



JUDICIAL COUNCIL OF CALIFORNIA

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MEMORANDUM

Date	Action Requested
March 27, 2015	Please review
To	Deadline
Members of the Judicial Council Technology Committee	April 2, 2015
From	Contact
Court Technology Advisory Committee Hon. Terence L. Bruiniers	Tara Lundstrom 415-865-7650 phone tara.lundstrom@jud.ca.gov
Subject	
Rules Modernization Project - Phase 1	

Executive Summary

Over the past three months, members of the Court Technology Advisory Committee (CTAC) have assisted other advisory committees in carrying out phase 1 of the Rules Modernization Project. This endeavor consists of proposing technical, non-substantive changes to the California Rules of Court to facilitate e-business, e-filing, and e-service.

Attached for your review is an Invitation to Comment (ITC) containing proposed amendments to titles 2, 3, 4, 5, 7, and 8. During its meeting on March 27, the Court Technology Advisory Committee recommended the rules proposal be circulated for public comment. The proposed amendments have also been recommended by the Civil and Small Claims Advisory Committee, the Traffic Law Advisory Committee, the Family and Juvenile Law Advisory Committee, the Probate Law Advisory Committee, and the Appellate Advisory Committee.

Committee's task

The committee is tasked with reviewing the attached ITC and:

- Voting to recommending to RUPRO that all or part of the proposal be approved for circulation as drafted or as amended by the committee; or
- Asking staff or committee members for further information and analysis; or
- Voting to reject the proposal.

Attachment

- Invitation to Comment, Rules Modernization Project – phase 1

JUDICIAL COUNCIL OF CALIFORNIA

455 Golden Gate Avenue · San Francisco, California 94102-3688
www.courts.ca.gov/policyadmin-invitationstocomment.htm

INVITATION TO COMMENT

[ItC prefix as assigned]-__

Title

Rules Modernization Project: Modernize the Rules of Court to Facilitate E-Business, E-Filing, and E-Service

Proposed Rules, Forms, Standards, or Statutes

Amend titles 2, 3, 4, 5, 7, and 8 (Cal. Rules of Court, rules 2.3, 2.102–2.108, 2.111, 2.113–2.115, 2.117, 2.130, 2.133, 2.134, 2.150, 2.550, 2.551, 2.577, 2.816, 2.831, 2.1055, 2.1100, 3.254, 3.524, 3.544, 3.670, 3.815, 3.823, 3.827, 3.931, 3.1010, 3.1109, 3.1110, 3.1113, 3.1202, 3.1300, 3.1302, 3.1304, 3.1320, 3.1326, 3.1327, 3.1330, 3.1340, 3.1346, 3.1347, 3.1350, 3.1351, 3.1354, 3.1590, 3.1700, 3.1900, 3.2107, 4.102, 5.50, 5.83, 5.91, 5.215, 5.242, 5.275, 5.534, 5.906, 7.802, 8.10, 8.40, 8.42, 8.44–8.47, 8.50, 8.100, 8.104, 8.108, 8.112, 8.122–8.124, 8.128, 8.130, 8.137, 8.140, 8.144, 8.147, 8.150, 8.204, 8.208, 8.212, 8.220, 8.224, 8.248, 8.252, 8.264, 8.272, 8.278, 8.304, 8.308, 8.336, 8.344, 8.346, 8.360, 8.380, 8.384–8.386, 8.405, 8.406, 8.411, 8.412, 8.474, 8.482, 8.486, 8.488, 8.495, 8.496, 8.498, 8.504, 8.512, 8.540, 8.548, 8.610, 8.616, 8.630, 8.702, 8.703, 8.800, 8.803, 8.804, 8.806, 8.814, 8.821–8.824, 8.832–8.835, 8.838, 8.840, 8.842, 8.843, 8.852, 8.853, 8.862, 8.864, 8.866, 8.868, 8.870, 8.872, 8.874, 8.881–8.883, 8.888, 8.890, 8.891, 8.901, 8.902, 8.911, 8.915, 8.917, 8.919, 8.921, 8.922, 8.924, 8.926–8.928, 8.931, and 8.1018); and adopt rules 2.10, 7.802, and 8.11

Proposed by

Court Technology Advisory Committee
Hon. Terence L. Bruiniers

Action Requested

Review and submit comments by June 17, 2015

Proposed Effective Date

January 1, 2016

Contact

Tara Lundstrom, 415-865-7650
tara.lundstrom@jud.ca.gov

The proposals have not been approved by the Judicial Council and are not intended to represent the views of the council, its Rules and Projects Committee, or its Policy Coordination and Liaison Committee. These proposals are circulated for comment purposes only.

Executive Summary and Origin

The Court Technology Advisory Committee (CTAC) proposes to amend various rules in titles 2, 3, 4, 5, 7, and 8 of the California Rules of Court. This proposal would introduce minor, non-substantive amendments to the rules in order to facilitate modern e-business practices, e-filing, and e-service. The Civil and Small Claims Advisory Committee, the Traffic Advisory Committee, the Family and Juvenile Law Advisory Committee, the Probate and Mental Health Advisory Committee, and the Appellate Advisory Committee also recommend the amendments to the rules in their respective subject matter areas.

Background

Recognizing that courts are swiftly proceeding to a paperless world, CTAC is leading the Rules Modernization Project, a collaborative effort to comprehensively review and modernize the California Rules of Court so that they will be consistent with and foster modern e-business practices. To ensure that each title is revised in view of any statutory requirements and policy concerns unique to that area of law, CTAC is coordinating with five other advisory committees with relevant subject matter expertise.

The Rules Modernization Project is being carried out in two phases. This rules proposal marks the culmination of phase 1: an initial round of technical rule amendments to address language in the rules that is incompatible with the current statutes and rules governing e-filing and e-service and with e-business practices in general. Next year, CTAC will undertake phase 2, which will involve a more in-depth examination of any statutes and rules that may hinder e-business practices.

The Proposal

This proposal would make minor, technical amendments to the rules in titles 2, 3, 4, 5, 7, and 8.

Proposed amendments to title 2

The proposed amendments to title 2 would:

- Define “papers” as including not only papers in a tangible or physical form, but also in an electronic form (see amended rule 2.3(2));¹
- Strike references to “typewriter,” “typewriting,” and “typewritten” (see amended rules 2.3(3) and 2.150(a));

¹ Rule 2.3(3) currently defines “written,” “writing,” “typewritten,” and “typewriting” as “includ[ing] other methods equivalent in legibility to typewriting.” In striking references to “typewritten” and “typewriting” in rule 2.3(3), the Civil and Small Claims Advisory Committee proposed revising the rule as follows: “‘Written’ and ‘writing’ include other methods of printing letters and words equivalent in legibility to printing on a word processor.” Alternatively, the rule could allow for legibility equivalent “to computer word processing.” CTAC’s Rules and Policy Subcommittee subsequently considered alternate language based on its concern that the reference to word processors may quickly become outdated. The subcommittee proposed defining “written” and “writing” as “includ[ing] any method of legibly printing or displaying letters and words.” The committee requests comments on the proposed amendments to this rule.

- Add a new rule defining the scope of the trial court rules to include documents filed both on paper and electronically (see proposed new rule 2.10);
- Amend language to clarify when certain formatting rules apply to electronic documents (see amended rules 2.103, 2.104, 2.105, 2.106, 2.107, 2.108(4)), 2.111(3), 2.113, 2.114, 2.115, and 2.117), electronic forms (see amended rules 2.133 and 2.134(a)–(c), 2.150), and jury instructions filed electronically (see amended rule 2.1055(b)(4));
- Extend the application of the general rules on forms in chapter 2 to forms filed electronically (see amended rule 2.130);
- Amend the definition of “record” to apply to records filed or lodged electronically (see amended rule 2.550(b)(1));
- Amend the rule for filing records under seal to recognize that records and notices may be transmitted electronically and kept by the court in electronic form (see amended rule 2.551);²
- Amend the rule for filing confidential name change records under seal to recognize that petitions may be transmitted electronically (see amended rule 2.577(d) and (f));
- Amend the rules governing motions to withdraw stipulations to court-appointed temporary judges to allow the moving party to provide copies of the motion to the presiding and temporary judge by electronic means (see amended rules 2.816(e)(3) and 2.831(f)); and
- Allow electronic service on the Attorney General of copies of a judgment and notice of judgment declaring a state statute or regulation unconstitutional (see amended rule 2.1100).

Proposed amendments to title 3

The proposed amendments to title 3 would:

- Insert an e-service exception to the duties associated with maintaining and updating the list of parties and their addresses (see amended rule 3.254(a) and (b));
- Amend language in the rules to recognize e-filing and e-service (see amended rules 3.524(a)(2), 3.544(a), 3.670(h)(1)(B), 3.815(b)(2)–(3), 3.823(d), 3.827(b), 3.1010(b)(1), 3.1109(a), 3.1300(a), 3.1302(a), 3.1320(c), 3.1326, 3.1327(a) and (c), 3.1330, 3.1340(b), 3.1346, 3.1347(a) and (c), 3.1350(e),³ 3.1351(a) and (c), 3.1700(a)(1) and (b)(1), 3.1900, and 3.2107(a)–(b));

² The proposed amendments to rule 2.551 on filing sealed records in the trial courts, unlike most of the other proposed rule amendments, are not solely technical and non-substantive. However, they are closely based on the recent amendments to rule 8.46 that changed the appellate rule on sealed records to reflect modern business practices. It should be noted that CTAC’s Rules and Policy Subcommittee voted to use the present tense (“has access”) in rule 2.551(b)(2), instead of the past tense (“had access”) used in rule 8.46. The committee requests comments on this proposed amendment.

³ CTAC’s Rules and Policy Subcommittee voted to remove the reference to separately stapling documents in rule 3.1350(e). The subcommittee recommended instead that subdivision (e) refer to “separate documents” since this would indicate that the documents must be filed separately with the court whether filed in paper or electronic form. The committee requests comments on the proposed amendment to this rule.

- Establish that the times prescribed in the rule governing evidence at arbitration hearings are increased by two days where service is accomplished by electronic means (see amended rule 3.823(d));
- Require that appointed referees provide their e-mail addresses (see amended rule 3.931(b));
- Correct a cross-reference to the appellate court rules (see amended rule 3.1109(c));
- Clarify when certain formatting rules apply to motion papers filed electronically (see amended rules 3.1110(e)–(f) and 3.1113(i)(1)–(2) and (m));
- Require that ex parte applications state the e-mail addresses of attorneys or parties (see amended rule 3.1202(a));
- Recognize that rule 2.259(c) applies to motion papers filed electronically (see amended rule 3.1300(e));
- Require that any materials lodged electronically specify an electronic address to which they may be returned and allow the clerk to return them by electronic means (see amended rule 3.1302(b));
- Require the clerk to post electronically a general schedule for law and motion hearings (see amended rule 3.1304(a));
- Authorize a court to require that a party submitting written objections provide the proposed order accompanying the objections in electronic form (see amended rule 3.1354(c)); and
- Recognize that the court may electronically sign written judgments (see amended rule 3.1590(l)).

Proposed amendments to title 4

The proposed amendment to title 4 would:

- Allow courts to e-mail copies of countywide bail and penalty schedules to the Judicial Council (see amended rule 4.102).

Proposed amendments to title 5

The proposed amendments to title 5 would:

- Delete references to the back side of a summons (see amended rules 5.50(b) and (c)(1)–(2) and 5.91);
- Allow court employees to notify parties of deficiencies in their paperwork by any means approved by the court (see amended rule 5.83(d)(5));
- Replace references to “videotapes” (see amended rules 5.215(d)(5) and 5.242(k)(4)(G)); and
- Add a definition for “software” (see amended rule 5.275(g).)

Proposed amendments to title 7

The proposed amendment to title 7 would:

- Clarify that Code of Civil Procedure section 1010.6 and rules 2.250 to 2.261 apply in contested probate proceedings (see new rule 7.802).

Proposed amendments to title 8

The proposed amendments to title 8 would:

- Add definitions of “attach or attachment,” “copy or copies,” “cover,” and “written or writing” to clarify their application to electronically filed documents (see amended rules 8.10 and 8.803);
- Add a new rule (proposed rule 8.11) and amend another rule (8.800(b)) to clarify that the rules are intended to apply to documents filed and served electronically;
- Replace references to “mail” with “send” throughout;
- Replace references to “file-stamped” with “filed-endorsed” throughout;
- Clarify that requirements for numbers of copies of documents and for the colors of covers of documents apply only to documents filed on paper (see amended rules 8.40 and 8.44);
- Add language requiring that all confidential or sealed documents must be transmitted in a secure manner, clarifying that this requirement applies to documents transmitted electronically (see amended rules 8.45(c), 8.46(d), 8.47(b) and (c), and 8.482(g));
- Add language stating that all or part of the record on appeal, including a clerk’s transcript, a record of administrative proceedings, or a copy of a reporter’s transcript may be in electronic format (see amended rules 8.123, 8.124, 8.130, 8.144, and 8.838);
- Clarify which requirements about form apply to electronically filed records, briefs, supporting documents, or petitions (see amended rules 8.144, 8.204, 8.486, 8.504, 8.610, 8.824, 8.838, 8.883, 8.928, and 8.931);
- Replace references to “type,” “typeface,” “type style” and “type size” with “font” “font style” and “font size” (see amended rules 8.204, 8.883, and 8.928 and the amended advisory committee comment to rule 8.204);
- Expand advisory committee comments to note that the recoverable costs to notarize, serve, mail, and file documents are intended to include fees charged by electronic service providers for filing or service (see amended comments to rules 8.278 and 8.891);
- Clarify when requirements for multiple copies to be filed or served only apply to paper documents (see amended rules 8.44, 8.144(c), 8.346(c), 8.380(c), 8.385(b), 8.386(b), 8.495(a), 8.540(b), 8.548(d), 8.630(g), 8.843(d), 8.870(d), 8.921(d), and 8.1018(c));
- Correct a typographical error (see amended rule 8.474(b));
- Clarify that the record and exhibits need only be returned to a lower court if they were transmitted in paper form (see amended rules 8.224, 8.512(a), 8.843(e), 8.870(e), 8.890(b), 8.921(e) and 8.1018(d));
- Clarify that signatures on electronically filed documents must comply with rule 8.77 (see amended rule 8.804 and amended rule 8.882(b)); and
- Amend two advisory committee comments to add provisions that the clerk’s transcripts may be in electronic form (see comments to rules 8.122 and 8.832).

Alternatives Considered

As an alternative to making technical changes at this time, CTAC considered deferring action and proposing a single rules proposal that would include both substantive and technical changes to the rules at a later date. One benefit of this approach would be to increase the project's overall efficiency by reviewing and ultimately implementing all changes at the same time. By dividing the work into technical and substantive phases, however, the council would be able to modernize the rules, to the extent possible, on a more responsive timeline for those courts that are already implementing e-filing and e-service and adopting e-business practices.

Implementation Requirements, Costs, and Operational Impacts

Because the proposal does not introduce substantive changes to the rules, CTAC does not anticipate that the rule would incur any new costs or require implementation. To the extent that the proposal clarifies existing law, it would facilitate e-business, e-filing, and e-service in the trial and appellate courts and provide cost-efficiencies.

Request for Specific Comments

In addition to comments on the proposal as a whole, the advisory committee is interested in comments on the following:

- Does the proposal appropriately address the stated purpose?
- Specific comments are invited on rules 2.3(3), 2.105, 2.551(b)(2), and 3.1350(e).
- Specific comments are also invited on the term “filed-endorsed.”

The advisory committee also seeks comments from *courts* on the following costs and implementation matters:

- Would the proposal provide cost savings?
- What would the implementation requirements be for courts?
- Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?

Attachments

1. Cal. Rules of Court, amendments to title 2, at pages 7–16
2. Cal. Rules of Court, amendments to title 3, at pages 17–30
3. Cal. Rules of Court, amendments to title 4, at page 31
4. Cal. Rules of Court, amendments to title 5, at pages 32–35
5. Cal. Rules of Court, amendments to title 7, at pages 36
6. Cal. Rules of Court, amendments to title 8, at pages 37–93

Rules 2.3, 2.10, 2.102, 2.103, 2.104, 2.105, 2.106, 2.107, 2.108, 2.111, 2.113, 2.114, 2.115, 2.117, 2.130, 2.133, 2.134, 2.150, 2.550, 2.551, 2.577, 2.816, 2.831, 2.1055, and 2.1100, of the California Rules of Court would be amended, and rule 2.10 would be adopted, effective January 1, 2016, to read:

Title 2. Trial Court Rules

Rule 2.3. Definitions

As used in the Trial Court Rules, unless the context or subject matter otherwise requires:

- (1) “Court” means the superior court;
- (2) “Papers” includes all documents, except exhibits and copies of exhibits, that are offered for filing in any case, but does not include Judicial Council and local court forms, records on appeal in limited civil cases, or briefs filed in appellate divisions. and Unless the context clearly provides otherwise, “papers” need not be in a tangible or physical form but may be in an electronic form.
- (3) “Written,” and “writing,” ~~“typewritten,” and “typewriting”~~ include other methods of printing letters and words equivalent in legibility to typewriting printing on a word processor.

Rule 2.10. Scope of rules ~~[Reserved]~~

These rules apply to documents filed and served electronically as well as in paper form, unless otherwise provided.

Rule 2.102. One-sided paper

When papers are not filed electronically, On papers, only one side of each page may be used.

Rule 2.103. Size, quality, and color, ~~and size of paper~~

All papers filed must be 8½ by 11 inches. All papers not filed electronically must be on opaque, unglazed paper, white or unbleached, of standard quality not less than 20-pound weight, ~~8½ by 11 inches.~~

Rule 2.104. Printing; type font size

All papers not filed electronically must be printed ~~or typewritten~~ or be prepared by a photocopying or other duplication process that will produce clear and permanent copies equally as legible as printing in ~~type~~ a font not smaller than 12 points.

1 **Rule 2.105. Type Font style**

2
3 The ~~typeface~~ font must be essentially equivalent to Courier, Times New Roman, or Arial.

4
5 **Rule 2.106. Font color of print**

6
7 The font color ~~of print~~ must be black or blue-black.

8
9 **Rule 2.107. Margins**

10
11 The left margin of each page must be at least one inch from the left edge ~~of the paper~~ and
12 the right margin at least 1/2 inch from the right edge ~~of the paper~~.

13
14 **Rule 2.108. Spacing and numbering of lines**

15
16 The spacing and numbering of lines on a page must be as follows:

17
18 (1)–(3) * * *

19
20 (4) Line numbers must be placed at the left margin and separated from the text ~~of the~~
21 ~~paper~~ by a vertical column of space at least 1/5 inch wide or a single or double
22 vertical line. Each line number must be aligned with a line of type, or the line
23 numbers must be evenly spaced vertically on the page. Line numbers must be
24 consecutively numbered, beginning with the number 1 on each page. There must be
25 at least three line numbers for every vertical inch on the page.

26
27 **Rule 2.111. Format of first page**

28
29 The first page of each paper must be in the following form:

30
31 (1)–(2) * * *

32
33 (3) On line 8, at or below 3 1/3 inches from the top of the ~~paper~~ page, the title of the
34 court.

35
36 (4)–(11) * * *

37
38 **Rule 2.113. Binding**

39
40 Each paper not filed electronically must consist entirely of original pages without riders
41 and must be firmly bound together at the top.

1 **Rule 2.114. Exhibits**

2
3 Exhibits submitted with papers not filed electronically may be fastened to pages of the
4 specified size and, when prepared by a machine copying process, must be equal to
5 ~~typewritten~~ computer processed materials in legibility and permanency of image.

6
7 **Rule 2.115. Hole punching**

8
9 When papers are not filed electronically, each paper presented for filing must contain two
10 prepunched normal-sized holes, centered 2½ inches apart and 5/8 inch from the top of the
11 paper.

