



# Judicial Council of California

455 Golden Gate Avenue · San Francisco, California 94102-3688

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## INVITATION TO COMMENT

### SPR26-02

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**Title**

Appellate Procedure: Record Designation  
Rules and Forms

**Action Requested**

Review and submit comments by May 18,  
2026, to [invitations@jud.ca.gov](mailto:invitations@jud.ca.gov)

**Proposed Rules, Forms, Standards, or Statutes**

Amend Cal. Rules of Court, rules 8.74,  
8.100, 8.120, 8.121, 8.122, 8.130, 8.144,  
8.149, 8.155, 8.407, 8.821, 8.831, 8.832;  
repeal rules 8.134 and 8.344; approve forms  
APP-003A, APP-003B, APP-003C,  
APP-003D; revise forms APP-001-INFO,  
APP-003, APP-010, APP-101-INFO,  
APP-103, APP-110

**Proposed Effective Date**

January 1, 2027

**Contact**

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**Proposed by**

Appellate Advisory Committee  
Hon. Allison M. Danner, Chair

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### Executive Summary and Origin

The Appellate Advisory Committee proposes revising forms APP-001-INFO, APP-003, APP-010, APP-101-INFO, APP-103, and APP-110—and approving forms APP-003A, APP-003B, APP-003C, and APP-003D—to simplify and improve the clarity of the record-designation process. The committee also proposes amending California Rules of Court, rules 8.100, 8.121, 8.122, 8.821, 8.831, and 8.832 to require that clerk’s transcript designations identify documents using names from the trial court register of actions. The committee further proposes revoking California Rules of Court, rules 8.134 and 8.344, and amending rules 8.74, 8.120, 8.122, 8.130, 8.144, 8.149, 8.155, and 8.407 to remove the option for agreed statements. This proposal is designed to make the record-designation process in civil appeals more efficient. This proposal originated from a recommendation of the former Chief Justice’s Appellate Caseflow Workgroup.

*This proposal has not been approved by the Judicial Council and is not intended to represent the views of the council, its Rules Committee, or its Legislation Committee. It is circulated for comment purposes only.*

## Background

In 2022, then-Chief Justice Tani G. Cantil-Sakauye established and appointed members to the Appellate Caseflow Workgroup. The Chief Justice directed the workgroup to “review policies, procedures, and management and administrative practices of the Courts of Appeal, and to recommend measures to promote transparency, accountability, and efficiency in issuing timely judgments.”<sup>1</sup> The Appellate Caseflow Workgroup determined that “in civil cases, designations of record submitted by self-represented litigants or less experienced attorneys can be unclear and imprecise, and they can require time-consuming follow-up measures, such as issuing multiple default notices.”<sup>2</sup> For this reason, the workgroup recommended that the Judicial Council revise the relevant rules and forms “to be simpler, clearer, and more efficient.”<sup>3</sup>

## The Proposal

Several Judicial Council forms are used to help litigants navigate the process of designating the record in civil appeals. Based on the Appellate Caseflow Workgroup’s recommendation regarding record designation rules and forms, the committee proposes three changes: (1) revising the record designation forms to make them easier for self-represented litigants and less experienced attorneys to understand and follow, (2) amending several California Rules of Court<sup>4</sup> to require litigants to identify documents in their clerk’s transcript designations using names from the trial court register of actions, and (3) repealing and amending rules to remove the option for agreed statements.

### Record designation forms

For cases that are appealed to the Court of Appeal, there are currently two Judicial Council forms that address designation of the record on appeal:

- *Appellant’s Notice Designating Record on Appeal (Unlimited Civil Case)* (form APP-003)
- *Respondent’s Notice Designating Record on Appeal—Unlimited Civil Case* (form APP-010)

For limited civil cases appealed to the Superior Court Appellate Division, there are two forms:

- *Appellant’s Notice Designating Record on Appeal (Limited Civil Case)* (form APP-103)
- *Respondent’s Notice Designating Record on Appeal—Limited Civil Case* (form APP-110)

Additionally, there are two information forms that include instructions for designating the record:

- *Information on Appeal Procedures for Unlimited Civil Cases* (form APP-001-INFO)

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<sup>1</sup> Appellate Caseflow Workgroup, *Report to the Chief Justice* (Dec. 6, 2022), p. 1, [newsroom.courts.ca.gov/sites/default/files/newsroom/2022-12/Appellate%20Caseflow%20Workgroup%20Report\\_Final.pdf](https://newsroom.courts.ca.gov/sites/default/files/newsroom/2022-12/Appellate%20Caseflow%20Workgroup%20Report_Final.pdf).

<sup>2</sup> *Ibid.* at p. 16.

<sup>3</sup> *Ibid.* at p. 19.

<sup>4</sup> All further references to rules are to the California Rules of Court.

- *Information on Appeal Procedures for Limited Civil Cases* (form APP-101-INFO)

### **Form APP-003**

The committee proposes the following revisions to form APP-003:

- Because current form APP-003 is lengthy, and because litigants need only complete the portions of the form that apply to the types of the record, move parts of the current form onto four attachment forms:
  - Items 1a(1), (2), and 4 on the current version of form APP-003 would be covered by new *Appellant’s Notice Designating Record on Appeal—Clerk’s Transcript Attachment* (form APP-003A).
  - Items 1(c) on the current version of form APP-003 would be covered by new *Appellant’s Notice Designating Record on Appeal—Original Trial Court File Attachment* (APP-003B)
  - Items 2b(1) and 5 on the current version of form APP-003 would be covered by new *Appellant’s Notice Designating Record on Appeal—Reporter’s Transcript Attachment* (APP-003C)
  - Items 2b(3) and 6 on the current version of form APP-003 would be covered by new *Appellant’s Notice Designating Record on Appeal—Settled Statement Attachment* (APP-003D)

Although moving parts of the current form into new attachment forms creates a risk that litigants will not file every necessary form, the committee concluded that this risk would be adequately mitigated by adding instructions to form APP-003 clarifying the circumstances under which to file each attachment form. Additionally, the committee decided the benefit of simplifying form APP-003 outweighed any risk of litigants failing to file necessary attachment forms.

- To reflect a concurrent proposal by the committee to generally require the use of appendixes rather than clerk’s transcripts in unlimited civil appeals in which all parties are represented, include new item 1a that (1) adds a checkbox for appellants to indicate if appendixes are required in their case, and (2) adds checkboxes for appellants to indicate if a motion asking for exemption from this requirement is attached to the designation notice.<sup>5</sup>
- Renumber the existing content in item 1 as item 1b(2) and add item 1b(1) for appellants to indicate if appendixes are not required in their case. The options in 1(b)(2), regarding documents the appellant may use if appendixes are not required, are the same as those in current item 1, but the order has been modified to list appendixes first, the limitations on when an appellant can elect to use an appendix are incorporated, and details about the

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<sup>5</sup> See Appellate Advisory Com., *Appellate Procedure: Required Use of Appendixes in Civil Appeals* (S26-XX) available at [courts.ca.gov/policy-administration/invitations-comment](https://courts.ca.gov/policy-administration/invitations-comment).

proposed new attachment forms APP-003A (clerk’s transcript) and APP-003B (original trial court file) have been added.

- Include new language in item 2b clarifying that appellants may designate more than one form of the record, along with new checkboxes appellants can use to indicate whether the form of the record selected will be the full record or just part of the record of the oral proceedings. The order of the record options has been modified to list settled statements first. Details about the proposed new attachment forms APP-003C (settled statements) and APP-003D (reporter’s transcripts) have been added.

### ***Form APP-010***

The committee proposes revising item 1b on form APP-010 to reflect the concurrent proposal by the committee to generally require the use of appendixes, which includes an exception for circumstances in which the superior court has granted a motion by the appellant for an exemption to the requirement.<sup>6</sup> The committee also proposes revising item 2a to require that the respondent use the title of documents as they appear in the trial court’s register of actions when designating additional documents for inclusion in the clerk’s transcript. (See below for discussion of proposed rule amendments involving the trial court’s register of actions.) The committee additionally proposes adding language to item 3a(2) to clarify the circumstances in which a deposit for the cost of transcribing additional proceedings is required.

### ***Form APP-103***

The committee proposes revising form APP-103 to add checkboxes to the beginning of item 5 for the situations in which an appendix is or is not required, with explanations. The proposed revisions also include renumbering parts of item 5 and minor changes to clarify instructions in items 4 and 5. Specifically in item 4a(4), the committee proposes including instructions explaining that written waivers of deposit signed by the reporter are distinct from waivers of court fees and costs. This addition is intended to address reports that this distinction was a source of confusion for litigants. Additionally, because appellants may use different types of record designations for different court proceedings, the committee proposes including tables in each designation type to list the proceedings being designated in that type. The committee further proposes modifying the left column of the tables from “Electronic Monitor’s Name” to “Morning/Afternoon/Both” because this information would be more useful in specifying which proceedings the respondent is designating.

### ***Form APP-110***

The committee proposes revising item 4b on form APP-110 to reflect the proposed amendments to rule 8.845 establishing a general requirement that parties represented by counsel use appendixes.<sup>7</sup> The committee also proposes clarifying the language in item 6a(3) for the reporter’s transcript deposit because the deposit has been a source of confusion for litigants. Additionally,

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<sup>6</sup> *Ibid.*

<sup>7</sup> *Ibid.*

because respondents may use different types of record designations for different court proceedings, the committee proposes including tables in each designation type to list the proceedings being designated in that type. The committee proposes modifying the left column of the tables from “Electronic Monitor’s Name” to “Morning/Afternoon/Both” because this information would be more useful in specifying which proceedings the respondent is designating.

### ***Forms APP-001-INFO and APP-101-INFO***

The committee proposes revising both appellate information forms to reflect the rule amendments and repeals in this proposal and in the concurrent proposal to establish a general requirement for the use of appendixes.<sup>8</sup> The committee also proposes clarifying the language of both forms with the aim of improving comprehension by self-represented litigants and less experienced attorneys.

### **Register of actions**

The Appellate Caseflow Workgroup’s report identifies designations of the record as a source of delay for litigants and costs for trial courts due to the complexity of the current forms and rules. To avoid confusion for both litigants and clerks with respect to the documents litigants wish to include in the clerk’s transcript, the committee proposes two new requirements:

- Clerks would be required to send a copy of the trial court register of actions to litigants before they submit their record designations. This is reflected in proposed new subdivisions 8.100(e)(5) and 8.821(d)(5), as well as the proposed amendments to rules 8.121(a), 8.122(b)(1)(F) and 8.831(a) to tie the default notice for failure to timely file a notice designating the record on appeal to the date on which the clerk sends the register of actions.<sup>9</sup>
- Litigants would be required to identify each designated document by its title as listed in the register of actions for the case. This is reflected in the proposed amendments to rules 8.122(a) and 8.832(b), as well as the proposed revisions to the forms discussed above.

### **Agreed statements**

The committee proposes removing the option for agreed statements in the Court of Appeal because they are redundant and infrequently used. An agreed statement is, in effect, a settled statement to which both appellant and respondent agree. However, rule 8.137, the rule for settled statements, allows parties to stipulate to a proposed settled statement, effectively converting the proposed statement into an agreed statement. Moreover, agreed statements have fallen into disuse. To help achieve the goal of making the record-designation process “simpler, clearer, and more efficient,” the committee proposes removing the option for agreed statements, which would

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<sup>8</sup> *Ibid.*

<sup>9</sup> The committee also proposes several non-substantive amendments to rule 8.100 to improve clarity and reflect current terminology standards for rules of court.

remove unnecessary language from the relevant rules and forms. Specifically, the committee proposes repealing rules 8.134 and 8.344, and amending rules 8.74, 8.120, 8.122, 8.130, 8.144, 8.149, 8.155, and 8.407 to remove any reference to agreed statements.

### **Amendments for consistency**

In addition to the above proposed rule amendments and form revisions, the committee proposes revising rule 8.130 for consistency with other rules and forms. The proposed amendments to rule 8.130(a)(1) and (b) and the corresponding advisory committee comments would make explicit the requirements that are already present in form APP-003. Additionally, the committee proposes deleting rule 8.149(a)(4) because the authority to use a settled statement for the record of the documents has been repealed. The committee also proposes amending rule 8.120 to switch the order of section (a)(1)(A) (clerk's transcript) and (B) (appendix) to reflect the new general requirement for appendixes included in a concurrent proposal.<sup>10</sup>

### **Alternatives Considered**

The committee considered not making the proposed amendments and revisions but concluded that the improvements to efficiency outweighed any cost and time associated with adjusting to the changes. The committee considered removing the option for agreed statements in appeals before the appellate division but decided to propose the change only in the Court of Appeal and will consider corresponding appellate division changes in the future.

### **Fiscal and Operational Impacts**

The committee anticipates the proposed amendments and revisions will reduce the fiscal and operational burdens of record preparation on the courts. Implementation would involve making the Courts of Appeal and superior courts aware of the changes.

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<sup>10</sup> <sup>10</sup> See Appellate Advisory Com., *Appellate Procedure: Required Use of Appendixes in Civil Appeals* (S26-XX) available at [courts.ca.gov/policy-administration/invitations-comment](https://courts.ca.gov/policy-administration/invitations-comment).

### **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?

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

- Would the proposal provide cost savings? If so, please quantify.
- What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems?
- Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?
- How well would this proposal work in courts of different sizes?

### **Attachments and Links**

1. Cal. Rules of Court, rules 8.74, 8.100, 8.120, 8.121, 8.122, 8.130, 8.134, 8.144, 8.149, 8.155, 8.344, 8.407, 8.821, 8.831, and 8.832, at pages 8–22
2. Forms APP-001-INFO, APP-003, APP-003A, APP-003B, APP-003C, APP-003D, APP-010, APP-101-INFO, APP-103, and APP-110, at pages 23–82

Rules 8.74, 8.100, 8.120, 8.121, 8.122, 8.130, 8.144, 8.149, 8.155, 8.407, 8.821, 8.831, and 8.832 of the California Rules of Court would be amended and rules 8.134 and 8.344 would be repealed, effective January 1, 2027, to read:

1 **Title 8. Appellate Rules**

2  
3 **Division 1. Rules Relating to the Supreme Court and Courts of Appeal**

4  
5 **Chapter 1. General Provisions**

6  
7 **Article 5. E-filing**

8  
9 **Rule 8.74. Format of electronic documents**

10  
11 **(a)–(b)** \* \* \*

12  
13 **(c) Additional formatting requirements for certain electronic documents**

14  
15 (1)–(3) \* \* \*

16  
17 (4) ~~Agreed statement and Settled statement~~: The format for ~~an agreed statement~~  
18 ~~or~~ a settled statement must comply with this rule and rule 8.144.

19  
20 (5)–(7) \* \* \*

21  
22 **(d)** \* \* \*

23  
24 **Chapter 2. Civil Appeals**

25  
26 **Article 1. Taking the Appeal**

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

29  
30 **(a)–(d)** \* \* \*

31  
32 **(e) Superior court clerk’s duties**

33  
34 (1) The superior court clerk must promptly send a notification of the filing of the  
35 notice of appeal to the attorney of record for each party, to any unrepresented  
36 party, and to the reviewing court clerk.

37  
38 (2) The notification must show the date it was sent and must state the number  
39 and title of the case and the date the notice of appeal was filed. If the  
40 information is available, the notification must include:  
41

- 1 (A) The name, address, telephone number, ~~e-mail~~ email address, and
- 2 California State Bar number of each attorney of record in the case;
- 3
- 4 (B) The name of the party each attorney represented in the superior court;
- 5 and
- 6
- 7 (C) The name, address, telephone number and ~~e-mail~~ email address of any
- 8 unrepresented party.
- 9
- 10 (3) A copy of the notice of appeal is sufficient notification under (1) if the
- 11 required information is on the copy or is added by the superior court clerk.
- 12
- 13 (4) The 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) When sending the notification of the appeal to the parties, the superior court
- 18 clerk must include a copy of the register of actions for the case. If the
- 19 superior court provides remote electronic access to the register of actions
- 20 under rule 2.503 and a party consented to electronic service in the trial court,
- 21 instead of sending the register of actions, the superior court clerk may send
- 22 that party instructions for obtaining a copy of the register of actions using the
- 23 court's remote electronic access system.
- 24
- 25 ~~(5)~~(6) When sending the notification of the appeal to the reviewing court
- 26 clerk, the superior court clerk must include ~~the reviewing court~~ the filing fee
- 27 or an application for, or order granting, a waiver of that fee. If the fee was
- 28 paid in cash, the clerk must send the reviewing court a certificate of payment
- 29 and thereafter a check for the amount of the fee.
- 30
- 31 ~~(6)~~(7) Failure to comply with any provision of this subdivision does not affect
- 32 the validity of the notice of appeal.
- 33
- 34 **(f)-(g)** \* \* \*
- 35
- 36

**Article 2. Record on Appeal**

**Rule 8.120. Record on appeal**

Except as otherwise provided in this chapter, the record on an appeal in a civil case must contain the records specified in (a) and (b), which constitute the normal record on appeal.

1 **(a) Record of written documents**

2  
3 (1) A record of the written documents from the superior court proceedings in the  
4 form of one of the following:

5  
6 (A) ~~A clerk's transcript under rule 8.122~~ An appendix under rule 8.124;

7  
8 (B) ~~An appendix under rule 8.124~~ A clerk's transcript under rule 8.122;

9  
10 (C) The original superior court file under rule 8.128, if a local rule of the  
11 reviewing court permits this form of the record; or

12  
13 ~~(D) An agreed statement under rule 8.134(a)(2); or~~

14  
15 ~~(E)(D)~~ A settled statement under rule 8.137.

16  
17 (2) If an appellant intends to raise any issue that requires consideration of the  
18 record of an administrative proceeding that was admitted in evidence,  
19 refused, or lodged in the superior court, the record on appeal must include  
20 that administrative record, transmitted under rule 8.123.

21  
22 **(b) Record of the oral proceedings**

23  
24 If an appellant intends to raise any issue that requires consideration of the oral  
25 proceedings in the superior court, the record on appeal must include a record of  
26 these oral proceedings in the form of one of the following:

27  
28 (1) A reporter's transcript under rule 8.130; or

29  
30 ~~(2) An agreed statement under rule 8.134; or~~

31  
32 ~~(3)(2)~~ A settled statement under rule 8.137.

33  
34  
35 **Rule 8.121. Notice designating the record on appeal**

36  
37 **(a) Time to file**

38  
39 Within 10 days after filing the notice of appeal, an appellant must serve and file a  
40 notice in the superior court designating the record on appeal. The appellant may  
41 combine its notice designating the record with its notice of appeal. The superior  
42 court clerk may not issue a default notice for failure to timely file a notice  
43 designating the record on appeal until the later of 10 days after the filing of the

1 notice of appeal or 10 days after the clerk sends notification required under rule  
2 8.100(e)(1).

3  
4 **(b)–(c)** \* \* \*

5  
6  
7 **Rule 8.122. Clerk’s transcript**

8  
9 **(a) Designation**

10  
11 (1) A notice designating documents to be included in a clerk’s transcript must  
12 identify each designated document by its title as listed in the register of  
13 actions for the case and filing date or, if the filing date is not available, the  
14 date it was signed. The notice may specify portions of designated documents  
15 that are not to be included in the transcript. For minute orders or instructions,  
16 it is sufficient to collectively designate all minute orders or all minute orders  
17 entered between specified dates, or all written jury instructions given,  
18 refused, or withdrawn.

19  
20 (2) Within 10 days after the appellant serves its notice designating a clerk’s  
21 transcript, the respondent may serve and file a notice in superior court  
22 designating any additional documents the respondent wants included in the  
23 transcript. Any documents so designated by the respondent must be identified  
24 as required under (1).

25  
26 (3) \* \* \*

27  
28 **(b) Contents of transcript**

- 29  
30 (1) The transcript must contain:
- 31 (A) The notice of appeal;
  - 32 (B) Any judgment appealed from and any notice of its entry;
  - 33 (C) Any order appealed from and any notice of its entry;
  - 34 (D) Any notice of intention to move for a new trial or motion to vacate the  
35 judgment, for judgment notwithstanding the verdict, or for  
36 reconsideration of an appealed order, and any order on such motion and  
37 any notice of its entry;
- 38  
39  
40  
41  
42

1 (E) Any notices or stipulations to prepare clerk’s or reporter’s transcripts or  
2 to proceed by ~~agreed or~~ settled statement; and

3  
4 (F) The register of actions, ~~if any~~.

5  
6 (2) Each document listed in (1)(A), (B), (C), and (D) must show the date  
7 necessary to determine the timeliness of the appeal under rule 8.104 or 8.108.

8  
9 (3) Except as provided in (4), if designated by any party, the transcript must also  
10 contain:

11  
12 (A) Any other document filed or lodged in the case in superior court;

13  
14 (B) Any exhibit admitted in evidence, refused, or lodged; and

15  
16 (C) Any jury instruction that any party submitted in writing and the cover  
17 page required by rule 2.1055(b)(2) indicating the party requesting it,  
18 and any written jury instructions given by the court.

19  
20 (4) \* \* \*

21  
22 (c)–(d) \* \* \*

23  
24 **Advisory Committee Comment**

25  
26 **Subdivision (a)–(b)** \* \* \*

27  
28 Subdivision (b)(1)(F) requires the clerk’s transcript to include the register of actions, ~~if any~~. This  
29 provision is intended to assist the reviewing court in determining the accuracy of the clerk’s  
30 transcript.

31  
32 **Subdivision (c)–(d)** \* \* \*

33  
34  
35 **Rule 8.130. Reporter’s transcript**

36  
37 **(a) Notice**

38  
39 (1) A notice under rule 8.121 designating a reporter’s transcript must ~~specify the~~  
40 date of include the following information for each proceeding to be included  
41 in the transcript ~~and~~;  
42

1 (A) The date of the proceeding. The notice may also specify portions of  
2 designated proceedings that are not to be included.

3  
4 (B) The department in which the proceeding took place;

5  
6 (C) A description of the proceeding;

7  
8 (D) The name of the court reporter, if known; and

9  
10 (E) ~~The notice must identify any proceeding for which~~ Whether a certified  
11 transcript of the proceeding has previously been prepared. This  
12 information must be provided by checking the appropriate box on  
13 *Appellant's Notice Designating Record on Appeal (Unlimited Civil)*  
14 (form APP-003) or, if that form is not used, placing an asterisk before  
15 that proceeding in the notice.

16  
17 (2) If the appellant designates less than all the testimony, the notice must state  
18 the points to be raised on appeal; the appeal is then limited to those points  
19 unless, on motion, the reviewing court permits otherwise.

20  
21 (3)–(5) \* \* \*

22  
23 **(b) Deposit or substitute for cost of transcript**

24  
25 (1) With its notice of designation, a party must deposit with the superior court  
26 clerk both the approximate cost of transcribing the proceedings it designates  
27 and a fee of \$50 for the superior court to hold this deposit in trust or a valid  
28 fee waiver that covers this fee. The deposit for the approximate cost of  
29 transcribing the proceedings it designates must be either:

30  
31 (A) The amount specified in the reporter's written estimate; or

32  
33 (B) An amount calculated as follows:

34  
35 (i) For proceedings that have not previously been transcribed: \$325  
36 per fraction of the day's proceedings that did not exceed three  
37 hours, or \$650 per day or fraction that exceeded three hours.

38  
39 (ii) For proceedings that have previously been transcribed: \$80 per  
40 fraction of the day's proceedings that did not exceed three hours,  
41 or \$160 per day or fraction that exceeded three hours.

42  
43 (2) \* \* \*

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(3) Instead of a deposit under (1) for the approximate cost of transcribing the proceedings it designates, the party may substitute:

(A) The reporter's written waiver of a deposit. A reporter may waive the deposit for a part of the designated proceedings, but such a waiver replaces the deposit for only that part.

(B) A copy of a Transcript Reimbursement Fund application filed under (c)(1).

(C) A certified transcript of all of the proceedings designated by the party. The transcript submitted by the party must not be accepted as a substitute for a deposit under (1) unless it complies with the format requirements of rule 8.144.

