



JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on September 21, 2018

Title

Appellate Procedure: Notice of Appeal and
Record on Appeal in Appellate Division Cases

Agenda Item Type

Action Required

Effective Date

January 1, 2019

Rules, Forms, Standards, or Statutes Affected

Revise forms APP-102, APP-110, CR-132,
CR-134, and CR-142

Date of Report

September 7, 2018

Recommended by

Appellate Advisory Committee
Hon. Louis R. Mauro, Chair

Contact

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Executive Summary

The Appellate Advisory Committee recommends revising several notice of appeal forms and record election forms used in appellate division matters. The revisions provide more complete and accurate information, make corrections, and clarify various items.

Recommendation

The Appellate Advisory Committee recommends that the Judicial Council, effective January 1, 2019:

1. Revise *Notice of Appeal/Cross-Appeal (Limited Civil Case)* (form APP-102) to provide a way to indicate that there is more than one appellant and to clarify the requirements for serving and filing a notice designating the record on appeal;
2. Revise *Respondent's Notice Designating Record on Appeal (Limited Civil Case)* (form APP-110) to add references to the appellate fee waiver rules and to expand the sections regarding a reporter's transcript and a transcript from an electronic recording to better describe the respondent's options and responsibilities;

3. Revise *Notice of Appeal (Misdemeanor)* (form CR-132) to clarify the sections regarding appellant's attorney in the trial court and whether court-appointed counsel is being sought on appeal and to add an advisement of the potential penalties for not timely filing a notice regarding the record on appeal;
4. Revise *Notice Regarding Record on Appeal (Misdemeanor)* (form CR-134) to clarify the section regarding appellant's attorney, to reorganize the section regarding a reporter's transcript to better explain the appellant's options and responsibilities in designating this form of the record of the oral proceedings, and to more accurately set forth the potential penalties for failing to timely file a proposed statement on appeal; and
5. Revise *Notice of Appeal and Record on Appeal (Infraction)* (form CR-142) to clarify the section regarding appellant's attorney, to set forth the circumstances under which a proposed statement on appeal must be served on the prosecuting attorney, and to more fully describe the options for paying for a reporter's transcript or filing a certified transcript.

The revised forms are attached at pages 7–24.

Relevant Previous Council Action

These forms were approved by the Judicial Council for optional use effective January 1, 2009, except form APP-110, which was approved for optional use effective January 1, 2010. All four forms were revised effective January 1, 2017, as part of an initiative to modernize the appellate rules and forms to facilitate e-filing and e-service. Revisions prior to 2017 reflect changes to appellate division rules, update references to the California Courts website, and make certain nonsubstantive changes.

Analysis/Rationale

The committee received suggestions for revising these forms from a superior court when the forms were subject to revision as part of the modernization project noted above. Several of the suggested changes were included in that proposal; the rest were deferred at that time due to lack of resources. The current revisions are based on the previously deferred suggestions. The committee recommends these revisions to make the forms easier to use and understand for litigants and to reduce the burden on courts that results when litigants fill out the forms incorrectly or fail to take other required action in taking an appeal or designating the record.

Form APP-102, Notice of Appeal/Cross-Appeal (Limited Civil Case)

Appellants in limited civil appeals can file form APP-102 to provide notice of an appeal. The form currently does not provide a way to indicate that there is more than one appellant. To remedy this, the committee recommends adding a check box and an instruction to attach a separate page to list additional appellants.

Under the rules regarding the record in limited civil appeals, an appellant must serve and file a notice designating the record within 10 days of the date the notice of appeal is filed and may file

it together with the notice of appeal. Section 4 of form APP-102 provides information on filing a notice designating the record, but it does not include the requirement of serving the notice or the consequence for failing to file the notice designating the record on time. The committee recommends revising this section of the form to specify the service requirement and state the consequence for failing to file the notice of designation on time.

In addition, this section of form APP-102 is unclear in that appellants often fill it out to state that they have attached the notice designating the record when in fact they have not. This leads to confusion when the trial court asks the appellate division to dismiss the appeal for failure to file the notice of designation. The committee recommends reorganizing this section to clarify the requirement of filing the notice designating the record and the option either to serve and file it together with the notice of appeal or to serve and file it separately but within 10 days of the date of filing of the notice of appeal.

Form APP-110, Respondent's Notice Designating Record on Appeal (Limited Civil Case)

Respondents can use form APP-110 to designate the record on appeal in limited civil cases. The appellant chooses the form of the record of documents and oral proceedings (if any) he or she wishes to use and designates the documents and oral proceedings (if any) to be included in the record. The respondent then may designate additional documents or oral proceedings to be included in the record and has options regarding format and payment.

The committee recommends expanding and reorganizing section 5a regarding the reporter's transcript to include the option of attaching a certified transcript and more fully describe the options for paying for the transcript or applying for payment through the Transcript Reimbursement Fund. The committee also recommends rewording the formatting options for the reporter's transcript to be consistent with recently amended Code of Civil Procedure section 271.

Currently, section 5b regarding a transcript from an official electronic recording does not include a way for the respondent to designate additional proceedings to be included in the transcript. The committee recommends revising this section of the respondent's form to be consistent with form APP-103, *Appellant's Notice Designating Record on Appeal (Limited Civil Case)*.

Form CR-132, Notice of Appeal (Misdemeanor)

Appellants can use form CR-132 to provide notice of an appeal in a misdemeanor case. The current form requests information about the appellant's attorney in the trial court and on appeal, but the section is confusing. The committee recommends revising the section so that it requests information about the appellant's attorney in the trial proceedings, allows the appellant to indicate if the same attorney is providing representation on appeal, and refers the appellant to another part of the form if appointed counsel on appeal is being requested.

Currently, the form does not inform the appellant of the potential penalties for not timely filing a notice regarding the record on appeal. The committee recommends including an advisement pursuant to rule 8.874(a)(1) that such failure could result in sanctions.

Finally, the current form does not clearly inform the appellant about which forms to complete and attach in order to request a court-appointed lawyer. The committee recommends reorganizing this section to clarify which forms must be submitted.

Form CR-134, Notice Regarding Record on Appeal (Misdemeanor)

This is the optional form appellants can use to designate the record on appeal in a misdemeanor case. Similar to form CR-132, the request for information about the appellant's attorney is confusing. The committee recommends a similar revision so that it requests information about appellant's attorney in the trial court proceedings and allows the appellant to indicate if the same attorney is providing representation on appeal.