12
13 **Rule 2.117. Conformed copies of papers**

14
15 All copies of papers served must conform to the original papers filed, including the
16 numbering of lines, pagination, additions, deletions, and interlineations except that, with
17 the agreement of the other party, a party -serving papers by non-electronic means may
18 serve that other party with papers printed on both sides of the page.

19
20 **Rule 2.130. Application**

21
22 The rules in this chapter apply to Judicial Council forms, local court forms, and all other
23 official forms to be filed in the trial courts. The rules apply to forms filed both in paper
24 form and electronically, unless otherwise specified.

25
26 **Rule 2.133. Hole punching**

27
28 All forms not filed electronically must contain two prepunched normal-sized holes,
29 centered 2½ inches apart and 5/8 inch from the top of the form.

30
31 **Rule 2.134. Forms longer than one page**

32
33 **(a) Single side may be used**

34
35 If a form not filed electronically is longer than one page, the form may be printed
36 on sheets printed only on one side even if the original has two sides to a sheet.

37
38 **(b) Two-sided forms must be tumbled**

39
40 If a form not filed electronically is filed on a sheet printed on two sides, the reverse
41 side must be rotated 180 degrees (printed head to foot).

1 (c) **Multiple-page forms must be bound**

2
3 If a form not filed electronically is longer than one page, it must be firmly bound at
4 the top.

5
6 **Rule 2.150. Authorization for computer-generated ~~or typewritten~~ forms for proof**
7 **of service of summons and complaint**

8
9 (a) **Computer-generated ~~or typewritten~~ forms; conditions**

10
11 Notwithstanding the adoption of mandatory form *Proof of Service of Summons*
12 (form POS-010), a form for proof of service of a summons and complaint prepared
13 entirely by word processor, ~~typewriter~~, or similar process may be used for proof of
14 service in any applicable action or proceeding if the following conditions are met:

15
16 (1)–(4) * * *

17
18 (5) The text of form POS-010 must be copied in the same order as it appears on
19 ~~the printed~~ form POS-010 using the same item numbers. A declaration of
20 diligence may be attached to the proof of service or inserted as item 5b(5).

21
22 (6) Areas marked “For Court Use” must be copied in the same general locations
23 and occupy approximately the same amount of space as on ~~the printed~~ form
24 POS-010.

25
26 (7)–(8) * * *

27
28 (9) Material that would have been ~~typed~~ entered onto ~~the printed~~ form POS-010
29 must be ~~typed~~ entered with each line indented 3 inches from the left margin.

30
31 (b) * * *

32
33 **Advisory Committee Comment**

34
35 This rule is intended to permit process servers and others to prepare their own shortened versions
36 of *Proof of Service of Summons* (form POS-010) containing only the information that is relevant
37 to show the method of service used.

38
39 **Rule 2.550. Sealed records**

40
41 (a) * * *

1 (b) **Definitions**

2
3 As used in this chapter:

4
5 (1) “Record.” Unless the context indicates otherwise, “record” means all or a
6 portion of any document, paper, exhibit, transcript, or other thing filed or
7 lodged with the court, by electronic means or otherwise.

8
9 (2)–(3) * * *

10
11 (c)–(e) * * *

12
13 **Rule 2.551. Procedures for filing records under seal**

14
15 (a) * * *

16
17 (b) **Motion or application to seal a record**

18
19 (1) * * *

20
21 (2) *Service of motion or application*

22
23 A copy of the motion or application must be served on all parties that have
24 appeared in the case. Unless the court orders otherwise, any party that already
25 ~~possesses copies of~~ has access to the records to be placed under seal must be
26 served with a complete, unredacted version of all papers as well as a redacted
27 version. Other parties must be served with only the public redacted version.
28 If a party’s attorney but not the party has access to the record, only the
29 party’s attorney may be served with the complete, unredacted version.

30
31 (3) *Procedure for party not intending to file motion or application*

32
33 (A) * * *

34
35 (B) If the party that produced the documents and was served with the notice
36 under (A)(iii) fails to file a motion or an application to seal the records
37 within 10 days or to obtain a court order extending the time to file such
38 a motion or an application, the clerk must promptly remove all the
39 documents in (A)(i) from the envelope, ~~or~~ container, or secure
40 electronic file where they are located and place them in the public file.
41 If the party files a motion or an application to seal within 10 days or
42 such later time as the court has ordered, these documents are to remain

1 conditionally under seal until the court rules on the motion or
2 application and thereafter are to be filed as ordered by the court.

3
4 (4) * * *

5
6 (5) *Redacted and unredacted versions*

7
8 If necessary to prevent disclosure, any motion or application, any opposition,
9 and any supporting documents must be filed in a public redacted version and
10 lodged in a complete, unredacted version conditionally under seal. The cover
11 of the redacted version must identify it as “Public—Redacts materials from
12 conditionally sealed record.” The cover of the unredacted version must
13 identify it as “May Not Be Examined Without Court Order—Contains
14 material from conditionally sealed record.”

15
16 (6) *Return of lodged record*

17
18 If the court denies the motion or application to seal, the clerk must return the
19 lodged record to the submitting party and must not place it in the case file
20 unless that party notifies the clerk in writing ~~within 10 days after the order~~
21 ~~denying the motion or application~~ that the record is to be filed. Unless
22 otherwise ordered by the court, the submitting party must notify the clerk
23 within 10 days after the order denying the motion or application.

24
25 (c) * * *

26
27 (d) **Procedure for lodging of records**

28
29 (1) A record that may be filed under seal must be transmitted to the court in a
30 secure manner that preserves the confidentiality of the records to be lodged.
31 If the record is transmitted in paper form, it must be put in an envelope or
32 other appropriate container, sealed in the envelope or container, and lodged
33 with the court.

34
35 (2) The materials to be lodged under seal must be clearly identified as
36 “CONDITIONALLY UNDER SEAL.” If the materials are transmitted in
37 paper form, the envelope or container lodged with the court must be labeled
38 “CONDITIONALLY UNDER SEAL.”

39
40 (3) The party submitting the lodged record must affix to the electronic
41 transmission, the envelope or the container a cover sheet that:

42
43 (A)–(B) * * *

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(4) * * *

(e) Order

(1) If the court grants an order sealing a record, the clerk ~~must substitute on the envelope or container for the label required by (d)(2) a label prominently stating “SEALED BY ORDER OF THE COURT ON (DATE),”~~ and must replace the cover sheet required by (d)(3) with a filed-endorsed copy of the court’s order. In addition, if the confidential record is in paper format, the clerk must substitute on the envelope or container for the label required by (d)(2) a label prominently stating “SEALED BY ORDER OF THE COURT ON (DATE).” If the sealed record is in an electronic format, the clerk must place the record ordered sealed in a secure electronic file clearly identified as sealed by court order on a specified date.

(2) The order must state whether—in addition to the sealed records ~~in the envelope or container~~—the order itself, the register of actions, any other court records, or any other records relating to the case are to be sealed.

(3) * * *

(4) 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 ~~records or papers~~.

(f)–(g) * * *

(h) Motion, application, or petition to unseal records

(1)–(2) * * *

(3) If the court proposes to order a record unsealed on its own motion, the court must ~~mail~~ give notice to the parties stating the reason for unsealing the record therefor. Unless otherwise ordered by the court, any party may serve and file an opposition within 10 days after the notice is provided ~~mailed or within such time as the court specifies.~~ and any other party may file a response within 5 days after the filing of an opposition.

(4) * * *

1 (5) The order unsealing a record must state whether the record is unsealed entirely
2 or in part. If the court’s order unseals only part of the record or unseals the
3 record only as to certain persons, the order must specify the particular records
4 that are unsealed, the particular persons who may have access to the record, or
5 both. If, in addition to the records in the envelope, ~~or~~ container, or secure
6 electronic file, the court has previously ordered the sealing order, the register of
7 actions, or any other court records relating to the case to be sealed, the
8 unsealing order must state whether these additional records are unsealed.

9
10 **Rule 2.577. Procedures for filing confidential name change records under seal**

11
12 (a)–(c) * * *

13
14 **(d) Procedure for lodging of petition for name change**

15
16 (1) The records that may be filed under seal must be lodged with the court. If
17 they are transmitted on paper, they must be placed in a sealed envelope. If
18 they are transmitted electronically, they must be transmitted to the court in a
19 secure manner that preserves the confidentiality of the documents to be
20 lodged.

21
22 (2) If the petitioner is transmitting the petition on paper, the petitioner must
23 complete and affix to the envelope a completed *Confidential Cover Sheet—*
24 *Name Change Proceeding Under Address Confidentiality Program (Safe at*
25 *Home)* (form NC-400) and in the space under the title and case number mark
26 it “CONDITIONALLY UNDER SEAL.” If the petitioner is transmitting
27 electronically, the first page of the electronic transmission must be a
28 completed *Confidential Cover Sheet—Name Change Proceeding Under*
29 *Address Confidentiality Program (Safe at Home)* (form NC-400) with the
30 space under the title and case number marked “CONDITIONALLY UNDER
31 SEAL.”

32
33 (3) On receipt of a petition lodged under this rule, the clerk must endorse the
34 ~~affixed~~ cover sheet with the date of its receipt and must retain but not file the
35 record unless the court orders it filed.

36
37 (4) * * *

38
39 (e) * * *

40
41 **(f) Order**

42
43 (1)–(2) * * *

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(3) For petitions transmitted in paper form, if the court grants an order sealing a record, the clerk must strike out the notation required by (d)(2) on the Confidential Cover Sheet that the matter is filed “CONDITIONALLY UNDER SEAL,” and add a notation to that sheet prominently stating “SEALED BY ORDER OF THE COURT ON (DATE),” and file the documents under seal. For petitions transmitted electronically, the clerk must replace the cover sheet with a filed-endorsed copy of the court’s order and place the record in a secure electronic file clearly identified as sealed by the court on a specific date.

(4)–(5) * * *

(g)–(h) * * *

Rule 2.816. Stipulation to court-appointed temporary judge

(a)–(d) * * *

(e) Application or motion to withdraw stipulation

An application or motion to withdraw a stipulation for the appointment of a temporary judge must be supported by a declaration of facts establishing good cause for permitting the party to withdraw the stipulation. In addition:

(1)–(2) * * *

(3) The application or motion must be served and filed, and the moving party must ~~mail or deliver~~ provide a copy to the presiding judge.

(4) * * *

Rule 2.831. Temporary judge—stipulation, order, oath, assignment, disclosure, and disqualification

(a)–(e) * * *

(f) Motion to withdraw stipulation

A motion to withdraw a stipulation for the appointment of a temporary judge must be supported by a declaration of facts establishing good cause for permitting the party to withdraw the stipulation, and must be heard by the presiding judge or a judge designated by the presiding judge. A declaration that a ruling is based on

1 error of fact or law does not establish good cause for withdrawing a stipulation.
2 Notice of the motion must be served and filed, and the moving party must ~~mail or~~
3 ~~deliver~~ provide a copy to the temporary judge. If the motion to withdraw the
4 stipulation is based on grounds for the disqualification of the temporary judge first
5 learned or arising after the temporary judge has made one or more rulings, but
6 before the temporary judge has completed judicial action in the proceeding, the
7 provisions of rule 2.816(e)(4) apply. If a motion to withdraw a stipulation is
8 granted, the presiding judge must assign the case for hearing or trial as promptly as
9 possible.

10
11 **Rule 2.1055. Proposed jury instructions**

12
13 (a) * * *

14
15 (b) **Form and format of proposed instructions**

16
17 (1)–(3) * * *

18
19 (4) Each set of proposed jury instructions filed on paper must be bound loosely.

20
21 (c)–(e) * * *

22
23 **Rule 2.1100. Notice when statute or regulation declared unconstitutional**

24
25 Within 10 days after a court has entered judgment in a contested action or special
26 proceeding in which the court has declared unconstitutional a state statute or regulation,
27 the prevailing party, or as otherwise ordered by the court, must ~~mail~~ serve a copy of the
28 judgment and a notice of entry of judgment ~~to~~ on the Attorney General and file a proof of
29 service with the court.

Rules 3.254, 3.524, 3.544, 3.670, 3.815, 3.823, 3.827, 3.931, 3.1010, 3.1109, 3.1110, 3.1113, 3.1202, 3.1300, 3.1302, 3.1304, 3.1320, 3.1326, 3.1327, 3.1330, 3.1340, 3.1346, 3.1347, 3.1350, 3.1351, 3.1354, 3.1590, 3.1700, 3.1900, and 3.2107, of the California Rules of Court would be amended, effective January 1, 2016, to read:

1 **Title 3. Civil Rules**

2
3 **Rule 3.254. List of parties**

4
5 **(a) Duties of first-named plaintiff or petitioner**

6
7 Except as provided under rule 2.251 for electronic service, if more than two parties
8 have appeared in a case and are represented by different counsel, the plaintiff or
9 petitioner named first in the complaint or petition must:

10
11 (1)–(2) * * *

12
13 **(b) Duties of each party**

14
15 Except as provided under rule 2.251 for electronic service, each party must:

16
17 (1)–(3) * * *

18
19 **Rule 3.524. Order assigning coordination motion judge**

20
21 **(a) Contents of order**

22
23 An order by the Chair of the Judicial Council assigning a coordination motion
24 judge to determine whether coordination is appropriate, or authorizing the presiding
25 judge of a court to assign the matter to judicial officers of the court to make the
26 determination in the same manner as assignments are made in other civil cases,
27 must include the following:

28
29 (1) The special title and number assigned to the coordination proceeding; and

30
31 (2) The court's address or electronic service address for submitting all
32 subsequent documents to be considered by the coordination motion judge.

33
34 **(b) * * ***

35
36 **Rule 3.544. Add-on cases**

37
38 **(a) Request to coordinate add-on case**

39
40 A request to coordinate an add-on case must comply with the requirements of rules
41 3.520 through 3.523, except that the request must be submitted to the coordination

1 trial judge under Code of Civil Procedure section 404.4, with proof of ~~mailing~~
2 service of one copy ~~to~~ on the Chair of the Judicial Council and proof of service as
3 required by rule 3.510.
4

5 (b)–(d) * * *

6
7 **Rule 3.670. Telephone appearance**
8

9 (a)–(g) * * *

10
11 **(h) Notice by party**
12

13 (1) Except as provided in (6), a party choosing to appear by telephone at a
14 hearing, conference, or proceeding, other than on an ex parte application,
15 under this rule must either:
16

17 (A) Place the phrase “Telephone Appearance” below the title of the
18 moving, opposing, or reply papers; or
19

20 (B) At least two court days before the appearance, notify the court and all
21 other parties of the party’s intent to appear by telephone. If the notice is
22 oral, it must be given either in person or by telephone. If the notice is in
23 writing, it must be given by filing a “Notice of Intent to Appear by
24 Telephone” with the court at least two court days before the appearance
25 and by serving the notice at the same time on all other parties by
26 personal delivery, fax transmission, express mail, ~~e-mail~~ electronic
27 service if such service is required by local rule or court order or agreed
28 to by the parties, or other means reasonably calculated to ensure
29 delivery to the parties no later than the close of the next business day.
30

31 (2)–(6) * * *

32
33 (i)–(q) * * *

34
35 **Rule 3.815. Selection of the arbitrator**
36

37 (a) * * *

38
39 **(b) Selection absent stipulation or local procedures**
40

41 If the arbitrator has not been selected by stipulation and the court has not adopted
42 local rules or procedures for the selection of the arbitrator as permitted under (c),
43 the arbitrator will be selected as follows:

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(1) * * *

(2) The administrator must select at random a number of names equal to the number of sides, plus one, and ~~mail~~ send the list of randomly selected names to counsel for the parties.

(3) Each side has 10 days from the date of ~~mailing~~ on which the list was sent to file a rejection, in writing, of no more than one name on the list; if there are two or more parties on a side, they must join in the rejection of a single name.

(4)–(5) * * *

(c)–(f) * * *

Rule 3.823. Rules of evidence at arbitration hearing

(a)–(c) * * *

(d) Delivery of documents

For purposes of this rule, “delivery” of a document or notice may be accomplished manually, by electronic means under Code of Civil Procedure section 1010.6 and rule 2.251, or by mail in the manner provided by Code of Civil Procedure section 1013. If service is by electronic means, the times prescribed in this rule for delivery of documents, notices, and demands are increased by two days. If service is by mail, the times prescribed in this rule ~~for delivery of documents, notices, and demands~~ are increased by five days.

Rule 3.827. Entry of award as judgment

(a) * * *

(b) Notice of entry of judgment

Promptly upon entry of the award as a judgment, the clerk must ~~mail~~ serve notice of entry of judgment ~~to~~ on all parties who have appeared in the case and must execute a certificate of ~~mailing~~ service and place it in the court’s file in the case.

(c) * * *

1 **Rule 3.931. Open proceedings, notice of proceedings, and order for hearing site**

2
3 (a) * * *

4
5 (b) **Notice regarding proceedings before referee**

6
7 (1) In each case in which he or she is appointed, a referee must file a statement
8 that provides the name, telephone number, e-mail address, and mailing
9 address of a person who may be contacted to obtain information about the
10 date, time, location, and general nature of all hearings scheduled in matters
11 pending before the referee that would be open to the public if held before a
12 judge. This statement must be filed at the same time as the referee's
13 certification under rule 3.904(a) or 3.924(a). If there is any change in this
14 contact information, the referee must promptly file a revised statement with
15 the court.

16
17 (2) In addition to providing the information required under (1), the statement
18 filed by a referee may also provide the address of a publicly accessible
19 website ~~Web site~~ at which the referee will maintain a current calendar setting
20 forth the date, time, location, and general nature of any hearings scheduled in
21 the matter that would be open to the public if held before a judge.

22
23 (3) * * *

24
25 (c) * * *

26
27 **Rule 3.1010. Oral depositions by telephone, videoconference, or other remote**
28 **electronic means**

29
30 (a) * * *

31
32 (b) **Appearing and participating in depositions**

33
34 Any party may appear and participate in an oral deposition by telephone,
35 videoconference, or other remote electronic means, provided:

36
37 (1) Written notice of such appearance is served by personal delivery, e-mail, or
38 fax at least three court days before the deposition;

39
40 (2) The party so appearing makes all arrangements and pays all expenses
41 incurred for the appearance.
42

1 (c)–(e) * * *

2
3 **Rule 3.1109. Notice of determination of submitted matters**

4
5 **(a) Notice by clerk**

6
7 When the court rules on a motion or makes an order or renders a judgment in a
8 matter it has taken under submission, the clerk must immediately notify the parties
9 of the ruling, order, or judgment. The notification, which must specifically identify
10 the matter ruled on, may be given by servicing electronically or mailing the parties a
11 copy of the ruling, order, or judgment, and it constitutes service of notice only if
12 the clerk is required to give notice under Code of Civil Procedure section 664.5.

13
14 **(b)** * * *

15
16 **(c) Time not extended by failure of clerk to give notice**

17
18 The failure of the clerk to give the notice required by this rule does not extend the
19 time provided by law for performing any act except as provided in rules 8.104(a) or
20 ~~8.824~~ 8.822(a).

21
22 **Rule 3.1110. General format**

23
24 **(a)–(d)** * * *

25
26 **(e) Binding**

27
28 For motions filed on paper, all pages of each document and exhibit must be
29 attached together at the top by a method that permits pages to be easily turned and
30 the entire content of each page to be read.

31
32 **(f) Format of exhibits**

33
34 For motions filed on paper, each exhibit must be separated by a hard 8½ x 11 sheet
35 with hard paper or plastic tabs extending below the bottom of the page, bearing the
36 exhibit designation. For all motions, an index to exhibits must be provided. Pages
37 from a single deposition and associated exhibits must be designated as a single
38 exhibit.

39
40 **(g)** * * *

41
42 **Rule 3.1113. Memorandum**

1 (a)–(h) * * *

2
3 (i) **Copies of authorities**

4
5 (1) A judge may require that if any authority other than California cases, statutes,
6 constitutional provisions, or state or local rules is cited, a copy of the
7 authority must be lodged with the papers that cite the authority and tabbed or
8 separated as required by rule 3.1110(f).