**(c) Transcript Reimbursement Fund application**

(1) \* \* \*

(2) Within 90 days after the appellant serves and files a copy of its application to the Court Reporters Board, the appellant must either file with the superior court a copy of the Court Reporters Board's provisional approval of the application or take one of the following actions:

(A) \* \* \*

~~(B) File an agreed statement or a stipulation that the parties are attempting to agree on a statement under rule 8.134;~~

~~(C)(B)~~ \* \* \*

~~(D)(C)~~ \* \* \*

~~(E)(D)~~ \* \* \*

(3)-(5) \* \* \*

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

(1)-(2) \* \* \*

1 (3) If the appellant does not present the deposit under (b)(1) or a substitute under  
2 (b)(3) with its notice of designation or does not present an additional deposit  
3 required under (b)(2):  
4

5 (A) The clerk must promptly notify the appellant in writing that, within 15  
6 days after the notice is sent, the appellant must take one of the  
7 following actions or the court may dismiss the appeal:  
8

9 (i) \* \* \*

10  
11 ~~(ii) File an agreed statement or a stipulation that the parties are~~  
12 ~~attempting to agree on a statement under rule 8.134;~~  
13

14 ~~(iii)(ii)~~ \* \* \*

15  
16 ~~(iv)(iii)~~ \* \* \*

17  
18 ~~(v)(iv)~~ \* \* \*

19  
20  
21 (B) \* \* \*

22  
23 (4)–(5) \* \* \*

24  
25 (e)–(g) \* \* \*

26  
27 **(h) ~~Agreed or~~ Settled statement when proceedings cannot be transcribed**  
28

29 (1) If any portion of the designated proceedings cannot be transcribed, the  
30 superior court clerk must so notify the designating party in writing; the notice  
31 must show the date it was sent. Within 10 days after the notice is sent, the  
32 party may then move in the superior court to substitute an agreed or a settled  
33 statement for that portion of the designated proceedings, by complying with  
34 either (A) or (B):  
35

36 (A) ~~Within 10 days after the notice is sent, the party may file in superior~~  
37 ~~court, under rule 8.134, an agreed statement or a stipulation that the~~  
38 ~~parties are attempting to agree on a statement. If the party files a~~  
39 ~~stipulation, within 30 days thereafter the party must file the agreed~~  
40 ~~statement, move to use a settled statement under rule 8.137, or proceed~~  
41 ~~without such a statement; or~~  
42



1 Subdivision (b)–(f) \* \* \*

2  
3  
4 **Rule 8.134. Agreed statement**

5  
6 **(a) — Contents of statement**

7  
8 (1) — ~~The record on appeal may consist wholly or partly of an agreed statement. The statement must explain the nature of the action, the basis of the reviewing court’s jurisdiction, and how the superior court decided the points to be raised on appeal. The statement should recite only those facts needed to decide the appeal and must be signed by the parties.~~

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10  
11  
12  
13  
14 (2) — ~~If the agreed statement replaces a clerk’s transcript, the statement must be accompanied by copies of all items required by rule 8.122(b)(1), showing the dates required by rule 8.122(b)(2).~~

15  
16  
17  
18 (3) — ~~The statement may be accompanied by copies of any document includable in the clerk’s transcript under rule 8.122(b)(3) and (4).~~

19  
20  
21 **(b) — Time to file; extension of time**

22  
23 (1) — ~~An appellant intending to proceed under this rule must file either an agreed statement or a stipulation that the parties are attempting to agree on a statement in superior court with its notice designating the record on appeal under rule 8.121.~~

24  
25  
26  
27  
28 (2) — ~~If the appellant files the stipulation and the parties can agree on the statement, the appellant must file the statement within 40 days after filing the notice of appeal.~~

29  
30  
31  
32 (3) — ~~If the appellant files the stipulation and the parties cannot agree on the statement, the appellant must file a new notice designating the record on appeal under rule 8.121 within 50 days after filing the notice of appeal.~~

33  
34  
35  
36 **Advisory Committee Comment**

37  
38 **Subdivision (b).** ~~Subdivision (b)(1) requires the appellant to file, with the appellant’s notice designating the record under rule 8.121, either an agreed statement or a stipulation that the parties are attempting to agree on a statement. The provision is intended to prevent issuance of a notice of default while the parties are preparing an agreed statement.~~

1 **Rule 8.144. Form of the record**

2  
3 ~~(a)–(f)~~ \* \* \*

4  
5 ~~(g)~~ **Agreed or Settled statements**

6  
7 Agreed or Settled statements must conform with this rule insofar as practicable.

8  
9  
10 **Rule 8.149. When the record is complete**

11  
12 **(a) Record of written documents**

13  
14 If the appellant elected to proceed without a record of the oral proceedings in the  
15 trial court and the parties are not proceeding by appendix under rule 8.124, the  
16 record is complete:

17  
18 (1) \* \* \*

19  
20 (2) If the original superior court file will be used instead of the clerk’s transcript,  
21 when that original file is ready for transmission as provided under rule  
22 8.128(b); or

23  
24 ~~(3) If an agreed statement will be used instead of the clerk’s transcript, when the~~  
25 ~~appellant files the agreed statement under rule 8.134(b);~~

26  
27 ~~(4) If a settled statement will be used instead of the clerk’s transcript, when the~~  
28 ~~statement has been certified by the trial court under rule 8.137(c); or~~

29  
30 ~~(5)~~(3) If any party requested that a record of an administrative proceeding held by  
31 the superior court be transmitted to the reviewing court, when that record of  
32 that administrative proceeding is ready for transmittal to the reviewing court  
33 and any clerk’s transcript or other record of the documents from the trial  
34 court is complete as provided in ~~(1)–(4)~~ (1) or (2).

35  
36 **(b) Record of the oral proceedings**

37  
38 (1) If the parties are not proceeding by appendix under rule 8.124 and the  
39 appellant elected to proceed with a record of the oral proceedings in the trial  
40 court, the record is complete when the clerk’s transcript or other record of the  
41 documents from the trial court is complete as provided in (a) and:  
42

1 (A) If the appellant elected to use a reporter’s transcript, when the certified  
2 reporter’s transcript is delivered to the court under rule 8.130; or

3  
4 ~~(B) If an agreed statement will be used instead of the reporter’s transcript,~~  
5 ~~when the appellant files the agreed statement under rule 8.134(b); or~~

6  
7 ~~(C)~~(B) If a settled statement will be used instead of the reporter’s  
8 transcript, when the statement has been certified by the trial court under  
9 rule 8.137(c).

10  
11 (2) If the parties are proceeding by appendix under rule 8.124 and the appellant  
12 elected to proceed with a record of the oral proceedings in the trial court, the  
13 record is complete when the record of the oral proceedings is complete—as  
14 provided in ~~(1)(A), (B), or (C)~~ (1)(A) or (B)—and the record of any  
15 administrative proceeding held by the superior court that a party requested be  
16 transmitted to the reviewing court is ready for transmittal to the reviewing  
17 court.

18  
19  
20 **Rule 8.155. Augmenting and correcting the record**

21  
22 **(a) Augmentation**

23  
24 (1) At any time, on motion of a party or its own motion, the reviewing court may  
25 order the record augmented to include:

26  
27 (A) \* \* \*

28  
29 (B) A certified transcript—~~or agreed or settled statement~~—of oral  
30 proceedings not designated under rule 8.130. Unless the court orders  
31 otherwise, the appellant is responsible for the cost of any additional  
32 transcript the court may order under this subdivision.

33  
34 ~~(2)–(3)~~ \* \* \*

35  
36 ~~(b)–(d)~~ \* \* \*

37  
38  
39 **Chapter 3. Criminal Appeals**

40  
41 **Article 2. Record on Appeal**

1 **Rule 8.344. Agreed statement**

2  
3 If the parties present the appeal on an agreed statement, they must comply with the  
4 relevant provisions of rule 8.134, but the appellant must file an original and, if the  
5 statement is filed in paper form, three copies of the statement in superior court within 25  
6 days after filing the notice of appeal.  
7  
8

9 **Chapter 5. Juvenile Appeals and Writs**

10  
11 **Article 2. Appeals**

12  
13 **Rule 8.407. Record on appeal**

14  
15 (a)-(c) \* \* \*

16  
17 (d) **Agreed or Settled statement**

18  
19 To proceed by ~~agreed or~~ settled statement, the parties must comply with rule 8.344  
20 or 8.346, as applicable.  
21

22 (e) \* \* \*

23  
24  
25 **Division 4. Rules Relating to the Superior Court Appellate Division**

26  
27 **Chapter 2. Appeals and Records in Limited Civil Cases**

28  
29 **Article 1. Taking Civil Appeals**

30  
31 **Rule 8.821. Notice of appeal**

32  
33 (a)-(c) \* \* \*

34  
35 (d) **Notification of the appeal**

36  
37 (1) When the notice of appeal is filed, the trial court clerk must promptly send a  
38 notification of the filing of the notice of appeal to the attorney of record for  
39 each party and to any unrepresented party. The clerk must also send or  
40 deliver this notification to the appellate division clerk.  
41

42 (2) The notification must show the date it was sent and must state the number  
43 and title of the case and the date the notice of appeal was filed.

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- (3) A copy of the notice of appeal is sufficient notification under (1) if the required information is on the copy or is added by the trial court clerk.
- (4) The sending of a notification under (1) is a sufficient performance of the clerk’s duty despite the death of the party or the discharge, disqualification, suspension, disbarment, or death of the attorney.
- (5) When sending the notification of the appeal to the parties, the superior court clerk must include a copy of the register of actions for the case. If the superior court provides remote electronic access to the register of actions under rule 2.503 and a party consented to electronic service in the trial court, instead of sending the register of actions, the superior court clerk may send that party instructions for obtaining a copy of the register of actions using the court’s remote electronic access system.
- ~~(5)~~(6) Failure to comply with any provision of this subdivision does not affect the validity of the notice of appeal.

(e) \* \* \*

**Article 2. Record in Civil Appeals**

**Rule 8.831. Notice designating the record on appeal**

(a) **Time to file**

Within 10 days after filing the notice of appeal, an appellant must serve and file a notice in the trial court designating the record on appeal. The appellant may combine its notice designating the record with its notice of appeal. The superior court clerk may not issue a default notice for failure to timely file a notice designating the record on appeal until the later of 10 days after the filing of the notice of appeal or 10 days after the clerk sends notification required under rule 8.821(d)(1).

(b) \* \* \*

**Rule 8.832. Clerk’s transcript**

(a) \* \* \*

1 **(b) Notice of designation**  
2

3 (1) Within 10 days after the appellant serves a notice under rule 8.831 indicating  
4 that the appellant elects to use a clerk's transcript, the respondent may serve  
5 and file a notice in the trial court designating any additional documents the  
6 respondent wants included in the clerk's transcript. Any documents so  
7 designated by the respondent must be identified as required under (2).  
8

9 (2) A notice designating documents to be included in a clerk's transcript must  
10 identify each designated document by its title as listed in the register of  
11 actions for the case and filing date or, if the filing date is not available, the  
12 date it was signed. A notice designating documents in addition to those listed  
13 in (a)(1) may specify portions of designated documents that are not to be  
14 included in the clerk's transcript. For minute orders or jury instructions, it is  
15 sufficient to collectively designate all minute orders or all minute orders  
16 entered between specified dates, or all written instructions given, refused, or  
17 withdrawn.  
18

19 (3) All exhibits admitted in evidence, refused, or lodged are deemed part of the  
20 record, but a party wanting an exhibit included in the transcript must specify  
21 that exhibit by number or letter in its designation. If the trial court has  
22 returned a designated exhibit to a party, the party in possession of the exhibit  
23 must deliver it to the trial court clerk within 10 days after the notice  
24 designating the exhibit is served.  
25

26 **(c)–(d)** \* \* \*  
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**APP-001-INFO** Information on Appeal Procedures for Unlimited Civil Cases**GENERAL INFORMATION****1 What does this information sheet cover?**

This information sheet tells you about appeals in unlimited civil cases. These are civil cases in which the amount of money claimed is more than \$35,000, as well as other types of cases, such as those filed in family court, probate court, and juvenile court.

If you are the party who is appealing (asking for the trial court's decision to be reviewed), you are called the APPELLANT, and you should read "Information for the Appellant," starting on page 3. If you received notice that another party in your case is appealing, you are called the RESPONDENT, and you should read "Information for the Respondent," starting on page 13.

This information sheet does not cover everything you may need to know about appeals in unlimited civil cases. It gives you a general idea of the appeal process. To learn more:

- Read rules [8.100–8.278](#) of the California Rules of Court, which set out the procedures for unlimited civil appeals. You can get these rules at any courthouse or county law library or online at [courts.ca.gov/rules](https://courts.ca.gov/rules).
- Read the local rules and find out about self-help resources for the district in which you filed your appeal at [courts.ca.gov/courtsofappeal.htm](https://courts.ca.gov/courtsofappeal.htm).
- Visit the Self-Help Guide to the California Courts at [selfhelp.courts.ca.gov/](https://selfhelp.courts.ca.gov/).
- Review the counties included in each appellate district at [courts.ca.gov/documents/appdistmap.pdf](https://courts.ca.gov/documents/appdistmap.pdf).

**2 What is an appeal?**

An appeal is a request to a higher court to review a decision made by a judge or jury in the superior court. In an unlimited civil case, the court hearing the appeal is the Court of Appeal for the district in which the superior court is located. The lower court—called the "trial court" in this information sheet—is the superior court.

It is important to understand that **an appeal is NOT a new trial**. The Court of Appeal will not consider new evidence, such as the testimony of new witnesses or new exhibits.

The appellate court's job is to review a record of what happened in the trial court and the trial court's decision to see if certain kinds of legal errors were made.

For information about appeal procedures in other kinds of cases, see:

- *Information on Appeal Procedures for Limited Civil Cases* (form [APP-101-INFO](#))
- *Information on Appeal Procedures for Infractions* (form [CR-141-INFO](#))
- *Information on Appeal Procedures for Misdemeanors* (form [CR-131-INFO](#))

You can get these forms at any courthouse or county law library or online at [courts.ca.gov/forms](https://courts.ca.gov/forms).

**3 Who can appeal?**

Only a party in the trial court case can appeal a decision in that case. You may not appeal on behalf of a friend, a spouse, a child, or another relative unless you are a legally appointed representative of that person (such as the person's guardian or conservator).

**4 Can I appeal any decision the trial court made?**

No. Generally, you can only appeal the final judgment—the decision at the end that decides the whole case. Other rulings made by the trial court before the final judgment generally cannot be separately appealed but can be reviewed later as part of an appeal of the final judgment. There are a few exceptions to this general rule. [Code of Civil Procedure section 904.1](#) lists a few types of orders in an unlimited civil case that can be appealed right away. These include orders that:

- Grant a motion to quash service of summons or grant a motion to stay or dismiss the action on the ground of inconvenient forum.
- Grant a new trial or deny a motion for judgment notwithstanding the verdict.
- Discharge or refuse to discharge an attachment or grant a right to attach.
- Grant or dissolve an injunction or refuse to grant or dissolve an injunction. Note: Injunctions include restraining orders.
- Appoint a receiver.
- Are made after final judgment in the case.
- Are made appealable by the Family Code or the Probate Code.



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You should consult with a lawyer or a court self-help center to determine if your order is final and appealable. Go to [selfhelp.courts.ca.gov/find](https://selfhelp.courts.ca.gov/find) to find information about the self-help center in your county.

(You can find Code of Civil Procedure section 904.1 at [leginfo.legislature.ca.gov/faces/codes.xhtml](https://leginfo.legislature.ca.gov/faces/codes.xhtml).)

**5 What does the appellant need to prove to win on appeal?**

The appellant must prove that an error in the trial court proceedings was made and that the error affected the outcome of the court's or jury's decision. An error that affected the outcome of the case is called a "prejudicial error."

An error can include things like errors made by the judge about the law, errors or misconduct by the lawyers or by the jury, incorrect instructions given to the jury, or insufficient evidence to support the judgment, order, or other decision being appealed. (Note: This is not a complete list of all possible errors.)

When the appellant argues that the error was based on insufficient evidence to support the judgment or other decision being appealed, the Court of Appeal will determine whether there was "substantial evidence" to support the judgment, order, or other decision being appealed. But in conducting its review, the Court of Appeal only looks to see if there was evidence that reasonably supports the decision.

The Court of Appeal generally will not reconsider the jury's or the trial court's conclusions about which side had more or stronger evidence or whether witnesses were believable. It only determines whether the evidence is sufficient to support the judgment, order, or other decision.

The Court of Appeal will generally not overturn the judgment, order, or other decision being appealed unless the record shows a prejudicial error was made. The winning party does not have to prove that the judgment, order, or other decision was correct. Instead, it is up to the appellant to prove that the error was made and that the error affected the outcome of the case.

**6 Do I need a lawyer to represent me in an appeal?**

You do not *have* to have a lawyer; if you are an individual (rather than a corporation, for example), you are allowed to represent yourself in an appeal in an unlimited civil case. But appeals can be complicated and you will have to follow the same rules that lawyers have to follow. If you have any questions about the appeal procedures, you should talk to a lawyer.

If you decide not to use a lawyer, you must put your address, telephone number, fax number (if available), and email address (if available) on the first page of every document you file with the court.

However, if you need to keep your contact information private (for instance, in an appeal involving a domestic violence restraining order), you may give a different mailing address instead. But if you use a different address, be sure to check it regularly to stay informed about your case and about your obligations regarding your case.

You must keep the Court of Appeal, the trial court (if the trial court proceedings continue or are expected to continue), and the other parties in your case informed of any change in your contact information for service of notices and other documents relating to the appeal.

If you need to change your contact information for your trial court case, you may complete *Notice of Change of Address or Other Contact Information* (form [MC-040](#)), file it in the trial court, and have it served on the parties in the case.

If you need to change your contact information for your case in the Court of Appeal, you may refer to form [MC-040](#) as an example of the information that you need to include in a notice regarding the change in your contact information. That notice must be filed in the Court of Appeal and served on the parties in the appellate case.

**7 Where can I find a lawyer to help me with my appeal?**

You have to hire your own lawyer if you want one. You can get information about finding a lawyer on the Self-Help Guide to the California Courts at [selfhelp.courts.ca.gov/get-free-or-low-cost-legal-help](https://selfhelp.courts.ca.gov/get-free-or-low-cost-legal-help).



**APP-001-INFO** Information on Appeal Procedures for Unlimited Civil Cases**INFORMATION FOR THE APPELLANT**

This part of the information sheet is written for the appellant—the party who is appealing the trial court’s decision. It explains some of the rules and procedures relating to appealing a decision in an unlimited civil case. The information may also be helpful to the respondent. Additional information for respondents can be found starting on page 13 of this information sheet.

**8 How do I start my appeal?**

First, you must serve and file a notice of appeal. The notice of appeal tells the other party or parties in the case and the trial court that you are appealing the trial court’s decision. You may use *Notice of Appeal/Cross-Appeal—Unlimited Civil Case* (form [APP-002](#)) to prepare a notice of appeal in an unlimited civil case. You can get form APP-002 at any courthouse or county law library or online at [courts.ca.gov/forms](https://courts.ca.gov/forms).

**9 How do I “serve and file” the notice of appeal?**

“Serve and file” means that you must:

- Have somebody over 18 years old mail, deliver, or electronically send (“serve”) the notice of appeal to the other party or parties in the way required by law. If the notice of appeal is mailed or personally delivered, it must be by someone who is not a party to the case—so, not you.
- Make a record that the notice of appeal has been served. This record is called a “proof of service.” *Proof of Service (Court of Appeal)* (form [APP-009](#)) or *Proof of Electronic Service (Court of Appeal)* (form [APP-009E](#)) can be used to make this record. The proof of service must show who served the notice of appeal, who was served with the notice of appeal, how the notice of appeal was served (by mail, in person, or electronically), and the date the notice of appeal was served.
- Bring or send (by mail or electronically) the original notice of appeal and the proof of service to the trial court that issued the judgment, order, or other decision you are appealing. You should make a copy of the notice of appeal you are planning to file for your own records before you file it with the court.

Unless you are filing electronically, it is a good idea to bring or mail an extra copy of the notice of appeal to the clerk when you file your original and ask the clerk to stamp this copy to show that the original has been filed.

You can get more information about how to serve court papers and proof of service from *Information Sheet for Proof of Service (Court of Appeal)* (form [APP-109-INFO](#)) and on the Self-Help Guide to the California Courts at [selfhelp.courts.ca.gov/court-basics/service](https://selfhelp.courts.ca.gov/court-basics/service).

**10 Is there a deadline to serve and file my notice of appeal?**

Yes. Generally, in an unlimited civil case, the notice of appeal must be served on the other party or parties in the case and filed with the clerk of the superior court within **60 days** after the trial court clerk or a party serves either (1) a document called a “Notice of Entry” of the trial court judgment or appealable order or (2) a file-stamped copy of the judgment or appealable order.

If the clerk or a party served neither of these documents, the notice of appeal must be filed within 180 days after entry of judgment or appealable order (generally, the date the judgment or appealable order is file-stamped).

**This deadline for filing the notice of appeal cannot be extended. If your notice of appeal is late, the Court of Appeal will not be able to consider your appeal.**

If a notice of appeal has been filed in a case, any other party to the case may file its own appeal from the same judgment or order. This is called a “cross-appeal.”

To cross-appeal, a party must file a notice of appeal within either the regular time for filing a notice of appeal or within 20 days after the clerk of the superior court mails notice of the first appeal, whichever is later. A party that wishes to cross-appeal may use *Notice of Appeal/Cross-Appeal—Unlimited Civil Case* (form APP-002) to file this notice in an unlimited civil case.

**11 Do I have to pay a fee to file a notice of appeal?**

Yes. Unless the court waives this fee, you must pay a fee for filing your notice of appeal. You can ask the clerk of the court where you are filing the notice of appeal what the fee is or look up the fee for an appeal in an unlimited civil case in the current Statewide Civil Fee Schedule at [www.courts.ca.gov/7646.htm](https://www.courts.ca.gov/7646.htm) (see the “Appeal and Writ Related Fees” section near the end of the schedule).



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If you cannot afford to pay the fee, you can ask the court to waive it. To do this, you must fill out and file a *Request to Waive Court Fees* (form [FW-001](#)). You can get form FW-001 at any courthouse or county law library or online at [courts.ca.gov/forms](https://courts.ca.gov/forms). You can file this application either before you file your notice of appeal or with your notice of appeal. The court will review this application to determine if you are eligible for a fee waiver.

**12 If I file a notice of appeal, do I still have to do what the trial court ordered me to do?**

Filing a notice of appeal does NOT automatically postpone most judgments or orders, such as those requiring you to pay another party money, deliver property to another party, or comply with child custody or visitation orders (see Code of Civil Procedure sections 917.1–917.9 and 1176; you can get a copy of these laws at [leginfo.legislature.ca.gov](https://leginfo.legislature.ca.gov).) These kinds of judgments or orders will be postponed, or “stayed,” only if you request a stay and the court grants your request or some other procedure authorizes a stay (such as filing a bond in appropriate cases).

In most cases, if the trial court denies your request for a stay, you can apply to the Court of Appeal for a stay. If you do not get a stay and you do not do what the trial court ordered you to do, court proceedings to collect the money or otherwise enforce the judgment or order may be started against you.

**13 What do I need to do after I file my notice of appeal?**

There are two things that you have to do soon after you file your notice of appeal.

**Serve and File Civil Case Information Statement**

Within 15 days after the Court of Appeal assigns the appeal a case number, the appellant must serve and file in the Court of Appeal a completed *Civil Case Information Statement* (form [APP-004](#)), attaching a copy of the judgment or appealed order that shows the date it was entered. See rules [8.100](#) and [8.104](#) of the California Rules of Court. You may check to see if the Court of Appeal has assigned your appeal a case number by going to the Appellate Courts Case Information website, located at [appellatecases.courtinfo.ca.gov/index.cfm](https://appellatecases.courtinfo.ca.gov/index.cfm).