The section of the form that allows an appellant to designate a reporter's transcript as the record of the oral proceedings is incomplete in several respects. The committee recommends revisions to allow the appellant to provide a certified transcript and to provide more information regarding how and when to pay for the reporter's transcript.

In addition, form CR-134 does not accurately inform the appellant who chooses to provide a statement on appeal as the record of the oral proceedings of the potential penalties for not timely filing the proposed statement. Currently, the form advises that such failure could result in dismissal of the appeal. However, the rule provides that the potential penalty for appellants who are represented by appointed counsel is the dismissal of counsel and appointment of new counsel. For appellants who are not represented by appointed counsel, the potential penalty is dismissal of the appeal. The committee recommends revising the advisement accordingly.

Form CR-142, Notice of Appeal and Record on Appeal (Infraction)

Appellants can use form CR-142 to provide notice of appeal and to designate the record on appeal in an infraction case. The form contains the same request for information about the appellant's attorney as in forms CR-132 and CR-134. The committee recommends the same revisions, that the section be revised so that it requests information about the appellant's attorney in the trial court proceedings and allows the appellant to indicate if the same attorney is providing representation on appeal.

Form CR-142 allows the appellant to designate a statement on appeal as the record of the oral proceedings in the trial court. The form explains the requirement that, if the proposed statement on appeal is not attached to form CR-142, the appellant must file it within 20 days. However, this section contains no information on any service requirements. The committee recommends advising the appellant that the proposed statement must be served on the prosecuting attorney if the prosecuting attorney appeared in the case.

Policy implications

This proposal raises no policy implications.

Comments

The proposed revisions to the forms were circulated for public comment between April 9 and June 8, 2018, as part of the regular spring comment cycle. Five organizations submitted comments on this proposal. Four commenters agreed with the proposal without providing specific comments; one agreed with the proposal if modified and provided substantive comments. A chart with the full text of the comments and the committee's responses is attached at pages 25–27.

The substantive comments and the committee's responses are discussed below.

Comments on form APP-102

One of the revisions to form APP-102, *Notice of Appeal (Limited Civil Case)*, provides a check box to indicate that there is more than one appellant and instructions to attach a separate page listing them and their contact information. However, there is only one signature line at the end of the form. The Superior Court of Los Angeles County pointed out that rule 8.821(a)(1) requires that the notice of appeal must be signed by the appellant or the appellant's attorney and suggested that more signature lines should be added.

Based on this comment, the committee recommends adding two additional signature lines to this form.

Comments on form CR-132

As described above, one of the revisions to this form adds an advisement of the potential penalties for failing to timely file a notice regarding the record on appeal. The proposed revision that circulated for comment simply stated that such failure could result in appointment of new counsel or dismissal of the appeal. The Superior Court of Los Angeles County suggested specifying that new counsel will be appointed if the appellant is represented by appointed counsel on appeal.

Based on this comment, the committee recommends a more substantial revision to clarify that the potential penalty the court may impose depends on whether the appellant is represented by appointed counsel or not. (See Cal. Rules of Court, rule 8.874(a)(1).) The advisement now states that if the appellant is represented by appointed counsel on appeal, the failure to timely file the notice could result in appointment of new counsel; if the appellant is self-represented or has retained counsel, such failure could result in dismissal of the appeal. The warning is phrased as permissive, not mandatory, because the rule provides that the sanctions are discretionary.

Comments on form CR-134

The committee recommends the same clarification to the warning regarding the potential penalties for failure to procure the record as those discussed immediately above.

Alternatives considered

In addition to the alternatives considered in response to the public comments, the committee considered recommending no changes to these forms but rejected this alternative because

corrections were necessary to make the forms consistent with the rules of court and recent statutory changes. In addition, the clarifications and additional information are designed to assist litigants by making the forms more user friendly and helpful, and to assist the courts by reducing the number of forms that are completed or filed incorrectly.

Fiscal and Operational Impacts

The Los Angeles Superior Court stated that the proposal would provide cost savings by reducing defaults resulting from lack of a signature and that only minimal training would be needed to implement the revised forms.

Attachments and Links

1. Forms APP-102, APP-110, CR-132, CR-134, and CR-142, at pages 7–24
2. Chart of comments, at pages 25–27

Instructions

- This form is only for appealing in a **limited civil case**. You can get other forms for appealing in unlimited civil cases at any courthouse or county law library or online at www.courts.ca.gov/forms.
- Before you fill out this form, read *Information on Appeal Procedures for Limited Civil Cases* (form APP-101-INFO) to know your rights and responsibilities. You can get form APP-101-INFO at any courthouse or county law library or online at www.courts.ca.gov/forms.
- You must serve and file this form **no later than 30 days** after the trial court or a party serves a document called a Notice of Entry of the trial court judgment or a file-stamped copy of the judgment or 90 days after entry of judgment, whichever is earlier (see rule 8.823 of the California Rules of Court for very limited exceptions). **If your notice of appeal is late, your appeal will be dismissed.**
- 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 California Courts Online Self-Help Center at www.courts.ca.gov/selfhelp-serving.htm.
- Take or mail the original completed form and proof of service on the other parties to the clerk's office for the same court that issued the judgment or order you are appealing. 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

08-16-2018

**Not approved by
the Judicial Council**

You fill in the name and street address of the court that issued the judgment or order you are appealing:

Superior Court of California, County of

You fill in the number and name of the trial court case in which you are appealing the judgment or order:

Trial Court Case Number:

Trial Court Case Name:

The clerk will fill in the number below

Appellate Division Case Number:

1 Your Information

- a. Name of appellant (the party who is filing this appeal):

☐ Check here if there is more than one appellant and attach a separate page or pages listing the other appellants and their contact information. At the top of each page, write "APP-102, item 1a."