9
10 (2) If a California case is cited before the time it is published in the advance
11 sheets of the Official Reports, the party must include the title, case number,
12 date of decision, and, if from the Court of Appeal, district of the Court of
13 Appeal in which the case was decided. A judge may require that a copy of
14 that case must be lodged and tabbed or separated as required by rule
15 3.1110(f).

16
17 (3) * * *

18
19 (j)–(l) * * *

20
21 (m) **Proposed orders or judgments**

22
23 If a proposed order or judgment is submitted, it must be lodged and served with the
24 moving papers but must not be attached to them. The requirements for proposed
25 orders, including the requirements for submitting proposed orders by electronic
26 means, are stated in rule 3.1312.

27
28 **Rule 3.1202. Contents of application**

29
30 (a) **Identification of attorney or party**

31
32 An ex parte application must state the name, address, e-mail address, and telephone
33 number of any attorney known to the applicant to be an attorney for any party or, if
34 no such attorney is known, the name, address, e-mail address, and telephone
35 number of the party if known to the applicant.

36
37 (b)–(c) * * *

38
39 **Rule 3.1300. Time for filing and service of motion papers**

40
41 (a) **In general**

1 Unless otherwise ordered or specifically provided by law, all moving and
2 supporting papers must be served and filed in accordance with Code of Civil
3 Procedure section 1005 and, when applicable, the statutes and rules providing for
4 electronic filing and service.

5
6 **(b)–(d) * * ***

7
8 **(e) Computation of time**

9
10 A paper submitted before the close of the clerk’s office to the public on the day the
11 paper is due is deemed timely filed. Under rule 2.259(c), a court may provide by
12 local rule that a paper filed electronically before midnight on a court day is deemed
13 filed on that court day.

14
15 **Rule 3.1302. Place and manner of filing**

16
17 **(a) Papers filed in clerk’s office**

18
19 Unless otherwise provided by local rule or specified in a court’s protocol for
20 electronic filing, all papers relating to a law and motion proceeding must be filed in
21 the clerk’s office.

22
23 **(b) Requirements for lodged material**

24
25 Material lodged physically with the clerk must be accompanied by an addressed
26 envelope with sufficient postage for mailing the material. Material lodged
27 electronically must clearly specify the electronic address to which the materials
28 may be returned. After determination of the matter, the clerk may mail or send the
29 material back to the party lodging it.

30
31 **Rule 3.1304. Time of hearing**

32
33 **(a) General schedule**

34
35 The clerk must post electronically and at the courthouse a general schedule
36 showing the days and departments for holding each type of law and motion
37 hearing.

38
39 **(b)–(d) * * ***

40
41 **Rule 3.1320. Demurrers**

1 (a)–(b) * * *

2
3 (c) **Notice of hearing**

4
5 A party filing a demurrer must serve and file therewith a notice of hearing that must
6 specify a hearing date in accordance with the provisions of Code of Civil Procedure
7 section 1005 and, if service is by electronic means, in accordance with the
8 requirements of Code of Civil Procedure section 1010.6(a)(4) and rule 2.251(h)(2).
9

10 (d)–(j) * * *

11
12 **Rule 3.1326. Motions for change of venue**

13
14 Following denial of a motion to transfer under Code of Civil Procedure section 396b,
15 unless otherwise ordered, 30 calendar days are deemed granted defendant to move to
16 strike, demur, or otherwise plead if the defendant has not previously filed a response. If a
17 motion to transfer is granted, 30 calendar days are deemed granted from the date the
18 receiving court ~~mails~~ sends notice of receipt of the case and its new case number.
19

20 **Rule 3.1327. Motions to quash or to stay action in summary proceeding involving**
21 **possession of real property**

22
23 (a) **Notice**

24
25 In an unlawful detainer action or other action brought under chapter 4 of title 3 of
26 part 3 of the Code of Civil Procedure (commencing with section 1159), notice of a
27 motion to quash service of summons on the ground of lack of jurisdiction or to stay
28 or dismiss the action on the ground of inconvenient forum must be given in
29 compliance with Code of Civil Procedure sections 1010.6 or 1013 and 1167.4.
30

31 (b) * * *

32
33 (c) **Written opposition in advance of hearing**

34
35 If a party seeks to have a written opposition considered in advance of the hearing,
36 the written opposition must be filed and served on or before the court day before
37 the hearing. Service must be by personal delivery, electronic service, fax ~~faesimile~~
38 transmission, express mail, or other means consistent with Code of Civil Procedure
39 sections 1010, 1010.6, 1011, 1012, and 1013, and reasonably calculated to ensure
40 delivery to the other party or parties no later than the close of business on the court
41 day before the hearing. The court, in its discretion, may consider written opposition
42 filed later.
43

1 **Rule 3.1330. Motion concerning arbitration**

2
3 A petition to compel arbitration or to stay proceedings pursuant to Code of Civil
4 Procedure sections 1281.2 and 1281.4 must state, in addition to other required
5 allegations, the provisions of the written agreement and the paragraph that provides for
6 arbitration. The provisions must be stated verbatim or a copy must be physically or
7 electronically attached to the petition and incorporated by reference.
8

9 **Rule 3.1340. Motion for discretionary dismissal after two years for delay in**
10 **prosecution**

11
12 (a) * * *

13
14 (b) **Notice of court’s intention to dismiss**

15
16 If the court intends to dismiss an action on its own motion, the clerk must set a
17 hearing on the dismissal and ~~mail~~ send notice to all parties at least 20 days before
18 the hearing date.
19

20 (c) * * * *

21
22 **Rule 3.1346. Service of motion papers on nonparty deponent**

23
24 A written notice and all moving papers supporting a motion to compel an answer to a
25 deposition question or to compel production of a document or tangible thing from a
26 nonparty deponent must be personally served on the nonparty deponent unless the
27 nonparty deponent agrees to accept service by mail or electronic service at an address or
28 electronic service address specified on the deposition record.
29

30 **Rule 3.1347. Discovery motions in summary proceeding involving possession of real**
31 **property**

32
33 (a) **Notice**

34
35 In an unlawful detainer action or other action brought under chapter 4 of title 3 of
36 part 3 of the Code of Civil Procedure (commencing with section 1159), notice of a
37 discovery motion must be given in compliance with Code of Civil Procedure
38 sections 1010.6 or 1013 and 1170.8.
39

40 (b) * * *

41
42 (c) **Written opposition in advance of hearing**

43

1 If a party seeks to have a written opposition considered in advance of the hearing,
2 the written opposition must be served and filed on or before the court day before
3 the hearing. Service must be by personal delivery, electronic service, fax ~~facsimile~~
4 transmission, express mail, or other means consistent with Code of Civil Procedure
5 sections 1010, 1010.6, 1011, 1012, and 1013, and reasonably calculated to ensure
6 delivery to the other party or parties no later than the close of business on the court
7 day before the hearing. The court, in its discretion, may consider written opposition
8 filed later.

9
10 **Rule 3.1350. Motion for summary judgment or summary adjudication**

11
12 **(a)–(d) * * ***

13
14 **(e) Documents in opposition to motion**

15
16 Except as provided in Code of Civil Procedure section 437c(r) and rule 3.1351, the
17 opposition to a motion must consist of the following separate documents,
18 ~~separately stapled and~~ titled as shown:

19
20 **(1)–(4) * * ***

21
22 **(f)–(i) * * ***

23
24 **Rule 3.1351. Motions for summary judgment in summary proceeding involving**
25 **possession of real property**

26
27 **(a) Notice**

28
29 In an unlawful detainer action or other action brought under chapter 4 of title 3 of
30 part 3 of the Code of Civil Procedure (commencing with section 1159), notice of a
31 motion for summary judgment must be given in compliance with Code of Civil
32 Procedure sections 1010.6 or 1013 and 1170.7.

33
34 **(b) * * ***

35
36 **(c) Written opposition in advance of hearing**

37
38 If a party seeks to have a written opposition considered in advance of the hearing,
39 the written opposition must be filed and served on or before the court day before
40 the hearing. Service must be by personal delivery, electronic service, fax ~~facsimile~~
41 transmission, express mail, or other means consistent with Code of Civil Procedure
42 sections 1010, 1010.6, 1011, 1012, and 1013, and reasonably calculated to ensure
43 delivery to the other party or parties no later than the close of business on the court

1 day before the hearing. The court, in its discretion, may consider written opposition
2 filed later.

3

4 **Rule 3.1354. Written objections to evidence**

5

6 **(a)–(b) * * ***

7

8 **(c) Proposed order**

9

10 A party submitting written objections to evidence must submit with the objections a
11 proposed order. The proposed order must include places for the court to indicate
12 whether it has sustained or overruled each objection. It must also include a place
13 for the signature of the judge. The court may require that the proposed order be
14 provided in electronic form. The proposed order must be in one of the following
15 two formats:

16

17 *(First Format):*

18

Objections to Jackson Declaration

19

20

Objection Number 1

21

22 “Johnson told me that no widgets were ever received.” (Jackson declaration, page 3, lines
23 7–8.)

24

25 **Grounds for Objection 1:** Hearsay (Evid. Code, § 1200); lack of personal knowledge
26 (Evid. Code, § 702(a)).

27

Court’s Ruling on Objection 1:	Sustained: _____ Overruled: _____
---------------------------------------	--------------------------------------

28

29

30

Objection Number 2

31

32

33

34

“A lot of people find widgets to be very useful.” (Jackson declaration, page 17, line 5.)

Grounds for Objection 2: Irrelevant (Evid. Code, §§ 210, 350–351).

Court’s Ruling on Objection 2:	Sustained: _____ Overruled: _____
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39

(Second Format):

Objections to Jackson Declaration

Material Objected to:	Grounds for Objection:	Ruling on the Objection
1. Jackson declaration, page 3, lines 7–8: “Johnson told me that no widgets were ever received.”	Hearsay (Evid. Code, § 1200); lack of personal knowledge (Evid. Code, § 702(a)).	Sustained: _____ Overruled: _____
2. Jackson declaration, page 17, line 5: “A lot of people find widgets to be very useful.”	Irrelevant (Evid. Code, §§ 210, 350–351).	Sustained: _____ Overruled: _____
Date:	_____	_____ Judge

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Rule 3.1590. Announcement of tentative decision, statement of decision, and judgment

(a)–(k) * * *

(l) Signature and filing of judgment

If a written judgment is required, the court must sign and file the judgment within 50 days after the announcement or service of the tentative decision, whichever is later, or, if a hearing was held under (k), within 10 days after the hearing. An electronic signature by the court is as effective as an original signature. The judgment constitutes the decision on which judgment is to be entered under Code of Civil Procedure section 664.

(m)–(n) ***

Rule 3.1700. Prejudgment costs

(a) Claiming costs

(1) *Trial costs*

1 A prevailing party who claims costs must serve and file a memorandum of
2 costs within 15 days after the date of ~~mailing~~ service of the notice of entry of
3 judgment or dismissal by the clerk under Code of Civil Procedure section
4 664.5 or the date of service of written notice of entry of judgment or
5 dismissal, or within 180 days after entry of judgment, whichever is first. The
6 memorandum of costs must be verified by a statement of the party, attorney,
7 or agent that to the best of his or her knowledge the items of cost are correct
8 and were necessarily incurred in the case.

9
10 (2) * * *

11
12 **(b) Contesting costs**

13
14 (1) *Striking and taxing costs*

15
16 Any notice of motion to strike or to tax costs must be served and filed 15
17 days after service of the cost memorandum. If the cost memorandum was
18 served by mail, the period is extended as provided in Code of Civil Procedure
19 section 1013. If the cost memorandum was served electronically, the period is
20 extended as provided in Code of Civil Procedure section 1010.6(a)(4).

21
22 (2)-(4) * * *

23
24 **Rule 3.1900. Notice of renewal of judgment**

25
26 A copy of the application for renewal of judgment must be physically or electronically
27 attached to the notice of renewal of judgment required by Code of Civil Procedure
28 section 683.160.

29
30 **Rule 3.2107. Request for court order**

31
32 **(a) Request before trial**

33
34 If a party files a written request for a court order before the hearing on the claim,
35 the requesting party must mail, ~~or~~ personally deliver, or if agreed on by the parties
36 electronically serve a copy to all other parties in the case. The other parties must be
37 given an opportunity to answer or respond to the request before or at the hearing.
38 This subdivision does not apply to a request to postpone the hearing date if the
39 plaintiff's claim has not been served.

40
41 **(b) Request after trial**

1 If a party files a written request for a court order after notice of entry of judgment,
2 the clerk must ~~mail~~ send a copy of the request to all other parties in the action. A
3 party has 10 calendar days from the date on which the clerk ~~mailed~~ sent the request
4 to file a response before the court makes an order. The court may schedule a
5 hearing on the request, except that if the request is to vacate the judgment for lack
6 of appearance by the plaintiff, the court must hold a hearing. The court may give
7 notice of any scheduled hearing with notice of the request, but the hearing must be
8 scheduled at least 11 calendar days after the clerk has ~~mailed~~ sent the request.

Rule 4.102 of the California Rules of Court would be amended, effective January 1, 2016, to read:

Title 4. Criminal Rules

Rule 4.102. Uniform bail and penalty schedules—traffic, boating, fish and game, forestry, public utilities, parks and recreation, business licensing

The Judicial Council of California has established the policy of promulgating uniform bail and penalty schedules for certain offenses in order to achieve a standard of uniformity in the handling of these offenses.

In general, bail is used to ensure the presence of the defendant before the court. Under Vehicle Code sections 40512 and 13103, bail may also be forfeited and forfeiture may be ordered without the necessity of any further court proceedings and be treated as a conviction for specified Vehicle Code offenses. A penalty in the form of a monetary sum is a fine imposed as all or a portion of a sentence imposed.

To achieve substantial uniformity of bail and penalties throughout the state in traffic, boating, fish and game, forestry, public utilities, parks and recreation, and business licensing cases, the trial court judges, in performing their duty under Penal Code section 1269b to annually revise and adopt a schedule of bail and penalties for all misdemeanor and infraction offenses except Vehicle Code infractions, must give consideration to the Uniform Bail and Penalty Schedules approved by the Judicial Council. The Uniform Bail and Penalty Schedule for infraction violations of the Vehicle Code will be established by the Judicial Council in accordance with Vehicle Code section 40310. Judges must give consideration to requiring additional bail for aggravating or enhancing factors.

After a court adopts a countywide bail and penalty schedule, under Penal Code section 1269b, the court must, as soon as practicable, mail or e-mail a copy of the schedule to the Judicial Council with a report stating how the revised schedule differs from the council's uniform traffic bail and penalty schedule, uniform boating bail and penalty schedule, uniform fish and game bail and penalty schedule, uniform forestry bail and penalty schedule, uniform public utilities bail and penalty schedule, uniform parks and recreation bail and penalty schedule, or uniform business licensing bail and penalty schedule.

The purpose of this uniform bail and penalty schedule is to:

(1)–(2) * * *

Rules 5.50, 5.83, 5.91, 5.215, 5.242, 5.275, 5.534 and 5.906 of the California Rules of Court would be amended, effective January 1, 2016, to read:

Title 5. Family and Juvenile Rules

Rule 5.50. Papers issued by the court

(a) * * *

(b) **Automatic temporary family law restraining order in summons; handling by clerk**

Under Family Code section 233, in proceedings for dissolution, legal separation, or nullity of a marriage or domestic partnership and in parentage proceedings, the clerk of the court must issue a summons that includes automatic temporary (standard) restraining orders ~~on the reverse side of the summons.~~

(1)–(2) * * *

(c) **Individual restraining order**

(1) On application of a party and as provided in the Family Code, a court may issue any individual restraining order that appears to be reasonable or necessary, including those automatic temporary restraining orders in (b) ~~included on the back of~~ in the family law summons under Family Code section 233.

(2) Individual restraining orders supersede the standard family law restraining orders ~~on the back of~~ in the Family Law and Uniform Parentage Act summonses.

Rule 5.83. Family centered case resolution

(a)–(c) * * *

(d) **Family centered case resolution conferences**

(1)–(4) * * *

(5) Nothing in this rule prohibits an employee of the court from reviewing the file and notifying the parties of any deficiencies in their paperwork before the parties appear in front of a judicial officer at a family centered case resolution conference. This type of assistance can occur by telephone, in person, ~~or~~ in writing, or by other means approved by the court, on or before each scheduled family centered case resolution conference. However, this type of procedural assistance is not intended to replace family centered case resolution plan management or to create a barrier to litigants' access to a judicial officer.

1 (e)–(g) * * *

2
3 **Rule 5.91. Individual restraining order**

4
5 On a party’s request for order and as provided in the Family Code, a court may issue any
6 individual restraining order that appears to be reasonable or necessary, including those
7 automatic temporary restraining orders included ~~on the back of~~ in the family law
8 summons. Individual orders supersede the standard family law restraining orders ~~on the~~
9 ~~back of~~ in the Family Law and Uniform Parentage Act summonses.

10
11 **Rule 5.215. Domestic violence protocol for Family Court Services**

12
13 (a)–(c) * * *

14
15 **(d) Family Court Services: Description and duties**

16
17 (1)–(4) * * *

18
19 (5) *Providing information*

20
21 Family Court Services staff must provide information to families accessing
22 their services about the effects of domestic violence on adults and children.
23 Family Court Services programs, including but not limited to orientation
24 programs, must provide information and materials that describe Family Court
25 Services policy and procedures with respect to domestic violence. ~~Where~~
26 Whenever possible, the videotapes provided information delivered in video
27 or audiovisual format should be closed-captioned.

28
29 (6)–(8) * * *

30
31 (e)–(j) * * *

32
33 **Rule 5.242. Qualifications, rights, and responsibilities of counsel appointed to**
34 **represent a child in family law proceedings**

35
36 (a)–(j) * * *

37
38 **(k) Other considerations**

39
40 Counsel is not required to assume the responsibilities of a social worker, probation
41 officer, child custody evaluator, or mediator and is not expected to provide
42 nonlegal services to the child. Subject to the terms of the court’s order of
43 appointment, counsel for a child may take the following actions to implement his or
44 her statutory duties in representing a child in a family law proceeding:

45
46 (1)–(3) * * *

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(4) Conduct thorough, continuing, and independent investigations and discovery to protect the child’s interest, which may include:

(A)–(F) * * *

(G) Reviewing relevant photographs, video or audiotapes recordings, and other evidence;

(H)–(L) * * *

(5) * * *

Rule 5.275. Standards for computer software to assist in determining support

(a)–(f) * * *

(g) Definitions

As used in this rule chapter:

(1) “Software” refers to any program or digital application used to calculate the appropriate amount of child or spousal support.

~~(1)~~(2) “Default settings” refers to the status in which the software first starts when it is installed on a computer system. The software may permit the default settings to be changed by the user, either on a temporary or a permanent basis, if (1) the user is permitted to change the settings back to the default without reinstalling the software, (2) the computer screen prominently indicates whether the software is set to the default settings, and (3) any printout from the software prominently indicates whether the software is set to the default settings.

~~(2)~~(3) “Contains” means, with reference to software, that the material is either displayed by the program code itself or is found in written documents supplied with the software.

(h)–(j) * * *

Rule 5.534. General provisions—all proceedings

(a)–(m) * * *

(n) Caregiver notice and right to be heard (§§ 290.1–297, 366.21)

For cases filed under section 300 et seq.:

1 (1)–(5) * * *

2
3 (6) When form JV-290 or a caregiver letter is filed, the court clerk must provide
4 the social worker, all unrepresented parties and all attorneys with a copy of
5 the completed form or letter immediately upon receipt. The clerk also must
6 complete, file, and distribute *Proof of Service—Juvenile* (form JV-510). The
7 clerk may use any technology designed to speed the distribution process,
8 including drop boxes in the courthouse, e-mail ~~or~~, fax, or other electronic
9 transmission, as defined in rule 2.250, to distribute the JV-290 form or letter
10 and proof of service form.