**Serve and File Notice Designating the Record on Appeal**

Since the Court of Appeal justices were not there to see what happened in the trial court, an official record of what happened must be prepared and sent to the Court of Appeal for its review.

Within 10 days of filing the notice of appeal, you, the appellant must tell the trial court in writing (designate) what documents and oral proceedings, if any, to include in the record that will be sent to the Court of Appeal.

Remember, you must prove that there was an error in the trial court proceedings that affected the outcome of those proceedings. To prove this, you will need to designate all parts of the record that the Court of Appeal will need to decide the issues you raised in the appeal.

You can use *Appellant’s Notice Designating Record on Appeal (Unlimited Civil Case)* (form [APP-003](#)) and any required attachments to this form to designate the record in an unlimited civil case. You can get form APP-003 at any courthouse or county law library or online at [courts.ca.gov/forms](https://courts.ca.gov/forms).

You must serve and file this notice designating the record on appeal within 10 days after you file your notice of appeal. “Serving and filing” this notice means that you must:

- Have somebody over 18 years old mail, deliver, or electronically send (serve) the notice to the other party or parties in the way required by law. If the notice is mailed or personally delivered, it must be by someone who is not a party to the case—so, not you.
- Make a record that the notice has been served. This record is called a “proof of service.” *Proof of Service (Court of Appeal)* (form APP-009) or *Proof of Electronic Service (Court of Appeal)* (form APP-009E) can be used to make this record. The proof of service must show who served the notice, who was served with the notice, how the notice was served (by mail, in person, or electronically), and the date the notice was served.
- Bring or send (by mail or electronically) the original notice and the proof of service to the trial court that issued the judgment, order, or other decision you are appealing. You should make a copy of the notice you are planning to file for your own records before you file it with the court. Unless you are filing electronically, it



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is a good idea to bring or mail an extra copy of the notice to the clerk when you file your original and ask the clerk to stamp this copy to show that the original has been filed.

You can get more information about how to serve court papers and proof of service from *Information Sheet for Proof of Service* (form APP-009-INFO) and on the Self-Help Guide to the California Courts at [selfhelp.courts.ca.gov/court-basics/service](http://selfhelp.courts.ca.gov/court-basics/service).

## 14 What is the official record of the trial court proceedings?

There are three parts of the official record:

- A record of the documents filed in the trial court (other than exhibits);
- A record of what was said in the trial court (this is called the “oral proceedings”); and
- Exhibits that were admitted in evidence, refused, or lodged (temporarily placed with the court) in the trial court.

Read below for more information about **each** of these parts of the record.

### a. Record of the documents filed in the trial court

The first part of the official record of the trial court proceedings is a record of the documents that were filed in the trial court. There are three ways in which a record of the documents filed in the trial court can be prepared for the Court of Appeal:

- *An appendix, or*
- *A clerk’s transcript, or*
- *The original trial court file.*

Read below for more information about these options.

#### (1) Appendix

**Description:** An appendix is a collection of the documents that were filed in the trial court that a party prepares. (Cal. Rules of Court, rule [8.124](#).)

**When required:** Appendixes must be used as the record of the documents from the trial court in all unlimited civil appeals in which all parties are represented by counsel, unless one of the parties has a waiver of the fee for a clerk’s transcript. You can ask the trial court to give you an exemption from this requirement by filing a

request (motion) with your notice designating the record on appeal. Please read rule [8.124\(a\)\(2\)\(B\)](#) for more information about these motions.

**When you may choose to use:** In unlimited civil appeals in which appendixes are not required to be used, you can still choose (elect) to use an appendix in your notice designating the record on appeal so long as the respondent does not have a waiver of the fee for a clerk’s transcript and the superior court has not granted a motion by the respondent for an exemption from the requirement to use appendixes.

**Contents:** An appellant’s appendix must contain a copy of all of the following:

- All the filed documents that are required to be in a clerk’s transcript under rule [8.122\(b\)\(1\)](#), such as the notice of appeal and the trial court judgment or order being appealed. These documents are listed in rule [8.122\(b\)\(1\)](#) and in *Appellant’s Notice Designating Record on Appeal—Clerk’s Transcript Attachment* (form APP-003(A));
- Any filed document listed in rule [8.122\(b\)\(3\)](#) that is necessary for proper consideration of the issues being raised on appeal. This includes not only documents that you, the appellant, plan to rely on, but also any item that you should reasonably expect the respondent will rely on; and
- If the respondent elected to proceed by appendix, the notice of election.

An appendix must not contain documents or portions of documents filed in superior court that are unnecessary for proper consideration of the issues on appeal.

Respondents can also choose to prepare their own appendixes. A respondent’s appendix may contain any filed document that could have been included in the appellant’s appendix. You, the appellant, can also choose to prepare an appellant’s reply appendix that may contain any filed document that could have been but was not included in the respondent’s appendix.



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**Preparation, service, and filing:** If you are required or elect to use an appendix, you must prepare your appendix. It must comply with the requirements of rule 8.144 for a clerk’s transcript, including arranging documents in chronological order, numbering the pages consecutively, providing indexes of the documents in the appendix, and having a cover with required information on it.

When you have finished preparing your appellant’s appendix, you must serve and file it. It must be served and filed either before your opening brief is filed or at the same time that brief is filed. See item 16 for information about that brief.

“Serving and filing” the appendix means that you must:

- Have somebody over 18 years old mail, deliver, or electronically send (serve) the appendix to the other party or parties in the way required by law. If the appendix is mailed or personally delivered, it must be by someone who is not a party to the case—so, not you.
- Make a record that the appendix has been served. This record is called a “proof of service.” *Proof of Service (Court of Appeal)* (form APP-009) or *Proof of Electronic Service (Court of Appeal)* (form APP-009E) can be used to make this record. The proof of service must state who served the appendix, who was served with the appendix, how the appendix was served (by mail, in person, or electronically), and the date the appendix was served.
- Bring or send (by mail or electronically) the original appendix and the proof of service to the Court of Appeal. You should make a copy of the appendix you are planning to file for your own records before you file it with the court. Unless you are filing electronically, it is a good idea to bring or mail an extra copy of the appendix to the clerk when you file your original and ask the clerk to stamp this copy to show that the original has been filed.

**Cost:** You are responsible for the cost of preparing your appellant’s appendix and any appellant’s reply appendix.

**(2) Clerk's transcript**

**Description:** A clerk’s transcript is a compilation of the documents filed in the trial court that is prepared by the trial court clerk.

**Contents:** Certain documents, such as the notice of appeal and the trial court judgment or order being appealed, must be included in the clerk’s transcript. These documents are listed in rule [8.122\(b\)](#) of the California Rules of Court and in *Appellant’s Notice Designating Record on Appeal—Clerk’s Transcript Attachment* (form [APP-003\(A\)](#)).

If you want any documents from the trial court proceedings other than those listed in rule 8.122(b) to be included in the clerk’s transcript, you must tell the trial court in your notice designating the record on appeal. You can use forms APP-003 and APP-003(A) to do this. You will need to identify each document you want included in the clerk’s transcript by its title as it appears in the trial court’s register of actions and its filing date or, if you do not know the filing date, the date the document was signed.

If you (the appellant) request a clerk’s transcript, the respondent also has the right to ask the clerk to include additional documents in the clerk’s transcript. If this happens, you will be served with a notice saying what other documents the respondent wants included in the clerk’s transcript.

**Cost:** Unless you get a fee waiver, you are responsible for paying for preparing a clerk’s transcript. The trial court clerk will send you a bill for the cost of preparing an original and one copy of the clerk’s transcript.



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You must do one of the following three things within 10 days after the clerk sends this bill or the Court of Appeal may dismiss your appeal:

- Pay the bill.
- Ask the trial court to waive the cost because you cannot afford to pay. To do this, you must fill out and file *Request to Waive Court Fees* (form FW-001). You can get form FW-001 at any courthouse or county law library or online at [courts.ca.gov/forms](https://courts.ca.gov/forms). The trial court will review this application to determine if you are eligible for a fee waiver.
- Give the trial court a copy of a court order showing that your fees in this case have already been waived by the court.

**Completion and delivery:** After the cost of preparing the clerk’s transcript has been paid or waived, the trial court clerk will compile the requested documents into a transcript format and, when the record on appeal is complete, will forward the original clerk’s transcript to the Court of Appeal for filing. The trial court clerk will send you a copy of the transcript. If the respondent bought a copy, the clerk will also send a copy of the transcript to the respondent.

### (3) Trial court file

**When available:** If the Court of Appeal **District that covers the trial court that made the decision you are appealing** has a local rule allowing this, and the parties agree, the clerk can send the Court of Appeal the original trial court file instead of a clerk’s transcript as a record of documents filed in the trial court (see rule [8.128](#) of the California Rules of Court).

You can find information about what trial courts are covered by each Court of Appeal District at [courts.ca.gov/courts/courts-appeal](https://courts.ca.gov/courts/courts-appeal). The local rules for each Court of Appeal District are on the court’s webpage, links for which are also found at [courts.ca.gov/courts/courts-appeal](https://courts.ca.gov/courts/courts-appeal).

**Cost:** As with a clerk’s transcript, the appellant is responsible for paying for preparing the trial court file. The trial court clerk will send you a bill for this preparation cost.

You must do one of the following things within 10 days after the clerk sends this bill or the Court of Appeal may dismiss your appeal:

- Pay the bill.
- Ask the trial court to waive the cost because you cannot afford to pay. To do this, you must fill out and file *Request to Waive Court Fees* (form FW-001). You can get form FW-001 at any courthouse or county law library or online at [courts.ca.gov/forms](https://courts.ca.gov/forms). The trial court will review this application to determine if you are eligible for a fee waiver.
- Give the trial court a copy of a court order showing that your fees in this case have already been waived by the court.

**Completion and delivery:** After the cost of preparing the trial court file has been paid or waived and the record on appeal is complete, the trial court clerk will number the pages and send the file and a list of the documents in the file to the Court of Appeal. The trial court clerk will also send a copy of the list of documents to you and the respondent so that you can put your own files of documents from the trial court in the correct order and number the pages.

### b. Record of what was said in the trial court (the “oral proceedings”)

**Important!** The type of record of the oral proceedings that you choose—a reporter’s transcript or a settled statement—should be carefully considered, as it may affect your appeal. You should consult with a lawyer to determine the best option in your case.

The second part of the official record of the trial court proceedings is a record of what was said in the trial court (this is called a record of the “oral proceedings”). You do not *have* to send the Court of Appeal a record of the oral proceedings. But if you want to raise any issue in your appeal that would require the Court of Appeal to consider what was said in the trial court, the Court of Appeal will need a record of those oral proceedings. For example, if you are claiming that there was not substantial evidence



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supporting the judgment, order, or other decision you are appealing, the Court of Appeal will presume there was substantial evidence unless it has a record of the oral proceedings.

You are responsible for deciding how the record of the oral proceedings will be provided **and which oral proceedings will be included in that record.**

Depending what option you select and your circumstances, you may also be responsible for paying for preparing this record or for preparing an initial draft of the record. If you do not take care of these responsibilities, a record of the oral proceedings in the trial court will not be prepared and sent to the Court of Appeal. **If the Court of Appeal does not receive this record, you may forfeit your arguments on appeal, or the Court of Appeal may make presumptions in favor of the judgment or order.**

In an unlimited civil case, you can use *Appellant's Notice Designating Record on Appeal (Unlimited Civil Case)* (form APP-003) **and required attachments** to tell the trial court whether you want a record of the oral proceeding and, if so, the form of the record that you want to use **and the oral proceedings you want to include in that record.** You can get form APP-003 at any courthouse or county law library or online at [courts.ca.gov/forms](https://courts.ca.gov/forms).

If your notice designating the record on appeal indicates that you want to include less than all of the oral proceedings in the record on appeal, you must also state in your notice the points that you intend to raise on appeal. You can use the same forms you use to tell the court which oral proceedings you want to include in the record: *Appellant's Notice Designating Record on Appeal (Unlimited Civil Case)* (form APP-003) plus either *Appellant's Notice Designating Record on Appeal—Reporter's Transcript Attachment* (form APP-003(C)) or *Appellant's Notice Designating Record on Appeal—Settled Statement Attachment* (form APP-003(D)). Your appeal will then generally be limited to those points unless the reviewing court grants a motion permitting otherwise.

There are **two** ways in which a record of the oral proceedings can be prepared for the Court of Appeal:

- If you or the other party arranged to have a court reporter present during the trial court proceedings, the reporter can prepare a record, called a “reporter’s transcript.”
- You can use a “settled statement”.

Read below for more information about these options.

### (1) Reporter's transcript

**Description:** A reporter’s transcript is a written record (sometimes called a “verbatim” record) of the oral proceedings in the trial court prepared by a court reporter. Rule [8.130](#) of the California Rules of Court establishes the requirements for reporter’s transcripts.

**When available:** If a court reporter was present in the trial court and made a record of the oral proceedings **you want to include in the record on appeal**, you can choose (elect) to have the court reporter prepare a reporter’s transcript **of those proceedings** for the Court of Appeal. But a court reporter might not have been present unless you or another party in your case had made specific arrangements to have a court reporter present. If you are unsure, check with the trial court to see if a court reporter made a record of the oral proceedings in your case before choosing this option.

**Contents:** If you elect to use a reporter’s transcript, you must identify **in writing** (this is called “designating”) **which oral proceedings** you want to be included in the reporter’s transcript. You must identify each oral proceeding you want included in the reporter’s transcript by its date, the department in which it took place, and a description of the proceedings (for example, the examination of jurors, motions before trial, the taking of testimony, or the giving of jury instructions). You must also indicate the name of the court reporter who recorded the proceedings (if known), and whether a certified transcript of the designated proceeding was previously prepared. You can use the same form you used



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to tell the court you wanted to use a reporter's transcript—*Appellant's Notice Designating Record on Appeal (Unlimited Civil Case)* (form APP-003) plus *Appellant's Notice Designating Record on Appeal—Reporter's Transcript Attachment* (form APP-003(C)) to do this. Remember, if your notice designating the record on appeal indicates that you want to include less than all of the oral proceedings in the record on appeal, you must also state in your notice the points that you intend to raise on appeal and your appeal will then generally be limited to those points unless on motion, the reviewing court permits otherwise.

If you elect to use a reporter's transcript, the respondent also has the right to designate additional proceedings to be included in the reporter's transcript. The respondent is responsible for paying for a reporter's transcript for any oral proceedings that they designate. If you elect to proceed without a reporter's transcript, however, the respondent may not designate a reporter's transcript without first getting an order from the Court of Appeal.

**Cost:** The appellant is responsible for paying for a reporter's transcript for any oral proceedings that they designate. The trial court clerk or the court reporter will notify you of the cost of preparing an original and one copy of the reporter's transcript. You must deposit payment for this cost (and a fee for the trial court) or one of the substitutes allowed by rule 8.130 with the trial court clerk within 10 days after this notice is sent. (See rule 8.130 for more information about this deposit and the permissible substitutes.)

Unlike the fee for filing the notice of appeal and the costs for preparing a clerk's transcript, the court cannot waive the fee for preparing a reporter's transcript. Money from a special fund, called the Transcript Reimbursement Fund, may be available to help you pay for the transcript. You can get information about this fund at [courtreportersboard.ca.gov/consumers/index.shtml#trf](http://courtreportersboard.ca.gov/consumers/index.shtml#trf).

If you are unable to pay the cost of a reporter's transcript, a record of the oral proceedings can be prepared by using a settled statement, which is described below.

**Completion and delivery:** After the cost of preparing the reporter's transcript or a permissible substitute has been deposited, the court reporter will prepare the transcript and submit it to the trial court clerk. When the record is complete, the trial court clerk will submit the original transcript to the Court of Appeal and send you a copy of the transcript. If the respondent has purchased it, a copy of the reporter's transcript will also be mailed to the respondent.

## (2) Settled statement

**Description:** A settled statement is a summary of oral proceedings in the trial court that is approved by the trial court judge who conducted those proceedings (the term "judge" includes commissioners, referees, hearing officers, and temporary judges).

**When available:** Under rule 8.137 of the California Rules of Court, you can choose (elect) to use a settled statement as the record of the oral proceedings if (1) the trial court proceedings were not recorded by a court reporter or (2) if you have an order waiving your court fees and costs. Please note that it may take more of your time to prepare a settled statement than to use a reporter's transcript, if it is available.

If you want to use a settled statement as the record of oral proceedings that were recorded by a court reporter and you do not have an order waiving your court fees, you must file a motion to ask the trial court for an order. You may use *Appellant's Motion to Use a Settled Statement (Unlimited Civil Case)* (form APP-025) for this purpose. Read rule 8.137 to learn about the requirements for this motion.



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**Contents:** A settled statement must:

- Include a condensed narrative of the oral proceedings that you **designated in your** notice designating the record on appeal or motion. The condensed narrative **must include**:
  - An **accurate** summary of the testimony of each witness that **you believe** is relevant to **the points you intend to raise on appeal and any exhibits or other evidence presented during the witness’s testimony. This includes not only testimony, exhibits, and other evidence that you plan to rely on, but also any testimony, exhibits, or other evidence that you should reasonably expect the respondent will rely on;** and
  - **Any oral ruling made by the trial court judge during the oral proceedings you designated in your notice designating the record on appeal or motion that you believe is relevant to the points you intend to raise on appeal. This includes not only rulings that you plan to rely on, but also any ruling that you should reasonably expect the respondent will rely on.**
- **Attach** a copy of the judgment or order you are appealing.

**Preparing a proposed settled statement:** If you elect to use a settled statement, you must prepare a proposed settled statement. You may use *Appellant’s Proposed Settled Statement (Unlimited Civil Case)* (form [APP-014](#)) to prepare your proposed statement. You can get the form at any courthouse or county law library or online at [courts.ca.gov/forms](https://courts.ca.gov/forms).

(See rule 8.137 of the California Rules of Court for more information about what must be included in a settled statement and the procedures for preparing a statement. You can get a copy of this rule at any courthouse or county law library or online at [courts.ca.gov/rules](https://courts.ca.gov/rules).)

**Serving and filing a proposed settled statement:**

You must serve and file the proposed statement within 30 days after filing your notice electing to use a settled statement or within 30 days after the trial court clerk sends, or a party serves, the order granting the motion to use a settled statement.

“Serve and file” means that you must:

- Have somebody over 18 years old mail, deliver, or electronically send (serve) the proposed settled statement to the respondent in the way required by law. If the proposed statement is mailed or personally delivered, it must be by someone who is not a party to the case—so, not you.
- Make a record that the proposed settled statement has been served. This record is called a “proof of service.” *Proof of Service (Court of Appeal)* (form APP-009) or *Proof of Electronic Service (Court of Appeal)* (form APP-009E) can be used to make this record. The proof of service must show who served the proposed statement, who was served with the proposed statement, how the proposed statement was served (by mail, in person, or electronically), and the date the proposed statement was served.
- File the original proposed settled statement and the proof of service with the trial court. You should make a copy of the proposed statement you are planning to file for your own records before you file it with the court. Unless you are filing electronically, it is a good idea to bring or mail an extra copy of the proposed statement to the clerk when you file your original and ask the clerk to stamp this copy to show that the original has been filed.

You can get more information about how to serve court papers and proof of service from *Information Sheet for Proof of Service* (form APP-009-INFO) and on the Self-Help Guide to the California Courts at [courts.ca.gov/selfhelp-serving.htm](https://courts.ca.gov/selfhelp-serving.htm).



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**Respondent's review:** The respondent has 20 days from the date you serve your proposed settled statement to serve and file either:

- Proposed changes (called “amendments”) to the proposed statement; or
- If oral proceedings you designated were reported by a court reporter, a notice indicating that the respondent is electing to provide a reporter’s transcript instead of proceeding with a settled statement of these oral proceedings.

**Request for hearing to review proposed settled statement:** No later than 10 days after the respondent files proposed amendments, or the time to do so has expired, a party may request a hearing to review and correct the proposed statement. No hearing will be held unless ordered by the trial court judge. A judge will not ordinarily order a hearing unless there is a factual dispute about a material aspect of the trial court proceeding.

**Trial court judge’s review of appellant’s proposed settled statement:**

For more information, see rule 8.137 of the California Rules of Court. See also rule [8.140](#), which explains the consequences if you, the appellant, fail to make corrections that are ordered to be made to the proposed statement.

**Review of modified or corrected statement:** If the trial court judge makes or orders you to make any corrections or modifications to the proposed statement, the corrected or modified statement will be sent to you and the respondent for your review.

If you or the respondent disagree with anything in the modified or corrected statement, you have 10 days from the date the modified or corrected statement is sent to you to serve and file proposed modifications or objections to the statement. The judge then reviews the modified or corrected statement and any proposed modifications or objections. The judge can certify the modified or corrected statement as

accurate or make or order further modifications or corrections. If the judge decides that further corrections or modifications are necessary, the review process described above takes place again.

Alternatively, the parties may serve and file a stipulation (agreement) that the statement as originally served or corrected or modified is correct. Such a stipulation is equivalent to the judge’s certification of the statement.

**Sending settled statement to the Court of Appeal:** Once the trial court judge certifies the statement or the trial court receives the parties’ stipulation, the trial court clerk will send the statement to the Court of Appeal as required under rule [8.150](#) of the California Rules of Court.

**c. Exhibits**

The third part of the official record of the trial court proceeding is the exhibits, such as photographs, documents, or other items that were admitted in evidence, refused, or lodged (temporarily placed with the court) in the trial court. Exhibits are considered part of the record on appeal, but the clerk will not include any exhibits in the clerk’s transcript unless you ask that they be included in your notice designating the record on appeal. *Appellant’s Notice Designating Record on Appeal (Unlimited Civil Case)* (form APP-003) includes a space for you to make this request.

You also can ask the trial court to send original exhibits to the Court of Appeal at the time briefs are filed. (See rule [8.224](#) for more information about this procedure and see below for information about briefs.)

Sometimes, the trial court returns an exhibit to a party at the end of the trial. If the trial court returned an exhibit to you or another party and you or the other party ask for that exhibit to be included in the clerk’s transcript or sent to the Court of Appeal, the party who has the exhibit must deliver that exhibit to the trial court clerk as soon as possible.



**APP-001-INFO** Information on Appeal Procedures for Unlimited Civil Cases**15** What happens after the official record has been prepared?

As soon as the record on appeal is complete, the clerk of the trial court will send it to the Court of Appeal for the district in which the trial court is located. When the Court of Appeal receives the record, it will send you a notice telling you when you must file your brief in the Court of Appeal.

**16** What is a brief?

**Description:** A “brief” is a party’s written description of the facts in the case, the law that applies, and the party’s argument about the issues being appealed. If you are represented by a lawyer in your appeal, your lawyer will prepare your brief. If you are not represented by a lawyer, you will have to prepare your brief yourself.

You should read rules 8.200–8.224 of the California Rules of Court, which set out the requirements for preparing, serving, and filing briefs in unlimited civil appeals, including requirements for the format and length of these briefs. You can get copies of these rules at any courthouse or county law library or online at [courts.ca.gov/rules](https://courts.ca.gov/rules).

**Contents and format of briefs:** If you are the appellant, your brief, called an “appellant’s opening brief,” must clearly explain the legal errors you believe were made in the trial court. Your brief must refer to the exact places in the clerk’s transcript and the reporter’s transcript (or the other forms of the record you are using) that support your argument. Each brief must be no longer than 14,000 words if produced on a computer, including footnotes. A brief produced on a typewriter must not be longer than 50 pages.

The brief must contain a table of contents and a table of authorities. The cover of appellant’s opening brief filed in paper form must be green. For other content and formatting requirements for the brief, read rules [8.40](#) and [8.204](#) of the California Rules of Court.

Remember that an appeal is not a new trial. The Court of Appeal will not consider new evidence, such as new exhibits or the testimony of new witnesses, so do not include any new evidence in your brief.

