

SUMMARY OF REQUIREMENTS FOR DOCUMENTS FILED IN ELECTRONIC FORM

(Rev. 06/2020)

APPLICATIONS, MOTIONS, AND MISCELLANEOUS DOCUMENTS IN ELECTRONIC FORM

GENERAL INFORMATION	
Court of Appeal and California Supreme Court: TrueFiling is mandatory for attorney-filed documents. No paper copies.	
Rule references are to Supreme Court Rules Regarding Electronic Filing (SCRREF) and the California Rules of Court.	
Note: No cover/binding required & no specific length limit for the following documents	
Samples: A number of sample motions and other documents are on ADI's Forms and Samples page, http://www.adi-sandiego.com/practice/forms_samples.asp	

APPLICATIONS IN REVIEWING COURT: <u>ELECTRONIC</u> FORM	
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REQUEST FOR EXTENSION OF TIME: <u>ELECTRONIC</u>	
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Courts of Appeal and Supreme Court: Electronic filing of extension requests through TrueFiling is mandatory.	
Use of JUDICIAL COUNCIL FORMS for extensions is highly encouraged	<input type="checkbox"/> <u>Criminal:</u> CR-126 at http://www.courts.ca.gov/documents/cr126.pdf <input type="checkbox"/> <u>Delinquency:</u> JV-816 at http://www.courts.ca.gov/documents/jv816.pdf <input type="checkbox"/> <u>Dependency:</u> JV-817 at http://www.courts.ca.gov/documents/jv817.pdf
Content of request for extension of time SCRREF, rule 3; Cal. Rules of Court, rules 8.50(b), 8.60(b), (c)	<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); 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 SCRREF, rule 5; Cal. Rules of Court, rules 8.25, 8.44(a)(6), (b)(7), 8.50(c)	<input type="checkbox"/> if electronically filing in Supreme Court: TrueFiled request and 1 unbound paper copy, with proof of service <input type="checkbox"/> if electronically filing in Court of Appeal: TrueFiled request, with proof of service <input type="checkbox"/> service in criminal and delinquency cases: Attorney General, ADI, appellate counsel for each co-appellant <input type="checkbox"/> service in dependency cases: respondent (County Counsel, district attorney, or private counsel), minor's trial and any appellate attorney, ADI, appellate counsel for each co-appellant and respondent
Policies and factors governing extensions of time Cal. Rules of Court, rule 8.63	<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))
Petitions for review, answers, replies SCRREF, rule 3; Cal. Rules of Court, rules 8.50(b), 8.500(e)(2)	<input type="checkbox"/> extension not available for petition for review (may ask CJ for relief from default), but available for answers and replies

APPLICATION OTHER THAN REQUEST FOR EXTENSION OF TIME: <u>ELECTRONIC</u>	
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Content Cal. Rules of Court, rule 8.50(b)	<input type="checkbox"/> state facts, not mere conclusions, giving reasons and applicable law
Service and filing Cal. Rules of Court, rules 8.25, 8.44(a)(6), (b)(6), 8.50(c)	<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: ELECTRONIC
INCLUDING MOTIONS TO AUGMENT RECORD**

Motions filed in the Courts of Appeal or Supreme Court must be electronically filed through TrueFiling.

Samples: A number of sample motions and other documents are on ADI's Forms and Samples page, http://www.adi-sandiego.com/practice/forms_samples.asp

Cal. Rules of Court, 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>SCRREF, rule 3(a)(1)(C), (D); Cal. Rules of Court, 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; for augmentation request, generally, before original due date of opening brief (in Fourth District, after getting the record, file motion within <u>40</u> days in criminal case or within <u>15</u> days for dependency case under rule 8.416) <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>Format</p> <p>Cal. Rules of Court, rule 8.74(b)</p>	<ul style="list-style-type: none"> <input type="checkbox"/> comply with requirements of Cal. Rules of Court, rule 8.74(b)
<p>Content of motion other than augment request See ADI sample</p> <p>Cal. Rules of Court, rules 8.54(a), 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>Cal. Rules of Court, rule 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"/> sample on ADI website at http://www.adi-sandiego.com/practice/forms_samples.asp <input type="checkbox"/> courts vary on how they deal with motions that have attachments intended to be part of the record; so check with the court: <ul style="list-style-type: none"> • in Fourth and Fifth Districts, submit the attachments sought to be added to the record as an electronic file separate from the motion • some courts may want the attachments to be submitted with the motion as a single file <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>Cal. Rules of Court, rule 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>Cal. Rules of Court, rules 8.25, 8.44(a)(5), (b)(4), 8.54</p>	<ul style="list-style-type: none"> <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: ELECTRONIC FORM

INCLUDING ABANDONMENT OF APPEAL, RECORD CORRECTION NOTICE, CREDITS OR FINES/FEES LETTER

Documents submitted to the Courts of Appeal and Supreme Court must be electronically filed through TrueFiling. Check with individual superior court if filing in that court.

Samples: A number of sample motions and other documents are on ADI's Forms and Samples page,
http://www.adi-sandiego.com/practice/forms_samples.asp

Abandonment

- sample on ADI website at http://www.adi-sandiego.com/practice/forms_samples.asp
- before record is filed in appellate court: file abandonment in superior court
- after record is filed in appellate court: file motion to dismiss in Court of Appeal; court may dismiss appeal
- service: same as opening brief, Court of Appeal will accept electronic filing

Cal. Rules of Court, rules 8.25, 8.70, 8.316

Record correction letter

- sample on ADI website at http://www.adi-sandiego.com/practice/forms_samples.asp
- check with superior court on electronic vs. paper filing, local rules
- service in criminal and delinquency cases: Attorney General, ADI, Court of Appeal (courtesy), appellate counsel for each co-appellant
- 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
- 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)

Cal. Rules of Court, rules 1.21, 8.25, 8.340(b), 8.410(a), 8.416(d)

Informal credits, fines/fees, correction letter

- sample on ADI website at http://www.adi-sandiego.com/practice/forms_samples.asp
- check with superior court on electronic vs. paper filing, local rules
- copies to be filed with superior court judge: original (if paper: plus 1 if counsel wants conformed copy), with proof of service
- service: district attorney, ADI, plus courtesy copies to Attorney General and Court of Appeal
- informal letter is adequate to preserve credits or fines/fees issue for appeal under Pen. Code, § 1237.1 or 1237.2

Cal. Rules of Court, rule 1.21; Pen. Code, §§ 1237.1, 1237.2; *People v. Fares* (1993) 16 Cal.App.4th 954

Letter to superior court (misc.)

- sample on ADI website at http://www.adi-sandiego.com/practice/forms_samples.asp
- copies: original plus 1 if counsel wants return of filed copy, with proof of service - superior court
- service: district attorney, ADI (electronic copy), plus courtesy copies to Attorney General and Court of Appeal
- format: see rule 3.1110 et seq. and check local rules of superior court

Cal. Rules of Court, rules 1.21, 3.1110 et seq.