



Judicial Council of California

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INVITATION TO COMMENT

SPR24-05

Title

Appellate Procedure: Form Briefs for Use in Limited Civil Appeals

Action Requested

Review and submit comments by May 3, 2024

Proposed Rules, Forms, Standards, or Statutes

Amend Cal. Rules of Court, rule 8.883; approve forms APP-200, APP-200-INFO, APP-201, and APP-202; revise form APP-101-INFO

Proposed Effective Date

January 1, 2025

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Proposed by

Appellate Advisory Committee
Hon. Louis Mauro, Chair

Executive Summary and Origin

The Appellate Advisory Committee proposes the approval of three optional forms that parties in limited civil appeals can use to draft their appellate briefs and an information sheet that explains the use of these form briefs. Additionally, the committee proposes amending one rule of court and revising one form to address these new form briefs. The new form briefs are intended to assist self-represented litigants and attorneys unfamiliar with appellate practice in drafting effective briefs in limited civil appeals before the appellate division. The proposal originated with a suggestion from the California Lawyers Association.

Background

Appeals in limited civil cases—those cases where the amount in controversy is \$35,000 or less—are heard by the appellate division of the superior court.¹ An appellant in a limited civil appeal is required to file an opening brief, which among other things must (1) state the nature of the action, the relief sought in the trial court, and the judgment or order from which the appellant is appealing; (2) provide a summary of the significant facts in the record; and (3) make the

¹ Code Civ. Proc., §§ 86(a), 904.2.

appellant's arguments under separate headings and include citations to authority.² A respondent may then choose to file a respondent's brief.³ If a respondent files a respondent's brief, the appellant has the option to file a reply brief.⁴

California Rules of Court, rule 8.883(c) provides the formatting requirements for the parties' briefs.⁵

The Proposal

This proposal would approve for optional use three forms that parties in limited civil cases could use for their appellate briefs and one information sheet explaining how to use these forms:

- *Appellant's Opening Brief—Limited Civil Appeal* (form APP-200)
- *Respondent's Brief—Limited Civil Appeal* (form APP-201)
- *Appellant's Reply Brief—Limited Civil Appeal* (form APP-202)
- *Information on Using Form Appellate Briefs* (APP-200-INFO)

In addition, this proposal would amend rule 8.883 and revise *Information on Appeal Procedures for Limited Civil Cases* (form APP-101-INFO) to refer to these new forms.

This proposal is intended to improve appellate efficiency in limited civil appeals in three ways. First, the proposed form briefs will aid self-represented litigants, or attorneys who are not familiar with appellate practice, in drafting briefs to contain all necessary information in an organized, effective manner. Second, use of these form briefs will reduce the likelihood that a party's brief is rejected for noncompliance with the applicable rules of court. Third, use of the form briefs will aid in review of parties' arguments by ensuring those arguments are provided in a consistent format.

Proposed form *Appellant's Opening Brief—Limited Civil Case* (form APP-200)

The proposed appellant's opening brief begins with instructions that (1) explain that the form may be used for limited civil cases only; (2) direct the party to read the proposed information sheet before filling out the form; (3) contain information about the maximum length of the brief; and (4) instruct on how to serve and file the brief. These instructions also explain that the form should not be used if a cross-appeal has been filed.

In item 1, the appellant (or the appellant's attorney) will provide their contact information. In items 2 and 3, the appellant will provide information about the judgment or order being appealed. In item 2, a list of appealable judgments or orders is provided, and the appellant is directed to identify the type of judgment or order they are appealing. Item 3 directs the appellant to provide information about the timeliness of the appeal. The committee believes that the

² Cal. Rules of Court, rules 8.882(a)(1), 8.883(a).

³ *Id.*, rule 8.882(a)(2).

⁴ *Id.*, rule 8.882(a)(3).

⁵ *Id.*, rule 8.883(c).

information in item 3 may be useful for appellate division judges to confirm that appellate jurisdiction exists. Item 4 asks whether there were any prior appeals in the case.