- b. Appellant's contact information (skip this if the appellant has a lawyer for this appeal):

Street address:

Street City State Zip

Mailing address (if different):

Street City State Zip

Phone: E-mail:

- c. Appellant's lawyer (skip this if the appellant 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: E-mail:

Fax:



Trial Court Case Name: _____

Trial Court Case Number: _____

2 This is (*check a or b*):

- a. ☐ The first appeal in this case.
- b. ☐ A cross-appeal (an appeal filed after the first appeal in this case (*complete (1), (2), and (3)*)).
- (1) The notice of appeal in the first appeal was filed on (*fill in the date that the other party filed its notice of appeal in this case*): _____
- (2) The trial court clerk served notice of the first appeal on (*fill in the date that the clerk served the notice of the other party's appeal in this case*): _____
- (3) The appellate division case number for the first appeal is (*fill in the appellate division case number of the other party's appeal, if you know it*): _____

3 Judgment or Order You Are Appealing

I am/My client is appealing (*check a or b*):

- a. ☐ The final judgment in the trial court case identified in the box on page 1 of this form.
The date the trial court entered this judgment was (*fill in the date*): _____
- b. ☐ Other:
- (1) ☐ An order made after final judgment in the case.
The date the trial court entered this order was (*fill in the date*): _____
- (2) ☐ An order changing or refusing to change the place of trial (venue).
The date the trial court entered this order was (*fill in the date*): _____
- (3) ☐ An order granting a motion to quash service of summons.
The date the trial court entered this order was (*fill in the date*): _____
- (4) ☐ An order granting a motion to stay or dismiss the action on the ground of inconvenient forum.
The date the trial court entered this order was (*fill in the date*): _____
- (5) ☐ An order granting a new trial.
The date the trial court entered this order was (*fill in the date*): _____
- (6) ☐ An order denying a motion for judgment notwithstanding the verdict.
The date the trial court entered this order was (*fill in the date*): _____
- (7) ☐ An order granting or dissolving an injunction or refusing to grant or dissolve an injunction.
The date the trial court entered this order was (*fill in the date*): _____



Trial Court Case Name: _____

Trial Court Case Number: _____

3 (continued)

- (8) ☐ An order appointing a receiver.

The date the trial court entered this order was (fill in the date): _____

- (9) ☐ Other action (please describe and indicate the date the trial court took the action you are appealing):

4 Record Preparation Election

Complete this section only if you are filing the first appeal in this case. If you are filing a cross-appeal, skip this section and go to the signature line.

If you are filing the first appeal in this case, you must serve and file a notice in the trial court designating the record on appeal. You may use Appellant's Notice Designating Record on Appeal (Limited Civil Case) (form APP-103). Check a or b:

a. ☐ I will serve and file a notice designating the record on appeal together with this notice of appeal.

b. ☐ I will serve and file a notice designating the record on appeal later. I understand that I must file this notice in the trial court within 10 days of the date I file this notice of appeal, and that if I do not file the notice designating the record on time, the court may dismiss my appeal.

REMINDER: Except in the very limited circumstances listed in rule 8.823, you must serve and file this form no later than (1) 30 days after the trial court clerk or a party serves either a document called a Notice of Entry of the trial court judgment or a file-stamped copy of the judgment, or (2) within 90 days after entry of judgment, whichever is earlier. If your notice of appeal is late, your appeal will be dismissed.

Date: _____

Type or print your name

▶ _____
Signature of appellant/cross-appellant or attorney

Date: _____

Type or print your name

▶ _____
Signature of appellant/cross-appellant or attorney

Date: _____

Type or print your name

▶ _____
Signature of appellant/cross-appellant or attorney

Respondent's Notice Designating Record on Appeal (Limited Civil Case)

Clerk stamps date here when form is filed.

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08-16-18

**Not approved by
the Judicial Council**

Instructions

- This form is only for choosing (“designating”) the record on appeal in a **limited civil case**.
- Before you fill out this form, read *Information on Appeal Procedures for Limited Civil Cases* (form APP-101-INFO) to know your rights and responsibilities. You can get form APP-101-INFO at any courthouse or county law library or online at www.courts.ca.gov/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) or on the California Courts Online Self-Help Center at www.courts.ca.gov/selfhelp-serving.htm.
- Take or mail the original completed form and proof of service on the other parties to the clerk’s office for the same court that issued the judgment or order that is being appealed. 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.

You fill in the name and street address of the court that issued the judgment or order you are appealing:

Superior Court of California, County of

You fill in the number and name of the trial court case in which you are appealing the judgment or order:

Trial Court Case Number:

Trial Court Case Name:

You fill in the appellate division case number (if you know it):

Appellate Division Case Number:

1 Your Information

- a. Name of respondent (the party who is responding to an appeal filed by another party):

Name: _____

- b. Respondent’s contact information (*skip this if the respondent has a lawyer for this appeal*):

Street address: _____
Street City State Zip

Mailing address (*if different*): _____
Street City State Zip

Phone: _____ E-mail: _____

- c. Respondent’s lawyer (*skip this if the respondent 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: _____ E-mail: _____

Fax: _____



Trial Court Case Name: _____

Trial Court Case Number: _____

Information About the Appeal

- 2 On (fill in the date): _____ another party filed a notice of appeal in the trial court case identified in the box on page 1 of this form.
- 3 On (fill in the date): _____ the appellant filed an appellant's notice designating the record on appeal.

Record of the Documents Filed in the Trial Court

- 4 The appellant elected (chose) to use a clerk's transcript under rule 8.832 as the record of the documents filed in the trial court.
- a. ☐ **Additional documents or exhibits.** *If you want any documents or exhibits in addition to those designated by the appellant to be included in the clerk's transcript, you must identify those documents here.*

(1) Documents

- ☐ In addition to the documents designated by the appellant, I request that the clerk include in the transcript the following documents that were filed in the trial court. *(Identify each document you want included by its title and provide the date it was filed or, if that is not available, the date the document was signed).*

Document Title and Description	Date of Filing
(a)	
(b)	
(c)	
(d)	

- ☐ Check here if you need more space to list other documents and attach a separate page or pages listing those documents. At the top of each page, write "APP-110, item 4a(1)."

(2) Exhibits

- ☐ I request that the clerk include in the transcript the following exhibits that were admitted in evidence, refused, or lodged in the trial court. *(For each exhibit, give the exhibit number (such as Plaintiff's #1 or Defendant's A) and a brief description of the exhibit and indicate whether or not the court admitted the exhibit into evidence. If the trial court has returned a designated exhibit to a party, the party who has that exhibit must deliver it to the trial court clerk as soon as possible.)*

Exhibit Number	Description	Admitted Into Evidence	
		<input type="checkbox"/> Yes	<input type="checkbox"/> No
		<input type="checkbox"/> Yes	<input type="checkbox"/> No
		<input type="checkbox"/> Yes	<input type="checkbox"/> No
		<input type="checkbox"/> Yes	<input type="checkbox"/> No

- ☐ Check here if you need more space to list other exhibits and attach a separate page or pages listing those exhibits. At the top of each page, write "APP-110, item 4a(2)."