11
12 (o)–(p) * * *

13
14 **Rule 5.906. Request by nonminor for the juvenile court to resume jurisdiction**
15 **(§§ 224.1(b), 303, 388(e))**

16
17 (a)–(b) * * *

18
19 (c) **Filing the request**

20
21 (1) * * *

22
23 (2) For the convenience of the nonminor, the form JV-466 and, if the nonminor
24 wishes to keep his or her contact information confidential, the *Confidential*
25 *Information—Request to Return to Juvenile Court Jurisdiction and Foster*
26 *Care* (form JV-468) may be:

27
28 (A) Filed with the juvenile court that maintained general jurisdiction; or

29
30 (B) Submitted to the juvenile court in the county in which the nonminor
31 currently resides, after which:

32
33 (i) The court clerk must record the date and time received on the
34 face of the originals submitted and provide a copy of the originals
35 marked as received to the nonminor at no cost to ~~the~~ him or her.

36
37 (ii)–(v) * * *

38
39 (C) * * *

40
41 (3)–(5) * * *

42
43 (d)–(i) * * *

Rule 7.802 of the California Rules of Court would be adopted, effective January 1, 2016, to read:

1 **Title 7. Probate Rules**

2
3 **Chapter 17. Contested Hearings and Trials**

4
5 **Rule 7.802. Electronic filing and service in contested probate proceedings**

6
7 The provisions of Code of Civil Procedure 1010.6 and rules 2.250–2.261 of the
8 California Rules of Court concerning filing and service by electronic means apply to
9 contested proceedings under the Probate Code and the Probate Rules to the same extent
10 as they apply to other contested civil proceedings in each superior court in this state.

Rules 8.10, 8.40, 8.42, 8.44, 8.45, 8.46, 8.47, 8.50, 8.100, 8.104, 8.108, 8.112, 8.122, 8.123, 8.124, 8.128, 8.130, 8.137, 8.140, 8.144, 8.147, 8.150, 8.204, 8.208, 8.212, 8.220, 8.224, 8.248, 8.252, 8.264, 8.272, 8.278, 8.304, 8.308, 8.336, 8.344, 8.346, 8.360, 8.380, 8.384, 8.385, 8.386, 8.405, 8.406, 8.411, 8.412, 8.474, 8.482, 8.486, 8.488, 8.495, 8.496, 8.498, 8.504, 8.512, 8.540, 8.548, 8.610, 8.616, 8.630, 8.702, 8.703, 8.800, 8.803, 8.804, 8.806, 8.814, 8.821, 8.822, 8.823, 8.824, 8.832, 8.833, 8.834, 8.835, 8.838, 8.840, 8.842, 8.843, 8.852, 8.853, 8.862, 8.864, 8.866, 8.868, 8.870, 8.872, 8.874, 8.881, 8.882, 8.883, 8.888, 8.890, 8.891, 8.901, 8.902, 8.911, 8.915, 8.917, 8.919, 8.921, 8.922, 8.924, 8.926, 8.927, 8.928, 8.931, and 8.1018 of the California Rules of Court would be amended, and rule 8.11 would be adopted, effective January 1, 2016, to read:

Title 8. Appellate Rules

Rule 8.10. Definitions and use of terms

Unless the context or subject matter requires otherwise, the definitions and use of terms in rule 1.6 apply to these rules. In addition, the following apply:

(1)–(7) * * *

(8) The words “attach” or “attachment” may refer to either physical attachment or electronic attachment, as appropriate.

(9) The words “copy” or “copies” may refer to electronic copies, as appropriate.

(10) The word “cover” includes the cover page of a document filed electronically.

(11) “Written” and “writing” include electronically created written materials, whether or not those materials are printed on paper.

Rule 8.11. Scope of rules

These rules apply to documents filed and served electronically as well as in paper form, unless otherwise provided.

Rule 8.40. Form of filed documents

(a) * * *

(b) Cover color

(1) As far as practicable, the covers of briefs and petitions filed in paper form must be in the following colors:

Appellant’s opening brief or appendix	green
Respondent’s brief or appendix	yellow
Appellant’s reply brief or appendix	tan
Joint appendix	white
Amicus curiae brief	gray
Answer to amicus curiae brief	blue

1	Petition for rehearing	orange
2	Answer to petition for rehearing	blue
3	Petition for original writ	red
4	Answer (or opposition) to petition for original writ	red
5	Reply to answer (or opposition) to petition for original writ	red
6	Petition for transfer of appellate division case to Court	white
7	of Appeal	
8	Answer to petition for transfer of appellate division case	blue
9	to Court of Appeal	
10	Petition for review	white
11	Answer to petition for review	blue
12	Reply to answer to petition for review	white
13	Opening brief on the merits	white
14	Answer brief on the merits	blue
15	Reply brief on the merits	white

16
17
18 (2) In appeals under rule 8.216, the cover of a combined respondent’s brief and
19 appellant’s opening brief filed in paper form must be yellow, and the cover of a
20 combined reply brief and respondent’s brief filed in paper form must be tan.

21
22 (3) * * *

23
24 (c) * * *

25
26 **Rule 8.42. Requirements for signatures of multiple parties on filed documents**

27
28 When a document to be filed, in paper form, such as a stipulation, requires the signatures of
29 multiple parties, the original signature of at least one party must appear on the document filed in
30 the reviewing court; the other signatures may be in the form of copies of the signed signature
31 page of the document. Electronically filed documents must comply with the relevant provisions
32 of rule 8.77.

33
34 **~~Advisory Committee Comment~~**

35
36 ~~Please note that rule 8.77 establishes different requirements for documents that are electronically filed.~~

37
38 **Rule 8.44. Number of copies of filed documents**

39
40 ~~Except as these rules provide otherwise, the number of copies of every brief, petition, motion,~~
41 ~~application, or other document that must be filed in a reviewing court is as follows:~~

42
43 (a) **Documents filed in the Supreme Court**

44
45 Except as these rules provide otherwise, the number of copies of every brief, petition,
46 motion, application, or other document that must be filed in the Supreme Court and that is
47 filed in paper form is as follows:

1
2 (1)–(6) * * *

3
4 **(b) Documents filed in a Court of Appeal**

5
6 Except as these rules provide otherwise, the number of copies of every brief, petition,
7 motion, application, or other document that must be filed in a Court of Appeal and that is
8 filed in paper form is as follows:

9
10 (1)–(7) * * *

11
12 **(c) Electronic copies**

13
14 A court that permits electronic filing will specify any requirements regarding
15 electronically filed documents in the electronic filing requirements published pursuant to
16 rule 8.74. In addition, a court may provide by local rule for the submission of an electronic
17 copy of a document that is not electronically filed either in addition to the copies of a
18 document required to be filed under (a) or (b) or as a substitute for one or more of these
19 copies. The local rule must specify the format of the electronic copy and provide for an
20 exception if it would cause undue hardship for a party to submit an electronic copy.

21
22 **Rule 8.45. General provisions**

23
24 **(a)** * * *

25
26 **(b) Definitions**

27
28 As used in this article:

29
30 (1) “Record” means all or part of a document, paper, exhibit, transcript, or other thing
31 filed or lodged with the court by electronic means or otherwise.

32
33 (2)–(7) * * *

34
35 **(c) Format of sealed and confidential records**

36
37 (1) Unless otherwise provided by law or court order, sealed or confidential records that
38 are part of the record on appeal or the supporting documents or other records
39 accompanying a motion, petition for a writ of habeas corpus, other writ petition, or
40 other filing in the reviewing court must be kept separate from the rest of a clerk’s or
41 reporter’s transcript, appendix, supporting documents, or other records sent to the
42 reviewing court and in a secure manner that preserves their confidentiality.

43
44 (A)–(D) * * *

45
46 (2) * * *

1
2 (3) Records relating to a request for funds under Penal Code section 987.9 or other
3 proceedings the occurrence of which is not to be disclosed under the court order or
4 applicable law must not be bound together with, or electronically transmitted as a
5 single document with, other sealed or confidential records and must not be listed in
6 the index required under (1)(D) or the alphabetical or chronological indexes to a
7 clerk’s or reporter’s transcript, appendix, supporting documents to a petition, or other
8 records sent to the reviewing court.
9

10 (d) * * *

11
12 **Rule 8.46. Sealed records**

13
14 (a)–(c) * * *

15
16 (d) **Record not filed in the trial court; motion or application to file under seal**

17
18 (1)–(2) * * *

19
20 (3) To lodge a record, the party must transmit the record to the court in a secure manner
21 that preserves the confidentiality of the record to be lodged. The record must be
22 transmitted separate from the rest of a clerk’s or reporter’s transcript, appendix,
23 supporting documents, or other records sent to the reviewing court with a cover sheet
24 that complies with rule 8.40(c) and labels the contents as “CONDITIONALLY
25 UNDER SEAL.” If the record is in paper format, it must be placed in a sealed
26 envelope or other appropriate sealed container.
27

28 (4)–(9) * * *

29
30 (e) **Unsealing a record in the reviewing court**

31
32 (1)–(2) * * *

33
34 (3) If the reviewing court proposes to order a record unsealed on its own motion, the
35 court must send mail notice to the parties. Unless otherwise ordered by the court, any
36 party may serve and file an opposition within 10 days after the notice is sent mailed,
37 and any other party may serve and file a response within 5 days after an opposition is
38 filed.
39

40 (4)–(7) * * *

41
42 (f) * * *

43
44 **Rule 8.47. Confidential records**
45

1 (a) * * *

2
3 (b) **Records of *Marsden* hearings and other in-camera proceedings**

4
5 (1)–(2) * * *

6
7 (3) A defendant may serve and file a motion or application in the reviewing court
8 requesting permission to file under seal a brief, petition, or other filing that raises a
9 *Marsden* issue or an issue related to another in-camera hearing covered by this
10 subdivision and requesting an order maintaining the confidentiality of the relevant
11 material from the reporter’s transcript of or documents filed or lodged in connection
12 with the in-camera hearing.

13
14 (A)–(B) * * *

15
16 (C) At the time the motion or application is filed, the defendant must:

17
18 (i) * * *

19
20 (ii) Lodge an unredacted version of the brief, petition, or other filing that he
21 or she is requesting be filed under seal. The filing must be transmitted in
22 a secure manner that preserves the confidentiality of the filing being
23 lodged. If this version is in paper format, it must be placed in a sealed
24 envelope or other appropriate sealed container. The cover of the
25 unredacted version of the document, and if applicable the envelope or
26 other container, must identify it as “May Not Be Examined Without
27 Court Order—Contains material from conditionally sealed record.”

28
29 (D) * * *

30
31 (c) **Other confidential records**

32
33 Except as otherwise provided by law or order of the reviewing court:

34
35 (1) * * *

36
37 (2) To maintain the confidentiality of material contained in a confidential record, if it is
38 necessary to disclose such material in a filing in the reviewing court, a party may
39 serve and file a motion or application in the reviewing court requesting permission
40 for the filing to be under seal.

41
42 (A)–(B) * * *

43
44 (C) At the time the motion or application is filed, the party must:

45
46 (i) * * *

1
2 (ii) Lodge an unredacted version of the brief, petition, or other filing that he
3 or she is requesting be filed under seal. The filing must be transmitted in
4 a secure manner that preserves the confidentiality of the filing being
5 lodged. If this version is in paper format, it must be placed in a sealed
6 envelope or other appropriate sealed container. The cover of the
7 unredacted version of the document, and if applicable the envelope or
8 other container, must identify it as “May Not Be Examined Without
9 Court Order—Contains material from conditionally sealed record.”
10 Material from a confidential record disclosed in this version must be
11 identified and accompanied by a citation to the statute, rule of court,
12 case, or other authority establishing that the record is required by law to
13 be closed to inspection in the reviewing court.
14

15 (D) * * *

16
17 **Rule 8.50. Applications**

18
19 (a)–(b) * * *

20
21 (e) — **Envelopes**

22
23 ~~An application to a Court of Appeal must be accompanied by addressed, postage prepaid~~
24 ~~envelopes for the clerk’s use in mailing copies of the order on the application to all parties.~~
25

26 (d)(c) **Disposition** * * *

27
28 **Rule 8.100. Filing the appeal**

29
30 (a) * * *

31
32 (b) **Fee and deposit**

33
34 (1) Unless otherwise provided by law, the notice of appeal must be accompanied by the
35 \$775 filing fee under Government Code sections 68926 and 68926.1(b), an
36 application for a waiver of court fees and costs on appeal under rule 8.26, or an order
37 granting such an application. The fee ~~should~~ may be paid by check or money order
38 payable to “Clerk, Court of Appeal”; if the fee is paid in cash, the clerk must give a
39 receipt. The fee may also be paid by any method permitted by the court pursuant to
40 rules 2.258 and 8.78.
41

42 (2)–(3) * * *

43
44 (c)–(d) * * *

1 (e) **Superior court clerk’s duties**

2
3 (1) The superior court clerk must promptly ~~mail~~ send a notification of the filing of the
4 notice of appeal to the attorney of record for each party, to any unrepresented party,
5 and to the reviewing court clerk.

6
7 (2) The notification must show the date it was ~~mailed~~ sent and must state the number
8 and title of the case and the date the notice of appeal was filed. If the information is
9 available, the notification must include:

10
11 (A) The name, address, telephone number, e-mail address, and California State Bar
12 number of each attorney of record in the case;

13
14 (B) * * *

15
16 (C) The name, address, ~~and~~ telephone number and e-mail address of any
17 unrepresented party.

18
19 (3) * * *

20
21 (4) The ~~mailing~~ sending of a notification under (1) is a sufficient performance of the
22 clerk’s duty despite the death of the party or the discharge, disqualification,
23 suspension, disbarment, or death of the attorney.

24
25 (5)–(6) * * *

26
27 (f) * * *

28
29 (g) **Civil case information statement**

30
31 (1) Within 15 days after the superior court clerk ~~mails~~ sends the notification of the filing
32 of the notice of appeal required by (e)(1), the appellant must serve and file in the
33 reviewing court a completed *Civil Case Information Statement* (form APP-004),
34 attaching a copy of the judgment or appealed order that shows the date it was
35 entered.

36
37 (2) If the appellant fails to timely file a case information statement under (1), the
38 reviewing court clerk must notify the appellant ~~by mail~~ in writing that the appellant
39 must file the statement within 15 days after the clerk’s notice is ~~mailed~~ sent and that
40 if the appellant fails to comply, the court may either impose monetary sanctions or
41 dismiss the appeal. If the appellant fails to file the statement as specified in the
42 notice, the court may impose the sanctions specified in the notice.

43
44 **Advisory Committee Comment**

45
46 **Subdivision (a).** * * *

1 **Subdivision (b).** * * *

2
3 **Subdivision (c)(2).** * * *

4
5 **Subdivision (e).** Under subdivision (e)(2), a notification of the filing of a notice of appeal must show the
6 date that the clerk ~~mailed~~ sent the document. This provision is intended to establish the date when the 20-
7 day extension of the time to file a cross-appeal under rule 8.108(e) begins to run.

8
9 Subdivision (e)(1) requires the clerk to ~~mail~~ send a notification of the filing of the notice of appeal to the
10 appellant’s attorney or to the appellant if unrepresented. Knowledge of the date of that notification allows
11 the appellant’s attorney or the appellant to track the running of the 20-day extension of time to file a
12 cross-appeal under rule 8.108(e).

13
14 **Rule 8.104. Time to appeal**

15
16 **(a) Normal time**

17
18 (1) Unless a statute, rule 8.108, or rule 8.702 provides otherwise, a notice of appeal must
19 be filed on or before the earliest of:

20
21 (A) 60 days after the superior court clerk serves on the party filing the notice of
22 appeal a document entitled “Notice of Entry” of judgment or a filed-
23 ~~stamped~~ endorsed copy of the judgment, showing the date either was served;

24
25 (B) 60 days after the party filing the notice of appeal serves or is served by a party
26 with a document entitled “Notice of Entry” of judgment or a filed-
27 ~~stamped~~ endorsed copy of the judgment, accompanied by proof of service; or

28
29 (C) * * *

30
31 (2) * * *

32
33 (3) If the parties stipulated in the trial court under Code of Civil Procedure section
34 1019.5 to waive notice of the court order being appealed, the time to appeal under
35 (1)(C) applies unless the court or a party serves notice of entry of judgment or a
36 filed-~~stamped~~ endorsed copy of the judgment to start the time period under (1)(A) or
37 (B).

38
39 **(b)–(e)** * * *

40
41 **Rule 8.108. Extending the time to appeal**

42
43 **(a)–(e)** * * *

44
45 **(f) Public entity actions under Government Code section 962, 984, or 985**

1 If a public entity defendant serves and files a valid request for a mandatory settlement
2 conference on methods of satisfying a judgment under Government Code section 962, an
3 election to pay a judgment in periodic payments under Government Code section 984 and
4 rule 3.1804, or a motion for a posttrial hearing on reducing a judgment under Government
5 Code section 985, the time to appeal from the judgment is extended for all parties until the
6 earliest of:

7
8 (1) 90 days after the superior court clerk serves the party filing the notice of appeal with
9 a document entitled “Notice of Entry” of judgment, or a filed ~~stamped~~ endorsed copy
10 of the judgment, showing the date either was served;

11
12 (2) 90 days after the party filing the notice of appeal serves or is served by a party with a
13 document entitled “Notice of Entry” of judgment or a filed ~~stamped~~ endorsed copy of
14 the judgment, accompanied by proof of service; or

15
16 (3) * * *

17
18 **(g)–(h)** * * *

19
20 **Rule 8.112. Petition for writ of supersedeas**

21
22 **(a) Petition**

23
24 (1)–(3) * * *

25
26 (4) If the record has not been filed in the reviewing court:

27
28 (A)–(B) * * *

29
30 (C) The documents listed in (B) must comply with the following requirements:

31
32 (i) If filed in paper form, they must be bound together at the end of the
33 petition or in separate volumes not exceeding 300 pages each. The pages
34 must be consecutively numbered;

35
36 (ii) If filed in paper form, they must be index-tabbed by number or letter,
37 and

38
39 (iii) They must begin with a table of contents listing each document by its
40 title and its index ~~tab~~ number or letter.

41
42 (5) * * *

43
44 **(b)–(d)** * * *

1
2 **Rule 8.122. Clerk’s transcript**

3
4 (a)–(d) * * *

5
6 **Advisory Committee Comment**

7
8 **Subdivision (a).** * * *

9
10 **Subdivision (b).** * * *

11
12 **Subdivision (c).** The provisions of this rule, together with rule 8.144, allow the clerk’s transcript to be in
13 electronic form, when permitted under the reviewing court’s local rules.

14
15 Under subdivision (c)(2), a clerk who sends a notice under subdivision (c)(1) must include a certificate
16 stating the date on which the clerk sent it. This provision is intended to establish the date when the 10-day
17 period for depositing the cost of the clerk’s transcript under this rule begins to run.

18
19 The superior court will make the determination on any application to waive the fees for preparing,
20 certifying, copying, and transmitting the clerk’s transcript.

21
22 **Subdivision (d).** * * *

23
24 **Rule 8.123. Record of administrative proceedings**

25
26 (a)–(b) * * *

27
28 (c) **Transmittal to the reviewing court**

29
30 Except as provided in (d), if any administrative record is designated by a party, the
31 superior court clerk must transmit the original administrative record, or electronic
32 administrative record, with any clerk’s or reporter’s transcript sent to the reviewing court
33 under rule 8.150. If the appellant has elected under rule 8.121 to use neither a clerk’s
34 transcript nor a reporter’s transcript, the superior court clerk must transmit any
35 administrative record designated by a party to the reviewing court no later than 45 days
36 after the respondent files a designation under (b)(2) or the time for filing it expires,
37 whichever first occurs.

