



Judicial Council of California

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January 19, 2024

Subject Text

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File #: 19-159, **Version:** 1

Title

Rules and Forms | Appellate Procedure: Oral Argument in Appellate Division Appeals (Action Required)

Summary

The Appellate Advisory Committee recommends amending the rules regarding oral argument in limited civil and misdemeanor appeals to provide that oral argument will not be set in cases presenting no arguable issues, to state a procedure for waiving oral argument, and to establish a date of submission for appeals that are not set for oral argument. The committee also recommends the adoption of two optional forms, one for limited civil cases and one for misdemeanor cases, to assist litigants in waiving oral argument if they choose to do so. This proposal, which originated from suggestions submitted by a presiding judge of an appellate division and a member of the committee, is intended to increase efficiency for courts and provide guidance for litigants.

Recommendation

The Appellate Advisory Committee recommends that the Judicial Council, effective January 1, 2020:

1. Amend California Rules of Court, rule 8.885 to provide that oral argument will not be set in appeals that raise no arguable issues and describe the procedure for waiving oral argument in advance;
2. Amend rule 8.886 to provide a date of submission for appeals that are not set for oral argument;
3. Approve new optional form APP-108 for litigants in limited civil appeals to use in waiving oral argument;
4. Approve new optional form CR-138 for litigants in misdemeanor appeals to use in waiving oral argument;
5. Revise form APP-101-INFO to reflect the amendments to rule 8.885 for litigants in limited civil appeals; and
6. Revise form CR-131-INFO to reflect the amendments to rule 8.885 for litigants in misdemeanor appeals and to correct errors.