

## NOVEMBER 2014 – ADI NEWS ALERT

BY

ELAINE A. ALEXANDER, EXECUTIVE DIRECTOR

### CONTENTS

This alert<sup>1</sup> covers:

- **Claims** — To expedite claims, do them right the first time. Our *Tips* memo identifies the “Most Common Mistakes” and offers suggestions on speeding your claims through the ADI Portal.
- **Court Notices** — Our courts have asked us to inform the panel of these matters: (a) client pro per briefs submitted with a *Sade C.* brief; (b) *Pitchess* records; (c) Division Three Miscellaneous Order construing “brief” to include supplemental and letter briefs for purposes of rule 8.25(b)(3), on date of filing with priority mail.
- **Updated Manuals: Check Them Out** — ADI’s [Appellate Practice Manual](#) and [Claims Manual](#).<sup>2</sup>

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### CLAIMS ERRORS — Avoid the “Most Common Mistakes”

Our claims processors report that virtually **100%** of the claims ADI receives must be returned because of entry errors. That causes delays and extra work for both the panel attorney and ADI.

The source of much of the confusion is a mandate by Judicial Council Services (JCS, formerly AOC), changing some of the categories that must be completed. The changes were built into the ADI Panel Portal, introduced October 1, and will be required for eClaims, as well.

The short memo included with this alert, *Tips for Speeding Your Claims Through the ADI Panel Portal*, addresses the most common mistakes we have encountered while

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<sup>1</sup>As always, panel attorneys are responsible for familiarizing themselves with all ADI news alerts and other resources on the ADI website.

<sup>2</sup><http://www.adi-sandiego.com/panel/manual.asp> and [http://www.adi-sandiego.com/pdf\\_forms/Claims\\_manual.pdf](http://www.adi-sandiego.com/pdf_forms/Claims_manual.pdf).

processing claims. It offers tips for ensuring your claims are submitted correctly the first time, so that they can be processed as rapidly and efficiently as possible.

The “Most Common Mistakes” include:

- Inaccurate or incomplete case information (step 1), milestones (step 2), sentencing (step 3), and counts of “conviction” in juvenile cases (step 4).
- Transcript page counts may be the single greatest source of errors – especially the “Pages Read” and treatment of the preliminary hearing transcript. The latter rules are a little complicated; keep the tips on hand and follow them until correct entry becomes second nature.

The *Tips* memo also includes help with unbriefed issues and submitting and printing the claim. And the ADI claims “gurus” are listed. A call or email to one of them *before* submission can save days of delay redoing and resubmitting claims.

## COURT NOTICES

**Sade C. cover or first page should indicate when pro per brief is submitted with it:** The court asks counsel to state prominently, on the cover of first page of a *Sade C.* brief, whenever a pro per brief is being submitted along with counsel’s brief. It may be part of the title – e.g., “LETTER BRIEF FILED UNDER IN RE SADE C. (1996) 13 Cal.4th 952; BRIEF SUBMITTED BY [client initials and/or role such as “Mother”] IN PROPRIA PERSONA.”

***Pitchess* records must be augmented into the record to raise a claim:** This is a reprise,<sup>3</sup> but the court reports attorneys continue to make the error of failing to augment the record when asking the court to review a *Pitchess* ruling. *Pitchess* records are not part of the normal record and must be the subject of an augmentation. If you see a *Pitchess* motion was made below and want the Court of Appeal to review it, you first must seek augmentation. (*People v. Rodriguez* (2011) 193 Cal.App.4th 360, 366; rules 8.155 and either 8.340 or 8.410.) It would be handled as a confidential record under rule 8.45(d) and 8.47(c).

**Division Three considers supplemental and letter briefs to be included within rule 8.25(b)(3), on priority mail filing:** Division Three has issued Miscellaneous Order 2014-2

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<sup>3</sup>This subject was discussed in the [March 2011 alert](#), pp. 4-6. The applicable rule number has changed since then from 8.328 to 8.47.

(accompanying this alert), stating that a supplemental brief or letter brief is timely within the meaning of rule 8.25(b)(3) if the postmark shows it was mailed on or before the due date by priority or overnight mail.

**MANUALS — Appellate Practice Manual and Claims Manual have been updated and made more user-friendly**

We regularly update both the ADI [Appellate Practice Manual](#) and the [Claims Manual](#). The November 2014 edition of both has new, user-friendly features to improve navigation.

The chapters of the Appellate Practice Manual each start out with a table of contents, the main topics of which are linked to the text. You still may do a word search or, if you prefer to scroll, you can skip the table of contents and go directly to the text. There still is a [combined table of contents](#),<sup>4</sup> if you are unsure what chapter treats the topic you're researching. The [unified Manual](#)<sup>5</sup> allows you to go to the desired chapter and then use the table of contents to find your exact topic.

The Claims Manual starts out with a one-page List of Topics, to help you find the matter you're investigating. Each topic is linked to the text. You may also do a word search.

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<sup>4</sup>[http://www.adi-sandiego.com/pdf\\_forms/Manual\\_February\\_2014/Table\\_of\\_Contents.pdf](http://www.adi-sandiego.com/pdf_forms/Manual_February_2014/Table_of_Contents.pdf)

<sup>5</sup>[http://www.adi-sandiego.com/pdf\\_forms/Manual\\_February\\_2014/California\\_Appellate\\_Practice\\_Manual.pdf](http://www.adi-sandiego.com/pdf_forms/Manual_February_2014/California_Appellate_Practice_Manual.pdf)