38
39 (d)–(e) * * *

40
41 **Rule 8.124. Appendixes**

42
43 (a)–(b) * * *

44
45 (c) **Document or exhibit held by other party**

1 If a party preparing an appendix wants it to contain a copy of a document or an exhibit in
2 the possession of another party:

3
4 (1)–(2) * * *

5
6 (3) If the party possessing the document or exhibit sends it to the requesting party non-
7 electronically, that party must copy and return it to the possessing party within 10
8 days after receiving it.

9
10 (4) * * *

11
12 (5) On request, the reviewing court may return a document or an exhibit to the party that
13 sent it non-electronically. When the remittitur issues, the reviewing court must return
14 all documents or exhibits to the party that sent them, if they were sent non-
15 electronically.

16
17 **(d) Form of appendix**

18
19 (1) An appendix must comply with the requirements of rule 8.144(ab)–(ed) for a clerk’s
20 transcript.

21
22 (2) * * *

23
24 (3) An appendix must not be bound or transmitted electronically as one document with a
25 brief.

26
27 **(e)–(g) * * ***

28
29 **Rule 8.128. Superior court file instead of clerk’s transcript**

30
31 **(a) * * ***

32
33 **(b) Cost estimate; preparation of file; transmittal**

34
35 (1) Within 10 days after a stipulation under (a) is filed, the superior court clerk must
36 send mail the appellant an estimate of the cost to prepare the file, including the cost
37 of sending the index under (3). The appellant must deposit the cost or file an
38 application for, or an order granting, a waiver of the cost within 10 days after the
39 clerk sends mails the estimate.

40
41 (2)–(4) * * *

42
43 **Rule 8.130. Reporter’s transcript**

44
45 **(a) * * ***

1 **(b) Deposit or substitute for cost of transcript**

2
3 (1) * * *

4
5 (2) If the reporter believes the deposit is inadequate, within 15 days after the clerk ~~mails~~
6 sends the notice under (d)(1) the reporter may file with the clerk and send mail to the
7 designating party an estimate of the transcript's total cost at the statutory rate,
8 showing the additional deposit required. The party must deposit the additional sum
9 within 10 days after the reporter ~~mails~~ sends the estimate.

10
11 (3) * * *

12
13 **(c) * * ***

14
15 **(d) Superior court clerk's duties**

16
17 (1) * * *

18
19 (2) The clerk must promptly ~~mail~~ send the reporter notice of the designation and of the
20 deposit or substitute and notice to prepare the transcript, showing the date the notice
21 was sent mailed to the reporter, when the court receives:

22
23 (A)–(C) * * *

24
25 (3) If the appellant does not present the deposit under (b)(1) or a substitute under (b)(3)
26 with its notice of designation or does not present an additional deposit required under
27 (b)(2):

28
29 (A) The clerk must promptly notify the appellant in writing ~~by mail~~ that, within 15
30 days after the notice is sent mailed, the appellant must take one of the
31 following actions or the court may dismiss the appeal:

32
33 (i)–(v) * * *

34
35 (B) * * *

36
37 (4)–(5) * * *

38
39 **(e) * * ***

40
41 **(f) Filing the transcript; copies; payment**

42
43 (1) Within 30 days after notice is ~~mailed~~ sent under (d)(2), the reporter must prepare and
44 certify an original of the transcript and file it in superior court. The reporter must
45 also file one copy of the original transcript, or more than one copy if multiple
46 appellants equally share the cost of preparing the record (see rule 8.147(a)(2)). Only

1 the reviewing court can extend the time to prepare the reporter’s transcript (see rule
2 8.60).

3
4 (2)–(4) * * *

5
6 (g) * * *

7
8 **(h) Agreed or settled statement when proceedings cannot be transcribed**
9

10 (1) If any portion of the designated proceedings cannot be transcribed, the superior court
11 clerk must so notify the designating party in writing ~~by mail~~; the notice must show
12 the date it was sent ~~mailed~~. The party may then substitute an agreed or settled
13 statement for that portion of the designated proceedings by complying with either
14 (A) or (B):
15

16 (A) Within 10 days after the notice is sent ~~mailed~~, the party may file in superior
17 court, under rule 8.134, an agreed statement or a stipulation that the parties are
18 attempting to agree on a statement. If the party files a stipulation, within 30
19 days thereafter the party must file the agreed statement, move to use a settled
20 statement under rule 8.137, or proceed without such a statement; or
21

22 (B) Within 10 days after the notice is sent ~~mailed~~, the party may move in superior
23 court to use a settled statement. If the court grants the motion, the statement
24 must be served, filed, and settled as rule 8.137 provides, but the order granting
25 the motion must fix the times for doing so.
26

27 (2)–(3) * * *

28
29 **Advisory Committee Comment**

30
31 **Subdivision (a).** * * *

32
33 **Subdivision (b).** * * *

34
35 **Subdivision (c).** * * *

36
37 **Subdivision (d).** Under subdivision (d)(2), the clerk’s notice to the reporter must show the date on which
38 the clerk sent ~~mailed~~ the notice. This provision is intended to establish the date when the period for
39 preparing the reporter’s transcript under subdivision (f)(1) begins to run.
40

41 **Subdivision (e).** * * *

42
43 **Subdivision (f).** * * *

44
45
46 **Rule 8.137. Settled statement**
47

1 (a) **Motion to use settled statement**

2
3 (1)–(2) * * *

4
5 (3) If the court denies the motion, the appellant must file a new notice designating the
6 record on appeal under rule 8.121 within 10 days after the superior court clerk sends
7 ~~mails~~, or a party serves, the order of denial.
8

9 (b) **Time to file; contents of statement**

10
11 (1) Within 30 days after the superior court clerk sends ~~mails~~, or a party serves, an order
12 granting a motion to use a settled statement, the appellant must serve and file in
13 superior court a condensed narrative of the oral proceedings that the appellant
14 believes necessary for the appeal. Subject to the court’s approval in settling the
15 statement, the appellant may present some or all of the evidence by question and
16 answer.
17

18 (2)–(5) * * *

19
20 (c) * * *

21
22 **Rule 8.140. Failure to procure the record**

23
24 (a) **Notice of default**

25
26 Except as otherwise provided by these rules, if a party fails to timely do an act required to
27 procure the record, the superior court clerk must promptly notify the party in writing by
28 ~~mail~~ that it must do the act specified in the notice within 15 days after the notice is sent
29 ~~mailed~~, and that if it fails to comply, the reviewing court may impose one of the following
30 sanctions:
31

32 (1)–(2) * * *

33
34 (b)–(c) * * *

35
36 **Rule 8.144. Form of the record**

37
38 (a) **Paper and format**

39
40 (1) Where the local rules of the reviewing court so allow, all or part of the record may be
41 in electronic format.
42

43 ~~(1)~~(2) In the clerk’s and reporter’s transcripts:
44

1 (A) All documents filed must have a page size of 8½ by 11 inches. If filed in paper
2 form, the paper must be white or unbleached, 8½ by 11 inches, and of at least
3 20-pound weight;

4
5 (B)–(D) * * *

6
7 (E) The margin must be at least 1¼ inches from the left edge ~~on the bound side of~~
8 ~~the page.~~

9
10 ~~(2)~~(3) If filed in paper form, in the clerk’s transcript only one side of the paper may be
11 used; in the reporter’s transcript both sides may be used, but the margins must then
12 be 1¼ inches on each edge.

13
14 ~~(3)~~(4) In the reporter’s transcript the lines on each page must be consecutively numbered,
15 and must be double-spaced or one-and-a-half-spaced; double-spaced means three
16 lines to a vertical inch.

17
18 ~~(4)~~(5) The clerk’s and reporter’s transcripts must comply with rules 8.45–8.47 relating to
19 sealed and confidential records.

20
21 **(b) Indexes**

22
23 Except as provided in rule 8.45, at the beginning of the first volume of each:

24
25 (1) The clerk’s transcript must contain alphabetical and chronological indexes listing
26 each document and the volume, where applicable, and page where it first appears;

27
28 (2) The reporter’s transcript must contain alphabetical and chronological indexes listing
29 the volume, where applicable, and page where each witness’s direct, cross, and any
30 other examination, begins; and

31
32 (3) The reporter’s transcript must contain an index listing the volume, where applicable,
33 and page where any exhibit is marked for identification and where it is admitted or
34 refused. The index must identify each exhibit by number or letter and a brief
35 description of the exhibit.

36
37 **(c) Binding and cover**

38
39 (1) If filed in paper form, clerk’s and reporter’s transcripts must be bound on the left
40 margin in volumes of no more than 300 sheets.

41
42 (2)–(3) * * *

43
44 **(d)–(f) * * ***

45 **Advisory Committee Comment**

1 **Subdivisions (a) and (b).** Subdivisions (a)(45) and (b)(4) refer to special requirements concerning sealed
2 and confidential records established by rules 8.45–8.47. Rule 8.45(c)(2) and (3) establish special
3 requirements regarding references to sealed and confidential records in the alphabetical and chronological
4 indexes to clerk’s and reporter’s transcripts.
5

6 **Rule 8.147. Record in multiple or later appeals in same case**
7

8 (a) * * *

9
10 (b) **Later appeal**
11

12 In an appeal in which the parties are using either a clerk’s transcript under rule 8.122 or a
13 reporter’s transcript under rule 8.130:
14

15 (1) A party wanting to incorporate by reference all or parts of a record in a prior appeal
16 in the same case must specify those parts in its designation of the record.
17

18 (A) The prior appeal must be identified by its case name and number. If only part
19 of a record is being incorporated by reference, that part must be identified by
20 citation to the volume, where applicable, and page numbers of the record
21 where it appears and either the title of the document or documents or the date
22 of the oral proceedings to be incorporated. The parts of any record
23 incorporated by reference must be identified in a separate section at the end of
24 the designation of the record.
25

26 (B)–(C) * * *

27
28 (2) * * *
29

30 **Rule 8.150. Filing the record**
31

32 (a) * * *

33
34 (b) **Reviewing court clerk’s duties**
35

36 On receiving the record, the reviewing court clerk must promptly file the original and send
37 ~~mail~~ notice of the filing date to the parties.
38

39 **Rule 8.204. Contents and form of briefs**
40

41 (a) * * *

42
43 (b) **Form**
44

45 (1) A brief may be reproduced by any process that produces a clear, black image of
46 letter quality. All documents filed must have a page size of 8½ by 11 inches. If filed

1 in paper form, the paper must be white or unbleached, ~~8 1/2 by 11 inches~~, and of at
2 least 20-pound weight.

- 3
- 4 (2) Any conventional font typeface may be used. The font typeface may be either
5 proportionally spaced or monospaced.
- 6
- 7 (3) The font type style must be roman; but for emphasis, italics or boldface may be used
8 or the text may be underscored. Case names must be italicized or underscored.
9 Headings may be in uppercase letters.
- 10
- 11 (4) Except as provided in (11), the font type size, including footnotes, must not be
12 smaller than 13-point, and both sides of the paper may be used.
- 13
- 14 (5)–(7) * * *
- 15
- 16 (8) If filed in paper form, the brief must be bound on the left margin. If the brief is
17 stapled, the bound edge and staples must be covered with tape.
- 18
- 19 (9) * * *
- 20
- 21 (10) If filed in paper form, the cover must be in the color prescribed by rule 8.40(b), ~~and,~~
22 ~~in~~ In addition to providing the cover information required by rule 8.40(c), the cover
23 must state:
- 24
- 25 (A)–(D) * * *
- 26
- 27 (11) * * *
- 28
- 29 (c)–(e) * * *

30 **Advisory Committee Comment**

31

32

33 **Subdivision (b).** The first sentence of subdivision (b)(1) confirms that any method of reproduction is
34 acceptable provided it results in a clear black image of letter quality. The provision is derived from
35 subdivision (a)(1) of rule 32 of the Federal Rules of Appellate Procedure (28 U.S.C.) (FRAP 32).

36

37 Paragraphs (2), (3), and (4) of subdivision (b) state requirements of font typeface, font type style, and
38 font type size (see also subd. (b)(11)(C)). ~~The first two terms are defined in *The Chicago Manual of Style*~~
39 ~~(15th ed., 2003) p. 839. Note that computer programs often refer to typeface as “font.”~~

40

41 Subdivision (b)(2) allows the use of any conventional font typeface—e.g., Times New Roman, Courier,
42 Arial, Helvetica, etc.—and permits the font typeface to be either proportionally spaced or monospaced.

43

44 Subdivision (b)(3) requires the font type style to be roman, but permits the use of italics, boldface, or
45 underscoring for emphasis; it also requires case names to be italicized or underscored. These provisions
46 are derived from FRAP 32(a)(6).

47

1 Subdivision (b)(5) allows headings to be single-spaced; it is derived from FRAP 32(a)(4). The provision
2 also permits quotations of any length to be block-indented and single-spaced at the discretion of the brief
3 writer.

4
5 See also rule 1.200 concerning the format of citations. Brief writers are encouraged to follow the citation
6 form of the *California Style Manual* (4th ed., 2000).

7
8 **Subdivision (c).** * * *

9
10 **Subdivision (d).** * * *

11
12 **Subdivision (e).** * * *

13
14 **Rule 8.208. Certificate of Interested Entities or Persons**

15
16 **(a)–(c)** * * *

17
18 **(d) Serving and filing a certificate**

19
20 (1)–(2) * * *

21
22 (3) If a party fails to file a certificate as required under (1), the clerk must notify the
23 party in writing ~~by mail~~ that the party must file the certificate within 15 days after
24 the clerk’s notice is sent ~~mailed~~ and that if the party fails to comply, the court may
25 impose one of the following sanctions:

26
27 (A)–(B) * * *

28
29 (4) * * *

30
31 **(e)–(f)** * * *

32
33 **Rule 8.212. Service and filing of briefs** * * *

34
35 **Advisory Committee Comment**

36
37 **Subdivision (a).** * * *

38
39 **Subdivision (b).** Extensions of briefing time are limited by statute in some cases. For example, under
40 Public Resources Code section 21167.6(h) in cases under section 21167, extensions are limited to one 30-
41 day extension for the opening brief and one 30-day extension for “preparation of responding brief.”

42
43 Under rule 8.42, the original signature of only one party is required on the stipulation filed with the court;
44 the signatures of the other parties may be in the form of copies of the signed signature page of the
45 document. Signatures on electronically filed documents are subject to the requirements of rule 8.77.

46
47 Subdivision (b)(2) clarifies that a party seeking an extension of time from the presiding justice must
48 proceed by application under rule 8.50 rather than by motion under rule 8.54.

1
2 **Subdivision (c). * * ***

3
4 **Rule 8.220. Failure to file a brief**

5
6 **(a) Notice to file**

7
8 If a party fails to timely file an appellant's opening brief or a respondent's brief, the
9 reviewing court clerk must promptly notify the party in writing ~~by mail~~ that the brief must
10 be filed within 15 days after the notice is sent ~~mailed~~ and that if the party fails to comply,
11 the court may impose one of the following sanctions:

12
13 (1)–(2) * * *

14
15 **(b)–(d) * * ***

16
17 **Rule 8.224. Transmitting exhibits**

18
19 **(a) * * ***

20
21 **(b) Transmittal**

22
23 Unless the reviewing court orders otherwise, within 20 days after the first notice under (a)
24 is filed:

25
26 (1) The superior court clerk must put any designated exhibits in the clerk's possession
27 into numerical or alphabetical order and send them to the reviewing court ~~with two~~
28 ~~copies of a list of the exhibits sent.~~ The superior court clerk must also send a list of
29 the exhibits sent. If the exhibits are not transmitted electronically, the superior court
30 clerk must send two copies of the list. If the reviewing court clerk finds the list
31 correct, the clerk must sign and return ~~one~~ a copy to the superior court clerk.

32
33 (2) Any party in possession of designated exhibits returned by the superior court must
34 put them into numerical or alphabetical order and send them to the reviewing court
35 ~~with two copies of a list of the exhibits sent.~~ The party must also send a list of the
36 exhibits sent. If the exhibits are not transmitted electronically, the party must send
37 two copies of the list. If the reviewing court clerk finds the list correct, the clerk must
38 sign and return ~~one~~ a copy to the party.

39
40 **(c) * * ***

41
42 **(d) Request and return by reviewing court**

43
44 At any time the reviewing court may direct the superior court or a party to send it an
45 exhibit. On request, the reviewing court may return an exhibit to the superior court or to
46 the party that sent it. When the remittitur issues, the reviewing court must return all
47 exhibits not transmitted electronically to the superior court or to the party that sent them.

1 **Rule 8.248. Prehearing conference**

2
3 (a)–(c) * * *

4
5 (d) **Time to file brief**

6
7 The time to file a party’s brief under rule 8.212(a) is tolled from the date the Court of
8 Appeal sends mails notice of the conference until the date it sends mails notice that the
9 conference is concluded.

10
11 **Advisory Committee Comment**

12
13 **Subdivision (a).** * * *

14
15 **Subdivision (d).** If a prehearing conference is ordered before the due date of the appellant’s opening
16 brief, the time to file the brief is not *extended* but *tolled*, in order to avoid unwarranted lengthening of the
17 briefing process. For example, if the conference is ordered 15 days after the start of the normal 30-day
18 briefing period, the rule simply *suspends* the running of that period; when the period resumes, the party
19 will not receive an automatic extension of a full 30 days but rather the remaining 15 days of the original
20 briefing period, unless the period is otherwise extended.

21
22 Under subdivision (d) the tolling period continues “until the date [the Court of Appeal] sends mails notice
23 that the conference is *concluded*” (italics added). This provision is intended to accommodate the
24 possibility that the conference may not conclude on the date it begins.

25
26 Whether or not the conference concludes on the date it begins, subdivision (d) requires the Court of
27 Appeal clerk to send mail the parties a notice that the conference is concluded. This provision is intended
28 to facilitate the calculation of the new briefing due dates.

29
30 **Rule 8.252. Judicial notice; findings and evidence on appeal**

31
32 (a)–(b) * * *

33
34 (c) **Evidence on appeal**

35
36 (1)–(2) * * *

37
38 (3) For documentary evidence, a party may offer the original, a certified copy, or a
39 photocopy, or, in a case in which electronic filing is permitted, an electronic copy.
40 The court may admit the document in evidence without a hearing.

41
42 **Rule 8.264. Filing, finality, and modification of decision**

43
44 (a)–(c) * * *

45
46 (d) **Consent to increase or decrease in amount of judgment**

1 If a Court of Appeal decision conditions the affirmance of a money judgment on a party's
2 consent to an increase or decrease in the amount, the judgment is reversed unless, before
3 the decision is final under (b), the party serves and files ~~two copies~~ a copy of a consent in
4 the Court of Appeal. If a consent is filed, the finality period runs from the filing date of the
5 consent. The clerk must send one filed-~~stamped~~ endorsed copy of the consent to the
6 superior court with the remittitur.
7

8 **Rule 8.272. Remittitur**
9

10 (a) * * *

11
12 (b) **Clerk's duties**
13

14 (1) If a Court of Appeal decision is not reviewed by the Supreme Court:
15

16 (A) * * *

17
18 (B) The clerk must send the lower court or tribunal the Court of Appeal remittitur
19 and a filed-~~stamped~~ endorsed copy of the opinion or order.
20

21 (2) After Supreme Court review of a Court of Appeal decision:
22

23 (A) * * *

24
25 (B) The clerk must send the lower court or tribunal the Court of Appeal remittitur,
26 a copy of the Supreme Court remittitur, and a filed-~~stamped~~ endorsed copy of
27 the Supreme Court opinion or order.
28

29 (c)–(d) * * *

30
31 **Rule 8.278. Costs on appeal**
32

33 (a)–(d) * * *

34
35 **Advisory Committee Comment**
36

37 This rule is not intended to expand the categories of appeals subject to the award of costs. See rule 8.493
38 for provisions addressing costs in writ proceedings.
39

40 **Subdivision (c).** * * *

41
42 **Subdivision (d).** Subdivision (d)(1)(B) is intended to refer not only to a normal record prepared by the
43 clerk and the reporter under rules 8.122 and 8.130 but also, for example, to an appendix prepared by a
44 party under rule 8.124 and to a superior court file to which the parties stipulate under rule 8.128.
45

1 Subdivision (d)(1)(D), allowing recovery of the “costs to notarize, serve, mail, and file the record, briefs,
2 and other papers,” is intended to include fees charged by electronic filing service providers for electronic
3 filing and service of documents.

