



Judicial Council of California

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Subject Details (With Text)

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9/19/2023	1	Judicial Council	approved	Pass

Title

Rules and Forms | Appellate Procedure: Time for Electing and Filing an Appendix (Action Required)

Summary

The Appellate Advisory Committee recommends amending two rules of court regarding appendixes to allow appellants to file an appendix before filing an opening brief and to allow respondents to elect an appendix when their other record designations are due. These amendments are intended to assist courts and litigants by permitting earlier filing of an appendix and to provide respondents the opportunity to elect an appendix after receiving notice that the appellant has designated a clerk’s transcript. The committee also recommends revising four forms to reflect the rule changes and revoking two forms that would no longer be necessary.

Recommendation

The Appellate Advisory Committee recommends that the Judicial Council, effective January 1, 2024:

1. Amend California Rules of Court, rules 8.124 and 8.845, to change the deadline for a respondent to elect an appendix and to allow an appellant to file an appendix before filing the opening brief.
2. Revise the following forms to reflect the above rule changes:
 - *Information on Appeal Procedures for Unlimited Civil Cases* (form APP-001-INFO);
 - *Respondent’s Notice Designating Record on Appeal* (form APP-010);
 - *Information on Appeal Procedures for Limited Civil Cases* (form APP-101-INFO); and
 - *Respondent’s Notice Designating Record on Appeal* (form APP-110).
3. Revoke the following forms as no longer necessary:
 - *Respondent’s Notice Electing to Use an Appendix (Unlimited Civil Case)* (form APP-011); and
 - *Respondent’s Notice Electing to Use an Appendix (Limited Civil Case)* (form APP-111).