**Serving and filing:** You must serve and file your opening brief within 40 days after the record is filed in the Court of Appeal or 70 days from the date the appellant chooses to proceed with no reporter’s transcript under rule [8.124](#). “Serve and file” means that you must:

- Have somebody over 18 years old mail, personally deliver, or electronically send (serve) the brief to the other parties in the way required by law. If the brief is mailed or personally delivered, it must be by someone who is not a party to the case—so, not you.
- Make a record that the brief has been served. This record is called a “proof of service.” *Proof of Service (Court of Appeal)* (form APP-009) or *Proof of Electronic Service (Court of Appeal)* (form APP-009E) can be used to make this record. The proof of service must show who served the brief, who was served with the brief, how the brief was served (by mail, in person, or electronically), and the date the brief was served.
- File the original brief and the proof of service with the Court of Appeal. You should make a copy of the brief you are planning to file for your own records before you file it with the court. Unless you are filing electronically, it is a good idea to bring or mail an extra copy of the brief to the clerk when you file your original and ask the clerk to stamp this copy to show that the original has been filed.
- Note: If a party chooses to prepare an appendix of the documents filed in the trial court instead of designating a clerk’s transcript, the appellant’s appendix or a joint appendix must be served and filed before or together with the appellant’s opening brief.

You can get more information about how to serve court papers and proof of service from *Information Sheet for Proof of Service (Court of Appeal)* (form APP-009-INFO) and on the Self-Help Guide to the California Courts at [selfhelp.courts.ca.gov/court-basics/service](https://selfhelp.courts.ca.gov/court-basics/service).

You and the other parties can agree (stipulate) to extend the time for filing this brief by up to 60 days (see rule [8.212\(b\)](#) for requirements for these agreements). You can also apply to the presiding justice of the Court of Appeal to extend the time for filing this brief if you can show good cause for an extension (see rule [8.63](#) for information about extensions of time). You may use *Application for Extension of Time to File Brief—Unlimited Civil Case* (form [APP-006](#)) to ask the court for an extension.

**If you do not file your brief by the deadline set by the Court of Appeal, the court may dismiss your appeal.**



**APP-001-INFO** Information on Appeal Procedures for Unlimited Civil Cases**17** What happens after I file my brief?

Within 30 days after you serve and file your brief, the respondent must respond by serving and filing a respondent's brief. Within 20 days after the respondent's brief was filed, you may, but are not required to, file another brief replying to the respondent's brief. This is called a "reply brief."

**18** What happens after all the briefs have been filed?

After all the briefs have been filed or the time to file them has passed, the Court of Appeal will contact you to tell you the date for oral argument in your case or ask if you want to participate in oral argument.

**19** What is "oral argument"?

"Oral argument" is a hearing before the justices of the Court of Appeal where the parties may orally present their positions. It is not a chance to present new evidence. You do not have to participate in oral argument if you do not want to; you can notify the Court of Appeal that you want to "waive" oral argument. If all parties waive oral argument, the justices will decide your appeal based on the briefs and the appellate record. But if any party requests oral argument, the Court of Appeal will hold oral argument.

If you choose to participate in oral argument, you will have a limited amount of time as set by the court.

Remember that the justices will have already read the briefs, so you do not need to read your brief to the justices or merely repeat the information in it. It is more helpful to tell the justices what you think is most important in your appeal or ask the justices if they have any questions you could answer.

You can find more information about oral argument in appeals cases in rule [8.256](#) of the California Rules of Court and online at [selfhelp.courts.ca.gov/appeals/step-5-oral-argument](https://selfhelp.courts.ca.gov/appeals/step-5-oral-argument).

**20** What happens after oral argument?

After oral argument is held or waived, the justices of the Court of Appeal will make a decision about your appeal. The clerk of the court will **send you a copy** of the Court of Appeal's decision. **Most opinions will be posted to the Court of Appeal's website.**

**21** What should I do if I want to give up my appeal?

If you do not want to continue with your appeal, you must notify the court. If the record has not yet been filed in the Court of Appeal, file *Abandonment of Appeal (Unlimited Civil Case)* (form [APP-005](#)) in the superior court.

If the record has already been filed in the Court of Appeal, file *Request for Dismissal of Appeal (Civil Case)* (form [APP-007](#)) in the Court of Appeal.

**INFORMATION FOR THE RESPONDENT**

This part of this information sheet is written for the respondent—the party responding to an appeal filed by another party. It explains some of the rules and procedures relating to responding to an appeal in an unlimited civil case. The information may also be helpful to the appellant.

**22** I have received a notice of appeal from another party. Do I need to do anything?

You do not *have* to do anything, but there may be consequences if you do nothing. The notice of appeal simply tells you that another party is appealing the trial court's decision. However, this would be a good time to get advice from a lawyer, if you want it. You do not *have* to have a lawyer; if you are an individual (not a corporation, for example), you are allowed to represent yourself in an appeal in an unlimited civil case. But appeals can be complicated and you will have to follow the same rules that lawyers have to follow.

If you have any questions about the appeal procedures, you should talk to a lawyer. You must hire your own lawyer if you want one. You can get information about finding a lawyer on the Self-Help Guide to the California Courts at [selfhelp.courts.ca.gov/get-free-or-low-cost-legal-help](https://selfhelp.courts.ca.gov/get-free-or-low-cost-legal-help).



**APP-001-INFO Information on Appeal Procedures for Unlimited Civil Cases****23 If the other party appealed, can I appeal too?**

Yes. Even if another party has already appealed, you may still appeal the same judgment or order. This is called a “cross-appeal.” To cross-appeal, you must serve and file a notice of appeal. You can use *Notice of Appeal/Cross-Appeal—Unlimited Civil Case* (form [APP-002](#)) to file this notice in an unlimited civil case. Please read the information for appellants about filing a notice of appeal, starting on page 3 of this information sheet, if you are considering filing a cross-appeal.

**24 Is there a deadline to file a cross-appeal?**

Yes. You must serve and file your notice of appeal within either the regular time for filing a notice of appeal (generally 60 days after service of Notice of Entry of the judgment or a file-stamped copy of the judgment) or within 20 days after the clerk of the trial court serves notice of the first appeal, whichever is later.

**25 I have received a notice designating the record on appeal from another party. Do I need to do anything?**

You do not *have* to do anything, but there may be consequences if you do nothing. A notice designating the record on appeal lets you know what kind of official record the appellant has asked to be sent to the Court of Appeal. Depending on the kind of record chosen by the appellant, however, you may have the option to:

- Add to what is included in the record;
- Participate in preparing the record; *or*
- Ask for a copy of the record.

Look at the appellant’s notice designating the record on appeal to see what kind of record the appellant has chosen and read about that form of the record in the response to question **14** above. Then read below for what your options are when the appellant has chosen that form of the record.

**a. Clerk's transcript**

**Appendix:** If the appellant is using an appendix, you may prepare a separate respondent’s appendix. See pages 5–6 for more information about preparing an appendix.

**Clerk’s transcript:** If the appellant is using a clerk’s transcript, you have the option of asking the clerk to include additional documents in the clerk’s transcript. To do this, within 10 days after the appellant serves its notice designating the record on appeal, you must serve and file a notice designating additional documents to be included in the clerk’s transcript. You may use *Respondent’s Notice Designating Record on Appeal—Unlimited Civil Case* (form [APP-010](#)) for this purpose.

Whether or not you ask for additional documents to be included in the clerk’s transcript, you must pay a fee if you want a copy of the clerk’s transcript. The trial court clerk will send you a notice indicating the cost for a copy of the clerk’s transcript. If you want a copy, you must deposit this amount with the court within 10 days after the clerk’s notice was sent.

If you cannot afford to pay this cost, you can ask the trial court to waive it. To do this, you must fill out and file *Request to Waive Court Fees* (form [FW-001](#)). You can get form FW-001 at any courthouse or county law library or online at [courts.ca.gov/forms](https://courts.ca.gov/forms). The trial court will review this application and determine if you are eligible for a fee waiver. The clerk will not prepare a copy of the clerk’s transcript for you unless you deposit payment for the cost or obtain a fee waiver.

If the appellant **elected (chose) to use** a clerk’s transcript but does not have a waiver of the fee for a clerk’s transcript, **and the trial court has not granted a motion by the appellant for exemption from the requirement to use appendixes**, you can **elect to use** an appendix instead of a clerk’s transcript, and the appeal will proceed by appendix. To choose an appendix, you can fill out and file *Respondent’s Notice Designating Record on Appeal—Unlimited Civil Case* (form APP-010) within 10 days after the appellant’s notice designating the record on appeal is filed.



**APP-001-INFO** Information on Appeal Procedures for Unlimited Civil Cases**b. Reporter's transcript**

If the appellant is using a reporter's transcript, you have the option of asking for additional proceedings to be included in the reporter's transcript. To do this, within 10 days after the appellant files its notice designating the record on appeal, you must serve and file a notice designating additional proceedings to be included in the reporter's transcript. You may use *Respondent's Notice Designating Record on Appeal—Unlimited Civil Case* (form APP-010) for this purpose.

Whether or not you ask for additional proceedings to be included in the reporter's transcript, **if you want a copy of the reporter's transcript**, you must generally pay a fee **for that copy**. The trial court clerk or reporter will send you a notice indicating the cost of preparing a copy of the reporter's transcript. If you want a copy of the reporter's transcript, you must deposit payment for this cost (and a fee for the trial court) or one of the substitutes allowed by rule [8.130](#) with the trial court clerk within 10 calendar days after this notice is sent. (See rule 8.130 for more information about this deposit and the permissible substitutes.)

Unlike the fee for preparing a clerk's transcript, the court cannot waive the fee for preparing a reporter's transcript. Money from a special fund, called the Transcript Reimbursement Fund, may be available to help you pay for the transcript. You can get information about this fund at [www.courtreportersboard.ca.gov/consumers/index.shtml#trf](http://www.courtreportersboard.ca.gov/consumers/index.shtml#trf).

The reporter will not prepare a copy of the reporter's transcript for you unless you deposit the cost of the transcript, or provide one of the permissible substitutes, or your application for payment by the Transcript Reimbursement Fund is approved.

**c. Settled statement**

If the appellant elects **in their notice designating the record on appeal** to use a settled statement (a summary of the trial court proceedings that is approved by the trial court), the appellant will send you a proposed settled statement to review. You will have 20 days from the date the appellant served you this proposed statement to serve and file either:

- Suggested changes (called “amendments”) that you think are needed to make sure that the settled statement provides an accurate summary of the **oral proceedings** (see page 10 of this form and rule [8.137](#) for more information about the amendment process); or
- If the oral proceedings in the trial court were reported by a court reporter, a notice indicating that you are choosing to provide a reporter's transcript, at your expense, instead of proceeding with a settled statement (see rule 8.137 for the requirements for choosing to provide a reporter's transcript).

“Serve and file” means you must:

- Have somebody over 18 years old mail, personally deliver, or electronically send (serve) the proposed amendments **or notice** to the appellant in the way required by law. If the proposed amendments or notice are mailed or personally delivered, it must be by someone who is not a party to the case—so, not you.
- Make a record that the proposed amendments **or notice** have been served. This record is called a “proof of service.” *Proof of Service (Court of Appeal)* (form APP-009) or *Proof of Electronic Service (Court of Appeal)* (form [APP-009E](#)) can be used to make this record. The proof of service must show who served the proposed amendments **or notice**, who was served with the proposed amendments **or notice**, how the proposed amendments **or notice** were served (by mail, in person, or electronically), and the date the proposed amendments **or notice** were served.
- File the original brief and the proof of service with the Court of Appeal. You should make a copy of the brief you are planning to file for your own records before you file it with the court. Unless you are filing electronically, it is a good idea to bring or mail an extra copy of the brief to the clerk when you file your original and ask the clerk to stamp this copy to show that the original has been filed.



**APP-001-INFO Information on Appeal Procedures for Unlimited Civil Cases**

You can get more information about how to serve court papers and proof of service from *Information Sheet for Proof of Service (Court of Appeal)* (form [APP-009-INFO](#)) and on the Self-Help Guide to the California Courts at [courts.ca.gov/selfhelp-serving.htm](https://courts.ca.gov/selfhelp-serving.htm).

- File the original brief and the proof of service with the Court of Appeal. You should make a copy of the brief you are planning to file for your own records before you file it with the court. Unless you are filing electronically, it is a good idea to bring or mail an extra copy of the brief to the clerk when you file your original and ask the clerk to stamp this copy to show that the original has been filed.

**26 What happens after the official record has been prepared?**

As soon as the record on appeal is complete, the clerk of the trial court will send it to the Court of Appeal. When the Court of Appeal receives this record, it will send you a notice telling you when you must file your brief in the Court of Appeal.

A brief is a party's written description of the facts in the case, the law that applies, and the party's argument about the issues being appealed. If you are represented by a lawyer, your lawyer will prepare your brief. If you are not represented by a lawyer in your appeal, you will have to prepare your brief yourself.

You should read rules [8.200–8.224](#) of the California Rules of Court, which set out the requirements for preparing, serving, and filing briefs in unlimited civil appeals, including requirements for the format and length of these briefs. You can get these rules at any courthouse or county law library or online at [courts.ca.gov/rules](https://courts.ca.gov/rules).

The appellant serves and files the first brief, called an “appellant’s opening brief.” You must respond by serving and filing a “respondent’s brief” within 30 days after the appellant’s opening brief is filed. “Serve and file” means that you must:

- Have somebody over 18 years old mail, personally deliver, or electronically send (serve) the brief to the other parties in the way required by law. If the brief is mailed or personally delivered, it must be by someone who is not a party to the case—so, not you.
- Make a record that the brief has been served. This record is called a “proof of service.” *Proof of Service (Court of Appeal)* (form [APP-009](#)) or *Proof of Electronic Service (Court of Appeal)* (form APP-009E) can be used to make this record. The proof of service must show who served the brief, who was served with the brief, how the brief was served (by mail, in person, or electronically), and the date the brief was served.

You can get more information about how to serve court papers and proof of service from *Information Sheet for Proof of Service (Court of Appeal)* (form APP-009-INFO) and on the Self-Help Guide to the California Courts at [selfhelp.courts.ca.gov/court-basics/service](https://selfhelp.courts.ca.gov/court-basics/service).

You and the other parties can agree (stipulate) to extend the time for filing this brief by up to 60 days (see rule 8.212(b) for requirements for these agreements). You can also apply to the presiding justice of the Court of Appeal to extend the time for filing this brief if you can show good cause for an extension. You may use *Application for Extension of Time to File Brief—Unlimited Civil Case* (form [APP-006](#)) to ask the court for an extension.

If you do not file a respondent’s brief, the appellant does not automatically win the appeal. The court will decide the appeal on the record, the appellant’s brief, and any oral argument by the appellant. Remember that an appeal is not a new trial. The Court of Appeal will not consider new evidence, such as new exhibits or the testimony of new witnesses, so do not include any new evidence in your brief.

If you file a respondent’s brief, the appellant then has an opportunity to serve and file another brief within 20 days to reply to your brief.

**27 What happens after all the briefs have been filed?**

After all the briefs have been filed or the time to file them has passed, the Court of Appeal will contact you to tell you the date for oral argument in your case or ask if you want to participate in oral argument.



**APP-001-INFO** Information on Appeal Procedures for Unlimited Civil Cases

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**28** What is “oral argument”?

Oral argument is a hearing before the justices of the Court of Appeal where the parties may orally present their positions. It is not a chance to present new evidence. You do not have to participate in oral argument if you do not want to; you can notify the Court of Appeal that you want to “waive” oral argument. If all parties waive oral argument, the justices will decide your appeal based on the briefs and the appellate record. But if any party requests oral argument, the Court of Appeal will hold oral argument.

If you choose to participate in oral argument, you will have a limited amount of time as set by the court.

Remember that the justices will have already read the briefs, so you do not need to read your brief to the justices or merely repeat the information in it. It is more helpful to tell the justices what you think is most important in your appeal or ask the justices if they have any questions you could answer.

You can find more information about oral argument in appeals cases in rule [8.256](#) of the California Rules of Court and online at [selfhelp.courts.ca.gov/appeals/step-5-oral-argument](https://selfhelp.courts.ca.gov/appeals/step-5-oral-argument).

**29** What happens after oral argument?

After oral argument is held or waived, the justices of the Court of Appeal will make a decision about your appeal. The clerk of the court will mail you a notice of the Court of Appeal’s decision.

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: TELEPHONE NO.: EMAIL: ATTORNEY FOR ( <i>name</i> ):	STATE BAR NUMBER:  STATE:                      ZIP CODE: FAX NO.:	<b>FOR COURT USE ONLY</b>  <b>DRAFT</b> <b>2026-03-26</b> <b>Not approved by</b> <b>the Judicial Council</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:		
PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT: OTHER PARENT/PARTY:		
<b>APPELLANT'S NOTICE DESIGNATING RECORD ON APPEAL—          UNLIMITED CIVIL CASE</b>		
RE: Appeal filed on ( <i>date</i> ):		SUPERIOR COURT CASE NUMBER:  COURT OF APPEAL CASE NUMBER ( <i>if known</i> ):
<b>Notice: Please read form APP-001-INFO (<i>Information on Appeal Procedures for Unlimited Civil Cases</i>) before completing this form. This form must be filed in the superior court, not in the Court of Appeal.</b>		

#### 1. Record of the Documents Filed in the Superior Court

*(Check either a or b and provide the requested information for the item you checked. If you check a, do not complete b.)*

- a.  The use of an appendix is required in this case under rule 8.124(a).  
 Are you filing a motion with this notice requesting an exemption from the requirement to use an appendix in this case?  
 Yes     No
- b.  The use of an appendix is not required in this case under rule 8.124(a).
- (1) The requirement to use an appendix does not apply in this case because *(check all that apply)*:
- (a)  Not all the parties in this case are represented by counsel.  
 (b)  A party in this case has a waiver for the cost of a clerk's transcript.  
 (c)  The court granted a motion filed by  me  another party requesting an exemption from the requirement to use an appendix in this case.
- (2) I choose to use the following method of providing the Court of Appeal with a record of the documents filed in the superior court *(check (a), (b), or (c) and complete, serve, and file with this notice the required form for your selected method of providing this record)*:
- (a)  An appendix under rule 8.124. I am permitted to elect to use an appendix as the record of the documents filed in the superior court in this case under rule 8.124(b) because the respondent does not have a waiver of the fee for a clerk's transcript and the superior court has not granted a motion by the respondent under rule 8.124(a)(2)(B) for exemption to the requirement to use appendices.
- (b)  A clerk's transcript under rule 8.122. *(You must complete, serve, and file form APP-003(A), Appellant's Notice Designating Record on Appeal—Clerk's Transcript Attachment, with this notice.)*
- (c)  The original superior court file under rule 8.128. *(Do not check this box unless the Court of Appeal District that covers the trial court that made the decision you are appealing has a local rule allowing the use of the original trial court file instead of a clerk's transcript. You can find information about which trial courts are covered by each Court of Appeal District at [courts.ca.gov/courts/courts-appeal](https://courts.ca.gov/courts/courts-appeal). The local rules for each Court of Appeal District are on the court's webpage, links for which are also found at: [courts.ca.gov/courts/courts-appeal](https://courts.ca.gov/courts/courts-appeal). You must complete form APP-003(B), Appellant's Notice Designating Record on Appeal—Original Trial Court File, and serve and file it with this notice and with a copy of your stipulation with the other parties in this case to use the original superior court file instead of a clerk's transcript.)*



PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT: OTHER PARENT/PARTY:	SUPERIOR COURT CASE NUMBER:
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**2. Record of Oral Proceedings in the Superior Court**

I choose to proceed (*you must check a or b below*):

- a.  **Without** a record of the oral proceedings (what was said at the hearing or trial) in the superior court. I understand that without a record of the oral proceedings in the superior court, the Court of Appeal will not be able to consider what was said during those proceedings in deciding whether an error was made in the superior court proceedings.
  
- b.  **With** the following record of the oral proceedings in the superior court. (*If you are choosing to use only one form of the record of the oral proceedings in the superior court, please check (1) or (2) and indicate that this will be the full record of these oral proceedings. If you are choosing to use both forms of the record of the oral proceedings, for example a reporter's transcript for oral proceedings that were recorded by a court reporter and a settled statement for oral proceedings that were not recorded by a court reporter, check the box for each form of the record you are choosing to use and indicate that it is for part of the record or of the oral proceedings.*)
  - (1)  A reporter's transcript under rule 8.130. (*You must complete, serve, and file form APP-003(C), Appellant's Notice Designating Record on Appeal—Reporter's Transcript with this notice.*)  
 This will be  the full record  part of the record of the oral proceedings.
  
  - (2)  A settled statement under rule 8.137. (*You must complete, serve, and file form APP-003(D), Appellant's Notice Designating Record on Appeal—Settled Statement with this notice.*)  
 This will be  the full record  part of the record of the oral proceedings.

**3. Record of an Administrative Proceeding to Be Transmitted to the Court of Appeal**

I request that the clerk transmit to the Court of Appeal under rule 8.123 the record of the following administrative proceeding that was admitted into evidence, refused, or lodged in the superior court (*give the title and date or dates of the administrative proceeding*):

<b>Title of Administrative Proceeding</b>
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<b>Date or Dates</b>
----------------------

Date: \_\_\_\_\_  
 \_\_\_\_\_  
 Type or Print Name

▶

\_\_\_\_\_  
 Signature of Appellant or Attorney

PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT: OTHER PARENT/PARTY:	SUPERIOR COURT CASE NUMBER:
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### Appellant's Notice Designating Record on Appeal—Clerk's Transcript Attachment

**Notice:** Please read form APP-001-INFO (*Information on Appeal Procedures for Unlimited Civil Cases*) before completing this form. If you checked item 1b(2)(b) on form APP-003 (*Appellant's Notice Designating Record on Appeal*) indicating that you elect to use a clerk's transcript as the record of the documents filed in the superior court, you must complete, serve, and file this form with your completed form APP-003.

**1. Notice Designating Clerk's Transcript**

a. **Required documents.** (*The clerk will automatically include the following items in the clerk's transcript, but you must provide the date each document was filed, or if that is not available, the date the document was signed.*)

Document Title and Description	Date of Filing
(1) Notice of appeal	_____
(2) Notice designating record on appeal ( <i>this document</i> )	_____
(3) Judgment or order appealed from ( <i>If you are appealing more than one order in your notice of appeal, please list the additional orders you are appealing in item b, below</i> )	_____
(4) Notice of entry of judgment ( <i>if any</i> )	_____
(5) Notice of intention to move for new trial or motion to vacate the judgment, for judgment notwithstanding the verdict, or for reconsideration of an appealed order ( <i>if any</i> )	_____
(6) Ruling on one or more of the items listed in (5)	_____
(7) Register of actions or docket	_____

b. **Additional documents.** (*If you want the clerk's transcript to include any documents from the superior court proceeding in addition to the items listed in item a, above, you must identify those documents here, using the title that appears in the superior court's register of actions in this case.*)

I request that the clerk include in the transcript the following documents that were filed in the superior court proceeding. (*You must identify each document you want included by its title as it appears in the superior court's register of actions in this case (see Cal. Rules of Court, rule 8.122(a)) and provide the date it was filed or, if that is not available, the date the document was signed.*)

Document Title and Description	Date of Filing
(1) _____	_____
(2) _____	_____
(3) _____	_____
(4) _____	_____

Additional documents are listed on an attachment. (*Check here if you need more space to list additional documents. List these documents on a separate page or pages labeled "Attachment 1b," and start with number (12).)*)



PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT: OTHER PARENT/PARTY:	SUPERIOR COURT CASE NUMBER:
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1. c. **Exhibits to be included in clerk's transcript**

- I request that the clerk include in the transcript the following exhibits that were admitted in evidence, refused, or lodged in the superior court. *(For each exhibit, give the exhibit number, such as Plaintiff's #1 or Defendant's A, and a brief description of the exhibit. Indicate whether or not the court admitted the exhibit into evidence. If the superior court has returned a designated exhibit to a party, the party in possession of the exhibit must deliver it to the superior court clerk within 10 days after service of this notice designating the record. (Cal. Rules of Court, rule 8.122(a)(3).))*

Exhibit Number	Description	Admitted (Yes/No)
(1) _____	_____	_____
(2) _____	_____	_____
(3) _____	_____	_____
(4) _____	_____	_____

- Additional documents are listed on an attachment. *(Check here if you need more space to list additional exhibits. List these exhibits on a separate page or pages labeled "Attachment 1c," and start with number (5).)*

2. **Cost of Clerk's Transcript**

- a.  I will pay the superior court clerk for this transcript myself when I receive the clerk's estimate of the costs of this transcript. I understand that if I do not pay for this transcript, it will not be prepared and provided to the Court of Appeal.
- b.  I request that the clerk's transcript be provided to me at no cost because I cannot afford to pay this cost. I have submitted the following document with this notice designating the record *(check (1) or (2))*:
- (1)  An order granting a waiver of court fees and costs under Cal. Rules of Court, rules 3.50–3.58.
- (2)  An application for a waiver of court fees and costs under Cal. Rules of Court, rules 3.50–3.58. *(Use form FW-001, Request to Waive Court Fees, to prepare and file this application.)*

PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT: OTHER PARENT/PARTY:	SUPERIOR COURT CASE NUMBER:
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### Appellant's Notice Designating Record on Appeal—Original Trial Court File Attachment

**Notice:** Please read form APP-001-INFO (*Information on Appeal Procedures for Unlimited Civil Cases*) before completing this form. If you checked item 1b(2)(c) on form APP-003 (*Appellant's Notice Designating Record on Appeal*) indicating that you elect to use the original court file as the record of the documents filed in the superior court, you must complete this form and serve and file it and a copy of your stipulation with the other parties to use the original superior court file with your completed form APP-003.