In item 5, the appellant will provide their statement of facts. Item 5 directs the appellant to discuss only facts that are relevant to the appellate arguments (made in item 8 of the form brief) and that were presented to the trial court. For each factual assertion, item 5 further directs the appellant to cite to the page or pages of the record that show where each discussed fact was presented to the trial court.⁶

Item 6 is the procedural history portion of the brief. In subitems, item 6 directs the appellant to (1) indicate whether the appellant was the plaintiff or the defendant in the trial court; (2) describe the legal claims and relief sought in the complaint; (3) describe the arguments the defendant made in response; (4) indicate whether a cross-complaint was filed and, if so, the legal claims and relief sought in the cross-complaint; and (5) describe the order or judgment being appealed, including what, if anything, the order or judgment required the parties to do.

Item 7 directs the appellant to state what they would like the appellate division to do.

Item 8 represents the argument section of the brief. Item 8 directs the appellant to refer to the facts presented in the record and applicable legal authority that support their arguments. It further directs the appellant to read item 14 on *Information on Using Form Appellate Briefs* (form APP-200-INFO) (discussed below) before making their arguments. Item 14 on the proposed information sheet provides important information about what is, and what is not, an appropriate appellate argument.

Proposed form *Respondent's Brief—Limited Civil Case* (form APP-201)

The proposed respondent's brief begins with a set of instructions that are identical to those provided in the appellant's brief.

In item 1, the respondent (or the respondent's attorney) will provide their contact information.

Item 2 will allow the respondent to provide a statement of facts. Item 2 explains to the respondent that they do not need to fill out this item if they agree with the statement of facts contained in the appellant's opening brief. It further explains that if the respondent chooses to provide a statement of facts, they must cite to the record to show where each fact they discuss was presented to the trial court.

Item 3 is the section of the brief where the respondent will provide their substantive responses to the appellant's arguments. Item 3 directs the respondent to refer to facts presented to the trial court and to legal authorities that support their responses. For each response, item 3 further directs the respondent to begin by briefly describing the argument in the appellant's opening brief to which they are responding.

⁶ See *id.*, rule 8.883(a)(1)(B) (requiring a brief to support "any reference to a matter in the record by a citation to the volume and page number of the record where the matter appears"); rule 8.883(a)(2)(C) (requiring that the appellant's opening brief provide "a summary of the significant facts limited to matters in the record").

In item 4, the respondent may make any additional arguments to the appellate division. For example, item 4 would be where the respondent could argue that appellate jurisdiction is lacking or that the appellant has waived certain arguments.

In item 5, the respondent would state their request of the appellate division.

Proposed form *Appellant’s Reply Brief—Limited Civil Case* (form APP-202)

The proposed appellant’s reply brief begins with a set of instructions that are identical to those contained on the proposed appellant’s opening brief and respondent’s brief.

In item 1, the appellant (or the appellant’s attorney) will provide their contact information.

In item 2, the appellant will provide their replies to the responses and arguments made in the respondent’s brief. Item 2 directs the appellant to provide citations to the law and/or facts that support each reply and to begin each reply by briefly describing the response or argument to which they are replying.

Proposed form *Information on Using Form Appellate Briefs* (form APP-200-INFO)

The proposed information sheet provides detailed instructions and guidance to parties and attorneys about how to fill out the proposed form briefs. Where possible, language and information in this proposed information sheet have been pulled from other forms (such as *Information on Appeal Procedures for Limited Civil Cases* (form APP-101)) or from the California Courts Online Self-Help Center.

After an initial “general information” section, the information sheet is divided into three sections, one for each of the form briefs. For each form brief’s section, the information sheet begins with a discussion of how to attach additional pages to the brief, the formatting requirements with which the brief and any attachments must comply, and the maximum length of the brief. Each section then explains the relevant form brief item by item, describing how to fill out each item.

Other proposed changes

Currently, rule 8.883(b) provides that a brief drafted on a computer must not exceed 6,800 words and one drafted on a typewriter must not exceed 20 pages. To reflect the proposed new form briefs, the committee proposes to amend rule 8.883(b) to include a provision stating: “If a party uses a form brief approved for use by the Judicial Council, the brief, including any attachments, may not exceed 20 pages in length. Attachments must comply with the formatting requirements stated in (c)(1) through (c)(7).” The committee further proposes amending the advisory committee comment to reference the form briefs by name and form number. The committee seeks specific comment on whether 20 pages will provide parties with sufficient space to present their arguments on appeal.

