



Judicial Council of California

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REPORT TO THE JUDICIAL COUNCIL

Item No.: 25-131

For business meeting on October 24, 2025

Title

Appellate Procedure: Extension of Time in
Misdemeanor and Infraction Appeals

Report Type

Action Required

Effective Date

January 1, 2026

Rules, Forms, Standards, or Statutes Affected

Approve form CR-127

Date of Report

October 8, 2025

Recommended by

Appellate Advisory Committee
Hon. Allison M. Danner, Chair

Contact

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Executive Summary

The Appellate Advisory Committee recommends approving a new form for requesting extensions of time to file a brief in misdemeanor and infraction appeals. This recommendation originated with suggestions from the former Chief Justice's Appellate Caseflow Workgroup and a committee member.

Recommendation

The Appellate Advisory Committee recommends that the Judicial Council, effective January 1, 2026, approve *Application for Extension of Time to File Brief—Misdemeanor or Infraction Case* (form CR-127), a new form for requesting extensions of time to file a brief in misdemeanor and infraction appeals.

The proposed new form is attached at pages 5–6.

Relevant Previous Council Action

The council has not adopted a form for requesting extensions of time in misdemeanor and infraction appeals. Last year, the council approved *Application for Extension of Time to File Brief—Criminal Case* (form CR-126) for criminal appeals in the Court of Appeal and *Application for Extension of Time to File Brief—Limited Civil Case* (form APP-106) for limited civil cases in the appellate division.

Analysis/Rationale

Currently, there is no council form by which the parties in a misdemeanor or infraction appeal, which is heard in the appellate division of the superior court, can request an extension of time to file their briefs. There are, however, forms for requesting extensions of time both in criminal cases before the Court of Appeal and in limited civil cases before the appellate division. Form CR-126 is applicable in criminal appeals and is for use in the Court of Appeal. On the other hand, form APP-106 is formatted for use in the appellate division but it is applicable only in limited civil appeals. The committee therefore recommends the adoption of a new form, *Application for Extension of Time to File Brief—Misdemeanor or Infraction Case* (form CR-127). This form is substantively similar to form CR-126 but employs the council's plain-language format because there is no right to counsel in misdemeanor or infraction appeals and many appellants in these matters, accordingly, are self-represented.

Based on comments on the previously circulated proposal for extension-of-time forms, the committee recommends that form CR-127 be used for both misdemeanor and infraction appeals in the appellate division. Further, in keeping with the council's decision to keep other extension-of-time forms optional, the committee recommends that new form CR-127 also be optional.

Background

The Appellate Advisory Committee previously circulated proposed *Application for Extension of Time to File Brief—Misdemeanor Case* (form CR-127) for public comment in spring 2024 as part of a proposal that included the amendment of other related rules and forms.¹

In that invitation to comment, the committee proposed that the Judicial Council's extension-of-time forms be mandatory. Mandating the use of these forms was intended to help ensure that all extension-of-time requests contain the information the reviewing court needs to determine whether the requested extension is supported by good cause. Such a requirement would also ensure that this information is provided in a consistent, easy-to-read format.

Comments received on the previously circulated proposal, however, differed on whether the extension-of-time forms should be mandatory. In light of these comments, the committee concluded that keeping these forms optional will help ensure that all parties are able to efficiently access the courts to request an extension to file a brief without encountering technology-based problems or inconveniences. Additionally, optional forms will help ensure that otherwise valid requests for extensions of time will not be rejected simply because the required form was not used. Accordingly, the committee decided not to recommend that the council's extension-of-time forms be made mandatory.

While the other related rules and forms in the proposal were amended by the council and remained optional, the committee chose to reconsider proposed form CR-127. The initial version of proposed form CR-127 was limited to misdemeanor appeals, but a public comment suggested that the form also include infraction appeals. Based on this suggestion, the committee chose to recirculate the form with that addition.

¹ See SPR24-02, *Appellate Procedure: Civil Case Information Statement, Calendar Preference, and Extension of Time*, <https://courts.ca.gov/system/files/itc/spr24-02.pdf>.

Policy implications

The recommended new form will increase the likelihood that an application for extension of time will include all the necessary information a court will need to make its decision, which will, in turn, make it more likely that a court will reach the merits of a litigant's appeal. These revisions are therefore consistent with the Strategic Plan for California's Judicial Branch, specifically the goals of Modernization of Management and Administration (Goal III) and Quality of Justice and Service to the Public (Goal IV).

Comments

The committee solicited public comments on this proposal from April 14 to May 23 as part of the council's spring 2025 invitation-to-comment cycle. Of the five comments received, one was from a court, one was from a county bar association, one was from the Joint Rules Subcommittee of the Trial Court Presiding Judges Advisory Committee and the Court Executives Advisory Committee, one was from the Litigation Section of the California Lawyers Association, and one was from an individual. The commenters agreed with the proposal, agreed if it were modified, or did not indicate a position. The substantive comments and the committees' responses are summarized below.

