

SUMMARY OF REQUIREMENTS FOR DOCUMENTS FILED IN PAPER FORM

(Rev. 09/2017)

**OPENING, RESPONDENT, REPLY BRIEFS, AND PETITIONS FOR REHEARING
IN THE COURT OF APPEAL**

As of September 2017, TrueFiling is mandatory for filings by an attorney in every Court of Appeal (except Second District, which starts Oct. 30, 2017). Special exemptions include a self-represented party or an excuse granted by court order under rule 8.71(d). TrueFiling does not apply to non-capital briefs on the merits or non-capital writs proceedings in the California Supreme Court.

All rule references are to the California Rules of Court

DUE DATES (before any extensions of time)

<p>Appellant's opening brief</p> <p>Rules 8.360(c)(1), 8.412(b)(1), 8.416(e)(1)</p>	<ul style="list-style-type: none"> <input type="checkbox"/> criminal, delinquency, and non-fast-track dependency cases: 40 days after record filed, or as court otherwise orders <input type="checkbox"/> dependency fast-track cases: 30 days after record filed
<p>Respondent's brief</p> <p>Rules 8.360(c)(2), 8.412(b)(2), 8.416(e)(2)</p>	<ul style="list-style-type: none"> <input type="checkbox"/> 30 days after appellant's opening brief filed
<p>Reply brief</p> <p>Rules 8.360(c)(3), 8.412(b)(3), 8.416(e)(2)</p>	<ul style="list-style-type: none"> <input type="checkbox"/> 20 days after respondent's brief filed
<p>Dependency non-appealing minor's brief (if any)</p> <p>Rules 8.412(b)(4), 8.416(e)(2)</p>	<ul style="list-style-type: none"> <input type="checkbox"/> 10 days after respondent's brief filed
<p>Petition for rehearing, answer</p> <p>Rules 8.264(b)(3)&(c)(2), 8.268(b) & (c), 8.366(a), 8.470</p>	<ul style="list-style-type: none"> <input type="checkbox"/> 15 days after opinion filed (or upon modification of judgment or publication of opinion after judgment is filed: see rule 8.268(b)) <input type="checkbox"/> no answer may be filed unless court asks for it <input type="checkbox"/> for good cause, presiding justice may grant relief from default from failure to file timely petition or answer if court still has jurisdiction
<p>Paper copy submitted in connection with TrueFiling (Sixth District only)</p> <p>See Sixth District Local Rule 2.e. http://www.courts.ca.gov/33825.htm</p>	<ul style="list-style-type: none"> <input type="checkbox"/> ordinarily, delivery to carrier or court within two days of TrueFiling <input type="checkbox"/> if immediate stay is sought, court must receive paper copy on day after TrueFiling

FORMAT (Governed by rule 8.204, made applicable to criminal cases by rule 8.360(a) and to juvenile cases by rule 8.412(a))

<p>Font and type style</p> <p>Rule 8.204(b)(2), (3), & (4)</p>	<ul style="list-style-type: none"> <input type="checkbox"/> at least 13 point for both text and footnotes <input type="checkbox"/> any conventional font (Times New Roman, Courier, etc.) <input type="checkbox"/> proportionally spaced or monospaced <input type="checkbox"/> type style must be roman, i.e., normal typography, where vertical lines of characters are straight up and down <input type="checkbox"/> italics and boldface may be used for emphasis or the text may be underscored <input type="checkbox"/> headings may be in uppercase letters
<p>Margins</p> <p>Rule 8.204(b)(6)</p>	<ul style="list-style-type: none"> <input type="checkbox"/> side margins must be at least 1.5 inches <input type="checkbox"/> top/bottom margins must be at least 1.0 inch
<p>Line spacing</p> <p>Rule 8.204(b)(5)</p>	<ul style="list-style-type: none"> <input type="checkbox"/> line spacing must be at least 1.5 (ADI recommends at least double spacing) <input type="checkbox"/> headings, footnotes, and indented quotations may be single spaced <input type="checkbox"/> lines must not be numbered

