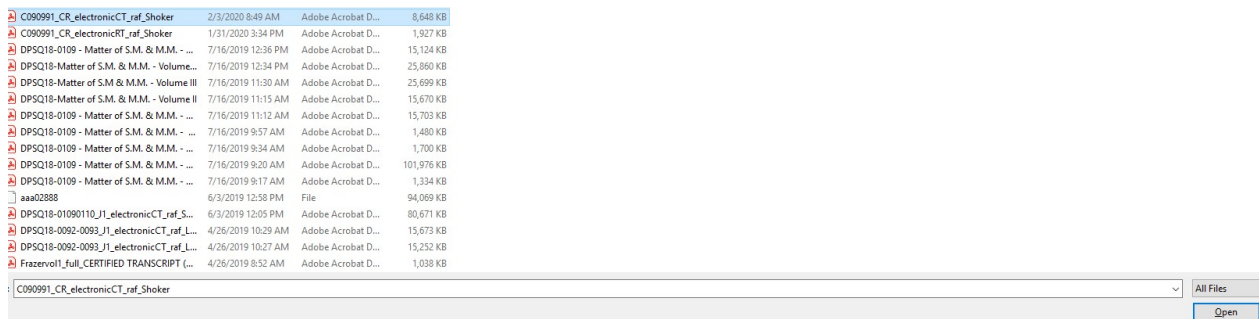
Open your Court's folder



Click Upload



Highlight the transcript you want to Upload and click Open

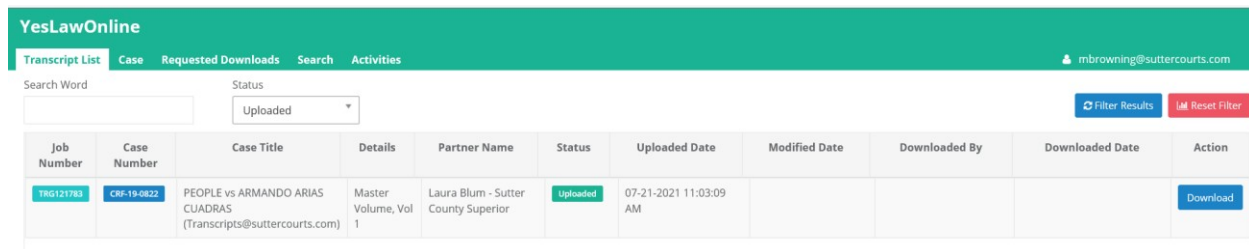


The transcript will automatically begin to download, once completed, you can sign out of the program.

If you have an electronic Reporter's Transcript in Yeslaw that needs to be downloaded from Yeslaw and uploaded into Axway in addition to your electronic Clerk's Transcript follow the following steps:

DOWNLOADING FROM YESLAW

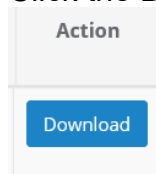
After logging into Yeslaw, the home screen will look like this:



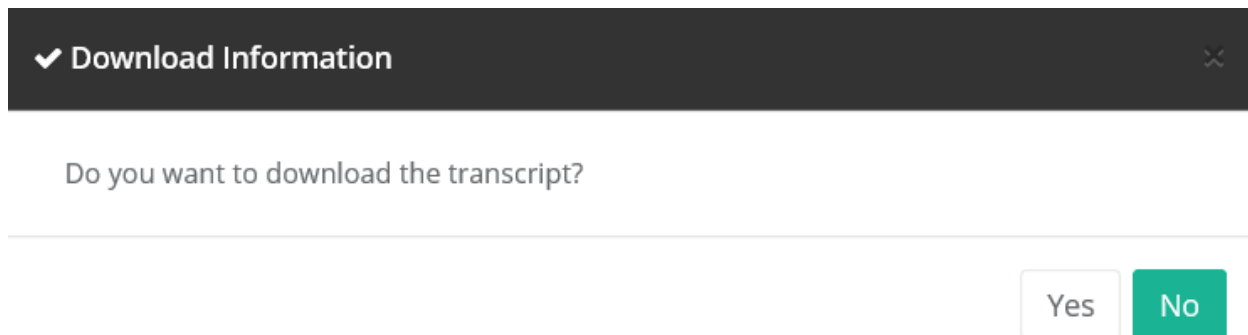
The screenshot shows the YesLawOnline interface. At the top, there is a navigation bar with tabs for 'Transcript List', 'Case', 'Requested Downloads', 'Search', and 'Activities'. The user's email 'mbrowning@suttercourts.com' is visible in the top right. Below the navigation bar, there is a search area with a 'Search Word' input field and a 'Status' dropdown menu set to 'Uploaded'. There are 'Filter Results' and 'Reset Filter' buttons. The main content is a table with the following columns: Job Number, Case Number, Case Title, Details, Partner Name, Status, Uploaded Date, Modified Date, Downloaded By, Downloaded Date, and Action. One row is visible with the following data: Job Number: TRG121783, Case Number: CRF-19-0822, Case Title: PEOPLE vs ARMANDO ARIAS CUADRAS (Transcripts@suttercourts.com), Details: Master Volume, Vol 1, Partner Name: Laura Blum - Sutter County Superior, Status: Uploaded, Uploaded Date: 07-21-2021 11:03:09 AM, and an Action button labeled 'Download'.

Job Number	Case Number	Case Title	Details	Partner Name	Status	Uploaded Date	Modified Date	Downloaded By	Downloaded Date	Action
TRG121783	CRF-19-0822	PEOPLE vs ARMANDO ARIAS CUADRAS (Transcripts@suttercourts.com)	Master Volume, Vol 1	Laura Blum - Sutter County Superior	Uploaded	07-21-2021 11:03:09 AM				Download

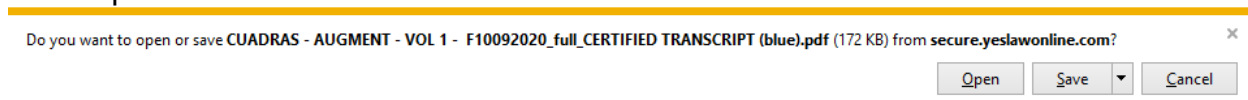
Click the Download button



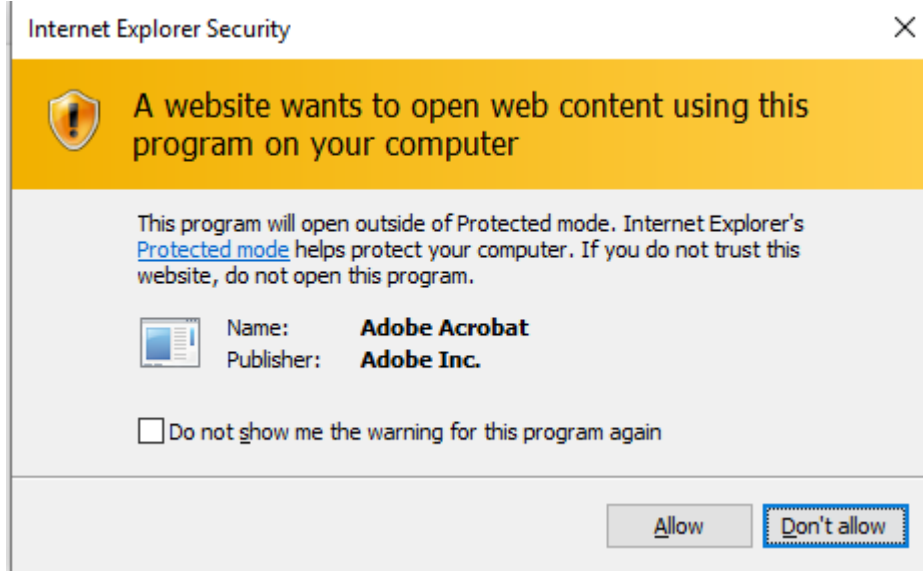
Do you want to download the transcript? Click Yes.



Click Open



Click Allow



The Reporter's Transcript will open, and you can Save As using Court of Appeals Naming Conventions.

Once the transcript has been saved, follow the instructions for uploading a transcript into Axway.

LOCAL RULE 5

and

**THE
CALIFORNIA
RULES OF COURT
for
TRANSCRIPTS**

LOCAL RULES OF THE COURT
OF APPEAL
THIRD APPELLATE DISTRICT

Published pursuant to California Rules of Court, rule
10.1030

Effective September 14, 2015
Amended effective September 26, 2016
Amended effective December 11, 2017
Amended effective April 10, 2020

LOCAL RULE 5

Rule 5. Electronic Filing

(a) Definitions

As used in this local rule, unless the context otherwise requires:

- (1) “Court” means the Court of Appeal for the Third Appellate District.
- (2) “Electronic filing” and “document” are as defined in rule 8.70(c), California Rules of Court.
- (3) A “file” is a unit of electronic information with a filename.
- (4) “TrueFiling” is the court’s electronic filing portal for registered users.
- (5) “Registered user” and “registered users” refer to a person or persons registered to use TrueFiling.
- (6) “EFS” means the court’s electronic filing system, which includes, but is not limited to, TrueFiling and the court’s file transfer protocol (FTP) server.
- (7) “EFS user” and “EFS users” refer to a user or users of the court’s electronic filing system.

(b) Mandatory electronic filing

Electronic filing is mandatory for all attorneys filing with the court unless an exemption is granted; electronic filing is voluntary for all non-attorney self-represented litigants. Electronic filers must use the court’s EFS.

(c) Registration

(1) *Obligation to Register.* Each attorney in any proceeding in this court is obligated to become a registered user and obtain a username and password for access to TrueFiling unless an exemption is granted. Non-attorney self-represented litigants must become registered users if they wish to file electronically. Attorneys and non-attorney self-represented litigants may become registered users by registering at <<http://www.truefiling.com>>.