Finally, the committee is proposing revisions to *Information on Appeal Procedures for Limited Civil Cases* (form APP-101-INFO) to inform parties that they may, but are not required to, use the form briefs for their appellate briefs.⁷

Alternatives Considered

The committee considered including proposed form briefs for use in unlimited civil cases, but ultimately concluded it would be beneficial to first develop form briefs designed for use in limited civil cases. Unlimited civil cases are more likely to involve complex or complicated factual or legal backgrounds for which form briefs may not be well suited. Initial use of form briefs in limited civil appeals will allow the council to assess the degree to which form briefs provide benefits to courts and parties. This information will assist the judicial branch in determining whether to expand the use of form briefs for additional case types in the future.

The committee also considered a set of form briefs submitted by the California Lawyers Association (CLA). Those form appellate briefs were drafted by CLA's Committee on Appellate Courts and were designed for use in appeals before the Courts of Appeal. For the reasons discussed above, the committee believes form briefs should first be developed for use in limited civil appeals before the appellate division. The committee used the CLA's form briefs as a model for the limited civil form briefs in this proposal, with changes made to ensure that the briefs complied with the Judicial Council's guidelines for plain-language forms.

Finally, the committee considered whether additional form briefs should be proposed for use in limited civil cases where a cross-appeal has been filed. The committee concluded that form briefs for use in cross-appeals (and discussion of cross-appeals in the proposed information sheet) would needlessly introduce complexity, given the rarity of cross-appeals in limited civil cases.

Fiscal and Operational Impacts

The committee does not anticipate any fiscal or operational impacts on the courts as a result of the proposal. Implementation requirements for courts would involve making litigants, court staff, and judicial officers aware of the changes.

⁷ The attached proposed form APP-101-INFO also incorporates changes from a separate proposal relating to extension-of-time forms that was circulated for public comment simultaneously with this proposal.

Request for Specific Comments

In addition to comments on the proposal as a whole, the advisory committee is interested in comments on the following:

- Does the proposal appropriately address the stated purpose?
- Does the proposed 20-page limit for the form brief (including any attachments) provide the parties with sufficient space to present their arguments on appeal?

The advisory committee also seeks comments from *courts* on the following cost and implementation matters:

- Would the proposal provide cost savings? If so, please quantify.
- What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems?
- Would three months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?
- How well would this proposal work in courts of different sizes?

Attachments and Links

1. Cal. Rules of Court, rule 8.883, at pages 7–9
2. Forms APP-101-INFO, APP-200, APP-200-INFO, APP-201, and APP-202, at pages 10–49

Rule 8.883 of the California Rules of Court would be amended, effective January 1, 2025, to read:

1 **Rule 8.883. Contents and form of briefs**

2
3 **(a) Contents**

4
5 * * *

6
7 **(b) Length**

8
9 (1) Except as provided in (4), a brief produced on a computer must not exceed
10 6,800 words, including footnotes. Such a brief must include a certificate by
11 appellate counsel or an unrepresented party stating the number of words in
12 the brief. The person certifying may rely on the word count of the computer
13 program used to prepare the brief.

14
15 (2) A brief produced on a typewriter must not exceed 20 pages.

16
17 (3) The information listed on the cover, any table of contents or table of
18 authorities, the certificate under (1), and any signature block are excluded
19 from the limits stated in (1) or (2).

20
21 (4) If a party uses a form brief approved for use by the Judicial Council, the
22 brief, including any attachments, may not exceed 20 pages in length.
23 Attachments must comply with the formatting requirements stated in (c)(1)
24 through (c)(7).

25
26 ~~(4)~~(5) On application, the presiding judge may permit a longer brief for good cause.
27 A lengthy record or numerous or complex issues on appeal will ordinarily
28 constitute good cause. If the court grants an application to file a longer brief,
29 it may order that the brief include a table of contents and a table of
30 authorities.

