



Judicial Council of California

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10/27/2015	1	Judicial Council	approved	Pass

Title
Appellate Procedure: Costs on Appeal (Action Required)

Summary

The Appellate Advisory Committee recommends amending the rule governing costs on appeal to modify when a request for costs must be filed. It also recommends revising the form for specifying these costs so that it is more consistent with the rule and better reflects appellate practice. These changes, which are based on a suggestion received from the State Bar of California’s Committee on Appellate Courts, are intended to improve the administration of appellate proceedings by making the time frame for filing a memorandum of costs clearer and by making the form easier for practitioners to complete and for courts to review.

Recommendation

The Appellate Advisory Committee recommends that the Judicial Council, effective January 1, 2016:

1. Amend rule 8.278 of the California Rules of Court to require the memorandum of costs to be filed within 40 days of the date of issuance of the remittitur, rather than within 40 days after the clerk sends notice of issuance of the remittitur.
2. Revise Memorandum of Costs on Appeal (form MC-013) to:
 - a. Specifically include the cost of an appendix among the recoverable costs listed on the form and clarify that recoverable costs for the clerk’s transcript or appendix include costs for an original, a copy, or both;
 - b. Specifically include the cost not only of printing, but of copying briefs among the recoverable costs listed on the form;
 - c. Eliminate notary fees from among the recoverable costs specifically listed on the form;
 - d. Merge “expenses of service” and “transmission and filing of record, briefs, and other papers” into a single line on the list of recoverable costs on the form;
 - e. Delete the proof of service on page 2 of the form and add a notice to the top of the form indicating that Judicial Council forms are available to provide proof of service; and
 - f. Rename this form as APP-013.