(2) *Responsibility; Obligation to Keep Account Information Current.* A registered user is responsible for all documents filed under the user's registered username and password. The registered user must comply with the requirements of the California Rules of Court.

(d) Signatures

For registered users, a registered username and password is the equivalent of an electronic signature.

(e) Superior Court Record

(1) *Record of Administrative Proceedings.* In addition to any administrative record provided by the trial court pursuant to the California Rules of Court, registered users seeking review of an administrative determination must submit an electronic copy of the administrative record to the court in compliance with rule 8.74 of the California Rules of Court.

(2) *Reporter's Transcript.* A registered user who orders a reporter's transcript of proceedings must also request a copy of the transcript in electronic format and must submit an electronic copy to the court in compliance with rule 8.74 of the California Rules of Court.

(3) *Transmissions by the Superior Court.* The court authorizes and encourages the superior courts within the Third Appellate District to engage in the electronic service and electronic filing of documents, including, but not limited to, the clerk's transcript and reporter's transcripts. If a superior court transmits an electronic document to the court, it shall also make the electronic document available to the parties. If a superior court transmits electronic documents to the court in lieu of paper, the court will accept electronic documents complying with the California Rules of Court and this local rule.

(f) Personal Identifiers and Privacy Issues

To protect personal privacy and other legitimate interests, parties and their attorneys must not include, or must redact where inclusion is necessary, personal identifiers such as Social Security numbers, driver's license numbers, and financial account numbers from all documents filed as part of the court's public record, whether filed in paper or electronic format, unless otherwise provided by law or ordered by the court. If an individual's Social Security number or financial account number is required in a document filed as part of the court's public record, only the last four digits of the number shall be used.

The responsibility for excluding or redacting identifiers from all documents filed with the court rests solely with the parties and their attorneys. Neither TrueFiling nor the Clerk of the Court has any responsibility to review documents for compliance.

(g) Filing Deadlines

Electronic filing does not alter any filing deadlines. An electronic filing not completely received by the court by 11:59 p.m. will be deemed to have been received on the next court day. If a specific time of day is set for filing by court order or stipulation, the electronic filing shall be completed by that time. Although the EFS permits users to transmit electronic documents 24 hours a day, EFS users should be aware that telephone or online assistance may not be available outside of normal court business hours, and requests for immediate relief made after the close of the court's normal business hours may not be addressed until the next court day.

(h) Motion to Accept Filing as Timely Following TrueFiling Technical Failure

If a registered user fails to meet a filing deadline imposed by court order, rule or law because of a TrueFiling failure, the registered user may file the document in electronic or paper format as soon thereafter as practicable and accompany the filing with a motion to accept the document as timely filed. A late submission that missed a jurisdictional deadline will be accepted for filing pursuant to this subparagraph only if the deadline was missed due to a TrueFiling failure. The initial point of contact for anyone experiencing difficulty with TrueFiling shall be the toll-free telephone number posted on the TrueFiling Web site.

The court is not responsible for malfunctions or errors occurring in the electronic transmission or receipt of electronically filed documents.

(i) Service

Registration with TrueFiling manifests affirmative consent to receive service through the EFS. Documents prepared by the court will be served on EFS users through the EFS or by electronic notification.

(j) Filing Fees

TrueFiling is operated by a vendor pursuant to a contract with the court. The vendor will assess fees for each electronic filing via TrueFiling in accordance with the schedule posted on the TrueFiling Web site, as approved by the court. TrueFiling fees will be considered recoverable costs under the California Rules of Court. The vendor is designated as the court's agent for collection of court-imposed fees where required for any electronic filing made by registered users, and any associated credit card or bank charges or convenience fees.

If a non-attorney self-represented litigant with a fee waiver chooses to file documents electronically, that litigant is exempt from the fees and costs associated with electronic filing. The persons and entities identified in Government Code section 6103 are also exempt from the fees and costs associated with the EFS.

(k) Exemptions

(1) Non-attorney self-represented litigants may, but are not required to, register for electronic filing. Non-attorney self-represented litigants who opt to register for electronic filing must comply with the California Rules of Court, this local rule, and the requirements of the EFS.

(2) When it is not feasible for a registered user to convert a document to electronic format in compliance with rule 8.74 of the California Rules of Court, the document may be filed in paper format with a declaration setting forth the reason that electronic filing was not feasible.

(3) If the requirements of this local rule cause undue hardship or significant prejudice to any registered user, the registered user may file a motion for an exemption from the requirements of this local rule.

(l) Rejection of an Electronic Filing for Noncompliance

The court will reject an electronic filing if it does not comply with the requirements of the California Rules of Court and this local rule.

(m) Sanctions for Noncompliance

Failure of counsel to timely register, and failure of any registered user to comply with electronic filing requirements, unless exempted, may be subject to sanctions imposed by the court.

(n) Original Documents

The court may scan any paper document into an electronic format, in which case the electronic document will be deemed the original for purposes of the court record.

(o) Posting and Publication

The Clerk of the Court is directed to post a copy of this local rule on the court's Web site and submit a copy to the Reporter of Decisions for publication.

Dated: January 30, 2020



R. A. R. _____
Recording Clerk



Format of electronic documents

California Rules of Court

(Revised January 1, 2021)

Rule 8.74. Format of electronic documents

(a) Formatting requirements applicable to all electronic documents

- 1. Text-searchable portable document format:** Electronic documents must be in text-searchable portable document format (PDF) while maintaining the original document formatting. In the limited circumstances in which a document cannot practicably be converted to a text-searchable PDF, the document may be scanned or converted to non-text-searchable PDF. An electronic filer is not required to use a specific vendor, technology, or software for creation of a searchable-format document, unless the electronic filer agrees to such use. The software for creating and reading electronic documents must be in the public domain or generally available at a reasonable cost. The printing of an electronic document must not result in the loss of document text, formatting, or appearance. The electronic filer is responsible for ensuring that any document filed is complete and readable.
- 2. Pagination:** The electronic page counter for the electronic document must match the page number for each page of the document. The page numbering of a document filed electronically must begin with the first page or cover page as page 1 and thereafter be paginated consecutively using only arabic numerals (e.g., 1, 2, 3). The page number for the cover page may be suppressed and need not appear on the cover page. When a document is filed in both paper form and electronic form, the pagination in both versions must comply with this paragraph.
- 3. Bookmarking:** An electronic bookmark is a descriptive text link that appears in the bookmarks panel of an electronic document. Each electronic document must include an electronic bookmark to each heading, subheading, and the first page of any component of the document, including any table of contents, table of authorities, petition, verification, memorandum, declaration, certificate of word count, certificate of interested entities or persons, proof of service, exhibit, or attachment. Each electronic bookmark must briefly describe the item to which it is linked. For example, an electronic bookmark to a heading must provide the text of the heading, and an electronic bookmark to an exhibit or attachment must include the letter or number of the exhibit or attachment and a brief description of the exhibit or attachment. An electronic appendix must have bookmarks to the indexes and to the first page of each separate exhibit or attachment. Exhibits or attachments within an exhibit or attachment must be bookmarked. All bookmarks must be set to retain the reader's selected zoom setting.

- 4. Protection of sensitive information:** Electronic filers must comply with rules 1.201, 8.45, 8.46, 8.47, and 8.401 regarding the protection of sensitive information, except for those requirements exclusively applicable to paper form.
- 5. Size and multiple files:** An electronic filing may not be larger than 25 megabytes. This rule does not change the limitations on word count or number of pages otherwise established by the California Rules of Court for documents filed in the court. Although certain provisions in the California Rules of Court require volumes of no more than 300 pages (see, e.g., rules 8.124(d)(1), 8.144(b)(6), 8.144(g)), an electronic filing may exceed 300 pages so long as its individual components comply with the 300-page volume requirement and the electronic filing does not exceed 25 megabytes. If a document exceeds the 25-megabyte file-size limitation, the electronic filer must submit the document in more than one file, with each file 25 megabytes or less. The first file must include a master chronological and alphabetical index stating the contents for all files. Each file must have a cover page stating (a) the file number for that file and the total number of files for that document, (b) the volumes contained in that file, and (c) the page numbers contained in that file. (For example: File 2 of 4, Volumes 3-4, pp. 301-499.) In addition, each file must be paginated consecutively across all files in the document, including the cover pages for each file. (For example, if the first file ends on page 300, the cover of the second file must be page 301.) If a multiple-file document is submitted to the court in both electronic form and paper form, the cover pages for each file must be included in the paper documents.
- 6. Manual Filing:**
- (a) When an electronic filer seeks to file an electronic document consisting of more than 10 files, or when the document cannot or should not be electronically filed in multiple files, or when electronically filing the document would cause undue hardship, the document must not be electronically filed but must be manually filed with the court on an electronic medium such as a flash drive, DVD, or compact disc (CD). When an electronic filer files with the court one or more documents on an electronic medium, the electronic filer must electronically file, on the same day, a "manual filing notification" notifying the court and the parties that one or more documents have been filed on electronic media, explaining the reason for the manual filing. The electronic media must be served on the parties in accordance with the requirements for service of paper documents. To the extent practicable, each document or file on electronic media must comply with the format requirements of this rule.
 - (b) Electronic media files such as audio or video must be manually filed. Audio files must be filed in .wav or mp3 format. Video files must be filed in .avi or mp4 format.
 - (c) If manually filed, photographs must be filed in .jpg, .png, .tif, or .pdf format.
 - (d) If an original electronic media file is converted to a required format for manual filing, the electronic filer must retain the original.
- 7. Page size:** All documents must have a page size of 8-1/2 by 11 inches.
- 8. Color:** An electronic document with a color component may be electronically filed or manually filed on electronic media, depending on its file size. An electronic document must not have a color cover.