Trial Court Case Name: _____

4 (continued)

- b. ☐ **Copy of clerk's transcript.** I request a copy of the clerk's transcript. (*Check and complete (1) or (2).*)
- (1) ☐ I will pay the trial court clerk for this transcript myself when I receive the clerk's estimate of the costs of the transcript.
- (2) ☐ I am asking that a copy of the clerk's transcript be provided at no cost to me because I cannot afford to pay this cost. I have submitted the following document with this notice designating the record (*check (a) or (b) and submit the checked document*):
- (a) ☐ An order granting a waiver of the cost under rules 3.50–3.58 and 8.818(d).
- (b) ☐ An application for a waiver of court fees and costs under rules 3.50–3.58 and 8.818(d). (*Use Request to Waive Court Fees (form FW-001). The court will review this form to decide if you are eligible for a fee waiver.*)

Record of Oral Proceedings in the Trial Court

5 The appellant elected to use the following record of what was said in the trial court proceedings (*check and complete only one of the following below—a, b, or c*):

- a. ☐ **Reporter's Transcript.** The appellant elected to use a reporter's transcript under rule 8.834 as the record of the oral proceedings in the trial court.
- (1) ☐ **Designation of additional proceedings to be included in the reporter's transcript.** (*If you want any proceedings in addition to the proceedings designated by the appellant to be included in the reporter's transcript, you must identify those proceedings here.*)

In addition to the proceedings designated by the appellant, I request that the following proceedings in the trial court be included in the reporter's transcript. (*You must identify each proceeding you want included by its date, the department in which it took place, a description of the proceedings (for example, the examination of jurors, motions before trial, the taking of testimony, or the giving of jury instructions), the name of the court reporter who recorded the proceedings, and whether a certified transcript of the designated proceeding was previously prepared.*)

Date	Department	Description	Reporter's Name	Prev. prepared?
(a)				<input type="checkbox"/> Yes <input type="checkbox"/> No
(b)				<input type="checkbox"/> Yes <input type="checkbox"/> No
(c)				<input type="checkbox"/> Yes <input type="checkbox"/> No
(d)				<input type="checkbox"/> Yes <input type="checkbox"/> No
(e)				<input type="checkbox"/> Yes <input type="checkbox"/> No
(f)				<input type="checkbox"/> Yes <input type="checkbox"/> No
(g)				<input type="checkbox"/> Yes <input type="checkbox"/> No

☐ Check here if you need more space to list other proceedings and attach a separate page or pages listing those proceedings. At the top of each page, write "APP-110, item 5a(1)."



Trial Court Case Name: _____

5 a. (continued)

- (2) ☐ **Certified transcripts.** I have attached to this *Respondent's Notice Designating Record on Appeal* an original certified transcript of all the proceedings I have designated in (1). The transcript complies with the format requirements in rule 8.144 of the California Rules of Court.
- (3) ☐ **Copy of reporter's transcript.** I request a copy of the reporter's transcript. *(Check and complete (a) or (b).)*
- (a) ☐ I will pay for the reporter's transcript. Within 10 days of receiving the reporter's estimate of the cost of the transcript, I will *(check and complete (i) or (ii))*:
- (i) ☐ Deposit an amount equal to the estimated cost of the transcript with the trial court, and a fee of \$50 for the trial court to hold this deposit in trust. I understand that if I do not comply with this requirement, I will not receive a copy of the transcript.
- (ii) ☐ Pay the reporter directly and file with the trial court a copy of the written waiver of deposit signed by the reporter. I understand that if I do not comply with this requirement, I will not receive a copy of the transcript.
- (b) ☐ I am unable to afford the cost of the reporter's transcript and am therefore applying to the Transcript Reimbursement Fund to pay for this transcript. Within 10 days of receiving the reporter's estimate of the cost of the transcript, I will file with the trial court a copy of my application to the Court Reporters Board for payment or reimbursement from the Transcript Reimbursement Fund. I understand that within 90 days of filing my application, I must file with the trial court a copy of the provisional approval of my application or pay for the reporter's transcript as provided in (a). I understand that if I do not comply, I will not receive a copy of the transcript.
- (4) **Format of reporter's transcript.** I request that the reporter provide my copy of the transcript in:
- (a) ☐ Electronic format only.
- (b) ☐ Paper format only.
- (c) ☐ Electronic format and a second copy of the reporter's transcript in paper format.

OR

- b. ☐ **Transcript From Official Electronic Recording.** The appellant elected to use the transcript from an official electronic recording as the record of the oral proceedings in the trial court under rule 8.835(b).
- (1) ☐ **Designation of additional proceedings to be included in the transcript.** *(If you want any proceedings in addition to the proceedings designated by the appellant to be included in the transcript, you must identify those proceedings here.)*

In addition to the proceedings designated by the appellant, I request that the following proceedings in the trial court be included in the transcript. *(You must identify each proceeding you want included by its date, the department in which it took place, a description of the proceedings, and if you know it, the name of the electronic recording monitor who recorded the proceedings.)*

Trial Court Case Name: _____

Trial Court Case Number: _____

5 b. (1) (continued)

Date	Department	Description	Electronic Monitor's Name
(a)			
(b)			
(c)			

☐ Check here if you need more space to describe any proceeding or to list other proceedings and attach a separate page describing or listing those proceedings. At the top of each page, write "APP-110, item 5b(1)."

(2) **Copy of the transcript from an official electronic recording.** I request a copy of this transcript. (Check and complete (a) or (b).)


- (a) ☐ I will pay the trial court clerk for this transcript myself when I receive the clerk's estimate of the cost of the transcript. I understand that if I do not pay for the transcript, I will not receive a copy.
- (b) ☐ I am asking that the transcript be provided at no cost to me because I cannot afford to pay this cost. I have submitted the following document with this notice designating the record. (Check (i) or (ii) and submit the appropriate document):
- (i) ☐ An order granting a waiver of the cost under rules 3.50–3.58 and 8.818(d).
- (ii) ☐ An application for a waiver of court fees and costs under rules 3.50–3.58 and 8.818(d). (Use Request to Waive Court Fees (form FW-001). The court will review this form to decide if you are eligible for a fee waiver.)