Rule 8.128 of the California Rules of Court allows the Court of Appeal districts to adopt local rules that permit parties to stipulate (agree) to use the original superior court file instead of a clerk's transcript. You may elect to use the superior court file as the record of the documents filed in the superior court if your appeal is in a Court of Appeal District that has adopted a local rule permitting this and all the parties have stipulated to use the original superior court file instead of a clerk's transcript in this case. You can find information about what trial courts are covered by each Court of Appeal District at: [courts.ca.gov/courts/courts-appeal](https://courts.ca.gov/courts/courts-appeal). The local rules for each Court of Appeal District are on the court's webpage, links for which are also found at: [courts.ca.gov/courts/courts-appeal](https://courts.ca.gov/courts/courts-appeal).

#### 1. Stipulation to Use Superior Court File

- I have stipulated with the other parties to use the superior court file as the record of the documents filed in the superior court instead of a clerk's transcript.
- The stipulation is being filed in the superior court with this notice designating the record on appeal and copies served on the other parties and the Court of Appeal.

#### 2. Payment for Preparing Superior Court File for Court of Appeal

*(Under rule 8.128(c), the appellant must generally pay the superior court for the costs of preparing the superior court file for the Court of Appeal.)*

- I will pay the superior court clerk for preparing the superior court file for the Court of Appeal when I receive the clerk's estimate of these costs. I understand that if I do not pay these costs, the file will not be prepared and provided to the Court of Appeal.
- I request that the superior court file be prepared at no cost because I cannot afford to pay this cost. I have submitted the following document with this notice (check (1) or (2)):
  - An order granting a waiver of court fees and costs under Cal. Rules of Court, rules 3.50-3.58.
  - An application for a waiver of court fees and costs under Cal. Rules of Court, rules 3.50-3.58 (*Use form FW-001, Request to Waive Court Fees, to prepare and file this application*).

PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT: OTHER PARENT/PARTY:	SUPERIOR COURT CASE NUMBER:
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**Appellant's Notice Designating Record on Appeal—Reporter's Transcript Attachment**

**Notice: Please read form APP-001-INFO (*Information on Appeal Procedures for Unlimited Civil Cases*) before completing this form.** If you checked item 2b(1) on form APP-003 (*Appellant's Notice Designating Record on Appeal*) indicating that you elect to use a reporter's transcript as all or part of the record of the oral proceedings in the superior court, you must complete, serve, and file this form with your completed form APP-003. Remember that you must pay for the cost of preparing a reporter's transcript.

**1. Notice Designating Reporter's Transcript**

a. Format of the reporter's transcript

I request that the reporters provide my copy of the reporter's transcript in the following format (*check one*):

- (1)  electronic.
- (2)  paper.
- (3)  electronic and paper.

(Code Civ. Proc., § 271.)

b. Proceedings

I request that the following oral proceedings in the superior court be included in the reporter's transcript. (*You must identify each proceeding you want included by its date, the department in which it took place, a description of the proceedings (for example, the examination of jurors, motions before trial, the taking of testimony, or the giving of jury instructions), the name of the court reporter who recorded the proceedings (if known), and whether a certified transcript of the designated proceeding was previously prepared.*)

	Date	Department	Full/Partial Day	Description	Reporter's Name	Prev. Prepared?
(1)						<input type="checkbox"/> Yes <input type="checkbox"/> No
(2)						<input type="checkbox"/> Yes <input type="checkbox"/> No
(3)						<input type="checkbox"/> Yes <input type="checkbox"/> No
(4)						<input type="checkbox"/> Yes <input type="checkbox"/> No

Additional proceedings are listed on an attachment. (*Check here if you need more space to list additional proceedings. List these exhibits on a separate page or pages labeled "Attachment 1," and start with number (5).*)

2. a. Do the proceedings designated in item 1b include all of the oral proceedings in the superior court?  Yes  No  
 If you answered "no," proceed to b; if you answered "yes," skip b and c.

b. If you answered "no" in item 2a, above, did you both elect to use or file a motion asking the court for permission to use a settled statement for part of the record of the oral proceedings and designate in form APP-003(D) (*Appellant's Notice Designating the Record on Appeal—Settled Statement Attachment*) all those oral proceedings from the superior court that you did not include in item 1b?  Yes  No



PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT: OTHER PARENT/PARTY:	SUPERIOR COURT CASE NUMBER:
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2. c. If you answered “no” in both items 2a and 2b, state the points that you intend to raise on appeal. (*Cal. Rules of Court, rule 8.130(a)(2) provides that your appeal will be limited to these points unless the Court of Appeal permits otherwise.*) Points are set forth:  Below  On a separate page labeled "Attachment 2."

**3. Cost of Reporter's Transcript**

I have (*check all that apply*):

- a.  Deposited with the superior court clerk:
  - (1)  The approximate cost of preparing the transcript by including the deposit with this notice as provided in rule 8.130(b)(1).
  - (2) (*Check either (a) or (b)*):
    - (a)  The fee for the superior court to hold this deposit in trust.
    - (b)  A valid fee waiver that covers the fee for the superior court to hold this deposit in trust.
- b.  Attached the reporter's written waiver of a deposit under rule 8.130(b)(3)(A) for (*check either (1) or (2)*):  
 (*Please note that this is NOT the same as a waiver of court fees and costs under Cal. Rules of Court, rules 3.50–3.58. The court cannot waive the cost of preparing a reporter's transcript. The court reporter's "written waiver of a deposit" is an agreement with the reporter that a deposit does not need to be submitted with the court because payment for the transcript will be made directly to the court reporter.*)
  - (1)  all of the designated proceedings.
  - (2)  part of the designated proceedings.
- c.  Submitted with this form a certified transcript under rule 8.130(b)(3)(C).  
 (*Please note that a certified transcript will NOT be accepted as a substitute for this deposit unless the transcript complies with the format requirements for reporter's transcripts in rule 8.144, which include but are not limited to arranging certified transcripts in chronological order, numbering the pages consecutively, providing indexes of where in the transcript each witness's testimony starts or exhibits are offered into evidence, and having a cover with required information on it. You may arrange with a court reporter to do the necessary formatting of the transcript or you may do the formatting yourself.*)
- d.  Attached a copy of a Transcript Reimbursement Fund application filed under rule 8.130(c)(1).

PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT: OTHER PARENT/PARTY:	SUPERIOR COURT CASE NUMBER:
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**Appellant's Notice Designating Record on Appeal—Settled Statement Attachment**

**Notice:** Please read form APP-001-INFO (*Information on Appeal Procedures for Unlimited Civil Cases*) before completing this form. If you checked item 2b(2) on form APP-003 (*Appellant's Notice Designating Record on Appeal*) indicating that you elect to use a settled statement as all or part of the record of the oral proceedings in the superior court, you must complete, serve, and file this form with your completed form APP-003.

**1. Settled Statement for Proceedings That Were Not Recorded by a Court Reporter**

*(Complete this section if any of the oral proceedings to be included in a settled statement were not reported by a court reporter.)*

- a. The oral proceedings designated in b, below, were not recorded by a court reporter. Under Cal. Rules of Court, rule 8.137, I am permitted to use a settled statement for these proceedings without filing a motion.
- b. Designation of oral proceedings that were not reported by a court reporter  
*(You must identify each proceeding you want included by its date, the department in which it took place, and a description of the proceedings (for example, motions before trial or the taking of testimony).)*

Date	Department	Description
------	------------	-------------

- (1)
- (2)
- (3)
- (4)

Additional proceedings are listed on an attachment. *(Check here if you need more space to list additional proceedings. List these proceedings on a separate page or pages labeled "Attachment 1," and start with (5).)*

**2. Settled Statement for Proceedings That Were Recorded by a Court Reporter**

*(Complete this section if any of the oral proceedings to be included in a settled statement were reported by a court reporter.)*

- a. The proceedings designated in b, below, were reported by a court reporter.
  - (1)  I have an order waiving my court fees and costs. Under Cal. Rules of Court, rule 8.137, I am permitted to use a settled statement as the record of these proceedings without filing a motion.
  - (2)  I do not have an order waiving my court fees and costs. I understand that under rule 8.137, I must serve and file a motion at the same time that I file this form asking for the court's permission to use a settled statement as the record of these proceedings. *(You may use form APP-025 to prepare this motion.)*
- b. Designation of oral proceedings that were reported by a court reporter to be included in settled statement  
I request that the following proceedings in the superior court be included in the settled statement. *(You must identify each proceeding you want included by its date, the department in which it took place, a description of the proceedings (for example, the examination of jurors, motions before trial, the taking of testimony, or the giving of jury instructions), the name of the court reporter who recorded the proceedings (if known), and whether a certified transcript of the designated proceeding was previously prepared.)*



PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT: OTHER PARENT/PARTY:	SUPERIOR COURT CASE NUMBER:
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2. b.

	Date	Department	Full/Partial Day	Description	Reporter's Name	Prev. Prepared?
(1)						<input type="checkbox"/> Yes <input type="checkbox"/> No
(2)						<input type="checkbox"/> Yes <input type="checkbox"/> No
(3)						<input type="checkbox"/> Yes <input type="checkbox"/> No
(4)						<input type="checkbox"/> Yes <input type="checkbox"/> No

Additional proceedings are listed on an attachment. *(Check here if you need more space to list additional proceedings. List these proceedings on a separate page or pages labeled "Attachment 2," and start with number (5).)*

3. a. Do the proceedings designated in items 1 and 2 include all of the oral proceedings in the superior court?  Yes  No
- b. If you checked "No" in a, above, did you also elect to use a reporter's transcript for part of the record of the oral proceedings and designate in form APP-003(C) (*Appellant's Notice Designating the Record on Appeal—Reporter's Transcript Attachment*) all those oral proceedings from the superior court that you did not include in 1 and 2?  Yes  No
- c. If you checked "No" in both a and b, above, and you have not already identified the points you intend to raise on appeal in form APP-003(C), state the points that you intend to raise on appeal. *(California Rules of Court, rule 8.137(d)(1) provides that your appeal will be limited to these points unless the Court of Appeal permits otherwise.)* Points are set forth:  
 Below  On a separate page labeled "Attachment 2."

ATTORNEY OR PARTY WITHOUT ATTORNEY STATE BAR NUMBER:  NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL: ATTORNEY FOR (name):	FOR COURT USE ONLY   <b>DRAFT</b> <b>2026-03-25</b> <b>Not approved by</b> <b>the Judicial Council</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT: OTHER PARENT/PARTY:	
<b>RESPONDENT'S NOTICE DESIGNATING RECORD ON APPEAL— UNLIMITED CIVIL CASE</b>	SUPERIOR COURT CASE NUMBER:
Re: Appeal filed on (date):	COURT OF APPEAL CASE NUMBER (if known):
<b>Notice: Please read form APP-001-INFO (Information on Appeal Procedures for Unlimited Civil Cases) before completing this form. This form must be filed in the superior court, not in the Court of Appeal.</b>	

**1. Record of the Documents Filed in the Superior Court**

*(If the appellant has chosen to use a clerk's transcript under Cal. Rules of Court, rule 8.122, you, the respondent, must check a or b:)*

- a.  I agree to a clerk's transcript. *(If you, the respondent, want any documents from the superior court proceedings in addition to the documents designated by the appellant to be included in the clerk's transcript, you must identify those documents in item 2.)*
- b.  I choose an appendix as the record of documents under Cal. Rules of Court, rule 8.124. I can make this choice because the appellant has not been granted a waiver of the fee for a clerk's transcript and the superior court has not granted a motion by the appellant for exemption to the requirement to use appendices. *(If you, the respondent, choose to use an appendix, the appellant must also use an appendix and cannot use a clerk's transcript.)*

**2. Clerk's Transcript**

The parties will use a clerk's transcript under Cal. Rules of Court, rule 8.122. *(If you, the respondent, want any documents from the superior court proceedings in addition to the documents designated by the appellant to be included in the clerk's transcript, you must identify those documents here.)*

- a.  **Additional documents.** In addition to the documents designated by the appellant, I request that the clerk include in the transcript the following documents from the superior court proceedings. *(You, the respondent, must identify each document you want included by its title as it appears in the superior court's register of actions in this case and provide the date it was filed or, if that is not available, the date the document was signed.)*

	Document Title and Description	Date of Filing
(1)		
(2)		
(3)		
(4)		
(5)		
(6)		

CASE NAME:	SUPERIOR COURT CASE NUMBER:
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**Additional documents are listed on an attachment.** (Check here if you need more space to list additional documents. List these documents on a separate page or pages labeled "Attachment 2(a)," and start with number (7).)

2. b.  **Additional exhibits.** In addition to the exhibits designated by the appellant, I request that the clerk include in the transcript the following exhibits that were admitted in evidence, refused, or lodged in the superior court. (For each exhibit, give the exhibit number, such as Plaintiff's #1 or Defendant's A, and a brief description of the exhibit. Indicate whether or not the court admitted the exhibit into evidence. If the superior court has returned a designated exhibit to a party, the party in possession of the exhibit must deliver it to the superior court clerk within 10 days after service of this notice designating the record. (Cal. Rules of Court, rule 8.122(a)(3).))

Exhibit Number	Description	Admitted (Yes/No)
(1)		
(2)		
(3)		
(4)		

**Additional exhibits are listed on an attachment.** (Check here if you need more space to list additional exhibits. List these exhibits on a separate page or pages labeled "Attachment 2b," and start with number (5).)

c.  **Copy of clerk's transcript.** I request a copy of the clerk's transcript. (Check (1) or (2).)

(1)  I will pay the superior court clerk for this transcript when I receive the clerk's estimate of the costs of this transcript. I understand that if I do not pay for this transcript, I will not receive a copy.

(2)  I request that the clerk's transcript be provided to me at no cost because I cannot afford to pay this cost. I have submitted the following document with this notice designating the record (check (a) or (b)):

(a)  An order granting a waiver of court fees and costs under Cal. Rules of Court, rules 3.50–3.58; or

(b)  An application for a waiver of court fees and costs under Cal. Rules of Court, rules 3.50–3.58. (Use form FW-001, Request to Waive Court Fees, to prepare and file this application.)

**3. Record of Oral Proceedings in the Superior Court**

The appellant has chosen to use a reporter's transcript under Cal. Rules of Court, rule 8.130.

a.  **Designation of additional proceedings.** (If you, *the respondent*, want any oral proceedings in addition to the proceedings designated by the appellant to be included in the reporter's transcript, you must identify those proceedings here.)

(1) In addition to the proceedings designated by the appellant, I request that the following proceedings in the superior court be included in the reporter's transcript. (You, *the respondent*, must identify each proceeding you want included by its date, the department in which it took place, a description of the proceedings (for example, the examination of jurors, motions before trial, the taking of testimony, or the giving of jury instructions), the name of the court reporter who recorded the proceedings (if known), and whether a certified transcript of the designated proceeding was previously prepared.)

CASE NAME:	SUPERIOR COURT CASE NUMBER:
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3. a. (1) (continued)

	Date	Department	Full/Partial Day	Description	Reporter's Name	Prev. Prepared?
(a)						<input type="checkbox"/> Yes <input type="checkbox"/> No
(b)						<input type="checkbox"/> Yes <input type="checkbox"/> No
(c)						<input type="checkbox"/> Yes <input type="checkbox"/> No
(d)						<input type="checkbox"/> Yes <input type="checkbox"/> No
(e)						<input type="checkbox"/> Yes <input type="checkbox"/> No
(f)						<input type="checkbox"/> Yes <input type="checkbox"/> No
(g)						<input type="checkbox"/> Yes <input type="checkbox"/> No

Additional proceedings are listed on an attachment. (Check here if you need more space to list additional proceedings. List these proceedings on a separate page or pages labeled "Attachment 3a(1)," and start with letter (h).)

(2) Deposit for additional proceedings.

I understand that under Cal. Rules of Court, rule 8.130(b)(1), I am responsible for depositing with the court **both** the cost of transcribing the additional oral proceedings that I have designated in (1) for inclusion in the reporter's transcript or submitting to the court one of the substitutes for this deposit permitted under rule 8.130(b)(3) **and** either the fee for the superior court to hold this deposit in trust or a valid fee waiver that covers this fee.

I have (check **and complete** (a), (b), (c), or (d)):

- (a)  Deposited with the superior court clerk:
  - (i) The approximate cost of preparing the additional proceedings by including the deposit with this notice as provided in Cal. Rules of Court, rule 8.130(b)(1).
  - (ii) (Check (A) or (B)):
    - (A)  The fee for the superior court to hold this deposit in trust.
    - (B)  A valid fee waiver that covers the fee for the superior court to hold this deposit in trust.
- (b)  Attached the reporter's written waiver of a deposit under Cal. Rules of Court, rule 8.130(b)(3)(A) for (check either (i) or (ii)):
  - (i)  All of the designated proceedings.
  - (ii)  Part of the designated proceedings.

*(Please note that this is NOT the same as a waiver of court fees and costs under Cal. Rules of Court, rules 3.50–3.58. The court cannot waive the cost of preparing a reporter's transcript. The court reporter's "written waiver of a deposit" is an agreement with the reporter that a deposit does not need to be submitted with the court because payment for the transcript will be made directly to the court reporter.)*

- (c)  Attached a certified transcript under Cal. Rules of Court, rule 8.130(b)(3)(C).
 

*(Please note that a certified transcript will NOT be accepted as a substitute for this deposit unless the transcript complies with the format requirements for reporter's transcripts in Cal. Rules of Court, rule 8.144, which include but are not limited to arranging certified transcripts in chronological order, numbering the pages consecutively, providing indexes of where in the transcript each witness's testimony starts or exhibits are offered into evidence, and having a cover with required information on it. You may arrange with a court reporter to do the necessary formatting of the transcript or you may do the formatting yourself.)*

CASE NAME:	SUPERIOR COURT CASE NUMBER:
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3. a. (2) (d)  Attached a copy of a Transcript Reimbursement Fund application filed under Cal. Rules of Court, rule 8.130(c)(1).

**b. Copy of reporter's transcript.**

I understand that if I want a copy of a reporter's transcript, I must pay the court reporter for that copy. (See Government Code section 69950. Note that you must pay this cost to get a copy whether or not you requested that the reporter's transcript include additional oral proceedings.)

(1)  I request a copy of the reporter's transcript and I request that the reporters provide my copy of the reporter's transcript in the following format (check (a), (b), or (c)):

(a)  electronic.

(b)  paper.

(c)  electronic and paper.

(Code Civ. Proc., § 271.)

(2)  I am not requesting a copy of the reporter's transcript. I understand that, under Cal. Rules of Court, rule 8.153, within 20 days after the record has been filed in the reviewing court, I may submit a request in writing to borrow the record.

Date:

\_\_\_\_\_

Type or Print Name



\_\_\_\_\_

Signature of Respondent or Attorney

**APP-101-INFO** Information on Appeal Procedures for Limited Civil Cases**GENERAL INFORMATION****1 What does this information sheet cover?**

This information sheet tells you about appeals in limited civil cases. These are civil cases in which the amount of money claimed is \$35,000 or less.

If you are the party who is appealing (asking for the trial court's decision to be reviewed), you are called the APPELLANT, and you should read Information for the Appellant, starting on page 2. If you received notice that another party in your case is appealing, you are called the RESPONDENT, and you should read Information for the Respondent, starting on page 11.

This information sheet does not cover everything you may need to know about appeals in limited civil cases. It is meant only to give you a general idea of the appeal process. To learn more, you should read rules [8.800–8.843](#) and [8.880–8.891](#) of the California Rules of Court, which set out the procedures for limited civil appeals. You can get these rules at any courthouse or county law library or online at [courts.ca.gov/rules](https://courts.ca.gov/rules).

**2 What is an appeal?**

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

It is important to understand that **an appeal is NOT a new trial**. The appellate division will not consider new evidence, such as the testimony of new witnesses or new exhibits. The appellate division's job is to review a record of what happened in the trial court and the trial court's decision to see if certain kinds of legal errors were made:

For information about appeal procedures in other kinds of cases, see:

- *Information on Appeal Procedures for Unlimited Civil Cases* (form [APP-001-INFO](#))
- *Information on Appeal Procedures for Infractions* (form [CR-141-INFO](#))
- *Information on Appeal Procedures for Misdemeanors* (form [CR-131-INFO](#))

You can get these forms at any courthouse or county law library or online at [courts.ca.gov/forms](https://courts.ca.gov/forms).

- **Prejudicial error:** The appellant (the party who is appealing) may ask the appellate division to decide if an error was made about either the law or court procedures in the case that caused substantial harm to the appellant (this is called “prejudicial error”).

Prejudicial error can include things like errors made by the judge about the law, errors or misconduct by the lawyers, incorrect instructions given to the jury, and misconduct by the jury that harmed the appellant. When it conducts its review, the appellate division presumes that the judgment, order, or other decision being appealed is correct. It is the responsibility of the appellant to show the appellate division that an error was made and that the error was harmful.

- **No substantial evidence:** The appellant may also ask the appellate division to decide if there was substantial evidence supporting the judgment, order, or other decision being appealed. When it conducts its review, the appellate division only looks to see if there was evidence that reasonably supports the decision. The appellate division generally will not reconsider the jury's or trial court's conclusion about which side had more or stronger evidence or whether witnesses were telling the truth or lying.

**The appellate division generally will not overturn the judgment, order, or other decision being appealed unless the record clearly shows that one of these legal errors was made.**



## APP-101-INFO Information on Appeal Procedures for Limited Civil Cases

### 3 Do I need a lawyer to represent me in an appeal?

You do not *have* to have a lawyer; if you are an individual (rather than a corporation, for example), you are allowed to represent yourself in an appeal in a limited civil case. But appeals can be complicated and you will have to follow the same rules that lawyers have to follow. If you have any questions about the appeal procedures, you should talk to a lawyer.

If you decide not to use a lawyer, you must put your address, telephone number, fax number (if available), and email address (if available) on the first page of every document you file with the court and let the court know if this contact information changes so that the court can contact you if needed.

### 4 Where can I find a lawyer to help me with my appeal?

You have to hire your own attorney if you want one. You can get information about finding an attorney on the Self-Help Guide to the California Courts at [selfhelp.courts.ca.gov/get-free-or-low-cost-legal-help](https://selfhelp.courts.ca.gov/get-free-or-low-cost-legal-help).

