

Parts in blue print are instructions to user, not to be included in filed document unless so noted. [Parts and references in green font, if any, refer to juvenile proceedings. See Practice Note, this web page, for guidance in adapting forms to juvenile cases.]

**Practice tip:** The publication status of opinions is discussed in chapter 7 of the ADI Manual at 7.8 et.seq. Requests for publication and for depublication are discussed at § 7.21 and § 7.27, respectively. There is no rule of court that governs an opposition to a request for publication. But rule 8.1125, which governs requests for depublication of opinions, may be useful for preparing an opposition to a request for publication. Rule 8.1125(b) permits a response supporting or opposing the request for depublication. The rule provides that, within 10 days of the court's receipt of the request, a response may be submitted. It must state the person's interest and not exceed 10 pages.

**Practice tip:** File opposition in Court of Appeal if that court still has jurisdiction or in Supreme Court if it does not.

*[Letterhead]*

*[Date]*

[Mr./Ms.] *[court clerk's name]*  
Clerk of the Court  
[Court of Appeal / Supreme Court]  
*[Address]*

Re: *People v. [defendant's name]* / *In re [client's first name, last initial]*  
Superior Court No.: *[number]*  
Court of Appeal No. *[number]*  
Date Unpublished Opinion Filed: *[date]*  
Date Request for Publication Filed: *[date]*  
Opposition to Request for Publication

Dear [Mr. / Ms.] *[clerk's name]*:

Please inform the court that defendant submits this response in opposition to the request for publication.

California Rules of Court, rule 8.1120(a) permits any person to request publication. It does not specify who may oppose it or provide any procedure for doing so. Nevertheless, rule 8.1125, which governs requests for depublication, is looked to for guidance. It provides, in relevant part, that “[w]ithin 10 days after the Supreme Court receives a request . . . any person may submit a response . . . opposing the request” and the request “must state the person’s interest.” (Rule 8.1125(b)(1).)

Appellant *[name]* opposes the request for publication of the opinion. In it, Division *[Number]* of the Fourth Appellate District held that *[state holding]*. The opinion should be not be published because *[briefly state reasons why the opinion should not be published – e.g., failure to meet criteria for publication, creation of confusion in the law]*.

### **STATEMENT OF INTEREST**

[We / I / this organization] [has/have] an interest in this matter because *[state how the decision affects author's practice of law, clients, the court system, the public, etc.]*.

### **DISCUSSION**

*[Expand on reasons for opposing publication, directly addressing the reasons provided by respondent and include any additional relevant grounds – e.g., the opinion misstates the law and could cause later confusion among the trial courts or other harm. If applicable, argue that it does not meet the standards for certification as set forth in California Rules of Court, rule 8.1105(c).]*

### **CONCLUSION**

*[Summarize position and relief requested.]*

Respectfully submitted,

*[Attorney's name]*

State Bar No. *[number]*

Attorney for Defendant *[name]*

**PROOF OF SERVICE**