APP-202-INFO How to Use Form APP-202 in Limited Civil Cases

GENERAL INFORMATION

1 What does this information sheet cover?

This information sheet tells you about how to use *Appellant's Reply Brief—Limited Civil Case* (form APP-201) to draft a reply brief in a limited civil case.

A "limited civil case" is a civil case that involves an amount of $35,000 or less. If your case involves more than $35,000, your case is an "unlimited civil case" and you cannot use form APP-202. Also, do not use form APP-202 in a criminal case.

Do not use form APP-202 if a cross-appeal has been filed in your case. A cross-appeal is when both parties have filed notices of appeal asking to have the trial court's decision reviewed. For more information about briefs where a cross-appeal has been filed, see California Rules of Court, rule 8.884.

For information about the appeal process in limited civil cases in general, you should read *Information on Appeal Procedures for Limited Civil Cases* (form APP-101-INFO). To learn even more, you should read rules 8.800–8.845 and 8.880–8.891 of the California Rules of Court, which set out the procedures for appeals in limited civil cases. You can get this form and these rules at any courthouse or county law library or online at www.courts.ca.gov/rules and www.courts.ca.gov/forms.

2 What is an appeal?

An appeal is a request to a higher court to review a decision made by a judge or jury in a lower court. In a limited civil case, the court hearing the appeal is the appellate division of the superior court, and the lower court —called the "trial court" in this information sheet and in the form briefs—is the superior court.

If you are the party appealing (asking for the trial court's decision to be reviewed), you are called the appellant. If you received notice that another party in the case is appealing, you are called the respondent.

3 What is a brief?

A "brief" is a written document that tells the appellate division (the court reviewing your case):

- The facts in the case;
- The law that applies; and
- The party's arguments about the issues being appealed.

If you are the appellant, you will file the first brief, called an "opening brief." If you are the respondent, after the appellant files the opening brief, you will have the chance to file the "respondent's brief" to respond to the appellant's arguments in the opening brief. Finally, if the respondent files a respondent's brief, the appellant will then have the chance to file a "reply brief" to reply to the respondent's arguments. The reply brief is the final brief unless the appellate division orders further briefing.

4 Preparing a brief

If you are represented by a lawyer in your appeal, your lawyer will prepare your brief. If you are not represented by a lawyer, you will have to prepare your brief yourself.

If you are the appellant, *Appellant's Opening Brief—Limited Civil Case* (form APP-200) may be used to prepare your opening brief. The information sheet *How to Use Form APP-200 in Limited Civil Cases* (form APP-200-INFO) explains how to fill out form APP-200.

If you are the respondent, *Respondent's Brief—Limited Civil Case* (form APP-201) may be used to prepare your respondent's brief. The information sheet *How to Use Form APP-201 in Limited Civil Cases* (form APP-201-INFO) explains how to fill out form APP-201.

If you are the appellant, and you would like to use a form to prepare your reply brief, you can use *Appellant's Reply Brief—Limited Civil Case* (form APP-202). This information sheet explains how to fill out form APP-202.

You or your lawyer do not need to use these forms for your briefs. If you choose to draft your own brief, read California Rules of Court, rules 8.882–8.884 to learn about what your brief must contain, how it must be formatted, and how and when it must be served and filed.

INFORMATION ABOUT FILLING OUT *APPELLANT'S REPLY BRIEF—LIMITED CIVIL CASE* (FORM APP-202)

If you are the appellant and the respondent filed a respondent's brief, that brief contained arguments that responded to your opening brief. You now have the opportunity to file an "appellant's reply brief," which replies to those arguments made in the respondent's brief. You or your lawyer may use *Appellant's Reply Brief—Limited Civil Case* (form APP-202) for this purpose. This section describes how to fill out that form.

You do not need to file a reply brief unless you want to. If you choose to file a reply brief, it will be the final brief filed in the case, unless the appellate division chooses to order additional briefing.