Citation form Rules 1.200, 8.204(b)(3)	<input type="checkbox"/> citations must conform to California Style Manual (ADI: strongly preferred as "the" standard for California, used by appellate courts) or Bluebook <input type="checkbox"/> same citation form must be used throughout document <input type="checkbox"/> case names italicized (preferred) or underscored
Pages Rule 8.204(b)(4) & (b)(7)	<input type="checkbox"/> consecutively numbered, using Arabic numerals, starting with the cover <input type="checkbox"/> may use both sides of the paper (n/a to TrueFiling)
Paper (other than covers) – n/a to TrueFiling Rule 8.204(b)(1)	<input type="checkbox"/> white or unbleached <input type="checkbox"/> 8 ½ by 11 inches <input type="checkbox"/> at least 20-pound weight
Signature– n/a to TrueFiling Rule 8.204(b)(9)	<input type="checkbox"/> brief need not be signed (but most attorneys do sign the brief)
Binding– n/a to TrueFiling Rule 8.204(b)(8)	<input type="checkbox"/> filing copies must not be bound unless court has contrary rule; service copies stapled in left corner <input type="checkbox"/> if filing copies stapled, bound edge and staples must be covered with tape
COVER	
Color (paper filings only) Rule 8.40(b)	<input type="checkbox"/> opening brief – green <input type="checkbox"/> respondent's brief – yellow <input type="checkbox"/> reply brief – tan <input type="checkbox"/> non-appealing dependency minor's brief or letter – yellow for brief; none for letter <input type="checkbox"/> petition for rehearing - orange; answer (permitted only if ordered by court): blue <input type="checkbox"/> supplemental brief - not specified in rule, but may be same color as brief it supplements; letter brief - no cover but first page must comply with rule 8.204(b)(10)(D)
Content of cover Rules 8.40(c), 8.204(b)(10)(A) - (D)	<input type="checkbox"/> title of document <input type="checkbox"/> title of the case <input type="checkbox"/> trial court number of the case <input type="checkbox"/> Court of Appeal number of the case <input type="checkbox"/> names of trial court and each participating trial judge <input type="checkbox"/> name, address, telephone number, fax number (if available), e-mail address (if available), and CA State Bar number of each attorney filing or joining the brief (required on the cover, or if no cover required on the first page of document) <input type="checkbox"/> if more than one attorney is representing one party and is joining in the document, the name and State Bar number of each attorney joining in the document must be provided on the cover. The party must designate one attorney to receive notices and other communication in the case from the court by placing an asterisk before that attorney's name on the cover and must provide the contact information specified above for that attorney. <input type="checkbox"/> if brief is filed pursuant to <i>People v. Wende</i> (1979) 25 Cal.3d 436, it must include prominent statement: "Brief Submitted on Behalf of Appellant Pursuant to <i>People v. Wende</i> (1979) 25 Cal.3d 436, and <i>Anders v. California</i> (1967) 386 U.S. 738" <input type="checkbox"/> name of the party that each attorney on the brief represents

CONTENTS OF BRIEF	
All briefs Rule 8.204(a)(1)	<input type="checkbox"/> table of contents and table of authorities separately listing cases, constitutions, statutes, court rules, and other authorities cited <input type="checkbox"/> state each point under a separate heading or subheading summarizing the point and support each point by argument and if possible citation to authority <input type="checkbox"/> support references to the record by citing the volume and page number
Opening brief Rule 8.204(a)(2)	<input type="checkbox"/> indicate nature of action, relief sought in trial court, judgment or order appealed from <input type="checkbox"/> include statement of appealability, indicating judgment is final or explaining why order is appealable <input type="checkbox"/> summarize significant facts, limited to matters in the record
LENGTH	
Length Rules 8.204(c) & (d), 8.268(b), 8.360(b), 8.412(a), 8.416(a)(2)	<input type="checkbox"/> in a criminal, juvenile, or conservatorship case, a brief produced on a computer must be no longer than 25,500 words (including footnotes) and include certificate by appellate counsel or an unrepresented party stating numbers of words in brief (may be based on count of computer program) <input type="checkbox"/> a brief produced on a typewriter must not exceed 75 pages <input type="checkbox"/> cover information, tables, signature block, certificate of word count, and any permitted attachments are excluded from the word count limit <input type="checkbox"/> attachments may include copies of exhibits or other materials in record or regulations, rules, or other citable materials not readily accessible; may not exceed 10 pages without permission of presiding justice; citable unpublished opinion required by rule 8.1115(c) does not count toward the page limit <input type="checkbox"/> petition for rehearing length not specified directly; rule 8.268(b)(3) implies no longer than civil brief (14,000 words per rule 8.204(c)) <input type="checkbox"/> presiding justice may allow over-length brief on application showing good cause
SERVICE AND FILING (Rules 8.25, 8.44(b), made applicable to crim. and juv. cases by rules 8.360(d), 8.412(e), 8.416(a)(2))	
Appellant's opening brief	<input type="checkbox"/> paper filing copies in Court of Appeal (if applicable): orig. plus 4 and one electronic copy, with proof of service <input type="checkbox"/> 1 - opposing counsel (generally, Attorney General in criminal and delinquency cases, County Counsel in dependency cases, but may include other respondents) <input type="checkbox"/> 1 - superior court judge <input type="checkbox"/> 1 - client <input type="checkbox"/> 1 - file <input type="checkbox"/> [1 - appellate counsel for each co-appellant, if any] <input type="checkbox"/> [1 - district attorney in criminal and delinquency cases] <input type="checkbox"/> [1 - minor's appellate counsel, if any, and minor's trial counsel in dependency cases] <input type="checkbox"/> 1 - client's trial counsel <input type="checkbox"/> 1 - Appellate Defenders, Inc. (electronic copy)
Respondent's brief	<input type="checkbox"/> mostly same as opening brief, except that counsel for each client with court-appointed counsel must be sent 2 copies (1 for counsel, 1 for client)
Reply brief	<input type="checkbox"/> same as opening brief
Petition for rehearing	<input type="checkbox"/> same as opening brief (note: service on district attorney and superior court not required by rule, but Court of Appeal requests such service)