



Judicial Council of California

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Title

Appellate Procedure: Transcripts of *Marsden* Hearings (Action Required)

Summary

The Appellate Advisory Committee recommends amending the advisory committee comment accompanying the rule that addresses the transmission of confidential records to clarify that a copy of the confidential reporter's transcript of any in-camera hearings conducted by the superior court under *People v. Marsden* (1970) 2 Cal.3d 118 (*Marsden* transcripts) must be transmitted to the appellate counsel for the party that participated in the hearing or, if such counsel has not yet been appointed, to the district appellate project. This change, which is based on a suggestion received from the assistant clerk/administrator of a Court of Appeal, is intended to eliminate confusion about whether copies of *Marsden* transcripts should be provided to appellate counsel and should result in decreased costs associated with motions by counsel to receive a copy of any such transcripts.

Recommendation

The Appellate Advisory Committee recommends that the Judicial Council, effective January 1, 2017, amend the advisory committee comment to California Rules of Court, rule 8.45 to:

1. Clarify that a copy of any confidential *Marsden* transcript must be transmitted to the appellate counsel for the party that participated in the hearing or, if such counsel has not yet been appointed, to the district appellate project;
2. Correct a cross-referencing error; and
3. Make other minor, nonsubstantive changes.