The Committee on Appellate Courts of the Litigation Section of the California Lawyers Association (CAC) largely supports the approval of form CR-127 but made three suggestions. First, the CAC suggests that the form contain an order at the end for the court to rule on the application by checking a box and adding a signature. Because form CR-127 employs the council's plain-language format, like form APP-106, it does not include a section for the court to issue an order. Forms for orders in the plain-language format are separate from the application forms. The committee will consider this suggestion in the future. Second, the CAC suggests that the lines in the response field for item 7 be removed. To make it clear on printed versions of the form that this item requires a written response from the applicant, and to maintain consistency with other plain-language forms, the committee elected to keep the lines in the proposed form. Third, the CAC suggests adding a proof-of-service at the end of the form. To maintain consistency with other plain-language forms, however, proposed form CR-127 only includes proof-of-service instructions on the first page. Consistent with council practice on plain-language forms, the committee recommends that this instruction section include a bullet point containing a link to *What Is Proof of Service?* (form APP-109-INFO).

The Superior Court of Los Angeles County agrees with the proposal if modified. The first suggested modification is to add a clarification that the address of record will not be changed unless a Notice of Change of Address is filed with the court. The committee concluded that this clarification was unnecessary and does not recommend it, to maintain consistency with other plain-language forms. The second suggested modification is to clarify specific issues about defaults. The committee elected not to include additional information about defaults because form CR-127 already provides references to rules 8.882(c) and 8.927(b), and including the suggested clarifications is counter to the goal of keeping plain-language forms as simple as possible.

A chart of comments and the committee's responses is attached at pages 7–10.

As mentioned above, a previous version of proposed form CR-127 circulated as part of a Spring 2024 proposal to revise various related forms. That version of the form applied only to misdemeanor appeals. One commenter suggested revising proposed form CR-127 to include infraction appeals in addition to misdemeanor appeals. Based on this comment, the committee took proposed form CR-127 under advisement for further revision, which resulted in the committee circulating the proposal that is the subject of this report.

A chart containing the relevant comment for the SPR24-02 proposal is attached at page 11.

Alternatives considered

The committee considered not recommending the approval of a new form for requesting extensions of time to file a brief in misdemeanor and infraction appeals but rejected this option because the recommended new form will aid appellate efficiency. In addition to the comments discussed above, the committee also considered including sections about the defendant's conviction but decided against this because courts do not use this information in deciding whether to grant an extension of time.

Fiscal and Operational Impacts

The committee anticipates minimal fiscal or operational impacts on the courts as a result of the proposed new form. This form could, in fact, make operations more efficient by providing courts with a standardized way of processing a routine request. Implementation by the courts will involve making litigants, court staff, and judicial officers aware of the new form.

Attachments and Links

1. Form CR-127, at pages 5–6
2. Chart of comments for SPR25-02, at pages 7–10
3. Chart of comments for SPR24-02, at page 11

Application for Extension of Time to File Brief—Misdemeanor or Infraction Case

Instructions

- This form is only for requesting an extension of time to file a brief in an appeal in a **misdemeanor or infraction case**. Note that any rules referenced in this form are from the California Rules of Court.
- Before you fill out this form, read *Information on Appeal Procedures for Misdemeanors* (form [CR-131-INFO](#)) or *Information on Appeal Procedures for Infractions* (form [CR-141-INFO](#)) to know your rights and responsibilities. You can get forms CR-131-INFO and CR-141-INFO at any courthouse or county law library or online at courts.ca.gov/rules-forms/find-your-court-forms.
- Fill out this form and make a copy of the completed form for your records and for each of the other parties.
- Serve a copy of the completed form on each of the other parties and keep proof of this service. You can get information about how to serve court papers and proof of service from *What Is Proof of Service?* (form [APP-109-INFO](#)) and on the Self-Help Guide to the California Courts at selfhelp.courts.ca.gov/court-basics/service.
- Take or mail the completed form and proof of service on the other parties to the appellate division clerk's office. It is a good idea to take or mail an extra copy to the clerk and ask the clerk to stamp it to show that the original has been filed.

Clerk stamps date here when form is filed.