OR

- c. ☐ **Copy of Official Electronic Recording.** The appellant and I have agreed to use the official electronic recording itself as the record of the oral proceedings in the trial court under rule 8.835(a). I request a copy of this recording. (Check and complete (1) or (2).)
- (1) ☐ I will pay the trial court clerk for this copy of the recording myself when I receive the clerk's estimate of the costs of this copy.
- (2) ☐ I am asking that the transcript be provided at no cost to me because I cannot afford to pay this cost. I have submitted the following document with this notice designating the record. (Check (a) or (b) and submit the appropriate document):
- (a) ☐ An order granting a waiver of the cost under rules 3.50–3.58 and 8.818(d).
- (b) ☐ An application for a waiver of court fees and costs under rules 3.50–3.58 and 8.818(d). (Use Request to Waive Court Fees (form FW-001). The court will review this form to decide if you are eligible for a fee waiver.)

Date: _____

Type or print your name

 _____
Signature of respondent or attorney

DRAFT

08-16-18

**Not approved by
the Judicial Council**

Instructions

- This form is only for appealing in a **misdemeanor case**. You can get other forms for appealing in a civil or infraction case at any courthouse or county law library or online at www.courts.ca.gov/forms.
- Before you fill out this form, read *Information on Appeal Procedures for Misdemeanors* (form CR-131-INFO) to know your rights and responsibilities. You can get form CR-131-INFO at any courthouse or county law library or online at www.courts.ca.gov/forms.
- **You must file this form no later than 30 days after the trial court issued the judgment or order you are appealing** (see rule 8.853(b) of the California Rules of Court for very limited exceptions). **If your notice of appeal is late, the court will not take your appeal.**
- Fill out this form and make a copy of the completed form for your records.
- Take or mail the completed form to the clerk's office for the same trial court that issued the judgment or order you are appealing. 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.

You fill in the name and street address of the court that issued the judgment or order you are appealing:

Superior Court of California, County of

You fill in the number and name of the trial court case in which you are appealing the judgment or order:

Trial Court Case Number:

Trial Court Case Name:

You fill in the appellate division case number (if you know it):

Appellate Division Case Number:

1 Your Information

- a. Name of appellant (the party who is filing this appeal):

Name: _____

- b. Appellant's contact information (required):

Street address: _____
Street City State Zip

Mailing address (if different): _____
Street City State Zip

Phone: _____ E-mail: _____

- c. Appellant's lawyer in the trial court proceedings:

The lawyer filling out this form ☐ is ☐ is not representing the appellant in this appeal.

If a court-appointed lawyer on appeal is being requested, see item 4.

Name: _____ State Bar number: _____

Street address: _____
Street City State Zip

Mailing address (if different): _____
Street City State Zip

Phone: _____ E-mail: _____

Fax: _____



Trial Court Case Name: _____

Trial Court Case Number: _____

2 Judgment or Order You Are Appealing

I am/My client is appealing (*check one*):

- a. ☐ The final judgment of conviction in this case (Pen. Code, § 1466(b)(1)).
☐ I am/My client is contesting only the conditions of the probation.
- b. ☐ The following order made after the judgment in this case that affects an important right of mine/my client (for example, an order after a probation violation) (Pen. Code, § 1466(b)(1)).
☐ An order modifying the conditions of probation.
☐ Other (*describe the action you are appealing and give the date the trial court took the action*):

- c. ☐ The trial court has not yet issued a final judgment in this case. I am appealing before final judgment an order that denied a motion to suppress evidence in this case (Pen. Code, § 1538.5(j)).
- d. ☐ Other action (*describe the action you are appealing and give the date the trial court took the action*):

3 Record on Appeal

(See form CR-131-INFO for information about the record on appeal.)

- a. ☐ I have attached a completed *Notice Regarding Record on Appeal (Misdemeanor)* (form CR-134).
- b. ☐ I have **not** attached a *Notice Regarding Record on Appeal (Misdemeanor)* (form CR-134). I understand that I must file this notice in the trial court within either (1) 20 days after I file this notice of appeal or, if it is later, (2) 10 days after the court appoints a lawyer for me (if I file a request for a court-appointed lawyer within 20 days after I file my notice of appeal). I also understand that if I do not file the notice on time, the court will not be able to consider what was said in the trial court in deciding whether an error was made in the trial court proceedings. In addition, I understand that if I am represented by a court-appointed lawyer and I do not file the notice regarding the record on time, the court may appoint a new lawyer. If I represent myself or hire a lawyer to represent me, and I do not file the notice regarding the record on time, the court may dismiss my appeal.

4 Court-Appointed Lawyer

- a. Do you/Does your client want to be represented by a court-appointed lawyer in this appeal? (*Answer yes or no.*)
☐ Yes. Complete and attach *Request for Court-Appointed Lawyer in Misdemeanor Appeal* (form CR-133).
☐ No.
- b. Were you/Was your client represented by the public defender or other court-appointed lawyer in the trial court? (*Answer yes or no.*)
☐ Yes.
☐ No. If you answered yes to 4a, complete and attach *Defendant's Financial Statement on Eligibility for Appointment of Counsel and Reimbursement and Record on Appeal at Public Expense* (form MC-210).

REMINDER—Except in the very limited circumstances listed in rule 8.853, you must file this form no later than 30 days after the trial court issued the judgment or order you are appealing in your case. If your notice of appeal is late, the court will not take your appeal.

Date: _____

Type or print your name



Signature of appellant or attorney

DRAFT

08-16-18

**Not approved by
the Judicial Council**

Instructions

- This form is only for giving the court notice about the record on appeal in a **misdemeanor case**.
- Before you fill out this form, read *Information on Appeal Procedures for Misdemeanors* (form CR-131-INFO) to know your rights and responsibilities. You can get form CR-131-INFO at any courthouse or county law library or online at www.courts.ca.gov/forms.
- This form can be filed with your notice of appeal. If it is not filed with your notice of appeal, this form must be filed within either:
 - (1) 20 days after you file your notice of appeal, or, if it is later
 - (2) 10 days after the court appoints a lawyer to represent you on appeal (if you file a request for a court-appointed lawyer within 20 days after you file your notice of appeal).
- Fill out this form and make a copy of the completed form for your records.
- Take or mail the completed form to the clerk's office for the same trial court where you filed your notice of appeal. 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.