4
5 “Net interest expenses” in subdivisions (d)(1)(F) and (G) means the interest expenses incurred to borrow
6 the funds that are deposited minus any interest earned by the borrower on those funds while they are on
7 deposit.

8
9 **Rule 8.304. Filing the appeal; certificate of probable cause**

10
11 **(a)–(b) * * ***

12
13 **(c) Notification of the appeal**

14
15 (1) When a notice of appeal is filed, the superior court clerk must promptly send mail a
16 notification of the filing to the attorney of record for each party, to any unrepresented
17 defendant, to the reviewing court clerk, to each court reporter, and to any primary
18 reporter or reporting supervisor. If the defendant also files a statement under (b)(1),
19 the clerk must not send mail the notification unless the superior court files a
20 certificate under (b)(2).

21
22 (2) The notification must show the date it was sent mailed, the number and title of the
23 case, and the dates the notice of appeal and any certificate under (b)(2) were filed. If
24 the information is available, the notification must also include:

25
26 (A) The name, address, telephone number, e-mail address, and California State Bar
27 number of each attorney of record in the case;

28
29 (B) * * *

30
31 (C) The name, address, ~~and~~ telephone number and e-mail address of any
32 unrepresented defendant.

33
34 (3)–(4) * * *

35
36 (5) The sending mailing of a notification under (1) is a sufficient performance of the
37 clerk’s duty despite the discharge, disqualification, suspension, disbarment, or death
38 of the attorney.

39
40 (6) * * *

41
42 **Rule 8.308. Time to appeal**

43
44 **(a) * * ***

45
46 **(b) Cross-appeal**

1 If the defendant or the People timely appeals from a judgment or appealable order, the time
2 for any other party to appeal from the same judgment or order is either the time specified
3 in (a) or 30 days after the superior court clerk sends mails notification of the first appeal,
4 whichever is later.

5
6 (c)–(d) * * *

7
8 **Rule 8.336. Preparing, certifying, and sending the record**

9
10 (a)–(c) * * *

11
12 **(d) Reporter’s transcript**

13
14 (1)–(3) * * *

15
16 (4) Any portion of the transcript transcribed during trial must not be retyped unless
17 necessary to correct errors, but must be repaginated and combined ~~bound~~ with any
18 portion of the transcript not previously transcribed. Any additional copies needed
19 must not be retyped but, if the transcript is in paper form, must be prepared by
20 photocopying or an equivalent process.

21
22 (5) * * *

23
24 (e)–(h) * * *

25
26 **Rule 8.344. Agreed statement**

27
28 If the parties present the appeal on an agreed statement, they must comply with the relevant
29 provisions of rule 8.134, but the appellant must file an original and, if the statement is filed in
30 paper form, three copies of the statement in superior court within 25 days after filing the notice
31 of appeal.

32
33 **Rule 8.346. Settled statement**

34
35 (a)–(b) * * *

36
37 **(c) Serving and filing the settled statement**

38
39 The applicant must prepare, serve, and file in superior court an original and, if the
40 statement is filed in paper form, three copies of the settled statement.

41
42 **Rule 8.360. Briefs by parties and amici curiae**

43
44 (a)–(b) * * *

1 (c) **Time to file**

2
3 (1)–(4) * * *

4
5 (5) If a party fails to timely file an appellant’s opening brief or a respondent’s brief, the
6 reviewing court clerk must promptly notify the party in writing ~~by mail~~ that the brief
7 must be filed within 30 days after the notice is sent ~~mailed~~, and that failure to comply
8 may result in one of the following sanctions:

9
10 (A)–(B) * * *

11
12 (6) * * *

13
14 (d)–(f) * * *

15
16 **Rule 8.380. Petition for writ of habeas corpus filed by petitioner not represented by an**
17 **attorney**

18
19 (a)–(b) * * *

20
21 (c) **Number of copies**

22
23 In the Court of Appeal, the petitioner must file the original of the petition under (a) and
24 one set of any supporting documents. In the Supreme Court the petitioner must file an
25 original and, if the petition is filed in paper form, 10 copies of the petition and an original
26 and, if the document is filed in paper form, 2 copies of any supporting document
27 accompanying the petition unless the court orders otherwise.
28

29 **Rule 8.384. Petition for writ of habeas corpus filed by an attorney for a party**

30
31 (a) **Form and content of petition and memorandum**

32
33 (1)–(2) * * *

34
35 (3) The petition and any memorandum must support any reference to a matter in the
36 supporting documents by a citation to its index number or letter ~~tab~~ and page.
37

38 (b)–(d) * * *

39
40 **Rule 8.385. Proceedings after the petition is filed**

41
42 (a) * * *

43
44 (b) **Informal response**

45
46 (1) * * *

1
2 (2) The response must be served and filed within 15 days or as the court specifies. If the
3 petitioner is not represented by counsel in the habeas corpus proceeding, one copy of
4 the informal response and any supporting documents must be served on the
5 petitioner. If the petitioner is represented by counsel in the habeas corpus
6 proceeding, ~~two copies~~ the response must be served on the petitioner's counsel. If the
7 response is served in paper form, two copies must be served on the petitioner's
8 counsel. If the petitioner is represented by court-appointed counsel other than the
9 State Public Defender's Office or Habeas Corpus Resource Center, one copy must
10 also be served on the applicable appellate project.

11
12 (3) * * *

13
14 (c)–(f) * * *

15
16 **Rule 8.386. Proceedings if the return is ordered to be filed in the reviewing court**

17
18 (a) * * *

19
20 (b) **Serving and filing return**

21
22 (1)–(2) * * *

23
24 (3) ~~Two copies of the~~ The return and any supporting documents must be served on the
25 petitioner's counsel, and if. If the return is served in paper form, two copies must be
26 served on the petitioner's counsel. If the petitioner is represented for the habeas
27 corpus proceeding by court-appointed counsel other than the State Public Defender's
28 Office or Habeas Corpus Resource Center, one copy must be served on the
29 applicable appellate project.

30
31 (c) **Form and content of return**

32
33 (1) * * *

34
35 (2) Rule 8.486(c)(1) and (2) govern the form of any supporting documents
36 accompanying the return. The return must support any reference to a matter in the
37 supporting documents by a citation to its index ~~tab~~ number or letter and page.

38
39 (3) * * *

40
41 (d)–(g) * * *

42
43 **Rule 8.405. Filing the appeal**

44
45 (a) * * *

1 **(b) Superior court clerk’s duties**

2
3 (1) When a notice of appeal is filed, the superior court clerk must immediately:

4
5 (A) ~~Mail~~ Send a notification of the filing to:

6
7 (i)–(vi) * * *

8
9 (B) * * *

10
11 (2) The notification must show the name of the appellant, the date it was ~~mailed~~ sent, the
12 number and title of the case, and the date the notice of appeal was filed. If the
13 information is available, the notification must also include:

14
15 (A) The name, address, telephone number, e-mail address, and California State Bar
16 number of each attorney of record in the case;

17
18 (B) * * *

19
20 (C) The name, address, ~~and~~ telephone number and e-mail address of any
21 unrepresented party.

22
23 (3)–(4) * * *

24
25 (5) The sending ~~mailing~~ of a notification is a sufficient performance of the clerk’s duty
26 despite the discharge, disqualification, suspension, disbarment, or death of the
27 attorney.

28
29 (6) * * *

30
31 **Advisory Committee Comment**

32
33 **Subdivision (a).** *Notice of Appeal—Juvenile (California Rules of Court, Rule 8.400)* (form JV-800) may
34 be used to file the notice of appeal required under this rule. This form is available at any courthouse or
35 county law library or online at www.courtinfo.ca.gov/forms www.courts.ca.gov/forms.

36
37 **Rule 8.406. Time to appeal**

38
39 (a) * * *

40
41 **(b) Cross-appeal**

42
43 If an appellant timely appeals from a judgment or appealable order, the time for any other
44 party to appeal from the same judgment or order is either the time specified in (a) or 20
45 days after the superior court clerk sends ~~mails~~ notification of the first appeal, whichever is
46 later.
47

1 (c)–(d) * * *

2
3 **Rule 8.411. Abandoning the appeal**

4
5 (a)–(b) * * *

6
7 (c) **Clerk’s duties**

8
9 (1) If the abandonment is filed in the superior court, the clerk must immediately send
10 ~~mail~~ a notification of the abandonment to:

11
12 (A)–(C) * * *

13
14 (2) If the abandonment is filed in the reviewing court and the reviewing court orders the
15 appeal dismissed, the clerk must immediately send ~~mail~~ a notification of the order of
16 dismissal to every party.

17
18 **Rule 8.412. Briefs by parties and amici curiae**

19
20 (a)–(c) * * *

21
22 (d) **Failure to file a brief**

23
24 (1) Except in appeals governed by rule 8.416, if a party fails to timely file an appellant’s
25 opening brief or a respondent’s brief, the reviewing court clerk must promptly notify
26 the party’s counsel or the party, if not represented, in writing ~~by mail~~ that the brief
27 must be filed within 30 days after the notice is sent ~~mailed~~ and that failure to comply
28 may result in one of the following sanctions:

29
30 (A)–(B) * * *

31
32 (2)–(3) * * *

33
34 (e) * * *

35
36 **Rule 8.474. Procedures and data**

37
38 (a) * * *

39
40 (b) **Data**

41
42 The clerks of the superior courts and the reviewing courts must ~~the~~ provide the data
43 required to assist the Judicial Council in evaluating the effectiveness of the rules governing
44 appeals and writs in juvenile cases.

1 **Rule 8.482. Appeal from judgment authorizing conservator to consent to sterilization of**
2 **conservatee**

3
4 **(a)–(b) * * ***

5
6 **(c) Superior court clerk’s duties**

7
8 After entering the judgment, the clerk must immediately:

9
10 (1) * * *

11
12 (2) Send Mail certified copies of the judgment to the Court of Appeal and the Attorney
13 General.

14
15 **(d)–(f) * * ***

16
17 **(g) Confidential material**

18
19 (1) * * *

20
21 (2) Material under (1) must be sent to the reviewing court in a secure manner that
22 preserves its confidentiality. If the material is in paper format, it must be sent to the
23 reviewing court in a sealed envelope marked “CONFIDENTIAL—MAY NOT BE
24 EXAMINED WITHOUT A COURT ORDER.”

25
26 **(h)–(i) * * ***

27
28 **Rule 8.486. Petitions**

29
30 **(a)–(b) * * ***

31
32 **(c) Form of supporting documents**

33
34 (1) Documents submitted under (b) must comply with the following requirements:

35
36 (A) If submitted in paper form, they must be bound together at the end of the
37 petition or in separate volumes not exceeding 300 pages each. The pages must
38 be consecutively numbered.

39
40 (B) If submitted in paper form, they must be index-tabbed by number or letter.

41
42 (C) They must begin with a table of contents listing each document by its title and
43 its index ~~tab~~ number or letter. If a document has attachments, the table of
44 contents must give the title of each attachment and a brief description of its
45 contents.

1 (2) The clerk must file any supporting documents not complying with (1), but the court
2 may notify the petitioner that it may strike or summarily deny the petition if the
3 documents are not brought into compliance within a stated reasonable time of not
4 less than 5 days.

5
6 (3) Rule 8.44(a) governs the number of copies of supporting documents to be filed in the
7 Supreme Court. Rule 8.44(b) governs the number of supporting documents to be
8 filed in the Court of Appeal.

9
10 (d)–(e) * * *

11
12 **Rule 8.488. Certificate of Interested Entities or Persons**

13
14 (a)–(c) * * *

15
16 (d) **Failure to file a certificate**

17
18 (1) If a party fails to file a certificate as required under (b) and (c), the clerk must notify
19 the party in writing ~~by mail~~ that the party must file the certificate within 10 days
20 after the clerk’s notice is sent ~~mailed~~ and that if the party fails to comply, the court
21 may impose one of the following sanctions:

22
23 (A)–(B) * * *

24
25 (2) * * *

26
27 **Rule 8.495. Review of Workers’ Compensation Appeals Board cases**

28
29 (a) **Petition**

30
31 (1)–(2) * * *

32
33 (3) The petition must be accompanied by proof of service of ~~two copies~~ a copy of the
34 petition on the Secretary of the Workers’ Compensation Appeals Board in San
35 Francisco, or two copies if the petition is served in paper form, and one copy on each
36 party who appeared in the action and whose interest is adverse to the petitioner.
37 Service on the board’s local district office is not required.

38
39 (b) * * *

40
41 (c) **Certificate of Interested Entities or Persons**

42
43 (1)–(2) * * *

44
45 (3) If a party fails to file a certificate as required under (1) and (2), the clerk must notify
46 the party in writing ~~by mail~~ that the party must file the certificate within 10 days

1 after the clerk's notice is ~~mailed~~ sent and that failure to comply will result in one of
2 the following sanctions:

3
4 (A)–(B) * * *

5
6 (4) * * *

7
8 **Rule 8.496. Review of Public Utilities Commission cases**

9
10 (a)–(b) * * *

11
12 (c) **Certificate of Interested Entities or Persons**

13
14 (1)–(2) * * *

15
16 (3) If a party fails to file a certificate as required under (1) and (2), the clerk must notify
17 the party ~~by mail~~ in writing that the party must file the certificate within 10 days
18 after the clerk's notice is ~~mailed~~ sent and that failure to comply will result in one of
19 the following sanctions:

20
21 (A)–(B) * * *

22
23 (4) * * *

24
25 **Rule 8.498. Review of Agricultural Labor Relations Board and Public Employment**
26 **Relations Board cases**

27
28 (a)–(c) * * *

29
30 (d) **Certificate of Interested Entities or Persons**

31
32 (1)–(2) * * *

33
34 (3) If a party fails to file a certificate as required under (1) and (2), the clerk must notify
35 the party ~~by mail~~ in writing that the party must file the certificate within 10 days
36 after the clerk's notice is ~~mailed~~ sent and that failure to comply will result in one of
37 the following sanctions:

38
39 (A)–(B) * * *

40
41 (4) * * *

42
43 **Rule 8.504. Form and contents of petition, answer, and reply**

44
45 (a) * * *

1 **(b) Contents of a petition**

2
3 (1)–(3) * * *

4
5 (4) If the petition seeks review of a Court of Appeal opinion, a copy of the opinion
6 showing its filing date and a copy of any order modifying the opinion or directing its
7 publication must be bound at the back of the original petition and each copy filed in
8 the Supreme Court or, if the petition is not filed in paper form, attached.

9
10 (5) If the petition seeks review of a Court of Appeal order, a copy of the order showing
11 the date it was entered must be bound at the back of the original petition and each
12 copy filed in the Supreme Court or, if the petition is not filed in paper form, attached.

13
14 (6)–(7) * * *

15
16 **(c)–(e) * * ***

17
18 **Rule 8.512. Ordering review**

19
20 **(a) Transmittal of record**

21
22 On receiving a copy of a petition for review or on request of the Supreme Court, whichever
23 is earlier, the Court of Appeal clerk must promptly send the record to the Supreme Court.
24 If the petition is denied, the Supreme Court clerk must promptly return the record to the
25 Court of Appeal if the record was transmitted in paper form.

26
27 **(b)–(d) * * ***

28
29 **Rule 8.540. Remittitur**

30
31 **(a) * * ***

32
33 **(b) Clerk's duties**

34
35 (1) * * *

36
37 (2) After review of a Court of Appeal decision, the Supreme Court clerk must address
38 the remittitur to the Court of Appeal and send that court ~~two copies~~ a copy of the
39 remittitur and ~~two a filed-stamped endorsed copies~~ copy of the Supreme Court
40 opinion or order. The clerk must send two copies of any document sent in paper
41 form.

42
43 (3) After a decision in an appeal from a judgment of death or in a cause transferred to
44 the court under rule 8.552, the clerk must send the remittitur and a filed-
45 stamped endorsed copy of the Supreme Court opinion or order to the lower court or
46 tribunal.

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46

(4) * * *

(c) * * *

Rule 8.548. Decision on request of a court of another jurisdiction

(a)–(c) * * *

(d) Serving and filing the request

The requesting court clerk must file an original, and if the request is filed in paper form, 10 copies, of the request in the Supreme Court with a certificate of service on the parties.

(e) * * *

(f) Proceedings in the Supreme Court

(1)–(5) * * *

(6) After filing the opinion, the clerk must promptly send filed-stamped endorsed copies to the requesting court and the parties and must notify that court and the parties when the decision is final.

(7) * * *

Rule 8.610. Contents and form of the record

(a)–(b) * * *

(c) Juror-identifying information

Any document in the record containing juror-identifying information must be edited in compliance with rule 8.332. Unedited copies of all such documents and a copy of the table required by the rule, under seal and bound together if filed in paper form, must be included in the record sent to the Supreme Court.

(d) * * *

Rule 8.616. Preparing the trial record

(a) * * *

(b) Reporter’s duties

(1) * * *

1
2 (2) Any portion of the transcript transcribed during trial must not be retyped unless
3 necessary to correct errors, but must be repaginated and ~~bound~~ combined with any
4 portion of the transcript not previously transcribed. Any additional copies needed
5 must not be retyped but, if the transcript is in paper form, must be prepared by
6 photocopying or an equivalent process.

7
8 (3) * * *

9
10 (c)–(d) * * *

11
12 **Rule 8.630. Briefs by parties and amicus curiae**

13
14 (a)–(f) * * *

15
16 (g) **Service**

17
18 (1) * * *

19
20 (2) The Attorney General must serve two paper copies or one electronic copy of the
21 respondent’s brief on each defendant’s appellate counsel and, for each defendant
22 sentenced to death, one copy on the California Appellate Project in San Francisco.

23
24 (3) * * *

25
26 (h) * * *

27
28 **Rule 8.702. Appeals**

29
30 (a) * * *

31
32 (b) **Notice of appeal**

33
34 (1) *Time to appeal*

35
36 The notice of appeal must be served and filed on or before the earlier of:

37
38 (A) Five court days after the superior court clerk serves on the party filing the
39 notice of appeal a document entitled “Notice of Entry” of judgment or a filed-
40 ~~stamped~~endorsed copy of the judgment, showing the date either was served; or

41
42 (B) Five court days after the party filing the notice of appeal serves or is served by
43 a party with a document entitled “Notice of Entry” of judgment or a filed-
44 ~~stamped~~endorsed copy of the judgment, accompanied by proof of service.

45
46 (2) * * *

1
2 (c)–(g) * * *

3
4 **Rule 8.703. Writ proceedings**

5
6 (a) * * *

7
8 (b) **Petition**

9
10 (1) *Time for filing petition*

11 A petition for a writ challenging a superior court judgment or order governed by the
12 rules in this chapter must be served and filed on or before the earliest of:

13
14 (A) Thirty days after the superior court clerk serves on the party filing the petition
15 a document entitled “Notice of Entry” of judgment or order, or a filed-
16 ~~stamped~~endorsed copy of the judgment or order, showing the date either was
17 served; or

18
19 (B) Thirty days after the party filing the petition serves or is served by a party with
20 a document entitled “Notice of Entry” of judgment or order, or a filed-
21 ~~stamped~~endorsed copy of the judgment or order, accompanied by proof of
22 service.
23

24
25 (2) * * *

26
27 **Rule 8.800. Application of division and scope of rules**

28
29 (a) **Application**

30 The rules in this division apply to:

31
32 (1)–(2) * * *

33
34 (b) **Scope of rules**

35
36 The rules in this division apply to documents filed and served electronically as well as in paper
37 form, unless otherwise provided.