DRAFT

2025-07-15

**Not approved by
Judicial Council**

You fill in the name and street address of the court that issued the judgment or order that is being appealed:

Superior Court of California, County of

You fill in the number and name of the trial court case in which the judgment or order is being appealed:

Trial Court Case Number:

Trial Court Case Name:

You fill in the appellate division case number:

Appellate Division Case Number:

1 Your Information

- a. Name of party requesting extension of time to file brief:

- b. Party's contact information (*skip this if the party has a lawyer for this appeal*):

Street address: _____

_____ Street _____ City _____ State _____ Zip

Mailing address (*if different*): _____

_____ Street _____ City _____ State _____ Zip

Phone: _____ Email: _____

- c. Party's lawyer (*skip this if the party does not have a lawyer for this appeal*):

Name: _____ State Bar number: _____

Street address: _____

_____ Street _____ City _____ State _____ Zip

Mailing address (*if different*): _____

_____ Street _____ City _____ State _____ Zip

Phone: _____ Email: _____

Fax: _____



- ② I am requesting an extension on the time to file:
- ☐ Appellant's opening brief, which is now due on *(date)*: _____
- ☐ Respondent's brief, which is now due on *(date)*: _____
- ☐ Appellant's reply brief, which is now due on *(date)*: _____
- ☐ Supplemental or other brief, which is now due on *(date)*: _____
- ③ I am requesting that the time to file the brief identified in ② be extended to *(date)*: _____
for a total extension of *(number of days requested)*: _____ days.
- ④ I have received a default notice under rule [8.882\(c\)](#) or [8.927\(b\)](#). ☐ Yes ☐ No
- ⑤ The time to file the brief *(check all that apply)*:
- ☐ Has not been extended before.
- ☐ Has been extended before by the court. The court granted *(number of extensions)* _____
totaling *(number of days)* _____
- Did the court mark any previous extension "no further"? ☐ Yes ☐ No
- ⑥ The last brief filed by any party in this case was:
- ☐ The appellant's opening brief, filed on *(date)*: _____
- ☐ The respondent's brief, filed on *(date)*: _____
- ☐ The appellant's reply brief, filed on *(date)*: _____
- ☐ A supplemental or other brief, filed on *(date)*: _____
- ⑦ The reason I need an extension to file this brief is *(describe the reason you need an extension; please address the rule [8.811\(b\)](#) factors, including possible prejudice to the parties)*:
- _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____
- ☐ Check here if there is not enough space for your answer. Put your complete answer on an attached sheet of paper, and write "Attachment 7" for a title. You may use form [APP-031A](#).

Date: _____

Type or print your name

Signature of party or attorney

SPR25-02

Appellate Procedure: Extension of Time in Misdemeanor and Infraction Appeals (Approve form CR-127)

All comments are verbatim unless indicated by an asterisk (*).

	Commenter	Position	Comment	Committee Response
1.	California Lawyers Association, Litigation Section, Committee on Appellate Courts by Jocelyn Sperling, Chair, and Saul Bercovitch, Director of Governmental Affairs	NI	This proposal would approve an optional form for requesting extensions of time to file briefs in misdemeanor and infraction appeals. The CAC believes this is a useful, simple form that attorneys and self-represented litigants could easily file when requesting additional time. The CAC supports the adoption of the form for optional, rather than mandatory, use.	The committee appreciates the information provided and acknowledges CAC's support of the proposal.
			The CAC has a few suggestions for the form. First, the form for an extension of time in criminal appeals in the Court of Appeal (form CR-126) contains an order at the end for the court to rule on the application by checking a box and adding a signature. The CAC believes that it would promote judicial efficiency to include a similar order on the proposed misdemeanor and infraction form, because it would reduce court time to prepare a separate order.	The committee appreciates the information provided. Because this form employs the plain-language format, like form APP-106, the committee does not recommend including an order portion on the form. Forms for orders in the plain-language format are separate forms. The committee will consider this suggestion in the future.
			Second, the CAC suggests that the lines in item 7 be eliminated, so the answer is easier to complete if handwritten or typed separately.	The committee appreciates the information provided. To maintain consistency with other plain-language forms, the committee does not recommend eliminating the lines in item 7.
			Third, the CAC suggests adding a proof of service at the end of the form. The CAC recognizes that Judicial Council forms generally do not include a proof of service, but it notes that the Second District form for an application for extension of time does (form 2DCA-04). Including a proof of service would avoid the need to file two documents or avoid any	The committee appreciates the information provided. To maintain consistency with other plain-language forms, proposed form CR-127 includes proof-of-service instructions on the first page, including a bullet containing a link to <i>What Is Proof of Service?</i> (form APP-109-INFO).

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated

SPR25-02

Appellate Procedure: Extension of Time in Misdemeanor and Infraction Appeals (Approve form CR-127)

All comments are verbatim unless indicated by an asterisk (*).

