



Subject Text

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Title

Appellate Procedure: Settled Statements in Unlimited Civil Cases (Action Required)

Summary

The Appellate Advisory Committee recommends amending the rule regarding settled statements in Court of Appeal proceedings to remove the requirement for obtaining a court order to use this procedure in certain circumstances, approving a new optional form for appellants to use in preparing proposed statements, and revising the form for designating the record on appeal to conform to these changes. The rule amendments and new form are intended to make the settled statements procedure in unlimited civil cases less burdensome for appellants and the courts.

Recommendation

The Appellate Advisory Committee recommends that the Judicial Council, effective January 1, 2018:

1. Amend California Rules of Court, rule 8.137, to:
 - a. Permit an appellant to use the settled statement procedure without filing a motion either if the trial court proceedings were not recorded by a court reporter or if the appellant received a fee waiver;
 - b. Allow the respondent to pay for a reporter's transcript in cases in which a court reporter recorded the proceedings but an appellant elects or moves to use a settled statement;
 - c. Eliminate the option of using a settled statement to provide the record of the documents from the trial court proceeding;
 - d. Encourage self-represented appellants to use the new optional statement-on-appeal form, recommended below, in preparing their proposed statements;
 - e. Add provisions specifying the required contents of proposed statements;
 - f. Add provisions detailing the procedure for the trial court's review of proposed statements; and
 - g. Add a provision clarifying that when the statement is finalized, it must immediately be transmitted to the clerk for filing of the record;
2. Approve new *Proposed Statement on Appeal (Unlimited Civil Case)* (form APP-014) to help appellants prepare their initial proposed statement; and
3. Revise *Appellant's Notice Designating Record on Appeal (Unlimited Civil Case)* (form APP-003) to reflect the amendments to rule 8.137 and the availability of new form APP-014.