9 Cover or first-page information:

Except as provided in (B), the cover-or first page, if there is no cover-of every electronic document filed in a reviewing court must include the name, mailing address, telephone number, fax number (if available), email address (if available), and California State Bar number of each attorney filing or joining in the document, or of the party if he or she is unrepresented. The inclusion of a fax number or email address on any electronic document does not constitute consent to service by fax or email unless otherwise provided by law.

If more than one attorney from a law firm, corporation, or public law office is representing one party and is joining in the document, the name and State Bar number of each attorney joining in the electronic document must be provided on the cover. The law firm, corporation, or public law office representing each 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 under (A) for that attorney. Contact information for the other attorneys from the same law firm, corporation, or public law office is not required but may be provided.

(Subd (a) amended effective January 1, 2020; previously amended effective January 1, 2011.)

(b) Additional formatting requirements applicable to documents prepared for electronic filing in the first instance in a reviewing court

- (1) *Font*: The font style must be a proportionally spaced serif face. Century Schoolbook is preferred. A sans-serif face may be used for headings, subheadings, and captions. Font size must be 13-points, including in footnotes. Case names must be italicized or underscored. For emphasis, italics or boldface may be used or the text may be underscored. Do not use all capitals (i.e., ALL CAPS) for emphasis.
- (2) *Spacing*: Lines of text must be 1.5 spaced. Footnotes, headings, subheadings, and quotations may be single-spaced. The lines of text must be unnumbered.
- (3) *Margins*: The margins must be set at 1-1/2 inches on the left and right and 1 inch on the top and bottom. Quotations may be block-indented.
- (4) *Alignment*: Paragraphs must be left-aligned, not justified.
- (5) *Hyperlinks*: Hyperlinks to legal authorities and appendixes or exhibits are encouraged but not required. However, if an electronic filer elects to include hyperlinks in a document, the hyperlink must be active as of the date of filing, and if the hyperlink is to a legal authority, it should be formatted to standard citation format as provided in the California Rules of Court.

(Subd (b) amended effective January 1, 2020; previously amended effective January 1, 2017.)

(c) Additional formatting requirements for certain electronic documents

- (1) *Brief*: In addition to compliance with this rule, an electronic brief must also comply with the contents and length requirements stated in rule 8.204(a) and (c). The brief need not be signed. The cover must state:
 - (a) The title of the brief;
 - (b) The title, trial court number, and Court of Appeal number of the case;
 - (c) The names of the trial court and each participating trial judge; and
 - (d) The name of the party that each attorney on the brief represents.
- (2) *Request for judicial notice or request, application, or motion supported by documents*: When seeking judicial notice of matter not already in the appellate record, or when a request, application, or motion is supported by matter not already in the appellate record, the electronic filer must attach a copy of the matter to the request, application, or motion, or an explanation of why it is not practicable to do so. The request, application, or motion and its attachments must comply with this rule.
- (3) *Appendix*: The format of an appendix must comply with this rule and rule 8.144 pertaining to clerks' transcripts.
- (4) *Agreed statement and settled statement*: The format for an agreed statement or a settled statement must comply with this rule and rule 8.144.
- (5) *Reporter's transcript and clerk's transcript*: The format for an electronic reporter's transcript must comply with Code of Civil Procedure section 271 and rule 8.144. The format for an electronic clerk's transcript must comply with this rule and rule 8.144.
- (6) *Exhibits*: Electronic exhibits must be submitted in files no larger than 25 megabytes, rather than as individual documents.
- (7) *Sealed and confidential records*: Under rule 8.45(c)(1), electronic records that are sealed or confidential must be filed separately from publicly filed records. If one or more pages are omitted from a record and filed separately as a sealed or confidential record, an omission page or pages must be inserted in the publicly filed record at the location of the omitted page or pages. The omission page or pages must identify the type of page or pages omitted.

Each omission page must be paginated consecutively with the rest of the publicly filed record. Each single omission page or the first omission page in a range of omission pages must be bookmarked and must be listed in any indexes included in the publicly filed record. The PDF counter for each omission page must match the page number of the page omitted from the publicly filed record. Separately-filed sealed or confidential records must comply with this rule and rules 8.45, 8.46, and 8.47.

(Subd (c) adopted effective January 1, 2020.)

(d) Other formatting rules

This rule prevails over other formatting rules.

(Subd (d) adopted effective January 1, 2020.)

Rule 8.74 amended effective January 1, 2020; adopted as rule 8.76 effective July 1, 2010; previously amended and renumbered effective January 1, 2017; previously amended effective January 1, 2011.

**Advisory Committee
Comment**

Subdivision (a)(1). If an electronic filer must file a document that the electronic filer possesses only in paper form, use of a scanned image is a permitted means of conversion to PDF, but optical character recognition must be used, if possible. If a document cannot practically be converted to a text-searchable PDF (e.g., if the document is entirely or substantially handwritten, a photograph, or a graphic such as a chart or diagram that is not primarily text based), the document may be converted to a non-text-searchable PDF file.

Subdivision (a)(3). An electronic bookmark's brief description of the item to which it is linked should enable the reader to easily identify the item. For example, if a declaration is attached to a document, the bookmark to the declaration might say "Robert Smith Declaration," and if a complaint is attached to a declaration as an exhibit, the bookmark to the complaint might say "Exhibit A, First Amended Complaint filed 8/12/17."

Subdivision (b). Subdivision (b) governs documents prepared for electronic filing in the first instance in a reviewing court and does not apply to previously created documents (such as exhibits), whose formatting cannot or should not be altered.

Subdivision (c)(7). In identifying the type of pages omitted, the omission page might say, for example, "probation report" or "*Marsden* hearing transcript."

FORM OF RECORD



California Rules of Court

(Revised January 1, 2021)

Rule 8.144. Form of the record

(a) The provisions of this rule must be applied in a manner consistent with Code of Civil Procedure section 271.

(Subd (a) adopted effective January 1, 2018.)

(b) Format

(1) Application to electronic and paper clerks' and reporters' transcripts

The requirements for clerks' and reporters' transcripts in this subdivision apply to clerks' and reporters' transcripts delivered in electronic form and in paper form.

(2) General

In the clerk's and reporter's transcripts:

- (A) All documents filed must have a page size of 8 1/2 by 11 inches;
- (B) The text must be reproduced as legibly as printed matter;
- (C) The contents must be arranged chronologically;
- (D) The pages must be consecutively numbered, except as provided in (f), beginning with volume one's cover as page 1 and continuing throughout the transcript, including the indexes, certificates, and cover pages for subsequent volumes, and using only Arabic numerals (i.e., 1, 2, 3); and
- (E) The margin must be at least 1 1/4 inches from the left edge.

(3) Line numbering

In the reporter's transcript the lines on each page must be consecutively numbered and must be double-spaced or one-and-a-half-spaced; double-spaced means three lines to a vertical inch.

(4) Sealed and confidential records

The clerk's and reporter's transcripts must comply with rules 8.45-8.47 relating to sealed and confidential records.

(5) Indexes

Except as provided in rule 8.45:

- (A) The clerk's transcript must contain, at the beginning of the first volume, alphabetical and chronological indexes listing each document and the volume, where applicable, and page where it first appears;

(B) The reporter's transcript must contain:

- (i) Alphabetical and chronological indexes listing the volume, where applicable, and page where each witness's direct, cross, and any other examination begins; and
- (ii) An index listing the volume, where applicable, and page where any exhibit is marked for identification and where it is admitted or refused. The index must identify each exhibit by number or letter and a brief description of the exhibit.

(C) Each index prepared under this paragraph must begin on a separate page.

(6) *Volumes*

Clerks' and reporters' transcripts must be produced in volumes of no more than 300 pages.

(7) *Cover*

- (A) The cover of each volume of the clerk's and reporter's transcripts must state the title and trial court number of the case, the names of the trial court and each participating trial judge, the names and addresses of appellate counsel for each party, the volume number, the total number of volumes in the transcript, and the inclusive page numbers of that volume.
- (B) In reporters' transcripts, in addition to the information required by (A), the cover of each volume must state the dates of the proceedings reported in that volume.

(Subd (b) amended and relettered effective January 1, 2018; adopted as subd (a); previously amended effective January 1, 2007, January 1, 2014, January 1, 2016, and January 1, 2017.)

(c) Additional requirements for record in paper form

In addition to complying with (b), if the clerk's or reporter's transcript is filed in paper form:

- (1) The paper must be white or unbleached and of at least 20-pound weight;
- (2) In the clerk's transcript only one side of the paper may be used; in the reporter's transcript both sides may be used, but the margins must then be 1 1/4 inches on each edge; and
- (3) Clerks' and reporters' transcripts must be bound on the left margin.

(Subd (c) adopted effective January 1, 2018.)

(d) Additional requirements for reporter's transcript delivered in electronic form

(1) *General*

In addition to complying with (b), a reporter's transcript delivered in electronic format must:

- (A) Be generated electronically; it must not be created from a scanned document unless ordered by the court.
- (B) Be in full text-searchable PDF (portable document format) or other searchable format approved by the court.

- (C) Ensure that the electronic page counter in the PDF file viewer matches the transcript page numbering.
- (D) Include an electronic bookmark to each heading and subheading; all sessions or hearings (date lines); all witness examinations where each witness's direct, cross, and any other examination begins; all indexes; and all exhibits where any exhibit is marked for identification and where it is admitted or refused. All bookmarks, when clicked, must retain the user's currently selected zoom settings.
- (E) Be digitally and electronically signed by the court reporter, unless the court reporter lacks the technical ability to provide a digital signature, in which case only an electronic signature is required.
- (F) Permit users to copy and paste, keeping the original formatting, but with headers, footers, line numbers, and page numbers excluded.
- (G) Permit courts to electronically add filed/received stamps.