You fill in the name and street address of the court that issued the judgment or order you are appealing:

Superior Court of California, County of

You fill in the number and name of the trial court case in which you are appealing the judgment or order:

Trial Court Case Number:

Trial Court Case Name:

You fill in the appellate division case number (if you know it):

Appellate Division Case Number:

1 Your Information

- a. Name of appellant (the party who is filing this appeal):

Name: _____

- b. Appellant's contact information (required):

Street address: _____
Street City State Zip

Mailing address (if different): _____
Street City State Zip

Phone: _____ E-mail: _____

- c. Appellant's lawyer in the trial court proceedings:

The lawyer filling out this form ☐ is ☐ is not representing the appellant in this appeal.

Name: _____ State Bar number: _____

Street address: _____
Street City State Zip

Mailing address (if different): _____
Street City State Zip

Phone: _____ E-mail: _____

Fax: _____



Trial Court Case Name: _____

Trial Court Case Number: _____

Information About Your Appeal

- ② On (fill in the date): _____ I/my client filed a notice of appeal in the trial court case identified in the box on page 1 of this form.

Your Choices About the Record on Appeal

Stipulation for Limited Record

- ③ ☐ The respondent and I/my client have agreed (“stipulated”) under rule 8.860 that parts of the normal record on appeal are not required for proper determination of this appeal. A copy of our stipulation identifying those parts of the record that are not required is attached.

Record of Oral Proceedings

You do not have to provide the appellate division with a record of what was said in the trial court (this is called a record of the “oral proceedings”). But, if you do not, the appellate division will not be able to consider what was said during the trial court proceedings in deciding whether a legal error was made in those proceedings.

- ④ I elect (choose)/My client elects to proceed (check a or b):
- a. ☐ WITHOUT a record of the oral proceedings in the trial court (skip item ⑤; sign and date this form). I understand that if I proceed without a record of the oral proceedings, the appellate division will not be able to consider what was said in the trial court during those proceedings in deciding whether a legal error was made.
- (Write initials here): _____
- b. ☐ WITH a record of the oral proceedings in the trial court (complete item ⑤ below). I understand that if I elect (choose) to proceed WITH a record of the oral proceeding in the trial court, I have to choose the record I want to use and take the actions described below to make sure this record is provided to the appellate division. I understand that if I do not take the actions described below and the appellate division does not receive this record, I am not likely to succeed in my appeal.

(Write initials here): _____



5 I want to use the following record of what was said in the trial court proceedings in my case (*check and complete only one— a, b, c, or d*):

- a. ☐ **Reporter's Transcript.** *This option is available only if there was a court reporter in the trial court who made a record of what was said in court. Check with the trial court to see if there was a court reporter in your case before choosing this option. Some courts also have local rules that establish procedures for determining whether only a portion of a reporter's transcript or a different form of the record will be sufficient for an effective appeal. Check with the trial court to see if it has such a local rule. (Check and complete (1), (2) or (3).)*
- (1) ☐ Within 10 days of when I receive the court reporter's estimate of the cost of this transcript, I will file a certified transcript of all the proceedings required by rule 8.865 that complies with rule 8.144.
- (2) ☐ I will pay the trial court clerk's office for the reporter's transcript myself within 10 days of when I receive the court reporter's estimate of the costs of this transcript. Alternatively, I will pay the reporter directly and file with the trial court a written waiver of deposit signed by the reporter. I understand that if I do not pay for this transcript, it will not be prepared and provided to the appellate division.
- (3) ☐ I am asking that the reporter's transcript be prepared at no cost to me because I cannot afford to pay this cost.
- (a) ☐ I was represented by the public defender or another court-appointed lawyer in the trial court proceedings in this case.
- (b) ☐ I was not represented by the public defender or another court-appointed lawyer in the trial court proceedings in this case, but I have completed and attached *Defendant's Financial Statement on Eligibility for Appointment of Counsel and Reimbursement and Record on Appeal at Public Expense* (form MC-210). (You can get form MC-210 at any courthouse or county law library or online at www.courts.ca.gov/forms. The court will review this form to decide if you are eligible for a reporter's transcript at no cost to you.)

OR

- b. ☐ **Transcript From Official Electronic Recording.** *This option is available only if an official electronic recording was made of what was said in the trial court. Check with the trial court to see if an official electronic recording was made in your case before choosing this option. Some courts also have local rules that establish procedures for determining whether only a portion of a transcript or a different form of the record will be sufficient for an effective appeal. Check with the trial court to see if it has such a local rule. (Check and complete (1) or (2).)*
- (1) ☐ I will pay the trial court clerk's office for this transcript myself. I understand that if I do not pay for this transcript, it will not be prepared and provided to the appellate division.
- (2) ☐ I am asking that this transcript be provided at no cost to me because I cannot afford to pay this cost.
- (a) ☐ I was represented by the public defender or another court-appointed lawyer in the trial court proceedings in this case.
- (b) ☐ I was not represented by the public defender or another court-appointed lawyer in the trial court proceedings in this case, but I have completed and attached *Defendant's Financial Statement on Eligibility for Appointment of Counsel and Reimbursement and Record on Appeal at Public Expense* (form MC-210). (You can get form MC-210 at any courthouse or county law library or online at www.courts.ca.gov/forms. The court will review this form to decide if you are eligible for a transcript at no cost to you.)



5 (continued)

OR

- c. ☐ **Copy of Official Electronic Recording.** *This option is available only if an official electronic recording was made of what was said in the trial court, the court has a local rule for the appellate division permitting the use of the official electronic recording itself as the record of the court proceedings, and you and the respondent (the prosecuting agency) have agreed (stipulated) that you want to use the recording itself as the record of what was said in your case. Check with the trial court to see if an official electronic recording was made in your case before choosing this option. You must attach a copy of your agreement (stipulation) with the respondent to this notice. (Check and complete (1) or (2).)*
- (1) ☐ I will pay the trial court clerk's office for this official electronic recording myself. I understand that if I do not pay for this recording, it will not be prepared and provided to the appellate division.
- (2) ☐ I am asking that this official electronic recording be provided at no cost to me because I cannot afford to pay this cost.
- (a) ☐ I was represented by the public defender or another court-appointed lawyer in the trial court proceedings in this case.
- (b) ☐ I was not represented by the public defender or another court-appointed lawyer in the trial court proceedings in this case, but I have completed and attached *Defendant's Financial Statement on Eligibility for Appointment of Counsel and Reimbursement and Record on Appeal at Public Expense* (form MC-210). (You can get form MC-210 at any courthouse or county law library or online at www.courts.ca.gov/forms. The court will review this form to decide if you are eligible for a copy of the official electronic recording at no cost to you.)

