

Invitation to Comment

Title	Appellate Procedure: Numbers of Copies of Motions (amend Cal. Rules of Court, rule 8.44).
Summary	This proposal would amend the rule relating to the number of copies of documents that must be provided to the Court of Appeal to reduce the required number of motions from an original and three copies to an original and one copy.
Source	Appellate Advisory Committee Hon. Kathryn Doi Todd, Chair
Staff	Heather Anderson, Committee Counsel, 415-865-7691, heather.anderson@jud.ca.gov

Rule 8.44(b)(4) of the California Rules of Court requires that parties in proceedings before the Court of Appeal file an original and three copies of any motion or any opposition or other response to a motion. In almost all cases, motions are considered either by the presiding justice or by circulating a copy of the motion to the members of the appellate panel. Thus, the Court of Appeal does not need three copies of these motions. To save resources, this proposal would reduce the number of copies of motions required from an original and three copies to an original and one copy.

Rule 8.44 of the California Rules of Court would be amended, effective January 1, 2011, to read:

Title 8. Appellate Rules

Division 1. Rules Relating to the Supreme Court and Courts of Appeal

Chapter 1. General Provisions

Article 2. Service, Filing, Form, and Number of Documents

Rule 8.44. Number of copies of filed documents

Except as these rules provide otherwise, the number of copies of every brief, petition, motion, application, or other document that must be filed in a reviewing court is as follows:

(a) * * *

(b) Documents filed in a Court of Appeal

(1)–(3) * * *

(4) An original and ~~3 copies~~ 1 copy of a motion or an opposition or other response to a motion;

(5)–(7) * * *

Item SPR10-10 Response Form

Title: **Appellate Procedure: Numbers of Copies of Motions** (amend Cal. Rules of Court, rule 8.44)

- Agree** with proposed changes
- Agree** with proposed changes **if modified**
- Do not agree** with proposed changes

Comments: _____

Name: _____ **Title:** _____

Organization: _____

- Commenting on behalf of an organization**

Address: _____

City, State, Zip: _____

To Submit Comments

Comments may be submitted online, written on this form, or prepared in a letter format. If you are *not* commenting directly on this form, please include the information requested above and the proposal number for identification purposes. Please submit your comments online or email, mail, or fax comments. You are welcome to email your comments as an attachment.

Internet: <http://www.courtinfo.ca.gov/invitationstocomment/>

Email: invitations@jud.ca.gov

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DEADLINE FOR COMMENT: 5:00 p.m., Friday, June 18, 2010

Circulation for comment does not imply endorsement by the Judicial Council or the Rules and Projects Committee. All comments will become part of the public record of the council's action.