(2) Multivolume or multireporter transcripts

In addition to the requirements in (1), for multivolume or multireporter transcripts delivered in electronic format, each individual reporter must provide a digitally and electronically signed certificate with his or her respective portion of the transcript. If the court reporter lacks the technical ability to provide a digital signature, then only an electronic signature is required.

(3) Additional functionality or enhancements

Nothing in this rule prohibits courts from accepting additional functionality or enhancements in reporters' transcripts delivered in electronic form.

(Subd (d) adopted effective January 1, 2018.)

(e) Daily transcripts

Daily or other certified transcripts may be used for all or part of the reporter's transcript, but the pages must be renumbered consecutively and the required indexes and covers must be added.

(f) Pagination in multiple reporter cases

- (1) In a multiple reporter case, each reporter must estimate the number of pages in each segment reported and inform the designated primary reporter of the estimate. The primary reporter must then assign beginning and ending page numbers for each segment.
- (2) If a segment exceeds the assigned number of pages, the reporter must number the additional pages with the ending page number, a hyphen, and a new number, starting with 1 and continuing consecutively.
- (3) If a segment has fewer than the assigned number of pages, on the last page of the segment, before the certificate page, the reporter must state in parentheses "(next volume and page number is _____)," and on the certificate page, the reporter must add a hyphen to the last page number used, followed by the segment's assigned ending page number.

(Subd (f) amended and relettered effective January 1, 2018; adopted as subd (e).)

(g) Agreed or settled statements

Agreed or settled statements must conform with this rule insofar as practicable.

*(Subd (g) relettered effective January 1, 2018; adopted as subd (f).)
Rule 8.144 amended effective January 1, 2018; repealed and adopted as rule 9 effective January 1, 2002; previously amended and renumbered as rule 8.144 effective January 1, 2007; previously amended effective January 1, 2008, January 1, 2014, January 1, 2016, and January 1, 2017.*

**Advisory Committee
Comment**

Subdivision (b). Paragraph (1) of subdivision (b) clarifies that the format requirements for reporters' transcripts, including the requirements for indexes, volumes, and covers, that previously applied to transcripts delivered in paperform now apply to transcripts delivered in both paper and electronic form.

Paragraphs (4) and (5) of subdivision (b) refer to special requirements concerning sealed and confidential records established by rules 8.45-8.47. Rule 8.45(c)(2) and (3) establishes special requirements regarding references to sealed and confidential records in the alphabetical and chronological indexes to clerks' and reporters' transcripts.

Criminal Records



California Rules of Court

(Revised January 1, 2021)

Rule 8.320. Normal record; exhibits

(a) Contents

If the defendant appeals from a judgment of conviction, or if the People appeal from an order granting a new trial, the record must contain a clerk's transcript and a reporter's transcript, which together constitute the normal record.

(b) Clerk's transcript

The clerk's transcript must contain:

- (1) The accusatory pleading and any amendment;
- (2) Any demurrer or other plea;
- (3) All court minutes;
- (4) All jury instructions that any party submitted in writing and the cover page required by rule 2.1055(b)(2) indicating the party requesting each instruction, and any written jury instructions given by the court;
- (5) Any written communication between the court and the jury or any individual juror;
- (6) Any verdict;
- (7) Any written opinion of the court;
- (8) The judgment or order appealed from and any abstract of judgment or commitment;
- (9) Any motion for new trial, with supporting and opposing memoranda and attachments;
- (10) The notice of appeal and any certificate of probable cause filed under rule 8.304(b);
- (11) Any transcript of a sound or sound-and-video recording furnished to the jury or tendered to the court under rule 2.1040;
- (12) Any application for additional record and any order on the application;
- (13) And, if the appellant is the defendant:
 - (A) Any written defense motion denied in whole or in part, with supporting and opposing memoranda and attachments;
 - (B) If related to a motion under (A), any search warrant and return and the reporter's transcript of any preliminary examination or grand jury hearing;
 - (C) Any document admitted in evidence to prove a prior juvenile adjudication, criminal conviction, or prison term;

(D) The probation officer's report; and

(E) Any court-ordered diagnostic or psychological report required under Penal Code section 1203.03(b) or 1369.

(Subd (b) amended effective January 1, 2014; previously amended effective January 1, 2005, January 1, 2007, January 1, 2008, and January 1, 2010.)

(c) Reporter's transcript

The reporter's transcript must contain:

- (1) The oral proceedings on the entry of any plea other than a not guilty plea;
- (2) The oral proceedings on any motion in limine;
- (3) The oral proceedings at trial, but excluding the voir dire examination of jurors and any opening statement;
- (4) All instructions given orally;
- (5) Any oral communication between the court and the jury or any individual juror;
- (6) Any oral opinion of the court;
- (7) The oral proceedings on any motion for new trial;
- (8) The oral proceedings at sentencing, granting or denying of probation, or other dispositional hearing;
- (9) And, if the appellant is the defendant:
 - (A) The oral proceedings on any defense motion denied in whole or in part except motions for disqualification of a judge and motions under Penal Code section 995;
 - (B) The closing arguments; and
 - (C) Any comment on the evidence by the court to the jury.

(Subd (c) amended effective January 1, 2007.)

(d) Limited normal record in certain appeals

If the People appeal from a judgment on a demurrer to the accusatory pleading, or if the defendant or the People appeal from an appealable order other than a ruling on a motion for new trial, the normal record is composed of:

- (1) *Clerk's transcript*

A clerk's transcript containing:

- (A) The accusatory pleading and any amendment;
- (B) Any demurrer or other plea;
- (C) Any written motion or notice of motion granted or denied by the order appealed from, with supporting and opposing memoranda and attachments;
- (D) The judgment or order appealed from and any abstract of judgment or commitment;

- (E) Any court minutes relating to the judgment or order appealed from and:
 - (i) If there was a trial in the case, any court minutes of proceedings at the time the original verdict is rendered and any subsequent proceedings; or
 - (ii) If the original judgment of conviction is based on a guilty plea or nolo contendere plea, any court minutes of the proceedings at the time of entry of such plea and any subsequent proceedings;
- (F) The notice of appeal; and
- (G) If the appellant is the defendant, all probation officer reports and any court-ordered diagnostic report required under Penal Code section 1203.03(b).

(2) *Reporter's transcript*

- (A) A reporter's transcript of any oral proceedings incident to the judgment or order being appealed; and
- (B) If the appeal is from an order after judgment, a reporter's transcript of:
 - (i) The original sentencing proceeding; and
 - (ii) If the original judgment of conviction is based on a guilty plea or nolo contendere plea, the proceedings at the time of entry of such plea.

(Subd (d) amended effective January 1, 2013; previously amended effective January 1, 2007.)

(e) Exhibits

Exhibits admitted in evidence, refused, or lodged are deemed part of the record, but may be transmitted to the reviewing court only as provided in rule 8.224.

(Subd (e) amended effective January 1, 2007.)

(f) Stipulation for partial transcript

If counsel for the defendant and the People stipulate in writing before the record is certified that any part of the record is not required for proper determination of the appeal, that part must not be prepared or sent to the reviewing court.

Rule 8.320 amended effective January 1, 2014; repealed and adopted as rule 31 effective January 1, 2004; previously amended and renumbered effective January 1, 2007; previously amended effective January 1, 2005, January 1, 2008, January 1, 2010, and January 1, 2013.

**Advisory Committee
Comment**

Rules 8.45-8.46 address the appropriate handling of sealed and confidential records that must be included in the record on appeal. Examples of confidential records include Penal Code section 1203.03 diagnostic reports, records closed to inspection by court order under *People v. Marsden* (1970) 2 Cal.3d 118 or *Pitchess v. Superior Court* (1974) 11 Cal.3d 531, in-camera proceedings on a confidential informant, and defense expert funding requests (Pen. Code, § 987.9; *Keenan v. Superior Court* (1982) 31 Cal.3d 424, 430).

Subdivision (d)(1)(E). This rule identifies the minutes that must be included in the record. The trial court clerk may include additional minutes beyond those identified in this rule if that would be more cost-effective.

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Rule 8.483 governs the normal record and exhibits in civil commitment appeals.

Juvenile Records



California Rules of Court

(Revised January 1, 2021)

Rule 8.407. Record on appeal

(a) Normal record: clerk's transcript

The clerk's transcript must contain:

- (1) The petition;
- (2) Any notice of hearing;
- (3) All court minutes;
- (4) Any report or other document submitted to the court;
- (5) The jurisdictional and dispositional findings and orders;
- (6) The judgment or order appealed from;
- (7) Any application for rehearing;
- (8) The notice of appeal and any order pursuant to the notice;
- (9) Any transcript of a sound or sound-and-video recording tendered to the court under rule 2.1040;
- (10) Any application for additional record and any order on the application;
- (11) Any opinion or dispositive order of a reviewing court in the same case; and;
- (12) Any written motion or notice of motion by any party, with supporting and opposing memoranda and attachments, and any written opinion of the court.

(Subd (a) amended effective January 1, 2017; previously amended effective January 1, 2007, and July 1, 2010.)

(b) Normal record: reporter's transcript

The reporter's transcript must contain any oral opinion of the court and:

- (1) In appeals from disposition orders, the oral proceedings at hearings on:
 - (A) Jurisdiction;
 - (B) Disposition;

- (C) Any motion by the appellant that was denied in whole or in part; and
- (D) In cases under Welfare and Institutions Code section 300 et seq., hearings:
 - (i) On detention; and
 - (ii) At which a parent of the child made his or her initial appearance.
- (2) In appeals from an order terminating parental rights under Welfare and Institutions Code section 300 et seq., the oral proceedings at all section 366.26 hearings.
- (3) In all other appeals, the oral proceedings at any hearing that resulted in the order or judgment being appealed.