### INFORMATION FOR THE APPELLANT

This part of the information sheet is written for the appellant—the party who is appealing the trial court’s decision. It explains some of the rules and procedures relating to appealing a decision in a limited civil case. The information may also be helpful to the respondent. Additional information for respondents can be found starting on page 11 of this information sheet.

### 5 Who can appeal?

Only a party in the trial court case can appeal a decision in that case. You may not appeal on behalf of a friend, a spouse, a child, or another relative unless you are a legally appointed representative of that person (such as the person’s guardian or conservator).

### 6 Can I appeal any decision the trial court made?

No. Generally, you can only appeal the final judgment—the decision at the end that decides the whole case. Other rulings made by the trial court before the final judgment generally cannot be separately appealed but can be reviewed later as part of an appeal of the final judgment. There are a few exceptions to this general rule. Code of Civil Procedure section 904.2 lists a few types of orders in a limited civil case that can be appealed right away. These include orders that:

- Change or refuse to change the place of trial (venue)
- Grant a motion to quash service of summons or grant a motion to stay or dismiss the action on the ground of inconvenient forum
- Grant a new trial or deny a motion for judgment notwithstanding the verdict
- Discharge or refuse to discharge an attachment or grant a right to attach
- Grant or dissolve an injunction or refuse to grant or dissolve an injunction
- Appoint a receiver
- Are made after final judgment in the case

(You can get a copy of Code of Civil Procedure section 904.2 at [leginfo.legislature.ca.gov/faces/codes.xhtml](https://leginfo.legislature.ca.gov/faces/codes.xhtml).)

### 7 How do I start my appeal?

First, you must serve and file a notice of appeal. The notice of appeal tells the other party or parties in the case and the trial court that you are appealing the trial court’s decision. You may use *Notice of Appeal/Cross-Appeal—Limited Civil Case* (form [APP-102](#)) to prepare a notice of appeal in a limited civil case. You can get form APP-102 at any courthouse or county law library or online at [courts.ca.gov/forms](https://courts.ca.gov/forms).

### 8 How do I “serve and file” the notice of appeal?

“Serve and file” means that you must:

- Have somebody over 18 years old mail, deliver, or electronically send (“serve”) the notice of appeal to the other party or parties in the way required by law. If the notice of appeal is mailed or personally delivered, it must be by someone who is not a party to the case—so not you.



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- Make a record that the notice of appeal has been served. This record is called a “proof of service.” *Proof of Service* (form [APP-109](#)) or *Proof of Electronic Service (Appellate Division)* (form [APP-109E](#)) can be used to make this record. The proof of service must show who served the notice of appeal, who was served with the notice of appeal, how the notice of appeal was served (by mail, in person, or electronically), and the date the notice of appeal was served.
- Bring or mail the original notice of appeal and the proof of service to the trial court that issued the judgment, order, or other decision you are appealing. You should make a copy of the notice of appeal you are planning to file for your own records before you file it with the court. It is a good idea to bring or mail an extra copy of the notice of appeal to the clerk when you file your original and ask the clerk to stamp this copy to show that the original has been filed.

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

### 9 Is there a deadline to file my notice of appeal?

Yes. In a limited civil case, except in the very limited circumstances listed in rule [8.823](#), you must file your notice of appeal within **30 days** after the trial court clerk or a party serves either a document called a “Notice of Entry” of the trial court judgment or a file-stamped copy of the judgment or within 90 days after entry of the judgment, whichever is earlier.

**This deadline for filing the notice of appeal cannot be extended. If your notice of appeal is late, the appellate division will not be able to consider your appeal.**

### 10 Do I have to pay to file an appeal?

Yes. Unless the court waives this fee, you must pay a fee for filing your notice of appeal. You can ask the clerk of the court where you are filing the notice of appeal what the fee is or look up the fee for an appeal in a limited civil case in the current Statewide Civil Fee Schedule at [courts.ca.gov/7646.htm](https://courts.ca.gov/7646.htm) (note that the “Appeal and Writ Related Fees” section is near the end of this schedule

and that there are different fees for limited civil cases depending on the amount demanded in the case). If you cannot afford to pay the fee, you can ask the court to waive it. To do this, you must fill out and file a *Request to Waive Court Fees* (form [FW-001](#)). You can get form FW-001 at any courthouse or county law library or online at [courts.ca.gov/forms](https://courts.ca.gov/forms). You can file this application either before you file your notice of appeal or with your notice of appeal. The court will review this application to decide if you are eligible for a fee waiver.

### 11 If I file a notice of appeal, do I still have to do what the trial court ordered me to do?

Filing a notice of appeal does NOT automatically postpone most judgments or orders, such as those requiring you to pay another party money or to deliver property to another party (see Code of Civil Procedure sections 917.1–917.9 and 1176; you can get a copy of these laws at [leginfo.legislature.ca.gov/faces/codes.xhtml](https://leginfo.legislature.ca.gov/faces/codes.xhtml)). These kinds of judgments or orders will be postponed, or “stayed,” only if you request a stay and the court grants your request. In most cases, other than unlawful detainer cases in which the trial court’s judgment gives a party possession of the property, if the trial court denies your request for a stay, you can apply to the appellate division for a stay. If you do not get a stay and you do not do what the trial court ordered you to do, court proceedings to collect the money or otherwise enforce the judgment or order may be started against you.

### 12 What do I need to do after I file my notice of appeal?

Since the appellate division judges were not there to see what happened in the trial court, an official record of what happened must be prepared and sent to the appellate division for its review. **Within 10 days of filing your notice of appeal you (the appellant) must notify the trial court and the other parties about what kind of record you want sent to the appellate division and, depending on the kind of record you choose, identify in writing (designate) what documents and oral proceedings, if any, to include in that record.** You can use *Appellant’s Notice Designating Record on Appeal (Limited Civil Case)* (form [APP-103](#)) to **provide this notice**. You can get form APP-103 at any courthouse or county law library or online at [courts.ca.gov/forms](https://courts.ca.gov/forms).



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You must serve and file this notice designating the record on appeal within 10 days after you file your notice of appeal. “Serving and filing” this notice means that you must:

- Have somebody over 18 years old mail, deliver, or electronically send (“serve”) the notice to the other party or parties in the way required by law. If the notice is mailed or personally delivered, it must be by someone who is not a party to the case—so not you.
- Make a record that the notice has been served. This record is called a “proof of service.” *Proof of Service* (form APP-109) or *Proof of Electronic Service* (form APP-109E) can be used to make this record. The proof of service must show who served the notice, who was served with the notice, how the notice was served (by mail, in person, or electronically), and the date the notice was served.
- Bring or mail the original notice and the proof of service to the trial court that issued the judgment, order, or other decision you are appealing. You should make a copy of the notice you are planning to file for your own records before you file it with the court. It is a good idea to bring or mail an extra copy of the notice to the clerk when you file your original and ask the clerk to stamp this copy to show that the original has been filed.

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

### 13 What is the official record of the trial court proceedings?

There are three parts of the official record:

- A record of what was said in the trial court (this is called the “oral proceedings”)
- A record of the documents filed in the trial court (other than exhibits)
- Exhibits that were admitted in evidence, refused, or lodged (temporarily placed with the court) in the trial court

Read below for more information about these parts of the record.

#### a. Record of what was said in the trial court (the “oral proceedings”)

The first part of the official record of the trial court proceedings is a record of what was said in the trial court (this is called a record of the “oral proceedings”). You do not *have* to send the appellate division a record of the oral proceedings. But if you want to raise any issue in your appeal that would require the appellate division to consider what was said in the trial court, the appellate division will need a record of those oral proceedings. For example, if you are claiming that there was not evidence supporting the judgment, order, or other decision you are appealing, the appellate division will need a record of the oral proceedings.

You are responsible for deciding how the record of the oral proceedings will be given and, depending on what option you select and your circumstances, you may also be responsible for paying for preparing this record or for preparing an initial draft of the record. If you do not take care of these responsibilities, a record of the oral proceedings in the trial court will not be prepared and sent to the appellate division. **If the appellate division does not receive this record, it will not be able to review any issues that are based on what was said in the trial court and it may dismiss your appeal.**

In a limited civil case, you can use *Appellant’s Notice Designating Record on Appeal (Limited Civil Case)* (form APP-103) to tell the court whether you want a record of the oral proceedings and, if so, the form of the record that you want to use. You can get form APP-103 at any courthouse or county law library or online at [courts.ca.gov/forms](https://courts.ca.gov/forms).

There are four ways in which a record of the oral proceedings can be prepared for the appellate division:

- If you or the other party arranged to have a court reporter there during the trial court proceedings, the reporter can prepare a record, called a “reporter’s transcript.”



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- If the proceedings were officially electronically recorded, the trial court can have a transcript prepared from that recording or, if the court has a local rule permitting this and you and the other party agree (“stipulate”) to this, you can use the *official electronic recording* itself instead of a transcript.
- You can use an agreed statement.
- You can use a statement on appeal.

Read below for more information about these options. **More than one might apply.**

### (1) Reporter's transcript

**Description:** A reporter’s transcript is a written record (sometimes called a “verbatim” record) of the oral proceedings in the trial court prepared by a court reporter. Rule 8.834 of the California Rules of Court establishes the requirements relating to reporter’s transcripts.

**When available:** If a court reporter was there in the trial court and made a record of the oral proceedings, you can choose (“elect”) to have the court reporter prepare a reporter’s transcript for the appellate division. In most limited civil cases, however, a court reporter will not have been there unless you or another party in your case made specific arrangements to have a court reporter there. Check with the court to see if a court reporter made a record of the oral proceedings in your case before choosing this option.

**Contents:** If you elect to use a reporter’s transcript, you must identify **in writing** (this is called “designating”) what **oral** proceedings you want included in the reporter’s transcript. **You must identify each oral proceeding you want included in the reporter’s transcript by its date, the department in which it took place, and a description of the proceedings (for example, the examination of jurors, motions before trial, the taking of testimony, or the giving of jury instructions).** You must also indicate the name of the court reporter who recorded the proceedings (if known), and whether a certified transcript of the designated proceeding was previously prepared. You can use the same form you used to tell the court you wanted to use a reporter’s transcript—*Appellant’s Notice Designating Record on Appeal (Limited Civil Case)* (form APP-103).

If you elect to use a reporter’s transcript, the respondent also has the right to designate additional proceedings to be included in the reporter’s transcript. If you elect to proceed without a reporter’s transcript, however, the respondent may not designate a reporter’s transcript without first getting an order from the appellate division.

**Cost:** The appellant is responsible for paying for preparing a reporter’s transcript. The trial court clerk or the court reporter will notify you of the cost of preparing an original and one copy of the reporter’s transcript. You must deposit payment for this cost (and a fee for the trial court) or one of the substitutes allowed by rule 8.834 with the trial court clerk within 10 days after this notice is sent. (See rule 8.834 for more information about this deposit and the permissible substitutes.)

Unlike the fee for filing the notice of appeal and the costs for preparing a clerk’s transcript, the court cannot waive the fee for preparing a reporter’s transcript. A special fund, called the Transcript Reimbursement Fund, may be able to help pay for the transcript. You can get information about this fund at [www.courtreporterboard.ca.gov/consumers/index.shtml#rtf](http://www.courtreporterboard.ca.gov/consumers/index.shtml#rtf). If you are unable to pay the cost of a reporter’s transcript, a record of the oral proceedings can be prepared in other ways, by using an agreed statement or a statement on appeal, which are described below.

**Completion and delivery:** After the cost of preparing the reporter’s transcript or a permissible substitute has been deposited, the court reporter will prepare the transcript and submit it to the trial court clerk. When the record is complete, the trial court clerk will submit the original transcript to the appellate division and send you a copy of the transcript. If the respondent has purchased it, a copy of the reporter’s transcript will also be mailed to the respondent.

### (2) Official electronic recording or transcript

**When available:** In some limited civil cases, the trial court proceedings were officially recorded on approved electronic recording equipment. If your case was officially recorded, you can choose



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(“elect”) to have a transcript prepared from the recording. Check with the trial court to see if the oral proceedings in your case were officially electronically recorded before you choose this option. If the court has a local rule permitting this and all the parties agree (“stipulate”), a copy of an official electronic recording itself can be used as the record, instead of preparing a transcript. If you choose this option, you must attach a copy of this agreement (“stipulation”) to your notice designating the record on appeal.

**Contents:** If you elect to use a transcript of an official electronic recording, you must identify in writing (this is called “designating”) what proceedings you want included in the transcript. You must identify each oral proceeding you want included in the transcript of the electronic recording by its date, the department in which it took place, a description of the proceedings, and if you know it, the name of the electronic recording monitor who recorded the proceedings. You can use the same form you used to tell the court you wanted to use a transcript of an official electronic recording—*Appellant’s Notice Designating Record on Appeal* (form APP-103).

**Cost:** The appellant is responsible for paying the court for the cost of either (a) preparing a transcript *or* (b) making a copy of the official electronic recording.

(a) If you elect to use a transcript of an official electronic recording, you will need to deposit the estimated cost of preparing the transcript with the trial court clerk and pay the trial court a \$50 fee. There are two ways to determine the estimated cost of the transcript:

- You can use the amounts listed in rule [8.130\(b\)\(1\)\(B\)](#) for each full or half day of court proceedings to estimate the cost of making a transcript of the proceeding you have designated in your notice designating the record on appeal. Deposit this estimated amount and the \$50 fee with the trial court clerk when you file your notice designating the record on appeal.
- You can ask the trial court clerk for an estimate of the cost of preparing a transcript of the proceedings you have designated in your

notice designating the record on appeal. You must deposit this amount and the \$50 fee with the trial court within 10 days of receiving the estimate from the clerk.

(b) If the court has a local rule permitting the use of a copy of the electronic recording itself, rather than a transcript, and you have attached your agreement with the other parties to do this (“stipulation”) to the notice designating the record on appeal that you filed with the court, the trial court clerk will give you an estimate of the costs for this copy of the recording. You must pay this amount to the trial court.

If you cannot afford to pay the cost of preparing the transcript, the \$50 fee, or the fee for the copy of the official electronic recording, you can ask the court to waive these costs. To do this, you must fill out and file *Request to Waive Court Fees* (form FW-001). You can get form FW-001 at any courthouse or county law library or online at [courts.ca.gov/forms](https://courts.ca.gov/forms). The court will review this application to decide if you are eligible for a fee waiver.

**Completion and delivery:** After the estimated cost of the transcript or official electronic recording has been paid or waived, the clerk will have the transcript or copy of the recording prepared. When the transcript is completed or the copy of the official electronic recording is prepared and the rest of the record is complete, the clerk will send it to the appellate division.

### (3) Agreed statement

**Description:** An agreed statement is a written summary of the trial court proceedings agreed to by all the parties. (See rule [8.836](#) of the California Rules of Court.)

**When available:** If the trial court proceedings were not recorded either by a court reporter or by official electronic recording equipment or if you do not want to use one of these options, you can choose (“elect”) to use an agreed statement as the record of the oral proceedings (please note that it may take more of your time to prepare an agreed statement than to use either a reporter’s transcript or official electronic recording, if they are available).



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**Contents:** An agreed statement must explain what the trial court case was about, describe why the appellate division is the right court to consider an appeal in this case (why the appellate division has “jurisdiction”), and describe the rulings of the trial court relating to the points to be made on appeal.

The statement should include only those facts that you and the other parties think are needed to decide the appeal.

**Preparation:** If you elect to use this option, you must file the agreed statement with your notice designating the record on appeal or, if you and the other parties need more time to work on the statement, you can file a written agreement with the other parties (called a “stipulation”) stating that you are trying to agree on a statement. If you file this stipulation, within the next 30 days you must either file the agreed statement or tell the court that you and the other parties were unable to agree on a statement and file a new notice designating the record.

#### (4) Statement on appeal

**Description:** A statement on appeal is a summary of the oral proceedings in the trial court that is approved by the trial court judge who conducted those proceedings (the term “judge” includes commissioners and temporary judges).

**When available:** If the trial court proceedings were not recorded either by a court reporter or by official electronic recording equipment or if you do not want to use one of these options, you can choose (“elect”) to use a statement on appeal as the record of the oral proceedings (please note that it may take more of your time to prepare a statement on appeal than to use either a reporter’s transcript or official electronic recording, if they are available).

**Contents:** A statement on appeal must include:

- A statement of the points you (the appellant) are making on appeal;
- A summary of the trial court’s rulings and judgment; and
- A summary of the testimony of each witness and other evidence that is relevant to the issues you are raising on appeal.

(See rule [8.837](#) of the California Rules of Court for more information about what must be included in a statement on appeal and the procedures for preparing a statement. You can get a copy of this rule at any courthouse or county law library or online at [courts.ca.gov/rules/](https://courts.ca.gov/rules/).)

**Preparing a proposed statement:** If you elect to use a statement on appeal, you must prepare a proposed statement. If you are not represented by a lawyer, you must use *Proposed Statement on Appeal (Limited Civil Case)* (form [APP-104](#)) to prepare your proposed statement. You can get form APP-104 at any courthouse or county law library or online at [courts.ca.gov/forms](https://courts.ca.gov/forms).

**Serving and filing a proposed statement:** You must serve and file the proposed statement with the trial court within 20 days after you file your notice designating the record. “Serve and file” means that you must:

- Have somebody over 18 years old mail, deliver, or electronically send (“serve”) the proposed statement to the respondent in the way required by law. If the proposed statement is mailed or personally delivered, it must be by someone who is not a party to the case—so not you.
- Make a record that the proposed statement has been served. This record is called a “proof of service.” *Proof of Service* (form APP-109) or *Proof of Electronic Service* (form APP-109E) can be used to make this record. The proof of service must show who served the proposed statement, who was served with the proposed statement, how the proposed statement was served (by mail, in person, or electronically), and the date the proposed statement was served.
- File the original proposed statement and the proof of service with the trial court. You should make a copy of the proposed statement you are planning to file for your own records



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before you file it with the court. It is a good idea to bring or mail an extra copy of the proposed statement to the clerk when you file your original and ask the clerk to stamp this copy to show that the original has been filed.

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

**Review and modifications:** The respondent has 10 days from the date you serve your proposed statement to serve and file proposed changes (called “amendments”) to this statement. The trial court judge then reviews both your proposed statement and any proposed amendments filed by the respondent. The trial judge will either make or order you (the appellant) to make any corrections or modifications to the statement that are needed to make sure that the statement gives an accurate summary of the testimony and other evidence relevant to the issues you stated you are making on appeal.

**Completion and certification:** If the judge makes any corrections or modifications to the proposed statement, the corrected or modified statement will be sent to you and the respondent for your review. If the judge orders you to make any corrections or modifications to the proposed statement, you must serve and file the corrected or modified statement within the time ordered by the judge. If you or the respondent disagree with anything in the modified or corrected statement, you have 10 days from the date the modified or corrected statement is sent to you to serve and file objections to the statement. The judge then reviews any objections, makes or orders you to make any additional corrections to the statement, and certifies the statement as an accurate summary of the testimony and other evidence relevant to the issues you stated you are making on appeal.

**Sending statement to the appellate division:** Once the trial court judge certifies the statement on appeal, the trial court clerk will send the statement to the appellate division along with any record of the documents filed in the trial court.

## b. Record of the documents filed in the trial court

The second part of the official record of the trial court proceedings is a record of the documents that were filed in the trial court. There are **four** ways in which a record of the documents filed in the trial court can be prepared for the appellate division:

- *An appendix*
- *A clerk’s transcript*
- The original *trial court file* or
- *An agreed statement*

Read below for more information about these options.

### (1) Appendix

**When required:** Appendixes must be used as the record of the filed documents from the trial court in all limited civil appeals in which all parties are represented by counsel unless one of the parties has a waiver of the fee for a clerk’s transcript. You can ask the trial court to give you an exemption from this requirement by filing a request (motion) with your notice designating the record on appeal. Please read California Rules of court, rule 8.845(a) for more information about when an appendix must be used and these motions.

**When you may choose to use:** In limited civil appeals in which appendixes are not required to be used, you can still choose (elect) to use an appendix in your notice designating the record on appeal so long as the respondent does not have a waiver of the fee for a clerk’s transcript and the trial court has not granted a motion by the respondent for exemption to the requirement to use appendixes.

**Contents:** An appellant’s appendix must contain all of the following:

- All the filed documents that are required to be in a clerk’s transcript under rule 8.122(b)(1), such as the notice of appeal and the trial court judgment or order being appealed. These documents are listed in rule 8.122(b)(1) and in item 5b on *Appellant’s Notice Designating Record on Appeal (Limited Civil Case)* (form APP-103).



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- Any filed document listed in rule 8.832(a)(3) that is necessary for proper consideration of the issues being raised on appeal. This includes not only documents that you, the appellant, plan to rely on, but also any item that you should reasonably assume the respondent will rely on; and
- If the respondent elected to proceed by appendix, the notice of election.

An appendix must not contain documents or portions of documents filed in the trial court that are unnecessary for proper consideration of the issues on appeal.

Respondents can also choose to prepare their own appendixes. A respondent's appendix may contain any document that could have been included in the appellant's appendix. As the appellant, you can also choose to prepare an appellant's reply appendix which may contain any document that could have been included in the respondent's appendix.

**Preparation, Service, and Filing:** If you are required or elect to use an appendix, you must prepare your appendix. It must comply with the requirements of rule 8.144 for a clerk's transcript including arranging documents in chronological order, numbering the pages consecutively, providing indexes of the documents in the appendix, and having a cover with required information on it.

When you have finished preparing your appellant's appendix, you must serve and file it. It must be served and filed either before your opening brief is filed or at the same time as that brief is filed. See item 16 for information about that brief.

“Serving and filing” the appendix means that you must:

- Have somebody over 18 years old mail, deliver, or electronically send (serve) the appendix to the other party or parties in the way required by law. If the appendix is mailed or personally delivered, it must be by someone who is not a party to the case—so, not you.

- Make a record that the appendix has been served. This record is called a “proof of service.” *Proof of Service* (form APP-109) or *Proof of Electronic Service* (form APP-109E) can be used to make this record. The proof of service must show who served the appendix, who was served with the appendix, how the appendix was served (by mail, in person, or electronically), and the date the appendix was served.
- Bring or send (by mail or electronically) the original appendix and the proof of service to the superior court appellate division. You should make a copy of the appendix you are planning to file for your own records before you file it with the court. Unless you are filing electronically, it is a good idea to bring or mail an extra copy of the appendix to the clerk when you file your original and ask the clerk to stamp this copy to show that the original has been filed.

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

**Cost:** You are responsible for the cost of preparing your appellant's appendix and any appellant's reply appendix.

### (2) Clerk's transcript

**Description:** A clerk's transcript is a record of the documents filed in the trial court prepared by the clerk of the trial court.

**Contents:** Certain documents, such as the notice of appeal and the trial court judgment or order being appealed, must be included in the clerk's transcript. These documents are listed in rule [8.832\(a\)](#) of the California Rules of Court and in *Appellant's Notice Designating Record on Appeal (Limited Civil Case)* (form APP-103).



If you want any documents other than those listed in rule 8.832(a) to be included in the clerk's transcript, you must tell the trial court in your notice designating the record on appeal. You can use form [APP-103](#) to do this. You will need to identify each document you want included in the clerk's transcript by its title and filing date or, if you do not know the filing date, the date the document was signed.

If you—the appellant—request a clerk's transcript, the respondent also has the right to ask the clerk to include additional documents in the clerk's transcript. If this happens, you will be served with a notice saying what other documents the respondent wants included in the clerk's transcript.

**Cost:** As the appellant, you are responsible for paying for preparing a clerk's transcript. The trial court clerk will send you a bill for the cost of preparing an original and one copy of the clerk's transcript. You must do one of the following things within 10 days after the clerk sends this bill or the appellate division may dismiss your appeal:

- Pay the bill.
- Ask the court to waive the cost because you cannot afford to pay. To do this, you must fill out and file a *Request to Waive Court Fees* (form FW-001). You can get form FW-001 at any courthouse or county law library or online at [courts.ca.gov/forms](https://courts.ca.gov/forms). The court will review this application to decide if you are eligible for a fee waiver.
- Give the court a copy of a court order showing that your fees in this case have already been waived by the court.