OR

- d. ☐ **Statement on Appeal.** A statement on appeal is a summary of the trial court proceedings approved by the trial court. See form CR-131-INFO for information about preparing a proposed statement. (Check and complete (1) or (2).)
- (1) ☐ I have attached my proposed statement on appeal to this notice. (If you are not represented by a lawyer in this appeal, you must use Proposed Statement on Appeal (Misdemeanor) (form CR-135) to prepare and file this proposed statement. You can get form CR-135 at any courthouse or county law library or online at www.courts.ca.gov/forms.)
- (2) ☐ I have NOT attached my proposed statement on appeal to this notice. I understand that I must serve and file this proposed statement in the trial court within 20 days of the date I file this notice. I understand that if I do not serve and file the proposed statement on time, and if I am represented by a court-appointed lawyer, the court may appoint a new lawyer. If I represent myself or hire a lawyer to represent me, and I do not serve and file the proposed statement on time, the court may dismiss my appeal.

Date: _____

Type or print your name_____
Signature of appellant or attorney

DRAFT

07-31-18

**Not approved by
the Judicial Council**

Instructions

- This form is only for appealing in an **infraction** case, such as a case about a traffic ticket. You can get other forms for appealing in a civil or misdemeanor case at any courthouse or county law library or online at www.courts.ca.gov/forms.
- Before you fill out this form, read *Information on Appeal Procedures for Infractions* (form CR-141-INFO) to know your rights and responsibilities. You can get form CR-141-INFO at any courthouse or county law library or online at www.courts.ca.gov/forms.
- You must file this form **no later than 30 days after the trial court issued the judgment or order you are appealing** (see rule 8.902(b) of the California Rules of Court for very limited exceptions). **If your notice of appeal is late, the court will not take your appeal.**
- Fill out this form and make a copy of the completed form for your records.
- Take or mail the completed form to the clerk's office for the same trial court that issued the judgment or order you are appealing. 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.

You fill in the name and street address of the court that issued the judgment or order you are appealing:

Superior Court of California, County of

You fill in the number and name of the trial court case in which you are appealing the judgment or order:

Trial Court Case Number:

Trial Court Case Name:

The clerk will fill in the number below:

Appellate Division Case Number:

1 Your Information

- a. Name of appellant (the party who is filing this appeal):

Name: _____

- b. Appellant's contact information (required):

Street address: _____
Street City State Zip

Mailing address (if different): _____
Street City State Zip

Phone: _____ E-mail: _____

- c. Appellant's lawyer in the trial court proceedings:

The lawyer filling out this form ☐ is ☐ is not representing the appellant in this appeal.

Name: _____ State Bar number: _____

Street address: _____
Street City State Zip

Mailing address (if different): _____
Street City State Zip

Phone: _____ E-mail: _____

Fax: _____



2 Judgment or Order You Are Appealing

I am/My client is appealing (*check a, b, or c*):

- a. ☐ the final judgment of conviction in the case (Pen. Code, § 1466(b)(1)).

The trial court issued (rendered) this judgment on (*fill in the date*): _____

- b. ☐ an order made by the trial court after judgment that affects an important (substantial) right of mine/my client (Pen. Code, § 1466(b)(2)).

The trial court issued (rendered) this order on (*fill in the date*): _____

- c. ☐ Other (describe the action you are appealing and indicate the date the trial court took the action):

Your Choices About the Record on Appeal**Stipulation for Limited Record**

- 3** ☐ The respondent and I/my client have agreed (“stipulated”) under rule 8.910 that parts of the normal record on appeal are not required for proper determination of this appeal. A copy of our stipulation identifying those parts of the record that are not required is attached. (*At the top of each page write “CR-142, item 3.”*)

Record of Oral Proceedings

You do not have to provide the appellate division with a record of what was said in the trial court (this is called a record of the “oral proceedings”). But, if you do not, the appellate division will not be able to consider what was said during the trial court proceedings in deciding whether an error was made in those proceedings.

- 4** I elect (choose)/My client elects to proceed (*check a or b*):

- a. ☐ WITHOUT a record of the oral proceedings in the trial court (*skip item 5; sign and date this form*). I understand that if I proceed without a record of the oral proceedings, the appellate division will not be able to consider what was said in the trial court during those proceedings in deciding whether a legal error was made.

(*Write initials here*): _____

- b. ☐ WITH a record of the oral proceedings in the trial court (*complete item 5 below*). I understand that if I elect (choose) to proceed with a record of the oral proceedings in the trial court, I have to choose the record I want to use and take the actions described below to make sure this record is provided to the appellate division. I understand that if I do not take the actions described below and the appellate division does not receive this record, I am not likely to succeed in my appeal.

(*Write initials here*): _____

- 5** I want to use the following record of what was said in the trial court proceedings in my case (*check and complete only one—a, b, c, or d*):

- a. ☐ **Statement on Appeal.** A statement on appeal is a summary of the trial court proceedings approved by the trial court. See form CR-141-INFO for information about preparing a proposed statement. (Check and complete (1) or (2).)



5 (continued)

- (1) ☐ I have attached my proposed statement on appeal to this notice. (If you are not represented by a lawyer in this appeal, you must use Proposed Statement on Appeal (Infraction) (form CR-143) to prepare and file this proposed statement. You can get form CR-143 at any courthouse or county law library or online at www.courts.ca.gov/forms.)
- (2) ☐ I have NOT attached my proposed statement on appeal to this notice. I understand that I must serve the prosecuting attorney if the prosecuting attorney appeared in the case and file this proposed statement in the trial court within 20 days of the date I file this notice and that if I do not file the proposed statement on time, the court may proceed on the clerk's transcript only.

OR

- b. ☐ **Transcript From Official Electronic Recording.** *This option is available only if an official electronic recording was made of what was said in the trial court. Check with the trial court to see if an official electronic recording was made in your case before choosing this option. Some courts also have local rules that establish procedures for determining whether only a portion of a transcript or a different form of the record will be sufficient for an effective appeal. Check with the trial court to see if it has such a local rule. (Check and complete (1) or (2).)*
- (1) ☐ I will pay the trial court clerk's office for this transcript myself. I understand that if I do not pay for this transcript, it will not be prepared and provided to the appellate division.
- (2) ☐ I am asking that this transcript be provided at no cost to me because I cannot afford to pay this cost. I have completed and attached *Defendant's Financial Statement on Eligibility for Appointment of Counsel and Reimbursement and Record on Appeal at Public Expense* (form MC-210). (You can get form MC-210 at any courthouse or county law library or online at www.courts.ca.gov/forms. The court will review this form to decide if you are eligible for a free transcript.)

