



Judicial Council of California

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Subject Details (With Text)

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Title

Appellate Procedure: Finality of Appellate Division Decisions (Action Required)

Summary

The Appellate Advisory Committee recommends amending several California Rules of Court relating to the finality of appellate division decisions. The amendments would require court clerks to send appellate division decisions to the parties on the same day they are filed and tether the date of finality of appellate division decisions to the date they are sent, rather than the date they are filed.

Recommendation

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

- Amend California Rules of Court, rules 8.888(a)(2) and (b)(2), 8.889(b)(1), 8.935(b)(2), 8.976(b)(2), and 8.1005(b)(1) so that the date of finality for appellate division decisions is triggered by the date on which the court clerk sends the decision to the parties, as opposed to the date on which the decision is filed; and
- Amend rules 8.887(b), 8.935(a)(1), and 8.976(a)(1) to require court clerks to send appellate division decisions to the parties, electronically when permissible, on the same day they are filed.

The amendments are intended to ensure that parties have sufficient time after receiving notice of appellate division decisions to prepare and file applications for certification for transfer and petitions for rehearing before the time the appellate division loses jurisdiction.