**Completion and delivery:** After the cost of preparing the clerk's transcript has been paid or waived, the trial court clerk will compile the requested documents into a transcript format and, when the record on appeal is complete, will forward the original clerk's transcript to the appellate division for filing. The trial court clerk will send you a copy of the transcript. If the respondent bought a copy, the clerk will also send a copy of the transcript to the respondent.

### (3) Trial court file

**When available:** If the court has a local rule allowing this, the clerk can send the appellate division the original trial court file instead of a clerk's transcript (see rule [8.833](#) of the California Rules of Court).

**Cost:** As with a clerk's transcript, you, as the appellant, are responsible for paying for preparing the trial court file. The trial court clerk will send you a bill for this preparation cost. You must do one of the following things within 10 days after the clerk sends this bill or the appellate division may dismiss your appeal:

- Pay the bill.
- Ask the court to waive the cost because you cannot afford to pay. To do this, you must fill out and file a *Request to Waive Court Fees* (form FW-001). You can get form FW-001 at any courthouse or county law library or online at [courts.ca.gov/forms](https://courts.ca.gov/forms). The court will review this application to decide if you are eligible for a fee waiver.
- Give the court a copy of a court order showing that your fees in this case have already been waived by the court.

**Completion and delivery:** After the cost of preparing the trial court file has been paid or waived and the record on appeal is complete, the trial court clerk will send the file and a list of the documents in the file to the appellate division. The trial court clerk will also send a copy of the list of documents to the appellant and respondent so that you can put your own files of documents from the trial court in the correct order.

### (4) Agreed statement

**When available:** If you and the respondent have already agreed to use an agreed statement as the record of the oral proceedings (see "Agreed statement" on page 6) and agree to this, you can use an agreed statement instead of a clerk's transcript. To do this, you must attach to your agreed statement all of the documents that are required to be included in a clerk's transcript.



**c. Exhibits**

The third part of the official record of the trial court proceeding is the exhibits, such as photographs, documents, or other items that were admitted in evidence, refused, or lodged (temporarily placed with the court) in the trial court. Exhibits are considered part of the record on appeal, but the clerk will not include any exhibits in the clerk’s transcript unless you ask that they be included in your notice designating the record on appeal. *Appellant’s Notice Designating Record on Appeal (Limited Civil Case)* (form [APP-103](#)), includes a space for you to make this request. You also can ask the trial court to send original exhibits to the appellate division at the time briefs are filed (see rule [8.843](#) for more information about this procedure and see below for information about briefs).

Sometimes, the trial court returns an exhibit to a party at the end of the trial. If the trial court returned an exhibit to you or another party and you or the other party ask for that exhibit to be included in the clerk’s transcript or sent to the appellate division, the party who has the exhibit must deliver that exhibit to the trial court clerk as soon as possible.

**14 What happens after the official record has been prepared?**

As soon as the record on appeal is complete, the clerk of the trial court will send it to the appellate division. When the appellate division receives the record, it will send you a notice telling you when you must file your brief in the appellate division.

**15 What is a brief?**

**Description:** A “brief” is a party’s written description of the facts in the case, the law that applies, and the party’s argument about the issues being appealed. If you are represented by a lawyer in your appeal, your lawyer will prepare your brief. If you are not represented by a lawyer, you will have to prepare your brief yourself. You should read rules 8.882–8.884 of the California Rules of Court, which set out the requirements for preparing, serving, and filing briefs in limited civil appeals, including requirements for the format and length of these briefs. You can get copies of these rules at any courthouse or county law library or online at [courts.ca.gov/rules](https://courts.ca.gov/rules).

**Contents:** If you are the appellant, your brief, called an “appellant’s opening brief,” must clearly explain what you believe are the legal errors made in the trial court. Your brief must refer to the exact places in the clerk’s transcript and the reporter’s transcript (or the other forms of the record you are using) that support your argument. Remember that an appeal is not a new trial. The appellate division will not consider new evidence, such as the testimony of new witnesses or new exhibits, so do not include any new evidence in your brief.

You may, but are not required to, fill out *Appellant’s Opening Brief—Limited Civil Case* (form [APP-200](#)) and use it as your opening brief. You can get more information about using this form as your opening brief from *How to Use Form APP-200 in Limited Civil Cases* (form [APP-200-INFO](#)).

**Serving and filing:** You must serve and file your brief in the appellate division by the deadline the court set in the notice it sent you, which is usually 30 days after the record is filed in the appellate division or 60 days from the date the appellant chooses to proceed with no reporter’s transcript under rule [8.845](#). “Serve and file” means that you must:

- Have somebody over 18 years old mail, deliver, or electronically send (“serve”) the brief to the other parties in the way required by law. If the brief is mailed or personally delivered, it must be by someone who is not a party to the case—so, not you.
- Make a record that the brief has been served. This record is called a “proof of service.” *Proof of Service* (form APP-109) or *Proof of Electronic Service* (form APP-109E) can be used to make this record. The proof of service must show who served the brief, who was served with the brief, how the brief was served (by mail, in person, or electronically), and the date the brief was served.
- File the original brief and the proof of service with the appellate division. You should make a copy of the brief you are planning to file for your own records before you file it with the court. It is a good idea to bring or mail an extra copy of the brief to the clerk when you file your original and ask the clerk to stamp this copy to show that the original has been filed.



- Note: If a party chooses to prepare an appendix of the documents filed in the trial court instead of designating a clerk’s transcript, the appellant’s appendix must be served and filed before or together with the appellant’s opening brief.

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

You and the other parties can agree (stipulate) to extend the time for filing this brief by up to 30 days (see rule [8.882\(b\)](#) for requirements for these agreements). You can also ask the court to extend the time for filing this brief if you can show good cause for an extension (see rule [8.811\(b\)](#) for a list of the factors the court will consider in deciding whether there is good cause for an extension). You may use *Application for Extension of Time to File Brief—Limited Civil Case* (form [APP-106](#)) to ask the court for an extension.

**If you do not file your brief by the deadline set by the appellate division, the court may dismiss your appeal.**

### **16** What happens after I file my brief?

Within 30 days after you serve and file your brief, the respondent may, but is not required to, respond by serving and filing a respondent’s brief. If the respondent does not file a brief, the appellant does not automatically win the appeal. The court will decide the appeal on the record, the appellant’s brief, and any oral argument by the appellant.

If the respondent files a brief, within 20 days after the respondent’s brief was filed, you may, but are not required to, file another brief replying to the respondent’s brief. This is called a “reply brief.”

### **17** What happens after all the briefs have been filed?

Once all the briefs have been filed or the time to file them has passed, the appellate division will notify you of the date for oral argument in your case.

### **18** What is “oral argument”?

“Oral argument” is the parties’ chance to explain their arguments to the appellate division judges in person. You do not have to participate in oral argument if you do not want to; you can notify the appellate division that you want to “waive” oral argument. If all parties waive oral argument, the judges will decide your appeal based on the briefs and the record that were submitted. But if one party waives oral argument and another party or parties does not, the appellate division will hold oral argument with the party or parties who did not waive it.

If you do choose to participate in oral argument, you will have up to 10 minutes for your argument unless the appellate division orders otherwise. Remember that the judges will have already read the briefs, so you do not need to read your brief to the judges. It is more helpful to tell the judges what you think is most important in your appeal or ask the judges if they have any questions you could answer.

### **19** What happens after oral argument?

After oral argument is held (or the date it was scheduled passes if all the parties waive oral argument), the judges of the appellate division will make a decision about your appeal. The appellate division has 90 days after the date scheduled for oral argument to decide the appeal. The clerk of the court will mail you a notice of the appellate division’s decision.

### **20** What should I do if I want to give up my appeal?

If you decide you do not want to continue with your appeal, you must file a written document with the appellate division notifying it that you are giving up (this is called “abandoning”) your appeal. You can use *Abandonment of Appeal (Limited Civil Case)* (form [APP-107](#)) to file this notice in a limited civil case. You can get form APP-107 at any courthouse or county law library or online at [courts.ca.gov/forms](https://courts.ca.gov/forms).



**INFORMATION FOR THE RESPONDENT**

This section of this information sheet is for the respondent—the party responding to an appeal filed by another party. It explains some of the rules and procedures relating to responding to an appeal in a limited civil case. The information may also be helpful to the appellant.

**21 I have received a notice of appeal from another party. Do I need to do anything?**

You do not *have* to do anything. The notice of appeal simply tells you that another party is appealing the trial court’s decision. However, this would be a good time to get advice from a lawyer, if you want it. You do not *have* to have a lawyer; if you are an individual (not a corporation, for example), you are allowed to represent yourself in an appeal in a limited civil case. But appeals can be complicated and you will have to follow the same rules that lawyers have to follow.

If you have any questions about the appeal procedures, you should talk to a lawyer. You must hire your own lawyer if you want one. You can get information about finding a lawyer on the Self-Help Guide to the California Courts at [selfhelp.courts.ca.gov/get-free-or-low-cost-legal-help](http://selfhelp.courts.ca.gov/get-free-or-low-cost-legal-help).

**22 If the other party appealed, can I appeal too?**

Yes. Even if another party has already appealed, you may still appeal the same judgment or order. This is called a “cross-appeal.” To cross-appeal, you must serve and file a notice of appeal. You can use form [APP-102](#) (*Notice of Appeal/Cross-Appeal—Limited Civil Case*) to file this notice in a limited civil case. Please read the information for appellants about filing a notice of appeal, starting on page 2 of this information sheet, if you are considering filing a cross-appeal.

**23 Is there a deadline to file a cross-appeal?**

Yes. You must serve and file your notice of appeal within either the regular time for filing a notice of appeal (generally 30 days after mailing or service of Notice of Entry of the judgment or a file-stamped copy of the judgment) or within 10 days after the clerk of the trial court mails notice of the first appeal, whichever is later.

**24 I have received a notice designating the record on appeal from another party. Do I need to do anything?**

You do not *have* to do anything. A notice designating the record on appeal lets you know what kind of official record the appellant has asked to be sent to the appellate division. Depending on the kind of record chosen by the appellant, however, you may have the option to:

- Add to what is included in the record
- Participate in preparing the record *or*
- Ask for a copy of the record

Look at the appellant’s notice designating the record on appeal to see what kind of record the appellant has chosen and read about that form of the record in the response to question **13** above. Then read below for what your options are when the appellant has chosen that form of the record.

**a. Reporter's transcript**

If the appellant is using a reporter’s transcript, you have the option of asking for additional **oral** proceedings to be included in the reporter’s transcript. To do this, within 10 days after the appellant files its notice designating the record on appeal, you must serve and file a notice designating additional proceedings to be included in the reporter’s transcript. **You may use form [APP-110](#) (*Respondent’s Notice Designating Record on Appeal—Limited Civil Case*) for this purpose.**

Whether or not you ask for additional proceedings to be included in the reporter’s transcript, you must generally pay a fee if you want a copy of the reporter’s transcript. The trial court clerk or reporter will send you a notice stating the cost of preparing a copy of the reporter’s transcript. If you want a copy of the reporter’s transcript, you must deposit this amount (and a fee for the trial court) or one of the substitutes allowed by rule [8.834](#) with the trial court clerk within 10 days after this notice is sent. (See rule 8.834 for more information about this deposit and the permissible substitutes.)



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Unlike the fee for preparing a clerk’s transcript, the court cannot waive the fee for preparing a reporter’s transcript. A special fund, called the Transcript Reimbursement Fund, may be able to help pay for the transcript. You can get information about this fund at [www.courtreportersboard.ca.gov/consumers/index.shtml#trf](http://www.courtreportersboard.ca.gov/consumers/index.shtml#trf). The reporter will not prepare a copy of the reporter’s transcript for you unless you deposit the cost of the transcript, or one of the permissible substitutes, or your application for payment by the Transcript Reimbursement Fund is approved.

If the appellant elects not to use a reporter’s transcript, you may not designate a reporter’s transcript without first getting an order from the appellate division.

**b. Agreed statement**

If you and the appellant agree to prepare an agreed statement (a summary of the trial court proceedings that is agreed to by the parties), you and the appellant will need to reach an agreement on that statement within 30 days after the appellant files its notice designating the record.

**c. Statement on appeal**

If the appellant elects to use a statement on appeal (a summary of the oral proceedings in the trial court that is approved by the trial court), the appellant will send you a proposed statement to review. You will have 10 days from the date the appellant sent you this proposed statement to serve and file suggested changes (called “amendments”) that you think are needed to make sure that the statement gives an accurate summary of the testimony and other evidence relevant to the issues the appellant stated the appellant is raising on appeal. “Serve and file” means that you must:

- Have somebody over 18 years old mail, deliver, or electronically send (“serve”) the proposed amendments to the appellant in the way required by law. If the proposed amendments are mailed or personally delivered, it must be by someone who is not a party to the case—so, not you.

- Make a record that the proposed amendments have been served. This record is called a “proof of service.” *Proof of Service* (form [APP-109](#)) or *Proof of Electronic Service* (form [APP-109E](#)) can be used to make this record. The proof of service must show who served the proposed amendments, who was served with the proposed amendments, how the proposed amendments were served (by mail, in person, or electronically), and the date the proposed amendments were served.
- File the original proposed amendments and the proof of service with the trial court. You should make a copy of the proposed amendments you are planning to file for your own records before you file them with the court. It is a good idea to bring or mail an extra copy of the proposed amendments to the clerk when you file your original and ask the clerk to stamp this copy to show that the original has been filed.

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

**d. Appendix**

If the appellant is using an appendix, you may prepare a separate respondent’s appendix. See pages 8–9 for more information about preparing an appendix.

If the appellant chooses a clerk’s transcript but does not have a waiver of the fee for a clerk’s transcript, and the trial court has not granted a motion by the appellant for exemption to the requirement to use appendixes, you can choose an appendix instead of a clerk’s transcript, and the appeal will proceed by appendix. To choose an appendix, you can fill out and file *Respondent’s Notice Designating Record on Appeal—Limited Civil Case* (form [APP-110](#)) within 10 days after the appellant’s notice designating the record on appeal is filed.



**e. Clerk's transcript**

If the appellant is using a clerk's transcript, you have the option of asking the clerk to include additional documents in the clerk's transcript.

To do this, within 10 days after the appellant serves its notice designating the record on appeal, you must serve and file a notice designating additional documents to be included in the clerk's transcript. You may use *Respondent's Notice Designating Record on Appeal—Limited Civil Case* (form [APP-110](#)) for this purpose.

Whether or not you ask for additional documents to be included in the clerk's transcript, you must pay a fee if you want a copy of the clerk's transcript. The trial court clerk will send you a notice stating the cost for a copy of the clerk's transcript. If you want a copy, you must deposit this amount with the court within 10 days after the clerk's notice was sent.

If you cannot afford to pay this cost, you can ask the court to waive it. To do this, you must fill out and file a *Request to Waive Court Fees* (form [FW-001](#)). You can get form FW-001 at any courthouse or county law library or online at [courts.ca.gov/forms](#). The court will review this application and decide if you are eligible for a fee waiver. The clerk will not prepare a copy of the clerk's transcript for you unless you deposit payment for the cost or obtain a fee waiver.

**25 What happens after the official record has been prepared?**

As soon as the record on appeal is complete, the clerk of the trial court will send it to the appellate division. When the appellate division receives this record, it will send you a notice telling you when you must file your brief in the appellate division.

A brief is a party's written description of the facts in the case, the law that applies, and the party's argument about the issues being appealed. If you are represented by a lawyer, your lawyer will prepare your brief. If you are not represented by a lawyer in your appeal, you will have to prepare your brief yourself.

You should read rules [8.882–8.884](#) of the California Rules of Court, which set out the requirements for preparing, serving, and filing briefs in limited civil appeals, including requirements for the format and length of these briefs. You can get these rules at any courthouse or county law library or online at [courts.ca.gov/rules](#).

The appellant serves and files the first brief, called an "appellant's opening brief." You may, but are not required to, respond by serving and filing a respondent's brief within 30 days after the appellant's opening brief is filed. "Serve and file" means that you must:

- Have somebody over 18 years old mail, deliver, or electronically send ("serve") the brief to the other parties in the way required by law. If the brief is mailed or personally delivered, it must be by someone who is not a party to the case—so, not you.
- Make a record that the brief has been served. This record is called a "proof of service." *Proof of Service* (form [APP-109](#)) or *Proof of Electronic Service* (form [APP-109E](#)) can be used to make this record. The proof of service must show who served the brief, who was served with the brief, how the brief was served (by mail, in person, or electronically), and the date the brief was served.
- File the original brief and the proof of service with the appellate division. You should make a copy of the brief you are planning to file for your own records before you file it with the court. It is a good idea to bring or mail an extra copy of the brief to the clerk when you file your original and ask the clerk to stamp this copy to show that the original has been filed. You can get more information about how to serve court papers and proof of service from *What Is Proof of Service?* (form [APP-109-INFO](#)) and on the Self-Help Guide to the California Courts at [courts.ca.gov/selfhelp-serving.htm](#).

You may, but are not required to, fill out *Respondent's Brief—Limited Civil Case* (form [APP-201](#)) and use it as your answering brief. You can get more information about using this form as your answering brief from *How to Use Form APP-201 in Limited Civil Cases* (form [APP-201-INFO](#)).



## **APP-101-INFO** Information on Appeal Procedures for Limited Civil Cases

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You and the other parties can agree (stipulate) to extend the time for filing this brief by up to 30 days (see rule [8.882\(b\)](#) for requirements for these agreements). You can also ask the court to extend the time for filing this brief if you can show good cause for an extension (see rule [8.811\(b\)](#) for a list of the factors the court will consider in deciding whether there is good cause for an extension). You may use *Application for Extension of Time to File Brief—Limited Civil Case* (form [APP-106](#)) to ask the court for an extension.

If you do not file a respondent’s brief, the appellant does not automatically win the appeal. The court will decide the appeal on the record, the appellant’s brief, and any oral argument by the appellant. Remember that an appeal is not a new trial. The appellate division will not consider new evidence, such as the testimony of new witnesses or new exhibits, so do not include any new evidence in your brief.

If you file a respondent’s brief, the appellant then has an opportunity to serve and file another brief within 20 days replying to your brief.

### **26** What happens after all the briefs have been filed?

Once all the briefs have been filed or the time to file them has passed, the court will notify you of the date for oral argument in your case.

“Oral argument” is the parties’ chance to explain their arguments to appellate division judges in person. You do not have to participate in oral argument if you do not want to; you can notify the appellate division that you want to “waive” oral argument. If all parties waive oral argument, the judges will decide the appeal based on the briefs and the record that were submitted. But if one party waives oral argument and another party or parties does not, the appellate division will hold oral argument with the party or parties who did not waive it.

After oral argument is held (or the scheduled date passes if all parties waive argument), the judges of the appellate division will make a decision about the appeal. The appellate division has 90 days after oral argument to decide the appeal. The clerk of the court will mail you a notice of the appellate division’s decision.

**APP-103**

# Appellant's Notice Designating Record on Appeal (Limited Civil Case)

Clerk stamps date here when form is filed.

**DRAFT**  
**2026-03-10**  
**Not approved by**  
**the Judicial Council**

## Instructions

- This form is only for choosing (“designating”) the record on appeal in a **limited civil case**.
- Before you fill out this form, read form APP-101-INFO (*Information on Appeal Procedures for Limited Civil Cases*) to know your rights and responsibilities. You can get form APP-101-INFO at any courthouse or county law library or online at [courts.ca.gov/forms](https://courts.ca.gov/forms).
- This form can be attached to your notice of appeal. If it is not attached to your notice of appeal, you must serve and file this form within 10 days after you file your notice of appeal. **If you do not file this form on time, the court may dismiss your appeal.**
- Fill out this form and make a copy of the completed form for your records and for each of the other parties.
- Serve a copy of the completed form on each of the other parties and keep proof of this service. You can get information about how to serve court papers and proof of service on the California Courts Online Self-Help Center site at [courts.ca.gov/selfhelp-serving.htm](https://courts.ca.gov/selfhelp-serving.htm).
- Take or mail the original completed form and proof of service to the clerk’s office for the same court that issued the judgment or order you are appealing. It is a good idea to take or mail an extra copy to the clerk and ask the clerk to stamp it to show that the original has been filed.

You fill in the name and street address of the court that issued the judgment or order you are appealing:

Superior Court of California, County of

You fill in the number and name of the trial court case in which you are appealing the judgment or order:

Trial Court Case Number:  
  
Trial Court Case Name:

You fill in the appellate division case number (if you know it):

Appellate Division Case Number:

## 1 Your Information

a. Appellant (the party who is filing this appeal):

Name: \_\_\_\_\_

b. Appellant’s contact information (*skip this if the appellant has a lawyer for this appeal*):

Street address: \_\_\_\_\_  
Street City State Zip

Mailing address (*if different*): \_\_\_\_\_  
Street City State Zip

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

c. Appellant’s lawyer (*skip this if the appellant does not have a lawyer for this appeal*):

Name: \_\_\_\_\_ State Bar number: \_\_\_\_\_

Street address: \_\_\_\_\_  
Street City State Zip

Mailing address (*if different*): \_\_\_\_\_  
Street City State Zip

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Fax: \_\_\_\_\_



Trial Court Case Number:
--------------------------

Trial Court Case Name: \_\_\_\_\_

**2 Information About Your Appeal**

On (fill in the date): \_\_\_\_\_ I/my client filed a notice of appeal in the trial court case identified in the box on page 1 of this form.

**Record of Oral Proceedings in the Trial Court**

*You do not have to provide the appellate division with a record of what was said in the trial court (this is called a record of the “oral proceedings”). But if you want to raise any issue in your appeal that would require the appellate division to consider what was said in the trial court, you will need to provide the appellate division with a record of those oral proceedings. For example, if you are claiming that there was not evidence supporting the judgment, order, or other decision you are appealing, you will need to provide a record of the oral proceedings.*

**3** I elect (choose)/My client elects to proceed (check a or b):

a.  **Without** a record of the oral proceedings in the trial court (skip item 4; go to item 5). I understand that if I elect to proceed without providing a record of the oral proceedings, the appellate division will not be able to review any issues I might want to raise about what was said in the trial court during those proceedings or any claim that there was not evidence to support the judgment, order, or decision I am appealing.

(Write initials here): \_\_\_\_\_

b.  **With** a record of the oral proceedings in the trial court (complete item 4 below). I understand that if I elect (choose) to proceed **with** a record of the oral proceedings in the trial court, I have to choose the record I want to use and take the actions described below to make sure this record is provided to the appellate division. I understand that if I do not take the actions described below and the appellate division does not receive this record, I am not likely to succeed in my appeal. (Write initials here): \_\_\_\_\_

**4** I want to use the following record of what was said in the trial court proceedings in my case (check and complete **any and all** of the following that are applicable below—a, b, c, d, and e. Use only one method for each court session that you designate.):

a.  **Reporter’s Transcript.** This option is available only if there was a court reporter in the trial court who made a record of what was said in court. Check with the trial court to see if there was a court reporter in your case before choosing this option. Complete (1) and (2).

(1) **Designation of proceedings to be included in reporter’s transcript.** I request that the following proceedings in the trial court be included in the reporter’s transcript. (You must identify each proceeding you want included by its date, the department in which it took place, a description of the proceedings (for example, the examination of jurors, motions before trial, the taking of testimony, or the giving of jury instructions), the name of the court reporter who recorded the proceedings, and whether a certified transcript of the designated proceeding was previously prepared.)

	Date	Department	Description	Reporter’s Name	Prev. Prepared?
1					<input type="checkbox"/> Yes <input type="checkbox"/> No
2					<input type="checkbox"/> Yes <input type="checkbox"/> No
3					<input type="checkbox"/> Yes <input type="checkbox"/> No
4					<input type="checkbox"/> Yes <input type="checkbox"/> No
5					<input type="checkbox"/> Yes <input type="checkbox"/> No
6					<input type="checkbox"/> Yes <input type="checkbox"/> No
7					<input type="checkbox"/> Yes <input type="checkbox"/> No

Check here if you need to list other proceedings and attach a separate page or pages listing those proceedings. At the top of each page, write “APP-103, item 4a.”



