

SUMMARY OF REQUIREMENTS

(Rev. 01/2014)

APPLICATIONS, MOTIONS, AND MISCELLANEOUS DOCUMENTS

Note: No cover/binding required & no length limit for the following documents

APPLICATIONS IN REVIEWING COURT	
INCLUDING EXTENSIONS OF TIME	
REQUEST FOR EXTENSION OF TIME	
Content of request for extension of time Rule 8.50(b), 8.60(b), (c)	<ul style="list-style-type: none"> <input type="checkbox"/> state facts, not mere conclusions, showing good cause or making exceptional showing of good cause when required by rule (e.g., rule 8.416(f); see Code Civ. Proc. § 45) <input type="checkbox"/> current due date <input type="checkbox"/> length of extension being requested <input type="checkbox"/> identify any previous applications filed by any party (e.g., number and length of prior extensions requested, any time granted under rule 8.360(c)(5), 8.412(d), or 8.416(g))
Service and filing, envelopes Rules 8.25, 8.44(a)(6), (b)(7), 8.50(c)	<ul style="list-style-type: none"> <input type="checkbox"/> if filing in Supreme Court: original and 1, with proof of service; plus 1 for self (if counsel wants conformed copy) <input type="checkbox"/> if filing in Court of Appeal: original and 1, with proof of service (EOTs may be fax filed); plus 1 for each party and 1 for self (if counsel wants conformed copy), for mailing order when issued <input type="checkbox"/> if filing in Court of Appeal: enclose one self-addressed, stamped envelope for each party, plus 1 for self, for mailing order when issued <input type="checkbox"/> service in criminal and delinquency cases: Attorney General, ADI (electronic copy), appellate counsel for each co-appellant <input type="checkbox"/> service in dependency cases: respondent (County Counsel, district attorney, or private counsel), minor's appellate attorney, ADI (electronic copy), appellate counsel for each co-appellant and respondent
Policies and factors governing extensions of time Rule 8.63	<ul style="list-style-type: none"> <input type="checkbox"/> policies – e.g., balancing efficient administration of system with adequate time for effective work (rule 8.63(a)) <input type="checkbox"/> factors – e.g., prejudice to parties, length of record, number and complexity of issues, any entitlement to priority, other obligations of counsel, etc. (rule 8.63(b))
APPLICATION OTHER THAN REQUEST FOR EXTENSION OF TIME	
Content Rule 8.50(b)	<ul style="list-style-type: none"> <input type="checkbox"/> state facts, not mere conclusions, showing good cause or making exceptional showing of good cause when required by rule
Service and filing, envelopes Rules 8.25, 8.44(a)(6), (b)(6), 8.50(c)	<ul style="list-style-type: none"> <input type="checkbox"/> same as request for extension of time, except: in Court of Appeal, no need to provide court with copies for each party for mailing of order when issued

MOTIONS AND OPPOSITIONS TO MOTIONS IN REVIEWING COURT

INCLUDING MOTIONS TO AUGMENT RECORD

Rules 8.54; 8.155, made applicable to criminal cases by rule 8.340(c), to non-fast-track juvenile cases by rule 8.410(b), modified for fast-track cases by rule 8.416(d)