	Commenter	Position	Comment	Committee Response
			technical difficulties that users might have combining two PDFs into one. Also, including a proof of service acts as a reminder (particularly to self-represented litigants) to serve the document. Thus, it would increase access to justice, and save the court resources expended in rejecting filings without a proof of service. Alternatively, the CAC recommends adding a sentence as item 8 in the proposed form about the proof of service, similar to item 11 on form CR-126. Item 8 would read: “A proof of service of this application on all other parties is attached (see Cal. Rules of Court, rule 8.60(c)). You may use <i>Proof of Service (Appellate Division)</i> (form APP-109) or <i>Proof of Electronic Service (Appellate Division)</i> (form APP-109E) for this purpose.”	
2.	Jacqueline Greene San Jose, California	A	No specific comment.	The committee appreciates the comment and acknowledges the commenter’s agreement with the proposal.
3.	Orange County Bar Association by Mei Tsang, President	A	The proposed form to request extensions meets the stated objective.	The committee appreciates the information provided and acknowledges the commenter’s agreement with the proposal.
4.	Superior Court of California, County of Los Angeles by Stephanie Kuo	AM	In response to the Judicial Council of California’s ITC, “SPR25-02: Appellate Procedure: Extension of Time in Misdemeanor and Infraction Appeals,” the Superior Court of California, County of Los Angeles (Court), agrees with the proposed additions if the following modifications are incorporated.	The committee appreciates the information provided and acknowledges the commenter’s support for the proposal.

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated

SPR25-02

Appellate Procedure: Extension of Time in Misdemeanor and Infraction Appeals (Approve form CR-127)

All comments are verbatim unless indicated by an asterisk (*).

	Commenter	Position	Comment	Committee Response
			<p>The Court recommends reconsideration of two areas included in the CR-127 form which could be confusing:</p> <p>Page 1 #1b: Party's contact information is requested. It should be clear that the address of record will not be changed absent filing of a Notice of Change of Address with the Court.</p> <p>Page 2 #4: It should be clarified whether the time for entry of default and/or noncompliance is extended if an application for extension of time to file the brief is granted. It should also be clarified if this form may no longer be used if a default has already been entered because the party must seek to address the status of the case before they may file a brief.</p>	<p>The committee appreciates the information provided. To maintain consistency with other plain-language forms, the committee does not recommend including a reference to a notice of change of address. The committee also elected not to include additional information about defaults because form CR-127 already provides references to rules 8.882(c) and 8.927(b).</p>
			<p>The proposal will not provide cost savings. To implement the proposal, staff who process incoming documents and the panel of appointed counsel would need to be trained on the new form. A new event code will not be needed in the case management system because this filing type already exists and is already electronically routed to a judicial officer for a determination through electronic workflows. The only difference will be that some of these requests will be received on the new option CR-127 form. Two months from Judicial Council approval should be sufficient to implement the proposal.</p>	<p>The committee appreciates the information provided.</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated

SPR25-02

Appellate Procedure: Extension of Time in Misdemeanor and Infraction Appeals (Approve form CR-127)

All comments are verbatim unless indicated by an asterisk (*).

	Commenter	Position	Comment	Committee Response
5.	TCPJAC/CEAC Joint Rules Subcommittee (JRS) (no name provided)	A	<p>The JRS notes that the proposal is intended to provide significant cost savings or efficiencies.</p> <p>The JRS also notes the following impact to court operations:</p> <ul style="list-style-type: none">• Results in additional training, which requires the commitment of staff time and court resources.• Increases court staff workload<ul style="list-style-type: none">○ Minor increase in staff workload to process extension forms	The committee appreciates the information provided and acknowledges the commenter's agreement with the proposal.

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated

SPR24-02

Appellate Procedure: Civil Case Information Statement, Calendar Preference, and Extension of Time (amend Cal. Rules of Court, rules 8.100; revise forms APP-001-INFO, APP-004, APP-006, APP-106, CR-126, JV-816, and JV-817)
All comments are verbatim unless indicated by an asterisk (*).

	Commenter	Position	Comment	Committee Response
7.	Superior Court of Los Angeles County by Bryan Borys, Director of Research and Data Management	A	The following comments are representative of the Superior Court of California, County of Los Angeles (Court), and do not represent or promote the viewpoint of any particular judicial officer or employee.	No response necessary.
			The Court agrees with proposal SPR24-02, “Appellate Procedure: Civil Case Information Statement, Calendar Preference, and Extension of Time” and its stated purpose.	The committee appreciates the feedback and notes the commenter’s support for the proposal.
			In addition to this proposal, the Court suggests amendments to rule 8.927 to require infraction appellants to use the mandatory form. Rule 8.925 is authority for infraction litigants to seek an extension of time to file a brief. However, it is not clear that it can authorize the court to require an infraction litigant to use the mandatory form.	Amending rule 8.927 is outside the scope of this proposal. The committee may consider whether to recommend adoption of an extension of time form for use in infraction appeals in the future as time and resources allow. In addition, the committee has decided not to recommend that the Council’s extension of time forms be made mandatory. The committee believes that leaving the forms optional will help ensure that all parties and attorneys are able to efficiently access the courts and request an extension of time to file their briefs without encountering technology-based problems or inconveniences. This will also help ensure that otherwise valid requests for extensions of time will not be rejected simply because the form was not used.