(Subd (b) amended effective January 1, 2017; previously amended effective January 1, 2007.)

(c) Application in superior court for addition to normal record

- (1) Any party or Indian tribe that has intervened in the proceedings may apply to the superior court for inclusion of any oral proceedings in the reporter's transcript.
- (2) An application for additional record must describe the material to be included and explain how it may be useful in the appeal.
- (3) The application must be filed in the superior court with the notice of appeal or as soon thereafter as possible, and will be treated as denied if it is filed after the record is sent to the reviewing court.
- (4) The clerk must immediately present the application to the trial judge.
- (5) Within five days after the application is filed, the judge must order that the record include as much of the additional material as the judge finds proper to fully present the points raised by the applicant. Denial of the application does not preclude a motion in the reviewing court for augmentation under rule 8.155.
- (6) If the judge does not rule on the application within the time prescribed by (5), the requested material—other than exhibits—must be included in the clerk's transcript or the reporter's transcript without a court order.
- (7) The clerk must immediately notify the reporter if additions to the reporter's transcript are required under (5) or (6).

(Subd (c) amended effective July 1, 2010; previously amended effective January 1, 2007.)

(d) Agreed or settled statement

To proceed by agreed or settled statement, the parties must comply with rule 8.344 or 8.346, as applicable.

(Subd (d) amended effective January 1, 2007.)

(e) Transmitting exhibits

Exhibits that were admitted in evidence, refused, or lodged may be transmitted to the reviewing court as provided in rule 8.224.

(Subd (f) relettered effective January 1, 2014; adopted as subd (f); previously amended effective January 1, 2007.)

Rule 8.407 amended effective January 1, 2017; adopted as rule 37.1 effective January 1, 2005; previously amended and renumbered as rule 8.404 effective January 1, 2007, and as rule 8.407 effective July 1, 2010; previously amended effective January 1, 2014.

Advisory Committee Comment

Rules 8.45-8.47 address the appropriate handling of sealed or confidential records that must be included in the record on appeal. Examples of confidential records include records of proceedings closed to inspection by court order under *People v. Marsden* (1970) 2 Cal.3d 118 and in-camera proceedings on a confidential informant.

Subdivision (a)(4). Examples of the documents that must be included in the clerk's transcript under this provision include all documents filed with the court relating to the Indian Child Welfare Act, including but not limited to all inquiries regarding a child under the Indian Child Welfare Act (*Indian Child Inquiry Attachment* [form ICWA-010(A)]), any *Parental Notification of Indian Status* (form ICWA-020), any *Notice of Child Custody Proceeding for Indian Child* (form ICWA-030) sent, any signed return receipts for the mailing of form ICWA-030, and any responses received to form ICWA-030.

Subdivision (b). Subdivision (b)(1) provides that only the reporter's transcript of a hearing that resulted in the order being appealed must be included in the normal record. This provision is intended to achieve consistent record requirements in all appeals of cases under Welfare and Institutions Code section 300, 601, or 602 and to reduce the delays and expense caused by transcribing proceedings not necessary to the appeal.

Subdivision (b)(1)(A) recognizes that findings made in a jurisdictional hearing are not separately appealable and can be challenged only in an appeal from the ensuing disposition order. The rule therefore specifically provides that a reporter's transcript of jurisdictional proceedings must be included in the normal record on appeal from a disposition order.

Subdivision (b)(1)(C) specifies that the oral proceedings on any motion by the appellant that was denied in whole or in part must be included in the normal record on appeal from a disposition order. Rulings on such motions usually have some impact on either the jurisdictional findings or the subsequent disposition order. Routine inclusion of these proceedings in the record will promote expeditious resolution of appeals of cases under Welfare and Institutions Code section 300, 601, or 602.

Civil Records



California Rules of Court

(Revised January 1, 2021)

Rule 8.122. Clerk's transcript

(a) Designation

- (1) A notice designating documents to be included in a clerk's transcript must identify each designated document by its title and filing date or, if the filing date is not available, the date it was signed. The notice may specify portions of designated documents that are not to be included in the transcript. For minute orders or instructions, it is sufficient to collectively designate all minute orders or all minute orders entered between specified dates, or all written jury instructions given, refused, or withdrawn.
- (2) Within 10 days after the appellant serves its notice designating a clerk's transcript, the respondent may serve and file a notice in superior court designating any additional documents the respondent wants included in the transcript.
- (3) Except as provided in (b)(4), all exhibits admitted in evidence, refused, or lodged are deemed part of the record, but a party wanting a copy of an exhibit included in the transcript must specify that exhibit by number or letter in its notice of designation. If the superior court has returned a designated exhibit to a party, the party in possession of the exhibit must deliver it to the superior court clerk within 10 days after the notice designating the exhibit is served.

(Subd (a) amended effective January 1, 2010; previously amended effective January 1, 2005, January 1, 2007, and January 1, 2008.)

(b) Contents of transcript

- (1) The transcript must contain:
 - (A) The notice of appeal;
 - (B) Any judgment appealed from and any notice of its entry;
 - (C) Any order appealed from and any notice of its entry;
 - (D) Any notice of intention to move for a new trial or motion to vacate the judgment, for judgment notwithstanding the verdict, or for reconsideration of an appealed order, and any order on such motion and any notice of its entry;
 - (E) Any notices or stipulations to prepare clerk's or reporter's transcripts or to proceed by agreed or settled statement; and
 - (F) The register of actions, if any.

- (2) Each document listed in (1)(A), (B), (C), and (D) must show the date necessary to determine the timeliness of the appeal under rule 8.104 or 8.108.
- (3) Except as provided in (4), if designated by any party, the transcript must also contain:
 - (A) Any other document filed or lodged in the case in superior court;
 - (B) Any exhibit admitted in evidence, refused, or lodged; and
 - (C) Any jury instruction that any party submitted in writing and the cover page required by rule 2.1055(b)(2) indicating the party requesting it, and any written jury instructions given by the court.
- (4) Unless the reviewing court orders or the parties stipulate otherwise:
 - (A) The clerk must not copy or transmit to the reviewing court the original of a deposition except those portions of a deposition presented or offered into evidence under rule 2.1040.
 - (B) The clerk must not include in the transcript the record of an administrative proceeding that was admitted in evidence, refused, or lodged in the trial court. Any such administrative record must be transmitted to the reviewing court as specified in rule 8.123.

(Subd (b) amended effective July 1, 2011; previously amended effective January 1, 2007, January 1, 2008, and January 1, 2011.)

(c) Deposit for cost of transcript

- (1) Within 30 days after the respondent files a designation under (a)(2) or the time for filing it expires, whichever first occurs, the superior court clerk must send:
 - (A) To the appellant, notice of the estimated cost to prepare an original and one copy of the clerk's transcript; and
 - (B) To each party other than the appellant, notice of the estimated cost to prepare a copy of the clerk's transcript for that party's use.
- (2) A notice under (1) must show the date it was sent.
- (3) Unless otherwise provided by law, within 10 days after the clerk sends a notice under (1), the appellant and any party wanting to purchase a copy of the clerk's transcript must either deposit the estimated cost specified in the notice under (1) with the clerk or submit an application for, or an order granting, a waiver of the cost.
- (4) If the appellant does not submit a required deposit or an application for, or an order granting, a waiver of the cost within the required period, the clerk must promptly issue a notice of default under rule 8.140.

(Subd (c) amended effective January 1, 2014; previously amended effective January 1, 2007, January 1, 2008, and July 1, 2009.)

(d) Preparation of transcript

- (1) Within the time specified in (2), the clerk must:
 - (A) Prepare and certify the original transcript;
 - (B) Prepare one copy of the transcript for the appellant; and
 - (C) Prepare additional copies for parties that have requested a copy of the clerk's transcript and have made deposits as provided in (c)(3) or received an order waiving the cost.
- (2) Except as provided in (3), the clerk must complete preparation of the transcripts required under (1) within 30 days after either:
 - (A) The appellant deposits either the estimated cost of the clerk's transcript or a preexisting order granting a waiver of that cost; or
 - (B) The court grants an application submitted under (c)(3) to waive that cost.
- (3) If the appellant elects under rule 8.121 to proceed with a reporter's transcript, the clerk need not complete preparation of the transcripts required under (1) until 30 days after the appellant deposits the estimated cost of the reporter's transcript or one of the substitutes under rule 8.130(b).
- (4) If the appeal is abandoned or dismissed before the clerk has completed preparation of the transcript, the clerk must refund any portion of the deposit under (c) exceeding the preparation cost actually incurred.

(Subd (d) amended effective January 1, 2014; previously amended effective January 1, 2003, and January 1, 2007.)

Rule 8.122 amended effective January 1, 2014; repealed and adopted as rule 5 effective January 1, 2002; previously amended and renumbered as rule 8.120 effective January 1, 2007, and as rule 8.122 effective January 1, 2008; previously amended effective January 1, 2003, January 1, 2005, July 1, 2009, January 1, 2010, January 1, 2011, and July 1, 2011.

Advisory Committee Comment

Subdivision (a). Subdivision (a)(1) allows a party designating documents for inclusion in the clerk's transcript to specify *portions* of such documents that are not to be included, e.g., because they are duplicates of other designated documents or are not necessary for proper consideration of the issues raised in the appeal. The notice of designation should identify any portion to be omitted by means of a descriptive reference, e.g., by specific page or exhibit numbers.

This provision is intended to simplify and therefore expedite the preparation of the clerk's transcript, to reduce its cost to the parties, and to relieve the courts of the burden of reviewing a record containing redundant, irrelevant, or immaterial documents.