Trial Court Case Number:
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Trial Court Case Name: \_\_\_\_\_

**4** a. (2) The proceedings designated in (1)  include  do not include all of the testimony in the trial court. If the designated proceedings **do not** include all of the testimony, state the points that you intend to raise on appeal. (*Cal. Rules of Court, rule 8.834(a)(2) provides that your appeal will be limited to these points unless, on a motion, the appellate division permits otherwise.*)

\_\_\_\_\_

\_\_\_\_\_

Check here if you need more space to list other points and attach a separate page or pages listing those points. At the top of each page, write "APP-103, item 4a(2)."

(3)  **Certified transcripts.** I have attached to this Appellant’s Notice Designating Record on Appeal an original certified transcript of *all the proceedings I have designated* in (1). The transcript complies with the format requirements in rule 8.144 of the California Rules of Court. Under rule 8.834, no payment is due for this transcript (skip the rest of **4** and go to **5**).

(4) **Payment for reporter’s transcript.**

- (a)  I will pay for the reporter’s transcript I have designated in (1). Within 10 days of getting the reporter’s estimate of the cost of the transcript, I will:
  - (i)  Deposit **with the trial court both** an amount equal to the estimated cost of the transcript **and either** a fee of \$50 for the superior court to hold this deposit in trust **or a valid fee waiver that covers the fee for the superior court to hold this deposit in trust.** I understand that if I do not comply with this requirement, my appeal may be dismissed.
  - (ii)  File with the trial court a copy of the written waiver of deposit signed by the reporter. I understand that if I do not comply with this, my appeal may be dismissed. (*Please note that this is not the same as a waiver of court fees and costs under Cal. Rules of Court, rules 3.50–3.58. The court cannot waive the cost of preparing a reporter’s transcript. The court reporter’s “written waiver of a deposit” is an agreement with the reporter that a deposit does not need to be submitted with the court because payment for the transcript will be made directly to the court reporter.*)
- (b)  I am unable to afford the cost of the reporter’s transcript I have designated in (1) and am therefore applying to the Transcript Reimbursement Fund to pay for this transcript. Within 10 days of receipt of the court reporter’s estimate of the costs for this transcript, I will file with the trial court a copy of my application to the Court Reporters Board for payment or reimbursement from the Transcript Reimbursement Fund.

(5) **Format of reporter’s transcript.** I request that the reporter provide my copy of the transcript in:

- (a)  Paper format only.
- (b)  Electronic format only.
- (c)  Both paper and electronic format.

b.  **Transcript From Official Electronic Recording.** *This option is available only if an official electronic recording was made of what was said in the trial court. Check with the trial court to see if an official electronic recording was made in your case before choosing this option. Identify each proceeding you want included by its date, the department in which it took place, and a description of the proceedings:*



Trial Court Case Number:
--------------------------

Trial Court Case Name: \_\_\_\_\_

4 b.

	Date	Department	Description	Morning/Afternoon/Both
1				
2				
3				

Check here if you need more space to describe any proceeding or to list more proceedings and attach a separate page describing or listing those proceedings. At the top of each page, write "APP-103, item 4b."

Check and complete (1) or (2).

- (1)  I will pay the trial court clerk for this transcript myself. I understand that if I do not pay for the transcript, my appeal may be dismissed.
- (a)  With this notice designating the record on appeal, I have deposited with the trial court clerk the approximate cost of transcribing the proceedings I designated above, calculated as provided in Cal. Rules of Court, rule 8.130(b)(1)(B).
- (b)  Within 10 days of receipt of the clerk's estimate of the cost of the transcript, I will deposit that amount with the trial court clerk.
- (2)  I am asking that the transcript be provided at no cost to me because I cannot afford to pay this cost. I have attached (*check (a) or (b) and attach the appropriate document*):
- (a)  An order granting a waiver of the cost under Cal. Rules of Court, rules 3.50–3.58 and 8.818(d).
- (b)  An application for a waiver of court fees and costs under d in Cal. Rules of Court, rules 3.50–3.58 and 8.818(d). (*Use form FW-001, Request to Waive Court Fees. The court will review this form to decide if you are eligible for a fee waiver.*)

- c.  **Copy of Official Electronic Recording.** *This option is available only if an official electronic recording was made of what was said in the trial court, the court has a local rule for the appellate division permitting the use of the official electronic recording itself as the record of the proceedings, and all of the parties have agreed (stipulated) that they want to use the recording itself as the record of what was said in the case. Check with the trial court to see if an official electronic recording was made in your case before choosing this option. You must attach a copy of your agreement (stipulation) with the other parties to this notice. Check and complete (1) or (2).*

	Date	Department	Description	Morning/Afternoon/Both
1				
2				
3				



Trial Court Case Number:
--------------------------

Trial Court Case Name: \_\_\_\_\_

- 4 c. (1)  I will pay the trial court clerk for this copy of the recording myself when I receive the clerk’s estimate of the cost of this copy. I understand that if I do not pay for this copy of the recording, it will not be prepared and provided to the appellate division.
- (2)  I am asking that a copy of the recording be provided at no cost to me because I cannot afford to pay this cost. I have submitted the following document with this notice designating the record (*check (a) or (b) and submit the appropriate document*):
- (a)  An order granting a waiver of the cost under Cal. Rules of Court, rules 3.50–3.58 and 8.818(d).
- (b)  An application for a waiver of court fees and costs under rules Cal. Rules of Court, 3.50–3.58 and 8.818(d). (*Use form FW-001, Request to Waive Court Fees. The court will review this form to decide if you are eligible for a fee waiver.*)
- d.  **Agreed Statement.** *An agreed statement is a summary of the trial court proceedings agreed to by the parties. See form APP-101-INFO for information about preparing an agreed statement. Check (1) or (2).*

	Date	Department	Description
1			
2			
3			

- (1)  I have attached an agreed statement to this notice.
- (2)  All the parties have agreed in writing (stipulated) to try to agree on a statement (*you must attach a copy of this agreement (stipulation) to this notice*). I understand that, within 30 days after I file this notice, I must file either the agreed statement or a notice indicating the parties were unable to agree on a statement and a new notice designating the record on appeal, and if I do not, the court may dismiss my appeal.
- e.  **Statement on Appeal.** *A statement on appeal is a summary of the oral proceedings approved by the trial court. See form APP-101-INFO for information about preparing a proposed statement in the trial court. Check (1) or (2).*

	Date	Department	Description
1			
2			
3			

- (1)  I have attached my proposed statement on appeal to this notice. (*If you are not represented by a lawyer in this appeal, you must use form APP-104, Proposed Statement on Appeal (Limited Civil Case), to prepare and file this proposed statement. You can get a copy of form APP-104 at any courthouse or county law library or online at courts.ca.gov/forms.*)
- (2)  I have NOT attached my proposed statement on appeal to this notice. I understand that I must serve and file this proposed statement in the trial court within 20 days of the date I file this notice and that if I do not file the proposed statement on time, the court may dismiss my appeal.



Trial Court Case Number:
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Trial Court Case Name: \_\_\_\_\_

**Record of the Documents Filed in the Trial Court**

5 Check either a or b and provide the requested information for the item you checked. If you check item a, do not complete item b.

- a.  The use of an appendix is required in this case under rule 8.845(a). *(Appendixes must be used as the record of the documents from the trial court in all limited civil appeals in which all parties are represented by counsel unless one of the parties has a waiver of the fee for a clerk's transcript. You can ask the trial court to give you an exemption from this requirement by filing a request (motion) with your notice designating the record on appeal. Please read rule 8.845 for more information about appendixes.)*

Are you filing a motion with this notice requesting an exemption from the requirement to use an appendix in this case?  Yes  No

- b.  The use of an appendix is not required in this case under rule 8.845(a).
- (1)  The requirement to use an appendix does not apply in this case because *(check all that apply)*:
- (a)  Not all the parties in this case are represented by counsel.
  - (b)  A party in this case has a waiver for the cost of a clerk's transcript.
  - (c)  The court granted a motion filed by  me  another party requesting an exemption from the requirement to use an appendix in this case.
- (2) I elect (choose)/My client elects to use the following record of the documents filed in the trial court *(check (a), (b), or (c) and fill in any required information)*:
- (a)  **Clerk's Transcript.** *(Fill out (i)–(iv).) Note that, if the appellate division has adopted a local rule permitting this, the clerk may prepare and send the original court file to the appellate division instead of a clerk's transcript.*
- (i) **Required documents.** *The clerk will automatically include the following items in the clerk's transcript, but you must provide the date each document was filed or, if that is not available, the date the document was signed.*

Document Title and Description		Date of Filing
1	Notice of appeal	
2	Notice designating record on appeal <i>(this document)</i>	
3	Judgment or order appealed from	
4	Notice of entry of judgment <i>(if any)</i>	
5	Notice of intention to move for new trial or motion to vacate the judgment, for judgment notwithstanding the verdict, or for reconsideration of an appealed order <i>(if any)</i>	
6	Ruling on any item included under (e)	
7	Register of actions or docket	



Trial Court Case Number:
--------------------------

Trial Court Case Name: \_\_\_\_\_

**5** b. (2) (a) (ii) **Additional documents.** *If you want any documents in addition to the required documents listed in (2)(a)(i) above to be included in the clerk’s transcript, you must identify those documents here.*

I request that the clerk include in the transcript the following documents that were filed in the trial court. *(Identify each document you want included by its title and provide the date it was filed or, if that is not available, the date the document was signed.)*

	Document Title and Description	Date of Filing
1		
2		
3		
4		
5		

Check here if you need to list other documents and attach a separate page or pages listing those documents. *At the top of each page, write “APP-103, item 5b(2)(a)(ii).”*

**(iii) Exhibits.**

I request that the clerk include in the transcript the following exhibits that were admitted in evidence, refused, or lodged in the trial court. *(For each exhibit, give the exhibit number (such as Plaintiff’s #1 or Defendant’s A) and a brief description of the exhibit, and indicate whether or not the court admitted the exhibit into evidence. If the trial court has returned a designated exhibit to a party, the party who has that exhibit must deliver it to the trial court clerk as soon as possible.)*

Exhibit Number	Description	Admitted Into Evidence
		<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Yes <input type="checkbox"/> No

Check here if you need to list other exhibits and attach a separate page or pages listing those exhibits. *At the top of each page, write “APP-103, item 5b(2)(a)(iii).”*

**(iv) Payment for clerk’s transcript.** *(Check (A) or (B).)*

**(A)**  I will pay the trial court clerk for this transcript myself when I receive the clerk’s estimate of the costs of the transcript. I understand that if I do not pay for the transcript, it will not be prepared and provided to the appellate division.



Trial Court Case Number:

Trial Court Case Name: \_\_\_\_\_

- 5 b. (2) (a) (ii) (B)  I am asking that the clerk’s transcript be provided at no cost to me because I cannot afford to pay this cost. I have submitted the following document with this notice designating the record (*check below and submit the checked document*):
- An order granting a waiver of the cost under Cal. Rules of Court, rules 3.50–3.58 and 8.818(d).
  - An application for a waiver of court fees and costs under Cal. Rules of Court, rules 3.50–3.58 and 8.818(d). (*Use form FW-001, Request to Waive Court Fees. The court will review this form to decide if you are eligible for a fee waiver.*)

OR


- (b)  **An appendix under rule 8.845.** (*This option is available only if the respondent does not have a waiver of the fee for a clerk’s transcript and the trial court has not granted a motion by the respondent for exemption to the requirement to use appendixes.*)

OR

- (c)  **Agreed statement.** (*This option is only available if you have chosen to use an agreed statement as the record of the oral proceedings under item 4 above and you attach to your agreed statement copies of all the documents that are required to be included in the clerk’s transcript. These documents are listed in 5b(2)(a)(i) above and in rule 8.832 of the California Rules of Court.*)

Date: \_\_\_\_\_

\_\_\_\_\_  
Type or print your name

 \_\_\_\_\_  
Signature of appellant or attorney

**Respondent's Notice Designating Record on Appeal—Limited Civil Case**

Clerk stamps date here when form is filed.  
**DRAFT**  
**2026-03-26**  
**Not approved by the Judicial Council**

**Instructions**

- This form is only for choosing (“designating”) the record on appeal in a **limited civil case**. Note that any rules referenced in this form are to the California Rules of Court.
- Before you fill out this form, read form APP-101-INFO, *Information on Appeal Procedures for Limited Civil Cases*, to know your rights and responsibilities. You can get form APP-101-INFO at any courthouse or county law library or online at [courts.ca.gov/forms](https://courts.ca.gov/forms).
- Fill out this form and make a copy of the completed form for your records and for each of the other parties.
- Serve a copy of the completed form on each of the other parties and keep proof of this service. You can get information about how to serve court papers and proof of service from form APP-109-INFO, *What Is Proof of Service?*, or on the Self-Help Guide to the California Courts at [selfhelp.courts.ca.gov/court-basics/service](https://selfhelp.courts.ca.gov/court-basics/service).
- Take or mail the original completed form and proof of service to the clerk’s office for the same court that issued the judgment or order that is being appealed. It is a good idea to take or mail an extra copy to the clerk and ask the clerk to stamp it to show that the original has been filed.

You fill in the name and street address of the court that issued the judgment or order you are appealing:

**Superior Court of California, County of**

You fill in the number and name of the trial court case in which you are appealing the judgment or order:

**Trial Court Case Number:**  
  
**Trial Court Case Name:**

You fill in the appellate division case number (if you know it):

**Appellate Division Case Number:**

**1 Your Information**

a. Respondent (*the party who is responding to an appeal filed by another party*):

Name: \_\_\_\_\_

b. Respondent’s contact information (*skip this if the respondent has a lawyer for this appeal*):

Street address: \_\_\_\_\_  
*Street City State Zip*

Mailing address (*if different*): \_\_\_\_\_  
*Street City State Zip*

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

c. Respondent’s lawyer (*skip this if the respondent does not have a lawyer for this appeal*):

Name: \_\_\_\_\_ State Bar number: \_\_\_\_\_

Street address: \_\_\_\_\_  
*Street City State Zip*

Mailing address (*if different*): \_\_\_\_\_  
*Street City State Zip*

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Fax: \_\_\_\_\_



### Information About the Appeal

- 2 On (fill in the date): \_\_\_\_\_ another party filed a notice of appeal in the trial court case identified in the box on page 1 of this form.
- 3 On (fill in the date): \_\_\_\_\_ the appellant filed an appellant’s notice designating the record on appeal.

### Record of the Documents Filed in the Trial Court

- 4 The appellant elected (chose) to use a clerk’s transcript under Cal. Rules of Court, rule 8.832 as the record of the documents filed in the trial court. (You must check a or b):
  - a.  I agree to a clerk’s transcript. (If you want any documents from the superior court proceedings in addition to the documents designated by the appellant to be included in the clerk’s transcript, you must identify those documents in item 5.)
  - b.  I choose an appendix as the record of documents under Cal. Rules of Court, rule 8.845. I can make this choice because the appellant has not been granted a waiver of the fee for a clerk's transcript and the superior court has not granted a motion by the appellant for exemption to the requirement to use appendices. (If you choose to use an appendix, the appellant must also use an appendix and cannot use a clerk's transcript.)

### Clerk's Transcript

- 5 The parties will use a clerk’s transcript.
  - a. **Additional documents and exhibits.**
    - I understand that if I do not identify any additional documents or exhibits below, only the documents and exhibits designated by the appellant will be included in the clerk’s transcript.
  - (1) **Documents**
    - In addition to the documents designated by the appellant, I request that the clerk include in the transcript the following documents that were filed in the trial court. (Identify each document you want included by its title and provide the date it was filed or, if that is not available, the date the document was signed.)

	Document Title and Description	Date of Filing
1		
2		
3		
4		

Check here if you need more space to list other documents and attach a separate page or pages listing those documents. At the top of each page, write “APP-110, item 5a(1).”

- (2) **Exhibits**
  - In addition to the exhibits designated by the appellant, I request that the clerk include in the transcript the following exhibits that were admitted in evidence, refused, or lodged in the trial court. (For each exhibit, give the exhibit number (such as Plaintiff’s #1 or Defendant’s A) and a brief description of the exhibit and indicate whether or not the court admitted the exhibit into evidence. If the trial court has returned a designated exhibit to a party, the party who has that exhibit must deliver it to the trial court clerk as soon as possible.)



Trial Court Case Name: \_\_\_\_\_

5	a. (2)	Exhibit Number	Description	Admitted Into Evidence
				<input type="checkbox"/> Yes <input type="checkbox"/> No
				<input type="checkbox"/> Yes <input type="checkbox"/> No
				<input type="checkbox"/> Yes <input type="checkbox"/> No
				<input type="checkbox"/> Yes <input type="checkbox"/> No

Check here if you need more space to list other exhibits and attach a separate page or pages listing those exhibits. At the top of each page, write "APP-110, item 5a(2)."

- b.  **Copy of clerk's transcript.** I request a copy of the clerk's transcript. *(Check and complete (1) or (2).)*
- (1)  I will pay the trial court clerk for this transcript myself when I receive the clerk's estimate of the costs of the transcript.
- (2)  I am asking that a copy of the clerk's transcript be provided at no cost to me because I cannot afford to pay this cost. I have submitted the following document with this notice designating the record *(check (a) or (b) and submit the checked document)*:
- (a)  An order granting a waiver of the cost under Cal. Rules of Court, rules 3.50–3.58 and 8.818(d).
- (b)  An application for a waiver of court fees and costs under Cal. Rules of Court, rules 3.50–3.58 and 8.818(d). *(Use form FW-001, Request to Waive Court Fees. The court will review this form to decide if you are eligible for a fee waiver.)*

**Record of Oral Proceedings in the Trial Court**

6 The appellant elected to use the following record of what was said in the trial court proceedings *(check and complete any and all of the following that are applicable below—a, b, and c. Use only one method for each court session that you designate)*:

- a.  **Reporter's Transcript.** The appellant elected to use a reporter's transcript under rule 8.834 as the record of the oral proceedings in the trial court.
- (1)  **Designation of additional proceedings to be included in the reporter's transcript.** *(If you want any proceedings in addition to the proceedings designated by the appellant to be included in the reporter's transcript, you must identify those proceedings here.)*

In addition to the proceedings designated by the appellant, I request that the following proceedings in the trial court be included in the reporter's transcript. *(You must identify each proceeding you want included by its date, the department in which it took place, a description of the proceedings (for example, the examination of jurors, motions before trial, the taking of testimony, or the giving of jury instructions), the name of the court reporter who recorded the proceedings, and whether a certified transcript of the designated proceeding was previously prepared.)*

	Date	Department	Description	Reporter's Name	Prev. Prepared?
1					<input type="checkbox"/> Yes <input type="checkbox"/> No
2					<input type="checkbox"/> Yes <input type="checkbox"/> No
3					<input type="checkbox"/> Yes <input type="checkbox"/> No
4					<input type="checkbox"/> Yes <input type="checkbox"/> No
5					<input type="checkbox"/> Yes <input type="checkbox"/> No
6					<input type="checkbox"/> Yes <input type="checkbox"/> No

Check here if you need more space to list other proceedings and attach a separate page or pages listing those proceedings. At the top of each page, write "APP-110, item 6a(1)."



- 6 a. (2)  **Certified transcripts.** I have attached to this form an original certified transcript of all the proceedings I have designated in (1). The transcript complies with the format requirements in rule 8.144 of the California Rules of Court.
- (3)  **Copy of reporter’s transcript.** I request a copy of the reporter’s transcript. *(Check and complete (a) or (b).)*
  - (a)  I will pay for the reporter’s transcript. Within 10 days of receiving the reporter’s estimate of the cost of the transcript, I will *(check and complete (i) or (ii))*:
    - (i)  Deposit **both** an amount equal to the estimated cost of the transcript with the trial court, and **either** a fee of \$50 for the trial court **or a valid fee waiver which covers the fee for the superior court** to hold this deposit in trust. I understand that if I do not comply with this requirement, I will not receive a copy of the transcript.
    - (ii)  Pay the reporter directly and file with the trial court a copy of the written waiver of deposit signed by the reporter. I understand that if I do not comply with this requirement, I will not receive a copy of the transcript.
  - (b)  I am unable to afford the cost of the reporter’s transcript and am therefore applying to the Transcript Reimbursement Fund to pay for this transcript. Within 10 days of receiving the reporter’s estimate of the cost of the transcript, I will file with the trial court a copy of my application to the Court Reporters Board for payment or reimbursement from the Transcript Reimbursement Fund. I understand that within 90 days of filing my application, I must file with the trial court a copy of the provisional approval of my application or pay for the reporter’s transcript as provided in (a). I understand that if I do not comply, I will not receive a copy of the transcript.
- (4) **Format of reporter’s transcript.** I request that the reporter provide my copy of the transcript in:
  - (a)  Electronic format only.
  - (b)  Paper format only.
  - (c)  Electronic format and a second copy of the reporter’s transcript in paper format.

**OR**

- b.  **Transcript From Official Electronic Recording.** The appellant elected to use the transcript from an official electronic recording as the record of the oral proceedings in the trial court under Cal. Rules of Court, rule 8.835(b).
- (1)  **Designation of additional proceedings to be included in the transcript.** *(If you want any proceedings in addition to the proceedings designated by the appellant to be included in the transcript, you must identify those proceedings here.)*

In addition to the proceedings designated by the appellant, I request that the following proceedings in the trial court be included in the transcript. *(You must identify each proceeding you want included by its date, the department in which it took place, and a description of the proceedings.)*

6 b. (1)

	Date	Department	Description	Morning/Afternoon/Both
1				
2				
3				

Check here if you need more space to describe any proceeding or to list other proceedings and attach a separate page describing or listing those proceedings. At the top of each page, write "APP-110, item 6b(1)."

(2) **Copy of the transcript from an official electronic recording.** I request a copy of this transcript. (Check and complete (a) or (b).)

	Date	Department	Description	Morning/Afternoon/Both
1				
2				
3				

- (a)  I will pay the trial court clerk for this transcript myself when I receive the clerk's estimate of the cost of the transcript. I understand that if I do not pay for the transcript, I will not receive a copy.
- (b)  I am asking that the transcript be provided at no cost to me because I cannot afford to pay this cost. I have submitted the following document with this notice designating the record. (Check (i) or (ii) and submit the appropriate document):
  - (i)  An order granting a waiver of the cost under Cal. Rules of Court, rules 3.50–3.58 and 8.818(d).
  - (ii)  An application for a waiver of court fees and costs under Cal. Rules of Court, rules 3.50–3.58 and 8.818(d). (Use form FW-001, Request to Waive Court Fees. The court will review this form to decide if you are eligible for a fee waiver.)

**OR**

c.  **Copy of Official Electronic Recording.** The appellant and I have agreed to use the official electronic recording itself as the record of the oral proceedings in the trial court under rule 8.835(a). I request a copy of this recording. (Check and complete (1) or (2).)

	Date	Department	Description	Morning/Afternoon/Both
1				
2				
3				

(1)  I will pay the trial court clerk for this copy of the recording myself when I receive the clerk's estimate of the costs of this copy.



**Trial Court Case Number:**

**Trial Court Case Name:** \_\_\_\_\_

- 6 c. (2)  I am asking that the transcript be provided at no cost to me because I cannot afford to pay this cost. I have submitted the following document with this notice designating the record. *(Check (a) or (b) and submit the appropriate document):*
- (a)  An order granting a waiver of the cost under Cal. Rules of Court, rules 3.50–3.58 and 8.818(d).
  - (b)  An application for a waiver of court fees and costs under Cal. Rules of Court, rules 3.50–3.58 and 8.818(d). *(Use form FW-001, Request to Waive Court Fees. The court will review this form to decide if you are eligible for a fee waiver.)*

Date: \_\_\_\_\_

\_\_\_\_\_  
Type or print your name

▶ \_\_\_\_\_  
Signature of respondent or attorney