<p>Due dates</p> <p>Rules 8.54, 8.155, 8.340(c), 8.410(b), 8.416(d)</p>	<ul style="list-style-type: none"> <input type="checkbox"/> all cases: at earliest possible time; usually before original due date of opening brief for augmentation request <input type="checkbox"/> fast-track dependency cases under rule 8.416: appellant must file request for augmentation within 15 days of receiving record and respondent within 15 days after opening brief filed <input type="checkbox"/> opposition to motion must be served and filed within 15 days after motion is filed
<p>Content of motion other than augment request</p> <p>Rules 8.54, 8.57</p>	<ul style="list-style-type: none"> <input type="checkbox"/> state grounds <input type="checkbox"/> state relief requested <input type="checkbox"/> identify any documents on which motion is based <input type="checkbox"/> must include memorandum and, if based on matters outside record, declarations or other supporting evidence <input type="checkbox"/> motion made before record is filed must include declarations or other evidence necessary to support motion; if motion is one to dismiss appeal, it must comply with rule 8.57(a)
<p>Content of motion to augment record</p> <p>Rules 8.155(a)</p>	<ul style="list-style-type: none"> <input type="checkbox"/> request for document filed or lodged in the superior court or transcript (or agreed or settled statement) of oral proceeding not part of the reporter's transcript <input type="checkbox"/> if available, attach copy of document/transcript to be added to the record <input type="checkbox"/> if copy of augment matter is not available, must identify document in manner prescribed by rules 8.122 and 8.130
<p>Opposition to motion</p> <p>Rules 8.54(a)(3), (c)</p>	<ul style="list-style-type: none"> <input type="checkbox"/> must be filed within 15 days after motion is filed <input type="checkbox"/> failure to oppose may be deemed consent to granting motion
<p>Service and filing</p> <p>Rules 8.25, 8.44(a)(5) & (b)(4), 8.54</p>	<ul style="list-style-type: none"> <input type="checkbox"/> if filing in Supreme Court: original plus 8, with proof of service <input type="checkbox"/> if filing in Court of Appeal: – original plus 1, with proof of service <input type="checkbox"/> service in criminal and delinquency cases: Attorney General, ADI (electronic copy), appellate counsel for each co-appellant <input type="checkbox"/> service in dependency cases: respondent (County Counsel, district attorney, or private counsel), minor's appellate attorney, ADI (electronic copy), appellate counsel for each co-appellant

MISCELLANEOUS DOCUMENTS

INCLUDING ABANDONMENT OF APPEAL, RECORD CORRECTION NOTICE, CREDITS LETTER AND MOTION

<p>Abandonment</p> <p>Rule 8.25, 8.70, 8.316</p>	<ul style="list-style-type: none"> <input type="checkbox"/> before record is filed in appellate court: file abandonment in superior court <input type="checkbox"/> after record is filed in appellate court: file abandonment in Court of Appeal; court may dismiss appeal <input type="checkbox"/> service: same as opening brief, Court of Appeal will accept electronic filing
<p>Record correction letter</p> <p>Rules 1.21, 8.25, 8.340(b), 8.410(a), 8.416(d)</p>	<ul style="list-style-type: none"> <input type="checkbox"/> sample on ADI website at http://www.adi-sandiego.com/practice/forms_samples.asp <input type="checkbox"/> copies to be sent to superior court clerk: original plus 1 if counsel wants conformed copy for self <input type="checkbox"/> service in criminal and delinquency cases: Attorney General, ADI (electronic copy), Court of Appeal (courtesy), appellate counsel for each co-appellant <input type="checkbox"/> service in non-fast-track dependency cases: respondent (County Counsel, district attorney, or private counsel), minor's appellate attorney, ADI (electronic copy), Court of Appeal (courtesy), appellate counsel for each co-appellant <input type="checkbox"/> service in fast-track dependency cases: practice may vary from court to court; check with ADI: may be same as non-fast-track cases, above (letter to superior court clerk), or same as augmentation (motion in Court of Appeal)
<p>Informal credits correction letter</p> <p>Rule 1.21, Pen. Code, § 1237.1; <i>People v. Fares</i> (1993) 16 Cal.App.4th 954</p>	<ul style="list-style-type: none"> <input type="checkbox"/> sample on ADI website at http://www.adi-sandiego.com/practice/forms_samples.asp <input type="checkbox"/> copies to be filed with superior court judge: original plus 1 if counsel wants conformed copy, plus proof of service <input type="checkbox"/> service: district attorney, ADI (electronic copy), plus courtesy copies to Attorney General and Court of Appeal <input type="checkbox"/> <u>caveat</u>: informal letter not adequate to preserve credits issue for appeal under Pen. Code, § 1237.1; must file formal motion (<i>People v. Clavel</i> (2002) 103 Cal.App.4th 516); see next entry, "Motions in superior court"
<p>Motion in superior court (e.g., Pen. Code, § 1237.1; unauthorized sentence correction)</p> <p>Rules 1.21, 3.1110 et seq.</p>	<ul style="list-style-type: none"> <input type="checkbox"/> sample on ADI website at http://www.adi-sandiego.com/practice/forms_samples.asp <input type="checkbox"/> copies: original plus 1 if counsel wants return of filed copy, with proof of service - superior court <input type="checkbox"/> service: district attorney, ADI (electronic copy), plus courtesy copies to Attorney General and Court of Appeal <input type="checkbox"/> format: see rule 3.1110 et seq. and check local rules of superior court