31
32 **(c) Form**

33
34 (1) A brief may be reproduced by any process that produces a clear, black image
35 of letter quality. All documents filed must have a page size of 8 1/2 by 11
36 inches. If filed in paper form, the paper must be white or unbleached and of at
37 least 20-pound weight. Both sides of the paper may be used if the brief is not
38 bound at the top.

39
40 (2) Any conventional font may be used. The font may be either proportionally
41 spaced or monospaced.
42

Rule 8.883 of the California Rules of Court would be amended, effective January 1, 2025, to read:

- 1 (3) The font style must be roman; but for emphasis, italics or boldface may be
2 used or the text may be underscored. Case names must be italicized or
3 underscored. Headings may be in uppercase letters.
4
- 5 (4) Except as provided in (11), the font size, including footnotes, must not be
6 smaller than 13-point.
7
- 8 (5) The lines of text must be at least one-and-a-half-spaced. Headings and
9 footnotes may be single-spaced. Quotations may be block-indented and
10 single-spaced. Single-spaced means six lines to a vertical inch.
11
- 12 (6) The margins must be at least 1½ inches on the left and right and 1 inch on the
13 top and bottom.
14
- 15 (7) The pages must be consecutively numbered.
16
- 17 (8) The cover—or first page if there is no cover—must include the information
18 required by rule 8.816(a)(1).
19
- 20 (9) If filed in paper form, the brief must be bound on the left margin, except that
21 briefs may be bound at the top if required by a local rule of the appellate
22 division. If the brief is stapled, the bound edge and staples must be covered
23 with tape.
24
- 25 (10) The brief need not be signed.
26
- 27 (11) If the brief is produced on a typewriter:
28 (A) A typewritten original and carbon copies may be filed only with the
29 presiding judge’s permission, which will ordinarily be given only to
30 unrepresented parties proceeding in forma pauperis. All other
31 typewritten briefs must be filed as photocopies.
32 (B) Both sides of the paper may be used if a photocopy is filed; only one
33 side may be used if a typewritten original and carbon copies are filed.
34 (C) The type size, including footnotes, must not be smaller than standard
35 pica, 10 characters per inch. Unrepresented incarcerated litigants may
36 use elite type, 12 characters per inch, if they lack access to a typewriter
37 with larger characters.
38 with larger characters.
39
40
41

Rule 8.883 of the California Rules of Court would be amended, effective January 1, 2025, to read:

1 *(Subd (c) amended effective January 1, 2016; previously amended effective January 1,*
2 *2011, January 1, 2013, and January 1, 2014.)*

3

4 **(d) Noncomplying briefs**

5

6 * * *

7

8

Advisory Committee Comment

9

10 **Subdivision (b).** Subdivision (b)(1) states the maximum permissible lengths of briefs produced
11 on a computer in terms of word count rather than page count. This provision tracks a provision in
12 rule 8.204(c) governing Court of Appeal briefs and is explained in the comment to that provision.
13 Subdivision (b)(3) specifies certain items that are not counted toward the maximum brief length.
14 Signature blocks, as referenced in this provision, include not only the signatures, but also the
15 printed names, titles, and affiliations of any attorneys filing or joining in the brief, which may
16 accompany the signature.

17

18 Subdivision (b)(4) provides the maximum length of a brief, with attachments, if the party uses a
19 form brief approved for use by the Judicial Council. The Judicial Council has approved the
20 following optional form briefs that parties may use in limited civil appeals where there is no
21 cross-appeal: *Appellant's Opening Brief—Limited Civil Case* (form APP-200), *Respondent's*
22 *Brief—Limited Civil Case* (form APP-201), and *Appellant's Reply Brief—Limited Civil Case*
23 (form APP-202). Information about use of these form briefs is available on *Information on Using*
24 *Form Appellate Briefs* (form APP-200-INFO).

GENERAL INFORMATION

1 What does this information sheet cover?

This information sheet tells you about appeals in limited civil cases. These are civil cases in which the amount of money claimed is \$35,000 or less.

If you are the party who is appealing (asking for the trial court's decision to be reviewed), you are called the APPELLANT, and you should read Information for the Appellant, starting on page 2. If you received notice that another party in your case is appealing, you are called the RESPONDENT and you should read Information for the Respondent, starting on page 11.