38
39
40 **Rule 8.804 8.803. Definitions**

41 As used in this division, unless the context or subject matter otherwise requires:

42
43 (1)–(22) * * *

1 (23) The words “attach” or “attachment” may refer to either physical attachment or electronic
2 attachment, as appropriate.

3
4 (24) The words “copy” or “copies” may refer to electronic copies, as appropriate.

5
6 (25) The word “cover” includes the cover page of a document filed electronically.

7
8 (26) “Written” and “writing” include electronically created written materials, whether or not
9 those materials are printed on paper.

10
11 **Rule 8.804. Requirements for signatures on documents**

12
13 Except as otherwise provided, or required by order of the court, signatures on electronically filed
14 documents must comply with the requirements of rule 8.77.

15
16 **Rule 8.806. Applications**

17
18 **(a)–(b) * * ***

19
20 **(c) Envelopes**

21
22 If any party or parties in the case are served in paper form, an application must be
23 accompanied by addressed, postage-prepaid envelopes for the clerk’s use in mailing copies
24 of the order on the application to all those parties.

25
26 **(d) * * ***

27
28 **Rule 8.814. Substituting parties; substituting or withdrawing attorneys**

29
30 **(a)–(b) * * ***

31
32 **(c) Withdrawing attorney**

33
34 **(1) * * ***

35
36 **(2)** The proof of service need not include the address of the party represented. But if the
37 court grants the motion, the withdrawing attorney must promptly provide the court
38 and the opposing party with the party’s current or last known address, e-mail
39 address, and telephone number.

40
41 **(3) * * ***

42
43 **Rule 8.821. Notice of appeal**

44
45 **(a)–(c) * * ***

1 **(d) Notification of the appeal**

- 2
- 3 (1) When the notice of appeal is filed, the trial court clerk must promptly ~~mail~~ send a
- 4 notification of the filing of the notice of appeal to the attorney of record for each
- 5 party and to any unrepresented party. The clerk must also ~~mail~~ send or deliver this
- 6 notification to the appellate division clerk.
- 7
- 8 (2) The notification must show the date it was ~~mailed~~ sent and must state the number
- 9 and title of the case and the date the notice of appeal was filed.
- 10
- 11 (3) * * *
- 12
- 13 (4) The ~~mailing~~ sending of a notification under (1) is a sufficient performance of the
- 14 clerk's duty despite the death of the party or the discharge, disqualification,
- 15 suspension, disbarment, or death of the attorney.
- 16
- 17 (5) * * *

18

19 **(e) * * ***

20

21 **Rule 8.822. Time to appeal**

22

23 **(a) Normal time**

- 24
- 25 (1) Unless a statute or rule 8.823 provides otherwise, a notice of appeal must be filed on
- 26 or before the earliest of:
- 27
- 28 (A) 30 days after the trial court clerk serves the party filing the notice of appeal a
- 29 document entitled "Notice of Entry" of judgment or a ~~filed-stamped~~ endorsed
- 30 copy of the judgment, showing the date it was served;
- 31
- 32 (B) 30 days after the party filing the notice of appeal serves or is served by a party
- 33 with a document entitled "Notice of Entry" of judgment or a ~~filed-~~
- 34 ~~stamped~~ endorsed copy of the judgment, accompanied by proof of service; or
- 35
- 36 (C) * * *
- 37
- 38 (2) * * *
- 39
- 40 (3) If the parties stipulated in the trial court under Code of Civil Procedure section
- 41 1019.5 to waive notice of the court order being appealed, the time to appeal under
- 42 (1)(C) applies unless the court or a party serves notice of entry of judgment or a
- 43 ~~filed-stamped~~ endorsed copy of the judgment to start the time period under (1)(A) or
- 44 (B).
- 45

1 (b)–(d) * * *

2
3 **Rule 8.823. Extending the time to appeal**

4
5 (a)–(e) * * *

6
7 **(f) Public entity actions under Government Code section 962, 984, or 985**

8
9 If a public entity defendant serves and files a valid request for a mandatory settlement
10 conference on methods of satisfying a judgment under Government Code section 962, an
11 election to pay a judgment in periodic payments under Government Code section 984 and
12 rule 3.1804, or a motion for a posttrial hearing on reducing a judgment under Government
13 Code section 985, the time to appeal from the judgment is extended for all parties until the
14 earliest of:

- 15
16 (1) 60 days after the superior court clerk serves the party filing the notice of appeal with
17 a document entitled “Notice of Entry” of judgment or a filed ~~stamped~~ endorsed copy
18 of the judgment, showing the date either was served;
19
20 (2) 60 days after the party filing the notice of appeal serves or is served by a party with a
21 document entitled “Notice of Entry” of judgment or a filed ~~stamped~~ endorsed copy of
22 the judgment, accompanied by proof of service; or
23
24 (3) * * *

25
26 (g)–(h) * * *

27
28 **Rule 8.824. Writ of supersedeas**

29
30 **(a) Petition**

31
32 (1)–(3) * * *

33
34 (4) If the record has not been filed in the reviewing court:

35
36 (A)–(B) * * *

37
38 (C) The documents listed in (B) must comply with the following requirements:

- 39
40 (i) If filed in paper form, they must be bound together at the end of the
41 petition or in separate volumes not exceeding 300 pages each. The pages
42 must be consecutively numbered;
43
44 (ii) If filed in paper form, they must be index-tabbed by number or letter;
45 and
46

1 (iii) They must begin with a table of contents listing each document by its
2 title and its index-~~tab~~ number or letter.

3
4 (5) * * *

5
6 (b)–(d) * * *

7
8 **Rule 8.832. Clerk’s transcript** * * *

9
10 **Advisory Committee Comment**

11
12 Under rule 8.838, the clerk’s transcript may be in electronic form, when permitted under the reviewing
13 court’s local rules.

14
15 **Subdivision (a).** * * *

16
17 **Subdivision (d).** * * *

18
19 **Rule 8.833. Trial court file instead of clerk’s transcript**

20
21 (a) * * *

22
23 (b) **Cost estimate; preparation of file; transmittal**

24
25 (1) Within 10 days after the appellant serves a notice under rule 8.831 indicating that the
26 appellant elects to use a clerk’s transcript, the trial court clerk may ~~mail~~ send the
27 appellant a notice indicating that the appellate division for that court has elected by
28 local court rule to use the original trial court file instead of a clerk’s transcript and
29 providing the appellant with an estimate of the cost to prepare the file, including the
30 cost of sending the index under (4).

31
32 (2) Within 10 days after the clerk ~~mails~~ sends the estimate under (1), the appellant must
33 deposit the estimated cost with the clerk, unless otherwise provided by law or the
34 party submits an application for a waiver of the cost under rule 8.818 or an order
35 granting a waiver of this cost.

36
37 (3)–(5) * * *

38
39 **Rule 8.834. Reporter’s transcript**

40
41 (a) **Notice**

42
43 (1)–(3) * * *

44
45 (4) Except when a party deposits a certified transcript of all the designated proceedings
46 under (b)(2)(D) with the notice of designation, the clerk must promptly ~~mail~~ send a
47 copy of each notice to the reporter. The copy must show the date it was ~~mailed~~ sent.

1
2 **(b) Deposit or substitute for cost of transcript**
3

4 (1) Within 10 days after the clerk ~~mails~~ sends a notice under (a)(4), the reporter must file
5 the estimate with the clerk—or notify the clerk in writing of the date that he or she
6 notified the appellant directly—of the estimated cost of preparing the reporter’s
7 transcript at the statutory rate.
8

9 (2) * * *

10
11 (3) With its notice of designation, a party may serve and file a copy of its application to
12 the Court Reporters Board for payment or reimbursement from the Transcript
13 Reimbursement Fund under Business and Professions Code section 8030.2 et seq.
14

15 (A)–(C) * * *

16
17 (D) If the Court Reporters Board provisionally approves the application, the
18 reporter’s time to prepare the transcript under (d)(1) begins when the clerk
19 ~~mails~~ sends notice of the provisional approval under (4).
20

21 (4) * * *

22
23 **(c)–(e) * * ***
24

25 **(f) Notice when proceedings cannot be transcribed**
26

27 (1) If any portion of the designated proceedings were not reported or cannot be
28 transcribed, the trial court clerk must so notify the designating party ~~by mail~~ in
29 writing; the notice must:
30

31 (A) * * *

32
33 (B) Show the date it was ~~mailed~~ sent.
34

35 (2) Within 10 days after the notice under (1) is ~~mailed~~ sent, the designating party must
36 file a new election notifying the court whether the party elects to proceed with or
37 without a record of the identified oral proceedings. If the party elects to proceed with
38 a record of these oral proceedings, the notice must specify which form of the record
39 listed in rule 8.830(a)(2) the party elects to use.
40

41 (A)–(C) * * *

42
43 (3) * * *
44

45 **Rule 8.835. Record when trial proceedings were officially electronically recorded**
46

1 (a)–(c) * * *

2
3 **(d) Notice when proceedings were not officially electronically recorded or cannot be**
4 **transcribed**

5
6 (1) If the appellant elects under rule 8.831 to use a transcript prepared from an official
7 electronic recording or the recording itself, the trial court clerk must notify the
8 appellant ~~by mail~~ in writing if any portion of the designated proceedings was not
9 officially electronically recorded or cannot be transcribed. The notice must:

10
11 (A) * * *

12
13 (B) Show the date it was ~~mailed~~ sent.

14
15 (2) Within 10 days after the notice under (1) is ~~mailed~~ sent, the appellant must file a new
16 election notifying the court whether the appellant elects to proceed with or without a
17 record of the oral proceedings that were not recorded or cannot be transcribed. If the
18 appellant elects to proceed with a record of these oral proceedings, the notice must
19 specify which form of the record listed in rule 8.830(a)(2) the appellant elects to use.

20
21 (A)–(C) * * *

22
23 **Rule 8.838. Form of the record**

24
25 **(a) Paper and format**

26
27 (1) Where the local rules for the appellate division so allow, all or part of the record may
28 be in electronic format.

29
30 (2) Except as otherwise provided in this rule, clerk’s and reporter’s transcripts must
31 comply with the paper and format requirements of rule 8.144(a).

32
33 **(b) Indexes**

34
35 At the beginning of the first volume of each:

36
37 (1) The clerk’s transcript must contain alphabetical and chronological indexes listing
38 each document and the volume, where applicable, and page where it first appears;

39
40 (2) The reporter’s transcript must contain alphabetical and chronological indexes listing
41 the volume, where applicable, and page where each witness’s direct, cross, and any
42 other examination, begins; and

43
44 (3) The reporter’s transcript must contain an index listing the volume, where applicable,
45 and page where any exhibit is marked for identification and where it is admitted or
46 refused.

1
2 **(c) Binding and cover**

3
4 (1) If filed in paper form, clerk's and reporter's transcripts must be bound on the left
5 margin in volumes of no more than 300 sheets, except that transcripts may be bound
6 at the top if required by a local rule of the appellate division.

7
8 (2)–(3) * * *

9
10 **Rule 8.840. Completion and filing of the record**

11
12 **(a)** * * * *

13
14 **(b) Filing the record**

15
16 When the record is complete, the trial court clerk must promptly send the original to the
17 appellate division and send to the appellant and respondent copies of any certified
18 statement on appeal and any copies of transcripts or official electronic recordings that they
19 have purchased. The appellate division clerk must promptly file the original and ~~mail~~ send
20 notice of the filing date to the parties.

21
22 **Rule 8.842. Failure to procure the record**

23
24 **(a) Notice of default**

25
26 Except as otherwise provided by these rules, if a party fails to do any act required to
27 procure the record, the trial court clerk must promptly notify that party ~~by mail~~ in writing
28 that it must do the act specified in the notice within 15 days after the notice is ~~mailed~~ sent
29 and that, if it fails to comply, the reviewing court may impose the following sanctions:

30
31 (1)–(2) * * *

32
33 **(b)** * * *

34
35 **Rule 8.843. Transmitting exhibits**

36
37 **(a)–(c)** * * *

38
39 **(d) Transmittal**

40
41 Unless the appellate division orders otherwise, within 20 days after notice under (a) is filed
42 or after the appellate division directs that an exhibit be sent:

43
44 (1) The trial court clerk must put any designated exhibits in the clerk's possession into
45 numerical or alphabetical order and send them to the appellate division ~~with two~~
46 copies of a list of the exhibits sent. The trial court clerk must also send a list of the

1 exhibits sent. If the exhibits are not transmitted electronically, the trial court clerk
2 must send two copies of the list. If the appellate division clerk finds the list correct,
3 the clerk must sign and return ~~one~~ a copy to the trial court clerk.
4

- 5 (2) Any party in possession of designated exhibits returned by the trial court must put
6 them into numerical or alphabetical order and send them to the appellate division
7 ~~with two copies of a list of the exhibits sent.~~ The party must also send a list of the
8 exhibits sent. If the exhibits are not transmitted electronically, the party must send
9 two copies of the list. If the appellate division clerk finds the list correct, the clerk
10 must sign and return ~~one~~ a copy to the party.
11

12 (e) **Return by appellate division**
13

14 On request, the appellate division may return an exhibit to the trial court or to the party that
15 sent it. When the remittitur issues, the appellate division must return all exhibits not
16 transmitted electronically to the trial court or to the party that sent them.
17

18 **Rule 8.852. Notice of appeal**
19

20 (a) * * *

21 (b) **Notification of the appeal**
22

23 (1) When a notice of appeal is filed, the trial court clerk must promptly ~~mail~~ send a
24 notification of the filing to the attorney of record for each party and to any
25 unrepresented defendant. The clerk must also ~~mail~~ send or deliver this notification to
26 the appellate division clerk.
27

28 (2) The notification must show the date it was ~~mailed~~ sent or delivered, the number and
29 title of the case, the date the notice of appeal was filed, and whether the defendant
30 was represented by appointed counsel.
31

32 (3)–(4) * * *

33 (5) The ~~mailing~~ sending of a notification under (1) is a sufficient performance of the
34 clerk's duty despite the discharge, disqualification, suspension, disbarment, or death
35 of the attorney.
36

37 (6) * * *

38 **Advisory Committee Comment**
39

40
41
42
43 *Notice of Appeal (Misdemeanor)* (form CR-132) may be used to file the notice of appeal required under
44 this rule. This form is available at any courthouse or county law library or online at
45 www.courtinfo.ca.gov/forms www.courts.ca.gov/forms.
46

1 **Subdivision (a).** The only orders that a defendant can appeal in a misdemeanor case are (1) orders
2 granting or denying a motion to suppress evidence (Penal Code section 1538.5(j)); and (2) orders made
3 after the final judgment that affects the substantial rights of the defendant (Penal Code section 1466)
4

5 **Rule 8.853. Time to appeal**
6

7 (a) * * *

8
9 (b) **Cross-appeal**

10
11 If the defendant or the People timely appeal from a judgment or appealable order, the time
12 for any other party to appeal from the same judgment or order is either the time specified
13 in (a) or 15 days after the trial court clerk ~~mails~~ sends notification of the first appeal,
14 whichever is later.
15

16 (c)–(d) * * *

17
18 **Rule 8.862. Preparation of clerk’s transcript**
19

20 (a)–(b) * * *

21
22 (c) **Probation officer’s reports**
23

24 A probation officer’s report included in the clerk’s transcript under rule 8.861(12)(D) must
25 appear in only the copies of the appellate record that are sent to the reviewing court, to
26 appellate counsel for the People, and to appellate counsel for the defendant who was the
27 subject of the report or to the defendant if he or she is self-represented. If the report is in
28 paper form, it must be placed in a sealed envelope. The reviewing court’s copy of the report,
29 and if applicable, the envelope, must be ~~placed in a sealed envelope~~ marked
30 “CONFIDENTIAL—MAY NOT BE EXAMINED WITHOUT COURT ORDER—
31 PROBATION OFFICER REPORT.”
32

33 (d)–(e) * * *

34
35 **Rule 8.864. Record of oral proceedings**
36

37 (a) **Appellant’s election**
38

39 The appellant must notify the trial court whether he or she elects to proceed with or
40 without a record of the oral proceedings in the trial court. If the appellant elects to proceed
41 with a record of the oral proceedings in the trial court, the notice must specify which form
42 of the record of the oral proceedings in the trial court the appellant elects to use:
43

- 44 (1) A reporter’s transcript under rules 8.865–8.867 or a transcript prepared from an
45 official electronic recording of the proceedings under rule 8.868(b). If the appellant
46 elects to use a reporter’s transcript, the clerk must promptly ~~mail~~ send a copy of

1 appellant's notice making this election and the notice of appeal to each court
2 reporter;

3
4 (2)–(3) * * *

5
6 (b)–(c) * * *

7
8 **Rule 8.866. Preparation of reporter's transcript**

9
10 **(a) When preparation begins**

11
12 (1) * * *

13
14 (2) If the notice sent to the reporter by the clerk under rule 8.864(a)(1) indicates that the
15 appellant is the defendant and that the defendant was not represented by appointed
16 counsel at trial:

17
18 (A) Within 10 days after the date the clerk ~~mailed~~ sent the notice under rule
19 8.864(a)(1), the reporter must file with the clerk the estimated cost of preparing
20 the reporter's transcript.

21
22 (B) The clerk must promptly notify the appellant and his or her counsel of the
23 estimated cost of preparing the reporter's transcript. The notification must
24 show the date it was ~~mailed~~ sent.

25
26 (C) Within 10 days after the date the clerk ~~mailed~~ sent the notice under (B), the
27 appellant must do one of the following:

28
29 (i)–(vii) * * *

30
31 (D) If the trial court determines that the appellant is not indigent, within 10 days
32 after the date the clerk ~~mails~~ sends notice of this determination to the appellant,
33 the appellant must do one of the following:

34
35 (i)–(vi) * * *

36
37 (E) * * *

38
39 (b)–(e) * * *

40
41 **(f) Notice when proceedings were not reported or cannot be transcribed**

42
43 (1) If any portion of the oral proceedings to be included in the reporter's transcript was
44 not reported or cannot be transcribed, the trial court clerk must so notify the parties
45 by ~~mail~~ in writing. The notice must:

46
47 (A) * * *

1
2 (B) Show the date it was ~~mailed~~sent.
3

4 (2) Within 15 days after this notice is ~~mailed~~ sent by the clerk, the appellant must serve
5 and file a notice with the court stating whether the appellant elects to proceed with or
6 without a record of the identified proceedings. When the party elects to proceed with
7 a record of these oral proceedings:
8

9 (A)–(B) * * *

10
11 **Rule 8.868. Record when trial proceedings were officially electronically recorded**
12

13 (a)–(d) * * *

14
15 (e) **When preparation begins**
16

17 (1) * * *

18
19 (2) If the appellant is the defendant and the defendant was not represented by appointed
20 counsel at trial:

21
22 (A) Within 10 days after the date the defendant files the election under rule
23 8.864(a)(1), the clerk must notify the appellant and his or her counsel of the
24 estimated cost of preparing the transcript or the copy of the recording. The
25 notification must show the date it was ~~mailed~~ sent.
26

27 (B) Within 10 days after the date the clerk ~~mailed~~ sent the notice under (A), the
28 appellant must do one of the following:
29

30 (i)–(v) * * *

31
32 (C) If the trial court determines that the appellant is not indigent, within 10 days
33 after the date the clerk ~~mails~~ sends notice of this determination to the appellant,
34 the appellant must do one of the following:
35

36 (i)–(iv) * * *

37
38 (D) * * *

39
40 (f) **Notice when proceedings were not officially electronically recorded or cannot be**
41 **transcribed**
42

43 (1) If any portion of the oral proceedings to be included in the transcript was not
44 officially electronically recorded under Government Code section 69957 or cannot
45 be transcribed, the trial court clerk must so notify the parties by mail in writing. The
46 notice must:

1
2 (A) * * *

3
4 (B) Show the date it was ~~mailed~~ sent.