Subdivision (b). The supporting and opposing memoranda and attachments to any motion to vacate the judgment, for judgment notwithstanding the verdict, or for reconsideration of an appealed order are not required to be included in the clerk's transcript under subdivision (b)(1)(D) but may be included by designation of a party under (b)(3) or on motion of a party or the reviewing court under rule 8.155.

Subdivision (b)(1)(F) requires the clerk's transcript to include the register of actions, if any. This provision is intended to assist the reviewing court in determining the accuracy of the clerk's transcript.

Subdivision (c). Under subdivision (c)(2), a clerk who sends a notice under subdivision (c)(1) must include a certificate stating the date on which the clerk sent it. This provision is intended to establish the date when the 10-day period for depositing the cost of the clerk's transcript under this rule begins to run.

The superior court will make the determination on any application to waive the fees for preparing, certifying, copying, and transmitting the clerk's transcript.

Subdivision (d). The different timelines for preparing a clerk's transcript under subdivision (d)(2)(A) and (B) recognize that an appellant may apply for and receive a waiver of fees at different points during the appellate process. Some appellants may have applied for and obtained an order waiving fees before receiving the estimate of the cost of the clerk's transcript and thus may be able to provide that order to the court in lieu of making a deposit for the clerk's transcript.

Other appellants may not apply for a waiver until after they receive the estimate of the cost for the clerk's transcript, in which case the time for preparing the transcript runs from the granting of that waiver.

In cases in which a reporter's transcript has been designated, subdivision (d)(3) gives the clerk the option of waiting until the deposit for the reporter's transcript has been made before beginning preparation of the clerk's transcript.

Sealed and Confidential Material



California Rules of Court

(Revised January 1, 2021)

Rule 8.45. General provisions

(a) Application

The rules in this article establish general requirements regarding sealed and confidential records in appeals and original proceedings in the Supreme Court and Courts of Appeal. Where other laws establish specific requirements for particular types of sealed or confidential records that differ from the requirements in this article, those specific requirements supersede the requirements in this article.

(b) Definitions

As used in this article:

- (1) "Record" means all or part of a document, paper, exhibit, transcript, or other thing filed or lodged with the court by electronic means or otherwise.
- (2) A "lodged" record is a record temporarily deposited with the court but not filed.
- (3) A "sealed" record is a record that is closed to inspection by the public or a party by order of a court under rules 2.550-2.551 or rule 8.46.
- (4) A "conditionally sealed" record is a record that is filed or lodged subject to a pending application or motion to file it under seal.
- (5) A "confidential" record is a record that, in court proceedings, is required by statute, rule of court, or other authority except a court order under rules 2.550-2.551 or rule 8.46 to be closed to inspection by the public or a party.
- (6) A "redacted version" is a version of a filing from which all portions that disclose material contained in a sealed, conditionally sealed, or confidential record have been removed.
- (7) An "unredacted version" is a version of a filing or a portion of a filing that discloses material contained in a sealed, conditionally sealed, or confidential record.

(Subd (b) amended effective January 1, 2016.)

(c) Format of sealed and confidential records

- (1) Unless otherwise provided by law or court order, sealed or confidential records that are part of the record on appeal or the supporting documents or other records accompanying a motion, petition for a writ of habeas corpus, other writ petition, or other filing in the reviewing court must be kept separate from the rest of a clerk's or reporter's transcript, appendix, supporting documents, or other records sent to the reviewing court and in a secure manner that preserves their confidentiality.

- (A) If the records are in paper format, they must be placed in a sealed envelope or other appropriate sealed container. This requirement does not apply to a juvenile case file but does apply to any record contained within a juvenile case file that is sealed or confidential under authority other than Welfare and Institutions Code section 827 et seq.
 - (B) Sealed records, and if applicable the envelope or other container, must be marked as "Sealed by Order of the Court on (*Date*)."
 - (C) Confidential records, and if applicable the envelope or other container, must be marked as "Confidential (*Basis*)-May Not Be Examined Without Court Order." The basis must be a citation to or other brief description of the statute, rule of court, case, or other authority that establishes that the record must be closed to inspection in the court proceeding.
 - (D) The superior court clerk or party transmitting sealed or confidential records to the reviewing court must prepare a sealed or confidential index of these materials. If the records include a transcript of any in-camera proceeding, the index must list the date and the names of all parties present at the hearing and their counsel. This index must be transmitted and kept with the sealed or confidential records.
- (2) Except as provided in (3) or by court order, the alphabetical and chronological indexes to a clerk's or reporter's transcript, appendix, supporting documents, or other records sent to the reviewing court that are available to the public must list each sealed or confidential record by title, not disclosing the substance of the record, and must identify it as "Sealed" or "Confidential"-May Not Be Examined Without Court Order."
 - (3) Records relating to a request for funds under Penal Code section 987.9 or other proceedings the occurrence of which is not to be disclosed under the court order or applicable law must not be bound together with, or electronically transmitted as a single document with, other sealed or confidential records and must not be listed in the index required under (1)(D) or the alphabetical or chronological indexes to a clerk's or reporter's transcript, appendix, supporting documents to a petition, or other records sent to the reviewing court.

(Subd (c) amended effective January 1, 2016.)

(d) Transmission of and access to sealed and confidential records

- (1) A sealed or confidential record must be transmitted in a secure manner that preserves the confidentiality of the record.
- (2) Unless otherwise provided by (3)-(5) or other law or court order, a sealed or confidential record that is part of the record on appeal or the supporting documents or other records accompanying a motion, petition for a writ of habeas corpus, other writ petition, or other filing in the reviewing court must be transmitted only to the reviewing court and the party or parties who had access to the record in the trial court or other proceedings under review and may be examined only by the reviewing court and that party or parties. If a party's attorney but not the party had access to the record in the trial court or other proceedings under review, only the party's attorney may examine the record.
- (3) Except as provided in (4), if the record is a reporter's transcript or any document related to any in-camera hearing from which a party was excluded in the trial court, the record must be transmitted to and examined by only the reviewing court and the party or parties who participated in the in-camera hearing.
- (4) A reporter's transcript or any document related to an in-camera hearing concerning a confidential informant under Evidence Code sections 1041-1042 must be transmitted only to the reviewing court.

- (5) A probation report must be transmitted only to the reviewing court and to appellate counsel for the People and the defendant who was the subject of the report.

(Subd (d) amended effective January 1, 2019.)

Rule 8.45 amended effective January 1, 2019; adopted effective January 1, 2014; previously amended effective January 1, 2016.

Advisory Committee Comment

Subdivision (a). Many laws address sealed and confidential records. These laws differ from each other in a variety of respects, including what information is closed to inspection, from whom it is closed, under what circumstances it is closed, and what procedures apply to closing or opening it to inspection. It is very important to determine if any such law applies with respect to a particular record because where other laws establish specific requirements that differ from the requirements in this article, those specific requirements supersede the requirements in this article.

Subdivision (b)(5). Examples of confidential records are records in juvenile proceedings (Welf. & Inst. Code, § 827 and California Rules of Court, rule 8.401), records of the family conciliation court (Fam. Code, § 1818(b)), fee waiver applications (Gov. Code, § 68633(f)), and court-ordered diagnostic reports (Penal Code, § 1203.03). This term also encompasses records closed to inspection by a court order other than an order under rules 2.550-2.551 or 8.46, such as situations in which case law, statute, or rule has established a category of records that must be closed to inspection and a court has found that a particular record falls within that category and has ordered that it be closed to inspection.

Examples include discovery material subject to a protective order under Code of Civil Procedure sections 2030.090, 2032.060, or 2033.080 and records closed to inspection by court order under *People v. Marsden* (1970) 2 Cal.3d 118 or *Pitchess v. Superior Court* (1974) 11 Cal.3d 531. For more examples of confidential records, please see appendix 1 of the *Trial Court Records Manual* at www.courts.ca.gov/documents/trial-court-records-manual.pdf.

Subdivision (c)(1)(C). For example, for juvenile records, this mark could state "Confidential-Welf. & Inst. Code, § 827" or "Confidential-Juvenile Case File"; for a fee waiver application, this mark could state "Confidential-Gov. Code, § 68633(f)" or "Confidential-Fee Waiver Application"; and for a transcript of an in-camera hearing under *People v. Marsden* (1970) 2 Cal.3d 118, this mark could say "Confidential-Marsden Hearing."

Subdivision (c)(2). Subdivision (c)(2) requires that, with certain exceptions, the alphabetical and chronological indexes to the clerk's and reporter's transcripts, appendixes, and supporting documents must list any sealed and confidential records but identify them as sealed or confidential. The purpose of this provision is to assist the parties in making-and the court in adjudicating-motions to unseal sealed records or to provide confidential records to a party. To protect sealed and confidential records from disclosure until the court issues an order, however, each index must identify sealed and confidential records without disclosing their substance.

Subdivision (c)(3). Under certain circumstances, the Attorney General has a statutory right to request copies of documents filed under Penal Code section 987.9(d). To facilitate compliance with such requests, this subdivision requires that such documents not be bound with other confidential documents.

Subdivision (d). See rule 8.47(b) for special requirements concerning access to certain confidential records.

Subdivision (d)(2) and (3). Because the term "party" includes any attorney of record for that party, under rule 8.10(3), when a party who had access to a record in the trial court or other proceedings under review or who participated in an in-camera hearing-such as a *Marsden* hearing in a criminal or juvenile proceeding-is represented by appellate counsel, the confidential record or transcript must be transmitted to that party's appellate counsel. Under rules 8.336(g)(2) and 8.409(e)(2), in non-capital felony appeals, if the defendant-or in juvenile appeals, if the appellant or the respondent-is not represented by appellate counsel when the clerk's and reporter's transcripts are certified as correct, the clerk must send the copy of the transcripts that would go to appellate counsel, including confidential records such as transcripts of *Marsden* hearings, to the district appellate project.

