



# Judicial Council of California

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

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## INVITATION TO COMMENT

SPR26-05

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**Title**

Appellate Procedure: Extension-of-Time  
Order in Limited Civil, Misdemeanor, and  
Infraction Appeals

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

Approve form APP-106(O)/CR-127(O)

**Proposed by**

Appellate Advisory Committee  
Hon. Allison M. Danner, Chair

**Action Requested**

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

**Proposed Effective Date**

January 1, 2027

**Contact**

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### Executive Summary and Origin

The Appellate Advisory Committee proposes approving a new optional form for issuing an order on an application for an extension of time to file a brief in limited civil, misdemeanor, and infraction appeals. This proposal originated from a suggestion by the Committee on Appellate Courts of the California Lawyers Association's Litigation Section.

### Background

The Judicial Council approved a new extension-of-time form (CR-127), effective January 1, 2026, that could be used for both misdemeanor and infraction appeals in the appellate division of the superior court (see Link A).<sup>1</sup> During the spring 2025 public comment period for form CR-127, the Committee on Appellate Courts of the California Lawyers Association's Litigation Section suggested the form contain a section at the end for the court to issue an order on the application by checking a box and adding a signature. The Appellate Advisory Committee did not recommend form changes in response to the suggestion at the time. The Judicial Council also approved revisions, effective January 1, 2025, to the form that may be used to request extensions

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<sup>1</sup> Judicial Council of Cal., Advisory Com. Rep., *Appellate Procedure: Extension of Time in Misdemeanor and Infraction Appeals* (Oct. 8, 2025), [jcc.legistar.com/View.ashx?M=F&ID=14853397&GUID=C230E2D7-4ED4-457B-8913-F70B881C0E4F](https://jcc.legistar.com/View.ashx?M=F&ID=14853397&GUID=C230E2D7-4ED4-457B-8913-F70B881C0E4F).

*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.*

of time in limited civil case appeals, form APP-106 (see Link B).<sup>2</sup> The form was first approved effective January 1, 2010.

## **The Proposal**

Currently, there is no Judicial Council form for a court to issue a decision on an extension-of-time application in the appeal of a limited civil, misdemeanor, or infraction case.<sup>3</sup> The advisory committee therefore proposes the adoption of a new form, *Order Concerning Application for Extension of Time to File Brief—Limited Civil, Misdemeanor, or Infraction Case* (form APP-106(O)/CR-127(O)). This plain language form can be used by courts to rule on extension-of-time requests. The proposed order form may create efficiencies for courts by eliminating the need to create and disseminate a separate order. This form may also assist litigants, who are often self-represented in these matters because there is no right to counsel on appeal in these types of cases, by providing a ruling on their application in a standardized format.<sup>4</sup>

## **Alternatives Considered**

The advisory committee considered the alternative of not proposing a new form but rejected this option because a new form would aid appellate efficiency.

The committee also considered two separate forms, one for limited civil appeals and the other for misdemeanor and infraction appeals. The committee did not pursue this option because the content of each form would be substantially similar, and separate forms would require courts to identify the proper form.

Finally, the committee considered whether the new form should instead be completed by litigants and submitted with their application for an extension of time, similar to a proposed order. The committee did not pursue this option because it could be a barrier for self-represented litigants when applying for an extension of time.

## **Fiscal and Operational Impacts**

The advisory committee anticipates minimal fiscal or operational impacts on the courts as a result of the proposed new optional form. This form could, in fact, make operations more efficient by providing courts with a standardized way of processing a routine request.

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<sup>2</sup> Judicial Council of Cal., Advisory Com. Rep., *Appellate Procedure: Civil Case Information Statement, Calendar Preference, and Extension of Time* (Sept. 24, 2024), [jcc.legistar.com/View.ashx?M=F&ID=13263715&GUID=BC12A141-58DF-49EF-92C9-9C26649356B9](https://jcc.legistar.com/View.ashx?M=F&ID=13263715&GUID=BC12A141-58DF-49EF-92C9-9C26649356B9).

<sup>3</sup> Under rule 8.882(b)(3), before a brief is due, a party may apply to the presiding judge of the appellate division for an extension of time for filing a brief.

<sup>4</sup> Some council forms for other case types contain a court order on an application for an extension of time within the application form. See, for example, form CR-126, *Application for Extension of Time to File Brief—Criminal Case*, [selfhelp.courts.ca.gov/jcc-form/CR-126](https://selfhelp.courts.ca.gov/jcc-form/CR-126), and form APP-006, *Application for Extension of Time to File Brief—Unlimited Civil Case*, <https://selfhelp.courts.ca.gov/jcc-form/APP-006>.

Implementation by the courts would involve making court staff and judicial officers aware of the new form.

### **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?
- Would it be helpful to include a field in item 2a for the court to also supply updated deadlines for subsequent filings based on the extension?

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?
- If item 2a were to include a field to supply updated deadlines for subsequent filings based on the extension, how would that impact the implementation requirements for the courts?
- 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?
- Would cross-numbering the proposed form (APP-106(O))/CR-127(O) for use across three types of proceedings present any administrative difficulties for courts?
- Would (O) designation in the proposed form's numbering (APP-106(O))/CR-127(O) present any administrative difficulties for courts?

### **Attachments and Links**

1. Form APP-106(O)/CR-127(O), at page 4
2. Link A: *Application for Extension of Time to File Brief—Misdemeanor or Infraction Case* (form CR-127), [selfhelp.courts.ca.gov/jcc-form/CR-127](http://selfhelp.courts.ca.gov/jcc-form/CR-127)
3. Link B: *Application for Extension of Time to File Brief—Limited Civil Case* (form APP-106), [selfhelp.courts.ca.gov/jcc-form/APP-106](http://selfhelp.courts.ca.gov/jcc-form/APP-106)

*Clerk stamps date here when form is filed.*

**DRAFT**

**2026-03-05**

**Not approved by  
the Judicial Council**

*Clerk fills in the name and street address of the court:*

**Superior Court of California, County of**

*Clerk fills in the number and name of the case:*

**Trial Court Case Number:**

**Trial Court Case Name:**

*Clerk fills in the number below:*

**Appellate Division Case Number:**

① The court received an application for extension of time to file the following brief:

- a.  Appellant’s opening brief
- b.  Respondent’s brief
- c.  Appellant’s reply brief
- d.  Supplemental or other brief

The application was filed on (date): \_\_\_\_\_

② The court makes the following order:

a.  The court **grants** the request for an extension of time to file the brief in item ①. The deadline to file the brief has been extended to (date): \_\_\_\_\_ for a total extension of (number of days): \_\_\_\_\_.

b.  The court **denies** the request for an extension of time to file the brief in item ①.

The brief is still due on (date): \_\_\_\_\_

③ Other Orders

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

▶ \_\_\_\_\_  
Signature of Presiding Judge or Acting Presiding  
Judge of the Appellate Division

**This is a Court Order.**