This information sheet does not cover everything you may need to know about appeals in limited civil cases. It is meant only to give you a general idea of the appeal process. To learn more, you should read rules [8.800–8.843](#) and [8.880–8.891](#) of the California Rules of Court, which set out the procedures for limited civil appeals. You can get these rules at any courthouse or county law library or online at www.courts.ca.gov/rules.

2 What is an appeal?

An appeal is a request to a higher court to review a decision made by a judge or jury in a lower court. **In a limited civil case, the court hearing the appeal is the appellate division of the superior court and the lower court—called the “trial court” in this information sheet—is the superior court.**

It is important to understand that **an appeal is NOT a new trial**. The appellate division will not consider new evidence, such as the testimony of new witnesses or new exhibits. The appellate division's job is to review a record of what happened in the trial court and the trial court's decision to see if certain kinds of legal errors were made:

For information about appeal procedures in other kinds of cases, see:

- *Information on Appeal Procedures for Unlimited Civil Cases* (form [APP-001-INFO](#))
- *Information on Appeal Procedures for Infractions* (form [CR-141-INFO](#))
- *Information on Appeal Procedures for Misdemeanors* (form [CR-131-INFO](#))

You can get these forms at any courthouse or county law library or online at www.courts.ca.gov/forms.

- **Prejudicial error:** The appellant (the party who is appealing) may ask the appellate division to determine if an error was made about either the law or court procedures in the case that caused substantial harm to the appellant (this is called “prejudicial error”).

Prejudicial error can include things like errors made by the judge about the law, errors or misconduct by the lawyers, incorrect instructions given to the jury, and misconduct by the jury that harmed the appellant. When it conducts its review, the appellate division presumes that the judgment, order, or other decision being appealed is correct. It is the responsibility of the appellant to show the appellate division that an error was made and that the error was harmful.

- **No substantial evidence:** The appellant may also ask the appellate division to determine if there was substantial evidence supporting the judgment, order, or other decision being appealed. When it conducts its review, the appellate division only looks to see if there was evidence that reasonably supports the decision. The appellate division generally will not reconsider the jury's or trial court's conclusion about which side had more or stronger evidence or whether witnesses were telling the truth or lying.

The appellate division generally will not overturn the judgment, order, or other decision being appealed unless the record clearly shows that one of these legal errors was made.



3 Do I need a lawyer to represent me in an appeal?

You do not *have* to have a lawyer; if you are an individual (rather than a corporation, for example), you are allowed to represent yourself in an appeal in a limited civil case. But appeals can be complicated and you will have to follow the same rules that lawyers have to follow. If you have any questions about the appeal procedures, you should talk to a lawyer.

If you decide not to use a lawyer, you must put your address, telephone number, fax number (if available), and email address (if available) on the first page of every document you file with the court and let the court know if this contact information changes so that the court can contact you if needed.

4 Where can I find a lawyer to help me with my appeal?

You have to hire your own attorney if you want one. You can get information about finding an attorney on the Self-Help Guide to the California Courts at selfhelp.courts.ca.gov/get-free-or-low-cost-legal-help.

INFORMATION FOR THE APPELLANT

This part of the information sheet is written for the appellant—the party who is appealing the trial court’s decision. It explains some of the rules and procedures relating to appealing a decision in a limited civil case. The information may also be helpful to the respondent. Additional information for respondents can be found starting on page 11 of this information sheet.

5 Who can appeal?

Only a party in the trial court case can appeal a decision in that case. You may not appeal on behalf of a friend, a spouse, a child, or another relative unless you are a legally appointed representative of that person (such as the person’s guardian or conservator).

6 Can I appeal any decision the trial court made?

No. Generally, you can only appeal the final judgment—the decision at the end that decides the whole case. Other rulings made by the trial court before the final judgment generally cannot be separately appealed but can be reviewed only later as part of an appeal of the final judgment. There are a few exceptions to this general rule. Code of Civil Procedure section 904.2 lists a few types of orders in a limited civil case that can be appealed right away. These include orders that:

- Change or refuse to change the place of trial (venue)
- Grant a motion to quash service of summons or grant a motion to stay or dismiss the action on the ground of inconvenient forum
- Grant a new trial or deny a motion for judgment notwithstanding the verdict
- Discharge or refuse to discharge an attachment or grant a right to attach
- Grant or dissolve an injunction or refuse to grant or dissolve an injunction
- Appoint a receiver
- Are made after final judgment in the case

(You can get a copy of Code of Civil Procedure section 904.2 at leginfo.legislature.ca.gov/faces/codes.xhtml.)