OR

- c. ☐ **Copy of Official Electronic Recording.** *This option is available only if an official electronic recording was made of what was said in the trial court, the court has a local rule for the appellate division permitting the use of the official electronic recording itself as the record of the court proceedings, and you and the respondent (the prosecuting agency) have agreed (stipulated) that you want to use the recording itself as the record of what was said in your case. Check with the trial court to see if an official electronic recording was made in your case before choosing this option. You must attach a copy of your agreement (stipulation) with the respondent to this notice. (Check and complete (1) or (2).)*
- (1) ☐ I will pay the trial court clerk's office for this official electronic recording myself. I understand that if I do not pay for this recording, it will not be provided to the appellate division.
- (2) ☐ I am asking that this official electronic recording be provided at no cost to me because I cannot afford to pay this cost. I have completed and attached *Defendant's Financial Statement on Eligibility for Appointment of Counsel and Reimbursement and Record on Appeal at Public Expense* (form MC-210). (You can get form MC-210 at any courthouse or county law library or online at www.courts.ca.gov/forms. The court will review this form to decide if you are eligible for a free copy of the official electronic recording.)



Trial Court Case Name: _____

Trial Court Case Number: _____

5 (continued)

OR

- d. ☐ **Reporter's Transcript.** *This option is available only if there was a court reporter in the trial court who made a record of what was said in court. Check with the trial court to see if there was a court reporter in your case before choosing this option. Some courts also have local rules that establish procedures for determining whether only a portion of the reporter's transcript or a different form of the record will be sufficient for an effective appeal. Check with the trial court to see if it has such a local rule.*

Within 10 days of receiving the court reporter's estimate of the cost of preparing the reporter's transcript, I will (check and complete one of the following):

- (1) ☐ File with the trial court a certified transcript of all the proceedings required by rule 8.918.
- (2) ☐ Pay for the transcript myself by depositing with the trial court an amount equal to the estimated cost of the transcript.
- (3) ☐ Pay the reporter directly and file with the trial court a written waiver of the deposit that is signed by the reporter.
- (4) ☐ Request a reporter's transcript at no cost. I am asking that this transcript be provided at no cost to me because I cannot afford to pay this cost. I have completed and attached *Defendant's Financial Statement on Eligibility for Appointment of Counsel and Reimbursement and Record on Appeal at Public Expense* (form MC-210). (You can get form MC-210 at any courthouse or county law library or online at www.courts.ca.gov/forms. The court will review this form to decide if you are eligible for a reporter's transcript at no cost to you.)

I understand that if I do not pay for this transcript and I am not eligible for a reporter's transcript at no cost, the reporter's transcript will not be prepared and provided to the appellate division.

Date: _____

Type or print your name



Signature of appellant or attorney

SPR18-05

Appellate Procedure: Notice of Appeal and Record on Appeal in Appellate Division Cases (Revise forms APP-102, APP-110, CR-132, CR-134, and CR-142)

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

	Commenter	Position	Comment	DRAFT Committee Response
1.	California Lawyers Association, Litigation Section, Committee on Appellate Courts	A	The Committee on Appellate Courts supports this proposal. The proposal appropriately addresses the stated purpose by providing more complete and accurate information, making corrections, and clarifying various items.	The committee notes the commenter's support for the proposal and appreciates the input.
2.	Child Support Directors Association, Judicial Council Forms Committee by Ronald Ladage, Chair	A	The Committee agrees with the proposed revisions to forms APP-102 and APP-110, as drafted.	The committee notes the commenter's support for the proposal and appreciates the input.
3.	Orange County Bar Association by Nikki P. Miliband, President	A	<i>No additional comments.</i>	The committee notes the commenter's support for the proposal and appreciates the input.
4.	Superior Court of California, County of Los Angeles	AM	<p>Suggested Modifications:</p> <p>Form APP-102: The proposed change to allow multiple parties to submit one notice of appeal requires more space for multiple signatures.</p> <p>Currently California Rules of Court, rule 8.821(a)(1) requires that the notice of appeal must be signed by the appellate or the appellant's attorney. Additional signature lines should be added.</p> <p>Form CR-132 Notice of Appeal (Misdemeanor): Page 2, box 3(b) - Last sentence suggests that an appellant may receive new counsel if appellant's attorney fails to timely file form CR-</p>	<p>The committee notes the commenter's support for the proposal if modified and thanks the commenter for the specific feedback.</p> <p>The committee agrees with the commenter and has made the proposed modification to form APP-102.</p> <p>The committee agrees that item 3(b) should be revised to clarify that the potential penalty the court may impose depends on whether the</p>

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

SPR18-05

Appellate Procedure: Notice of Appeal and Record on Appeal in Appellate Division Cases (Revise forms APP-102, APP-110, CR-132, CR-134, and CR-142)

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

	Commenter	Position	Comment	DRAFT Committee Response
			134. It should specify that new counsel will be appointed if the appellant is represented by appointed counsel on appeal.	appellant is represented by appointed counsel or not. (See rule 8.874(a)(1).) The warning is phrased as permissive, not mandatory, because the rule provides that the sanctions are discretionary.
			Request for Specific Comments: Does the proposal appropriately address the stated purpose? Yes, however, please see the proposed changes above.	In addition, a similar warning regarding the penalties for failure to procure the record on appeal appears in form CR-134. The committee recommends a similar revision to clarify item 5d(2). See responses above.
			Would the proposal provide cost savings? If so please quantify. Yes, this will prevent parties from being defaulted for lack of signature. The process is much cleaner.	No response required.
			What would the implementation requirements be for courts? For example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems. Minimal training would be needed.	No response required.

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

SPR18-05

Appellate Procedure: Notice of Appeal and Record on Appeal in Appellate Division Cases (Revise forms APP-102, APP-110, CR-132, CR-134, and CR-142)

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

	Commenter	Position	Comment	DRAFT Committee Response
			Would 3 months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? Yes.	No response required.
5.	Superior Court of California, County of San Diego by Mike Roddy, Executive Officer	A	<i>No additional comments.</i>	The committee notes the commenter's support for the proposal and appreciates the input.

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