5
6 (2) Within 15 days after this notice is ~~mailed~~ sent by the clerk, the appellant must serve
7 and file a notice with the court stating whether the appellant elects to proceed with or
8 without a record of the identified oral proceedings. When the party elects to proceed
9 with a record of these oral proceedings:

10
11 (A)–(B) * * *

12
13 **Rule 8.870. Exhibits**

14
15 (a)–(c) * * *

16
17 **(d) Transmittal**

18
19 Unless the appellate division orders otherwise, within 20 days after the first notice under
20 (b) is filed or after the appellate division directs that an exhibit be sent:

21
22 (1) The trial court clerk must put any designated exhibits in the clerk’s possession into
23 numerical or alphabetical order and send them to the appellate division ~~with two~~
24 ~~copies of a list of the exhibits.~~ The trial court clerk must also send a list of the
25 exhibits sent. If the exhibits are not transmitted electronically, the trial court clerk
26 must send two copies of the list. If the appellate division clerk finds the list correct,
27 the clerk must sign and return ~~one~~ a copy to the trial court clerk.

28
29 (2) Any party in possession of designated exhibits returned by the trial court must put
30 them into numerical or alphabetical order and send them to the appellate division
31 ~~with two copies of a list of the exhibits sent.~~ The party must also send a list of the
32 exhibits sent. If the exhibits are not transmitted electronically, the party must send
33 two copies of the list. If the appellate division clerk finds the list correct, the clerk
34 must sign and return ~~one~~ a copy to the party.

35
36 **(e) Return by appellate division**

37
38 On request, the appellate division may return an exhibit to the trial court or to the party that
39 sent it. When the remittitur issues, the appellate division must return all exhibits not
40 transmitted electronically to the trial court or to the party that sent them.

41
42 **Rule 8.872. Sending and filing the record in the appellate division**

43
44 (a)–(b) * * *

1 (c) **Filing the record**

2
3 On receipt, the appellate division clerk must promptly file the original record and ~~mail~~
4 send notice of the filing date to the parties.

5
6 **Rule 8.874. Failure to procure the record**

7
8 (a) **Notice of default**

9
10 If a party fails to do any act required to procure the record, the trial court clerk must
11 promptly notify that party ~~by mail~~ in writing that it must do the act specified in the notice
12 within 15 days after the notice is ~~mailed~~ sent and that, if it fails to comply, the appellate
13 division may impose the following sanctions:

14
15 (1)–(2) * * *

16
17 (b) * * *

18
19 **Rule 8.881. Notice of briefing schedule**

20
21 When the record is filed, the clerk of the appellate division must promptly ~~mail~~ send a notice to
22 each appellate counsel or unrepresented party giving the dates the briefs are due.

23
24 **Rule 8.882. Briefs by parties and amici curiae**

25
26 (a) * * *

27
28 (b) **Extensions of time**

29
30 (1) Except as otherwise provided by statute, in a civil case, the parties may extend each
31 period under (a) by up to 30 days by filing one or more stipulations in the appellate
32 division before the brief is due. Stipulations must be signed by and served on all
33 parties. If the stipulation is filed in paper form, the original signature of at least one
34 party must appear on the stipulation filed in the appellate division; the signatures of
35 the other parties may be in the form of fax copies of the signed signature page of the
36 stipulation. If the stipulation is electronically filed, the signatures must comply with
37 the requirements of rule 8.77.

38
39 (2)–(4) * * *

40
41 (c) **Failure to file a brief**

42
43 (1) If a party in a civil appeal fails to timely file an appellant’s opening brief or a
44 respondent’s brief, the appellate division clerk must promptly notify the party ~~by~~
45 mail in writing that the brief must be filed within 15 days after the notice is ~~mailed~~

1 sent and that if the party fails to comply, the court may impose one of the following
2 sanctions:

3
4 (A)–(B) * * *

- 5
6 (2) If the appellant in a misdemeanor appeal fails to timely file an opening brief, the
7 appellate division clerk must promptly notify the appellant by mail in writing that the
8 brief must be filed within 30 days after the notice is mailed sent and that if the
9 appellant fails to comply, the court may impose one of the following sanctions:

10
11 (A)–(B) * * *

- 12
13 (3) If the respondent in a misdemeanor appeal fails to timely file a brief, the appellate
14 division clerk must promptly notify the respondent by mail in writing that the brief
15 must be filed within 30 days after the notice is mailed sent and that if the respondent
16 fails to comply, the court may impose one of the following sanctions:

17
18 (A)–(B) * * *

- 19
20 (4) * * *

21
22 (d)–(e) * * *

23
24 **Rule 8.883. Contents and form of briefs**

25
26 (a)–(b) * * *

27
28 (c) **Form**

- 29
30 (1) A brief may be reproduced by any process that produces a clear, black image of
31 letter quality. All documents filed must have a page size of 8 1/2 by 11 inches. If
32 filed in paper form, the paper must be white or unbleached, 8 1/2 by 11 inches, and of
33 at least 20-pound weight. Both sides of the paper may be used if the brief is not
34 bound at the top.

- 35
36 (2) Any conventional ~~typeface~~ font may be used. The ~~typeface~~ font may be either
37 proportionally spaced or monospaced.

- 38
39 (3) The ~~type~~ font style must be roman; but for emphasis, italics or boldface may be used
40 or the text may be underscored. Case names must be italicized or underscored.
41 Headings may be in uppercase letters.

- 42
43 (4) Except as provided in (11), the ~~type~~ font size, including footnotes, must not be
44 smaller than 13-point.

45
46 (5)–(8) * * *

1
2 (9) If filed in paper form, the brief must be bound on the left margin, except that briefs
3 may be bound at the top if required by a local rule of the appellate division. If the
4 brief is stapled, the bound edge and staples must be covered with tape.

5
6 (10)–(11)

7
8 (d) * * *

9
10 **Rule 8.888. Finality and modification of decision**

11
12 (a)–(b) * * *

13
14 (c) **Consent to increase or decrease in amount of judgment**

15
16 If an appellate division decision conditions the affirmance of a money judgment on a
17 party’s consent to an increase or decrease in the amount, the judgment is reversed unless,
18 before the decision is final under (a), the party serves and files ~~two copies~~ a copy of a
19 consent in the appellate division. If a consent is filed, the finality period runs from the
20 filing date of the consent. The clerk must send one ~~filed-stamped~~ endorsed copy of the
21 consent to the trial court with the remittitur.

22
23 **Rule 8.890. Remittitur**

24
25 (a) * * *

26
27 (b) **Clerk’s duties**

28
29 (1) If an appellate division case is not transferred to the Court of Appeal under rule
30 8.1000 et seq., the appellate division clerk must:

31
32 (A) * * *

33
34 (B) Send the remittitur to the trial court with a ~~filed-stamped~~ endorsed copy of the
35 opinion or order; and

36
37 (C) Return to the trial court with the remittitur all original records, exhibits, and
38 documents sent non-electronically to the appellate division in connection with
39 the appeal, except any certification for transfer under rule 8.1005, the
40 transcripts or statement on appeal, briefs, and the notice of appeal.

41
42 (2) * * *

1 (c)–(d) * * *

2
3 **Rule 8.891. Costs and sanctions in civil appeals**

4
5 (a)–(e) * * *

6
7 **Advisory Committee Comment**

8
9 **Subdivision (d).** “Net interest expenses” in subdivisions (d)(1)(F) and (G) means the interest expenses
10 incurred to borrow the funds that are deposited minus any interest earned by the borrower on those funds
11 while they are on deposit.

12
13 Subdivision (d)(1)(D), allowing recovery of the “costs to notarize, serve, mail, and file the record, briefs,
14 and other papers,” is intended to include fees charged by electronic filing service providers for electronic
15 filing and service of documents.

16
17 **Rule 8.901. Notice of appeal**

18
19 (a) * * *

20
21 (b) **Notification of the appeal**

22
23 (1) When a notice of appeal is filed, the trial court clerk must promptly ~~mail~~ send a
24 notification of the filing to the attorney of record for each party and to any
25 unrepresented defendant. The clerk must also ~~mail~~ send or deliver this notification to
26 the appellate division clerk.

27
28 (2) The notification must show the date it was ~~mailed~~ sent or delivered, the number and
29 title of the case, and the date the notice of appeal was filed.

30
31 (3)–(4) * * *

32
33 (5) The ~~mailing~~ sending of a notification under (1) is a sufficient performance of the
34 clerk’s duty despite the discharge, disqualification, suspension, disbarment, or death
35 of the attorney.

36
37 (6) * * *

38
39 **Rule 8.902. Time to appeal**

40
41 (a) * * *

42
43 (b) **Cross-appeal**

44
45 If the defendant or the People timely appeals from a judgment or appealable order, the time
46 for any other party to appeal from the same judgment or order is either the time specified

1 in (a) or 30 days after the trial court clerk ~~mails~~ sends notification of the first appeal,
2 whichever is later.

3
4 **(c)–(d) * * ***

5
6 **Rule 8.911. Prosecuting attorney’s notice regarding the record**

7
8 If the prosecuting attorney does not want to receive a copy of the record on appeal, within 10
9 days after the notification of the appeal under rule 8.901(b) is ~~mailed~~ sent to the prosecuting
10 attorney, the prosecuting attorney must serve and file a notice indicating that he or she does not
11 want to receive the record.

12
13 **Rule 8.915. Record of oral proceedings**

14
15 **(a) Appellant’s election**

16
17 The appellant must notify the trial court whether he or she elects to proceed with or
18 without a record of the oral proceedings in the trial court. If the appellant elects to proceed
19 with a record of the oral proceedings in the trial court, the notice must specify which form
20 of the record of the oral proceedings in the trial court the appellant elects to use:

21
22 (1)–(2) * * *

23
24 (3) A reporter’s transcript under rules 8.918–8.920 or a transcript prepared from an
25 official electronic recording of the proceedings under rule 8.917(b). If the appellant
26 elects to use a reporter’s transcript, the clerk must promptly ~~mail~~ send a copy of
27 appellant’s notice making this election and the notice of appeal to each court
28 reporter.

29
30 **(b)–(c) * * ***

31
32 **Rule 8.917. Record when trial proceedings were officially electronically recorded**

33
34 **(a)–(d) * * ***

35
36 **(e) When preparation begins**

37
38 (1) * * *

39
40 (2) If the appellant is the defendant:

41
42 (A) Within 10 days after the date the appellant files the election under rule
43 8.915(a), the clerk must notify the appellant and his or her counsel of the
44 estimated cost of preparing the transcript or the copy of the recording. The
45 notification must show the date it was ~~mailed~~ sent.

1 (B) Within 10 days after the date the clerk ~~mailed~~ sent the notice under (A), the
2 appellant must do one of the following:

3
4 (i)–(v) * * *

5
6 (C) If the trial court determines that the appellant is not indigent, within 10 days
7 after the date the clerk ~~mails~~ sends notice of this determination to the appellant,
8 the appellant must do one of the following:

9
10 (i)–(iv) * * *

11
12 (D) * * *

13
14 **(f) Notice when proceedings were not officially electronically recorded or cannot be**
15 **transcribed**

16
17 (1) If any portion of the oral proceedings to be included in the transcript were not
18 officially electronically recorded under Government Code section 69957 or cannot
19 be transcribed, the trial court clerk must so notify the parties by mail in writing. The
20 notice must:

21
22 (A) * * *

23
24 (B) Show the date it was ~~mailed~~ sent.

25
26 (2) Within 15 days after this notice is ~~mailed~~ sent by the clerk, the appellant must serve
27 and file a notice with the court stating whether the appellant elects to proceed with or
28 without a record of the identified proceedings. When the party elects to proceed with
29 a record of these oral proceedings:

30
31 (A)–(B) * * *

32
33 **Rule 8.919. Preparation of reporter's transcript**

34
35 **(a) When preparation begins**

36
37 (1) * * *

38
39 (2) If the notice sent to the reporter by the clerk under rule 8.915(a)(3) indicates that the
40 appellant is the defendant:

41
42 (A) Within 10 days after the date the clerk ~~mailed~~ sent the notice under rule
43 8.915(a)(3), the reporter must file with the clerk the estimated cost of preparing
44 the reporter's transcript; and
45

1 (B) The clerk must promptly notify the appellant and his or her counsel of the
2 estimated cost of preparing the reporter's transcript. The notification must
3 show the date it was ~~mailed~~ sent.
4

5 (C) Within 10 days after the date the clerk ~~mailed~~ sent the notice under (B), the
6 appellant must do one of the following:
7

8 (i)-(vii) * * *
9

10 (D) If the trial court determines that the appellant is not indigent, within 10 days
11 after the date the clerk ~~mailed~~ sends notice of this determination to the appellant,
12 the appellant must do one of the following:
13

14 (i)-(vi) * * *
15

16 (E) * * *
17

18 (b)-(e) * * *
19

20 **(f) Notice when proceedings cannot be transcribed**
21

22 (1) If any portion of the oral proceedings to be included in the reporter's transcript was
23 not reported or cannot be transcribed, the trial court clerk must so notify the parties
24 ~~by mail~~ in writing. The notice must:
25

26 (A) * * *
27

28 (B) Show the date it was ~~mailed~~ sent.
29

30 (2) Within 15 days after this notice is ~~mailed~~ sent by the clerk, the appellant must serve
31 and file a notice with the court stating whether the appellant elects to proceed with or
32 without a record of the identified proceedings. When the party elects to proceed with
33 a record of these oral proceedings:
34

35 (A)-(B) * * *
36

37 **Rule 8.921. Exhibits**
38

39 (a)-(c) * * *
40

41 **(d) Transmittal**
42

43 Unless the appellate division orders otherwise, within 20 days after notice under (b) is filed
44 or after the appellate division directs that an exhibit be sent:
45

1 (1) The trial court clerk must put any designated exhibits in the clerk’s possession into
2 numerical or alphabetical order and send them to the appellate division ~~with two~~
3 ~~copies of a list of the exhibits sent.~~ The trial court clerk must also send a list of the
4 exhibits sent. If the exhibits are not transmitted electronically, the trial court clerk
5 must send two copies of the list. If the appellate division clerk finds the list correct,
6 the clerk must sign and return ~~one~~ a copy to the trial court clerk.
7

8 (2) Any party in possession of designated exhibits returned by the trial court must put
9 them into numerical or alphabetical order and send them to the appellate division
10 ~~with two copies of a list of the exhibits sent.~~ The party must also send a list of the
11 exhibits sent. If the exhibits are not transmitted electronically, the party must send
12 two copies of the list. If the appellate division clerk finds the list correct, the clerk
13 must sign and return ~~one~~ a copy to the party.
14

15 **(e) Return by appellate division**
16

17 On request, the appellate division may return an exhibit to the trial court or to the party that
18 sent it. When the remittitur issues, the appellate division must return all exhibits not
19 transmitted electronically to the trial court or to the party that sent them.
20

21 **Rule 8.922. Sending and filing the record in the appellate division**
22

23 **(a)–(b) * * ***
24

25 **(c) Filing the record**
26

27 On receipt, the appellate division clerk must promptly file the original record and ~~mail~~
28 send notice of the filing date to the parties.
29

30 **Rule 8.924. Failure to procure the record**
31

32 **(a) Notice of default**
33

34 If a party fails to do any act required to procure the record, the trial court clerk must
35 promptly notify that party ~~by mail~~ in writing that it must do the act specified in the notice
36 within 15 days after the notice is ~~mailed~~ sent and that, if it fails to comply, the reviewing
37 court may impose the following sanctions:
38

39 **(1)–(2) * * ***
40

41 **(b) * * ***
42

43 **Rule 8.926. Notice of briefing schedule**
44

45 When the record is filed, the clerk of the appellate division must promptly ~~mail~~ send, to each
46 appellate counsel or unrepresented party, a notice giving the dates the briefs are due.

1 **Rule 8.927. Briefs**

2
3 (a) * * *

4
5 (b) **Failure to file a brief**

6
7 (1) If the appellant fails to timely file an opening brief, the appellate division clerk must
8 promptly notify the appellant ~~by mail~~ in writing that the brief must be filed within 20
9 days after the notice is ~~mailed~~ sent and that if the appellant fails to comply, the court
10 may dismiss the appeal.

11
12 (2) If the respondent fails to timely file a brief, the appellate division clerk must
13 promptly notify the respondent ~~by mail~~ in writing that the brief must be filed within
14 20 days after the notice is ~~mailed~~ sent and that if the respondent fails to comply, the
15 court will decide the appeal on the record, the appellant’s opening brief, and any oral
16 argument by the appellant.

17
18 (3) * * *

19
20 (c) * * *

21
22 **Rule 8.928. Contents and form of briefs**

23
24 (a)–(b) * * *

25
26 (c) **Form**

27
28 (1) A brief may be reproduced by any process that produces a clear, black image of
29 letter quality. All documents filed must have a page size of 8 1/2 by 11 inches. If
30 filed in paper form, the paper must be white or unbleached, 8 1/2 by 11 inches, and of
31 at least 20-pound weight. Both sides of the paper may be used if the brief is not
32 bound at the top.

33
34 (2) Any conventional ~~typeface~~ font may be used. The ~~typeface~~ font may be either
35 proportionally spaced or monospaced.

36
37 (3) The ~~type~~ font style must be roman; but for emphasis, italics or boldface may be used
38 or the text may be underscored. Case names must be italicized or underscored.
39 Headings may be in uppercase letters.

40
41 (4) Except as provided in (11), the ~~type~~ font size, including footnotes, must not be
42 smaller than 13-point.

43
44 (5)–(8) * * *

1 (9) If filed in paper form, the brief must be bound on the left margin, except that briefs
2 may be bound at the top if required by a local rule of the appellate division. If the
3 brief is stapled, the bound edge and staples must be covered with tape.
4

5 (10)–(11) * * *

6
7 (d) * * *

8
9 **Rule 8.931. Petitions filed by persons not represented by an attorney**

10
11 (a)–(b) * * *

12
13 (c) **Form of supporting documents**

14
15 (1) Documents submitted under (b) must comply with the following requirements:

16
17 (A) If submitted in paper form, they must be bound together at the end of the
18 petition or in separate volumes not exceeding 300 pages each. The pages must
19 be consecutively numbered.
20

21 (B) If submitted in paper form, they must be index-tabbed by number or letter.
22

23 (C) They must begin with a table of contents listing each document by its title and
24 its index-~~tab~~ number or letter. If a document has attachments, the table of
25 contents must give the title of each attachment and a brief description of its
26 contents.
27

28 (2) * * *

29
30 (3) Unless the court provides otherwise by local rule or order, only one set of ~~any~~
31 ~~separately bound~~ the supporting documents needs to be filed in support of a petition,
32 an answer, an opposition, or a reply.
33

34 (d) * * *

35
36 **Rule 8.1018. Finality and remittitur**

37
38 (a)–(b) * * *

39
40 (c) **When the Court of Appeal issues a decision**

41
42 If the Court of Appeal issues a decision on a case it has ordered transferred from the
43 appellate division of the superior court, filing, finality, and modification of that decision
44 are governed by rule 8.264 and remittitur is governed by rule 8.272, except that the clerk
45 must address the remittitur to the appellate division and send that court ~~two copies~~ a copy
46 of the remittitur and ~~two file-stamped copies~~ a filed-endorsed copy of the Court of Appeal

1 opinion or order. If the remittitur and opinion are sent in paper format, two copies must be
2 sent. On receipt of the Court of Appeal remittitur, the appellate division clerk must
3 promptly issue a remittitur if there will be no further proceedings in that court.
4

5 **(d) Documents to be returned**
6

7 When the Court of Appeal denies or vacates transfer or issues a remittitur under (c), the
8 Court of Appeal clerk must return to the appellate division any part of the record sent non-
9 electronically to the Court of Appeal under rule 8.1007 and any exhibits that were sent
10 non-electronically.