Subdivision (d)(5). This rule limits to whom a copy of a probation report is transmitted based on the provisions of Penal Code section 1203.05, which limit who may inspect or copy probation reports.



California Rules of Court

(Revised January 1, 2021)

Rule 8.46. Sealed records

(a) Application

This rule applies to sealed records and records proposed to be sealed on appeal and in original proceedings, but does not apply to confidential records.

(Subd (a) amended effective January 1, 2014; previously amended effective January 1, 2006, and January 1, 2007.)

(b) Record sealed by the trial court

If a record sealed by order of the trial court is part of the record on appeal or the supporting documents or other records accompanying a motion, petition for a writ of habeas corpus, other writ petition, or other filing in the reviewing court:

- (1) The sealed record must remain sealed unless the reviewing court orders otherwise under (e). Rule 8.45 governs the form and transmission of and access to sealed records.
- (2) The record on appeal or supporting documents filed in the reviewing court must also include:
 - (A) The motion or application to seal filed in the trial court;
 - (B) All documents filed in the trial court supporting or opposing the motion or application; and
 - (C) The trial court order sealing the record.

(Subd (b) amended and relettered effective January 1, 2014; adopted as subd (c); previously amended effective January 1, 2004, and January 1, 2007.)

(c) Record not sealed by the trial court

A record filed or lodged publicly in the trial court and not ordered sealed by that court must not be filed under seal in the reviewing court.

(Subd (c) relettered effective January 1, 2014; adopted as subd (d).)

(d) Record not filed in the trial court; motion or application to file under seal

- (1) A record not filed in the trial court may be filed under seal in the reviewing court only by order of the reviewing court; it must not be filed under seal solely by stipulation or agreement of the parties.
- (2) To obtain an order under (1), a party must serve and file a motion or application in the reviewing court, accompanied by a declaration containing facts sufficient to justify the sealing. At the same time, the party must lodge the record under (3), unless good cause is shown not to lodge it.

- (3) To lodge a record, the party must transmit the record to the court in a secure manner that preserves the confidentiality of the record to be lodged. The record must be transmitted separately from the rest of a clerk's or reporter's transcript, appendix, supporting documents, or other records sent to the reviewing court with a cover sheet that complies with rule 8.40(b) if the record is in paper form or rule 8.74(a)(9) if the record is in electronic form, and that labels the contents as "CONDITIONALLY UNDER SEAL." If the record is in paper format, it must be placed in a sealed envelope or other appropriate sealed container.
- (4) If necessary to prevent disclosure of material contained in a conditionally sealed record, any motion or application, any opposition, and any supporting documents must be filed in a redacted version and lodged in a complete unredacted version conditionally under seal. The cover of the redacted version must identify it as "Public-Redacts material from conditionally sealed record." In juvenile cases, the cover of the redacted version must identify it as "Redacted version-Redacts material from conditionally sealed record." The cover of the unredacted version must identify it as "May Not Be Examined Without Court Order-Contains material from conditionally sealed record." Unless the court orders otherwise, any party that had access to the record in the trial court or other proceedings under review must be served with a complete, unredacted version of all papers as well as a redacted version.
- (5) On receiving a lodged record, the clerk must note the date of receipt on the cover sheet and retain but not file the record. The record must remain conditionally under seal pending determination of the motion or application.
- (6) The court may order a record filed under seal only if it makes the findings required by rule 2.550(d)-(e).
- (7) If the court denies the motion or application to seal the record, the lodging party may notify the court that the lodged record is to be filed unsealed. This notification must be received within 10 days of the order denying the motion or application to seal, unless otherwise ordered by the court. On receipt of this notification, the clerk must unseal and file the record. If the lodging party does not notify the court within 10 days of the order, the clerk must (1) return the lodged record to the lodging party if it is in paper form, or (2) permanently delete the lodged record if it is in electronic form.
- (8) An order sealing the record must direct the sealing of only those documents and pages or, if reasonably practical, portions of those documents and pages, that contain the material that needs to be placed under seal. All other portions of each document or page must be included in the public file.
- (9) Unless the sealing order provides otherwise, it prohibits the parties from disclosing the contents of any materials that have been sealed in anything that is subsequently publicly filed.

(Subd (d) amended effective January 1, 2020; adopted as subd (e); previously amended effective July 1, 2002, January 1, 2004, January 1, 2007, January 1, 2016 and January 1, 2019; previously amended and relettered as subd (d) effective January 1, 2014.)

(e) Challenge to an order denying a motion or application to seal a record

Notwithstanding the provisions in (d)(1)-(2), when an appeal or original proceeding challenges an order denying a motion or application to seal a record, the appellant or petitioner must lodge the subject record labeled as conditionally under seal in the reviewing court as provided in (d)(3)-(5), and the reviewing court must maintain the record conditionally under seal during the pendency of the appeal or original proceeding. Once the reviewing court's decision on the appeal or original proceeding becomes final, the clerk must (1) return the lodged record to the lodging party if it is in paper form, or (2) permanently delete the lodged record if it is in electronic form.

(Subd (e) adopted effective January 1, 2019.)

(f) Unsealing a record in the reviewing court

- (1) A sealed record must not be unsealed except on order of the reviewing court.
- (2) Any person or entity may serve and file a motion, application, or petition in the reviewing court to unseal a record.
- (3) If the reviewing court proposes to order a record unsealed on its own motion, the court must send notice to the parties stating the reason for unsealing the record. Unless otherwise ordered by the court, any party may serve and file an opposition within 10 days after the notice is sent, and any other party may serve and file a response within 5 days after an opposition is filed.
- (4) If necessary to prevent disclosure of material contained in a sealed record, the motion, application, or petition under (2) and any opposition, response, and supporting documents under (2) or (3) must be filed in both a redacted version and a complete unredacted version. The cover of the redacted version must identify it as "Public-Redacts material from sealed record." In juvenile cases, the cover of the redacted version must identify it as "Redacted version-Redacts material from sealed record." The cover of the unredacted version must identify it as "May Not Be Examined Without Court Order-Contains material from sealed record." Unless the court orders otherwise, any party that had access to the sealed record in the trial court or other proceedings under review must be served with a complete, unredacted version of all papers as well as a redacted version. If a party's attorney but not the party had access to the record in the trial court or other proceedings under review, only the party's attorney may be served with the complete, unredacted version.
- (5) In determining whether to unseal a record, the court must consider the matters addressed in rule 2.550(c)-(e).
- (6) The order unsealing a record must state whether the record is unsealed entirely or in part. If the order unseals only part of the record or unseals the record only as to certain persons, the order must specify the particular records that are unsealed, the particular persons who may have access to the record, or both.
- (7) If, in addition to the record that is the subject of the sealing order, a court has previously ordered the sealing order itself, the register of actions, or any other court records relating to the case to be sealed, the unsealing order must state whether these additional records are unsealed.

(Subd (f) amended and relettered effective January 1, 2019; adopted as subd (f); previously amended effective January 1, 2004, January 1, 2007, and January 1, 2016; previously amended and relettered as subd (e) effective January 1, 2014.)

(g) Disclosure of nonpublic material in public filings prohibited

- (1) Nothing filed publicly in the reviewing court-including any application, brief, petition, or memorandum-may disclose material contained in a record that is sealed, lodged conditionally under seal, or otherwise subject to a pending motion to file under seal.
- (2) If it is necessary to disclose material contained in a sealed record in a filing in the reviewing court, two versions must be filed:
 - (A) A public redacted version. The cover of this version must identify it as "Public-Redacts material from sealed record." In juvenile cases, the cover of the redacted version must identify it as "Redacted Version-Redacts material from sealed record."
 - (B) An unredacted version. If this version is in paper format, it must be placed in a sealed envelope or other appropriate sealed container. The cover of this version, and if applicable the envelope or other container, must identify it as "May Not Be Examined Without Court Order-Contains material from sealed record." Sealed material disclosed in this version must be identified as such in the filing and accompanied by a citation to the court order sealing that material.
 - (C) Unless the court orders otherwise, any party who had access to the sealed record in the trial court or other proceedings under review must be served with both the unredacted version of all papers as well as the redacted version. Other parties must be served with only the public redacted version. If a party's attorney but not the party had access to the record in the trial court or other proceedings under review, only the party's attorney may be served with the unredacted version.
- (3) If it is necessary to disclose material contained in a conditionally sealed record in a filing in the reviewing court:
 - (A) A public redacted version must be filed. The cover of this version must identify it as "Public-Redacts material from conditionally sealed record." In juvenile cases, the cover of the redacted version must identify it as "Redacted version-Redacts material from conditionally sealed record."
 - (B) An unredacted version must be lodged. The filing must be transmitted in a secure manner that preserves the confidentiality of the filing being lodged. If this version is in paper format, it must be placed in a sealed envelope or other appropriate sealed container. The cover of this version, and if applicable the envelope or other container, must identify it as "May Not Be Examined Without Court Order-Contains material from conditionally sealed record." Conditionally sealed material disclosed in this version must be identified as such in the filing.
 - (C) Unless the court orders otherwise, any party who had access to the conditionally sealed record in the trial court or other proceedings under review must be served with both the unredacted version of all papers as well as the redacted version. Other parties must be served with only the public redacted version.
 - (D) If the court denies the motion or application to seal the record, the party who filed the motion or application may notify the court that the unredacted version lodged under (B) is to be filed unsealed.

This notification must be received within 10 days of the order denying the motion or application to seal, unless otherwise ordered by the court. On receipt of this notification, the clerk must unseal and file the lodged unredacted version. If the party who filed the motion or application does not notify the court within 10 days of the order, the clerk must (1) return the lodged unredacted version to the lodging party if it is in paper form, or (2) permanently delete the lodged unredacted version if it is in electronic form.