7 How do I start my appeal?

First, you must serve and file a notice of appeal. The notice of appeal tells the other party or parties in the case and the trial court that you are appealing the trial court’s decision. You may use *Notice of Appeal/Cross-Appeal—Limited Civil Case* (form APP-102) to prepare a notice of appeal in a limited civil case. You can get form APP-102 at any courthouse or county law library or online at www.courts.ca.gov/forms.

8 How do I “serve and file” the notice of appeal?

“Serve and file” means that you must:

- Have somebody over 18 years old mail, deliver, or electronically send (“serve”) the notice of appeal to the other party or parties in the way required by law. If the notice of appeal is mailed or personally delivered, it must be by someone who is not a party to the case—so not you.



- Make a record that the notice of appeal has been served. This record is called a “proof of service.” *Proof of Service (Appellate Division)* (form [APP-109](#)) or *Proof of Electronic Service (Appellate Division)* (form [APP-109E](#)) can be used to make this record. The proof of service must show who served the notice of appeal, who was served with the notice of appeal, how the notice of appeal was served (by mail, in person, or electronically), and the date the notice of appeal was served.
- Bring or mail the original notice of appeal and the proof of service to the trial court that issued the judgment, order, or other decision you are appealing. You should make a copy of the notice of appeal you are planning to file for your own records before you file it with the court. It is a good idea to bring or mail an extra copy of the notice of appeal to the clerk when you file your original and ask the clerk to stamp this copy to show that the original has been filed.

You can get more information about how to serve court papers and proof of service from *What Is Proof of Service?* (form [APP-109-INFO](#)) and on the Self-Help Guide to the California Courts at www.courts.ca.gov/selfhelp-serving.htm.

9 Is there a deadline to file my notice of appeal?

Yes. In a limited civil case, except in the very limited circumstances listed in rule [8.823](#), you must file your notice of appeal within **30 days** after the trial court clerk or a party serves either a document called a “Notice of Entry” of the trial court judgment or a file-stamped copy of the judgment or within 90 days after entry of the judgment, whichever is earlier.

This deadline for filing the notice of appeal cannot be extended. If your notice of appeal is late, the appellate division will not be able to consider your appeal.

10 Do I have to pay to file an appeal?

Yes. Unless the court waives this fee, you must pay a fee for filing your notice of appeal. You can ask the clerk of the court where you are filing the notice of appeal what the fee is or look up the fee for an appeal in a limited civil case in the current Statewide Civil Fee Schedule linked at www.courts.ca.gov/7646.htm (note that the “Appeal and Writ Related Fees” section is near the end of this schedule and that there are different fees for limited civil cases depending on the amount demanded in the case). If you cannot afford to pay the fee, you can ask the court to waive it. To do this, you must fill out and file a *Request to Waive Court Fees* (form [FW-001](#)). You can get form FW-001 at any courthouse or county law library or online at www.courts.ca.gov/forms. You can file this application either before you file your notice of appeal or with your notice of appeal. The court will review this application to determine if you are eligible for a fee waiver.

11 If I file a notice of appeal, do I still have to do what the trial court ordered me to do?

Filing a notice of appeal does NOT automatically postpone most judgments or orders, such as those requiring you to pay another party money or to deliver property to another party (see Code of Civil Procedure sections 917.1–917.9 and 1176; you can get a copy of these laws at www.leginfo.legislature.ca.gov/faces/codes.xhtml). These kinds of judgments or orders will be postponed, or “stayed,” only if you request a stay and the court grants your request. In most cases, other than unlawful detainer cases in which the trial court's judgment gives a party possession of the property, if the trial court denies your request for a stay, you can apply to the appellate division for a stay. If you do not get a stay and you do not do what the trial court ordered you to do, court proceedings to collect the money or otherwise enforce the judgment or order may be started against you.