5 Attachments, format, and length

Form APP-202 has spaces for you to give information or answer questions. If any of these spaces are not big enough and you need more space for your response to an item, you may check the box in that item stating that you need more space. After you check the box, you may continue your answer on a separate sheet of paper labeled "Attachment" followed by the item number you are filling out. For example, an attachment continuing your response to item 4 would be labeled "Attachment 4" at the top of the page. The separate sheets of paper used to continue your answers and the proof of service are the only attachments that may be included with your brief. Do not attach any other documents.

You should format your brief and attachments as follows:

- The attachments must be on white paper, 8.5 inches by 11 inches in size, with 1.5-inch margins on the left and right and 1-inch margins on the top and bottom.
- In typing the brief and attachments, you may use any standard font, but the font must not be smaller than 13 points.
- You should use normal typeface, but italics, boldface type, or underscores can be used for emphasis. Case names must also be in italics or underscored.
- If you file the brief in paper form, you should bind the brief on the left margin, unless the appellate division has a local rule requiring the brief to be bound on the top.
- All attachments need to be included at the end of form APP-202 in the order of the attachment number. For example, you would put Attachment 4 after Attachment 3. You then need to number the pages of all the attachments in order, starting with page 4 (because the actual form is 3 pages long).

Your reply brief, including the form and any attachments, may be no longer than 25 pages.

6 Completing the caption (the top part of the form)

Name of the parties on appeal. At the top left of the form, fill out the name of each party appealing the trial court's decision and the name of each party who is a respondent in the appeal.

Appellate division case number. When you filed the notice of appeal in your case, the clerk gave the appeal a case number. You can find this number on the notice of briefing schedule or another document about your case sent to you by the clerk of the appellate division. Write that number in the box entitled "Appellate Division Case Number."

Trial court case number and trial court judicial officer. Write the case number your case had in the trial court here. You can find this number on any court order from the trial court. Also write the name of the trial court judge or other judicial officer who made the decision you are appealing.

7 Completing item 1, "Information About the Appellant"

In item 1a, type your name. If you are a lawyer filling this out for your client, type your name, State Bar number, and the name of your law firm.

In item 1b, type your address and contact information if you do not have a lawyer. If you are a lawyer filling out this form for your client, write your office address, telephone number, fax number (if applicable), and email address.

8 Completing item 2, "Replying to Respondent's Arguments"

Item 2 is your opportunity to reply to the responses made by the respondent in the respondent's brief.

Form APP-202 has items for you to reply to the respondent's first two arguments. If the respondent's brief contained more than two arguments, check the box at item 2c, and reply to the other arguments on a separate piece of paper labeled "Attachment 2c" at the top of the page.

For each reply, begin by briefly describing the respondent's argument to which you are replying. Then, give your reply explaining why the respondent's arguments are incorrect. Your reply brief should not simply repeat the arguments you made in the opening brief. Instead, your reply arguments can do the following:

- Address legal issues and arguments made in the respondent's brief.
- Show the appellate division how the respondent did not successfully address the legal issues made in the appellant's opening brief.
- Address new legal authorities (cases, statutes, or constitutional provisions) included in the respondent's brief.

For each of your reply arguments, you must clearly identify the following:

- The places in the record on appeal where the facts that support your argument can be found.
- The law that supports your argument. This can take the form of statutes, court opinions, court rules, constitutional provisions, or other legal authority. You may find law that supports your appeal mentioned in the documents filed by the parties in the trial court or in the trial court's decisions.

9 Serving and Filing Your Brief

After you have completed your brief, make copies of the brief (with all attachments) for your records, each of the other parties in the case, and the trial court.

Serve a copy of the completed form (with all attachments) on each of the other parties and the trial court, and keep proof of this service. There are two forms you may use to show proof of service:

- *Proof of Service* (form APP-109); or
- *Proof of Electronic Service* (form APP-109E).

You can get more information about how to serve court papers and proof of service from *What is Proof of Service* (form APP-109-INFO) and on the Self-Help Guide to the California Courts website at www.courts.ca.gov/selfhelp-serving.htm.

After you have served copies of the brief on the other parties and the trial court, file the original brief and all attachments, along with the proof of service, with the appellate division.

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