(Subd (g) amended and relettered effective January 1, 2019; adopted as subd (g); previously amended effective January 1, 2007; previously amended and relettered as subd (f) effective January 1, 2014.)

Rule 8.46 amended effective January 1, 2020; repealed and adopted as rule 12.5 effective January 1, 2002; previously amended and renumbered as rule 8.160 effective January 1, 2007; previously renumbered as rule 8.46 effective January 1, 2010; previously amended effective July 1, 2002, January 1, 2004, January 1, 2006, January 1, 2014, January 1, 2016, and January 1, 2019.

Advisory Committee Comment

This rule and rules 2.550-2.551 for the trial courts provide a standard and procedures for courts to use when a request is made to seal a record. The standard is based on *NBC Subsidiary (KNBC-TV), Inc. v. Superior Court* (1999) 20 Cal.4th 1178. The sealed records rules apply to civil and criminal cases. They recognize the First Amendment right of access to documents used at trial or as a basis of adjudication. Except as otherwise expressly provided in this rule, motions in a reviewing court relating to the sealing or unsealing of a record must follow rule 8.54.

Subdivision (e). This subdivision is not intended to expand the availability of existing appellate review for any person aggrieved by a court's denial of a motion or application to seal a record.



California Rules of Court

(Revised January 1, 2021)

Rule 8.47. Confidential records

(a) Application

This rule applies to confidential records but does not apply to records sealed by court order under rules 2.550-2.551 or rule 8.46 or to conditionally sealed records under rule 8.46. Unless otherwise provided by this rule or other law, rule 8.45 governs the form and transmission of and access to confidential records.

(b) Records of *Marsden* hearings and other in-camera proceedings

- (1) This subdivision applies to reporter's transcripts of and documents filed or lodged by a defendant in connection with:
 - (A) An in-camera hearing conducted by the superior court under *People v. Marsden* (1970) 2Cal.3d 118; or
 - (B) Another in-camera hearing at which the defendant was present but from which the People were excluded in order to prevent disclosure of information about defense strategy or other information to which the prosecution was not allowed access at the time of the hearing.
- (2) Except as provided in (3), if the defendant raises a *Marsden* issue or an issue related to another in-camera hearing covered by this rule in a brief, petition, or other filing in the reviewing court, the following procedures apply:
 - (A) The brief, including any portion that discloses matters contained in the transcript of the in-camera hearing, and other documents filed or lodged in connection with the hearing, must be filed publicly. The requirement to publicly file this brief does not apply in juvenile cases; rule 8.401 governs the format of and access to such briefs in juvenile cases.
 - (B) The People may serve and file an application requesting a copy of the reporter's transcript of, and documents filed or lodged by a defendant in connection with, the in-camera hearing.
 - (C) Within 10 days after the application is filed, the defendant may serve and file opposition to this application on the basis that the transcript or documents contain confidential material not relevant to the issues raised by the defendant in the reviewing court. Any such opposition must identify the page and line numbers of the transcript or documents containing this irrelevant material.
 - (D) If the defendant does not timely serve and file opposition to the application, the reviewing court clerk must send to the People a copy of the reporter's transcript of, and documents filed or lodged by a defendant in connection with, the in-camera hearing.

- (3) A defendant may serve and file a motion or application in the reviewing court requesting permission to file under seal a brief, petition, or other filing that raises a *Marsden* issue or an issue related to another in-camera hearing covered by this subdivision and requesting an order maintaining the confidentiality of the relevant material from the reporter's transcript of or documents filed or lodged in connection with the in-camera hearing.
- (A) Except as otherwise provided in this rule, rule 8.46(d) governs a motion or application under this subdivision.
- (B) The declaration accompanying the motion or application must contain facts sufficient to justify an order maintaining the confidentiality of the relevant material from the reporter's transcript of, or documents filed or lodged in connection with, the in-camera hearing and sealing of the brief, petition, or other filing.
- (C) At the time the motion or application is filed, the defendant must:
- (i) File a public redacted version of the brief, petition, or other filing that he or she is requesting be filed under seal. The cover of this version must identify it as "Public- Redacts material from conditionally sealed record." The requirement to publicly file the redacted version does not apply in juvenile cases; rule 8.401 generally governs access to filings in juvenile cases. In juvenile cases, the cover of the redacted version must identify it as "Redacted version-Redacts material from conditionally sealed record."
- (ii) Lodge an unredacted version of the brief, petition, or other filing that he or she is requesting be filed under seal. The filing must be transmitted in a secure manner that preserves the confidentiality of the filing being lodged. If this version is in paper format, it must be placed in a sealed envelope or other appropriate sealed container. The cover of the unredacted version of the document, and if applicable the envelope or other container, must identify it as "May Not Be Examined Without Court Order- Contains material from conditionally sealed record." Conditionally sealed material disclosed in this version must be identified as such in the filing.
- (D) If the court denies the motion or application to file the brief, petition, or other filing under seal, the defendant may notify the court that the unredacted brief, petition, or other filing lodged under (C)(ii) is to be filed unsealed. This notification must be received within 10 days of the order denying the motion or application to file the brief, petition, or other filing under seal, unless otherwise ordered by the court. On receipt of this notification, the clerk must unseal and file the lodged unredacted brief, petition, or other filing. If the defendant does not notify the court within 10 days of the order, the clerk must (1) return the lodged unredacted brief, petition, or other filing to the defendant if it is in paper form, or (2) permanently delete the lodged unredacted brief, petition, or other filing if it is in electronic form.

(Subd (b) amended effective January 1, 2019; previously amended effective January 1, 2016.)

(c) Other confidential records

Except as otherwise provided by law or order of the reviewing court:

- (1) Nothing filed publicly in the reviewing court-including any application, brief, petition, or memorandum-may disclose material contained in a confidential record, including a record that, by law, a party may choose be kept confidential in reviewing court proceedings and that the party has chosen to keep confidential.
- (2) To maintain the confidentiality of material contained in a confidential record, if it is necessary to disclose such material in a filing in the reviewing court, a party may serve and file a motion or application in the reviewing court requesting permission for the filing to be under seal.
 - (A) Except as otherwise provided in this rule, rule 8.46(d) governs a motion or application under this subdivision.
 - (B) The declaration accompanying the motion or application must contain facts sufficient to establish that the record is required by law to be closed to inspection in the reviewing court and to justify sealing of the brief, petition, or other filing.
 - (C) At the time the motion or application is filed, the party must:
 - (i) File a redacted version of the brief, petition, or other filing that he or she is requesting be filed under seal. The cover of this version must identify it as "Public-Redacts material from conditionally sealed record," In juvenile cases, the cover of this version must identify it as "Redacted version-Redacts material from conditionally sealed record."
 - (ii) Lodge an unredacted version of the brief, petition, or other filing that he or she is requesting be filed under seal. The filing must be transmitted in a secure manner that preserves the confidentiality of the filing being lodged. If this version is in paper format, it must be placed in a sealed envelope or other appropriate sealed container. The cover of the unredacted version of the document, and if applicable the envelope or other container, must identify it as "May Not Be Examined Without Court Order- Contains material from conditionally sealed record." Material from a confidential record disclosed in this version must be identified and accompanied by a citation to the statute, rule of court, case, or other authority establishing that the record is required by law to be closed to inspection in the reviewing court.
 - (D) If the court denies the motion or application to file the brief, petition, or other filing under seal, the party who filed the motion or application may notify the court that the unredacted brief, petition, or other filing lodged under (C)(ii) is to be filed unsealed. This notification must be received within 10 days of the order denying the motion or application to file the brief, petition, or other filing under seal, unless otherwise ordered by the court. On receipt of this notification, the clerk must unseal and file the lodged unredacted brief, petition, or other filing. If the party who filed the motion or application does not notify the court within 10 days of the order, the clerk must (1) return the lodged unredacted brief, petition, or other filing to the lodging party if it is in paper form, or (2) permanently delete the lodged unredacted brief, petition, or other filing if it is in electronic form.

*(Subd (c) amended effective January 1, 2019; previously amended effective January 1, 2016.)
Rule 8.47 amended effective January 1, 2019; adopted effective January 1, 2014; previously amended effective January 1, 2016.*

Advisory Committee Comment

Subdivisions (a) and (c). Note that there are many laws that address the confidentiality of various records. These laws differ from each other in a variety of respects, including what information is closed to inspection, from whom it is closed, under what circumstances it is closed, and what procedures apply to closing or opening it to inspection. It is very important to determine if any such law applies with respect to a particular record because this rule applies only to confidential records as defined in rule 8.45, and the procedures in this rule apply only "unless otherwise provided by law." Thus, where other laws establish specific requirements that differ from the requirements in this rule, those specific requirements supersede the requirements in this rule. For example, although Penal Code section 1203.05 limits who may inspect or copy probation reports, much of the material contained in such reports—such as the factual summary of the offense(s); the evaluations, analyses, calculations, and recommendations of the probation officer; and other nonpersonal information—is not considered confidential under that statute and is routinely discussed in openly filed appellate briefs (see *People v. Connor* (2004) 115 Cal.App.4th 669, 695-696). In addition, this rule does not alter any existing authority for a court to open a confidential record to inspection by the public or another party to a proceeding.

Subdivision (c)(1). The reference in this provision to records that a party may choose be kept confidential in reviewing court proceedings is intended to encompass situations in which a record may be subject to a privilege that a party may choose to maintain or choose to waive.

Subdivision (c)(2). Note that when a record has been sealed by court order, rule 8.46(g)(2) requires a party to file redacted (public) and unredacted (sealed) versions of any filing that discloses material from the sealed record; it does not require the party to make a motion or application for permission to do so. By contrast, this rule requires court permission before redacted (public) and unredacted (sealed) filings may be made to prevent disclosure of material from confidential records.