12 What do I need to do after I file my notice of appeal?

You must ask the clerk of the trial court to prepare and send the official record of what happened in the trial court in your case to the appellate division.



Since the appellate division judges were not there to see what happened in the trial court, an official record of what happened must be prepared and sent to the appellate division for its review. You can use *Appellant's Notice Designating Record on Appeal (Limited Civil Case)* (form [APP-103](#)) to ask the trial court to prepare this record. You can get form APP-103 at any courthouse or county law library or online at www.courts.ca.gov/forms.

You must serve and file this notice designating the record on appeal within 10 days after you file your notice of appeal. "Serving and filing" this notice means that you must:

- Have somebody over 18 years old mail, deliver, or electronically send ("serve") the notice to the other party or parties in the way required by law. If the notice is mailed or personally delivered, it must be by someone who is not a party to the case—so not you.
- Make a record that the notice has been served. This record is called a "proof of service." *Proof of Service (Appellate Division)* (form [APP-109](#)) or *Proof of Electronic Service (Appellate Division)* (form [APP-109E](#)) can be used to make this record. The proof of service must show who served the notice, who was served with the notice, how the notice was served (by mail, in person, or electronically), and the date the notice was served.
- Bring or mail the original notice and the proof of service to the trial court that issued the judgment, order, or other decision you are appealing. You should make a copy of the notice you are planning to file for your own records before you file it with the court. It is a good idea to bring or mail an extra copy of the notice to the clerk when you file your original and ask the clerk to stamp this copy to show that the original has been filed.

You can get more information about how to serve court papers and proof of service from *What Is Proof of Service?* (form [APP-109-INFO](#)) and on the Self-Help Guide to the California Courts at www.courts.ca.gov/selfhelp-serving.htm.

13 What is the official record of the trial court proceedings?

There are three parts of the official record:

- A record of what was said in the trial court (this is called the "oral proceedings")
- A record of the documents filed in the trial court (other than exhibits)
- Exhibits that were admitted in evidence, refused, or lodged (temporarily placed with the court) in the trial court

Read below for more information about these parts of the record.

a. Record of what was said in the trial court (the "oral proceedings")

The first part of the official record of the trial court proceedings is a record of what was said in the trial court (this is called a record of the "oral proceedings"). You do not *have* to send the appellate division a record of the oral proceedings. But if you want to raise any issue in your appeal that would require the appellate division to consider what was said in the trial court, the appellate division will need a record of those oral proceedings. For example, if you are claiming that there was not evidence supporting the judgment, order, or other decision you are appealing, the appellate division will need a record of the oral proceedings.

You are responsible for deciding how the record of the oral proceedings will be provided and, depending on what option you select and your circumstances, you may also be responsible for paying for preparing this record or for preparing an initial draft of the record. If you do not take care of these responsibilities, a record of the oral proceedings in the trial court will not be prepared and sent to the appellate division. **If the appellate division does not receive this record, it will not be able to review any issues that are based on what was said in the trial court and it may dismiss your appeal.**

In a limited civil case, you can use *Appellant's Notice Designating Record on Appeal (Limited Civil Case)* (form [APP-103](#)) to tell the court whether you want a record of the oral proceedings and, if so, the form of the record that you want to use. You can get



form [APP-103](#) at any courthouse or county law library or online at www.courts.ca.gov/forms.

There are four ways in which a record of the oral proceedings can be prepared for the appellate division:

- If you or the other party arranged to have a court reporter there during the trial court proceedings, the reporter can prepare a record, called a “reporter’s transcript.”
- If the proceedings were officially electronically recorded, the trial court can have a transcript prepared from that recording or, if the court has a local rule permitting this and you and the other party agree (“stipulate”) to this, you can use the *official electronic recording* itself instead of a transcript.
- You can use an agreed statement.
- You can use a statement on appeal.

Read below for more information about these options.

(1) Reporter's transcript

Description: A reporter’s transcript is a written record (sometimes called a “verbatim” record) of the oral proceedings in the trial court prepared by a court reporter. Rule [8.834](#) of the California Rules of Court establishes the requirements relating to reporter’s transcripts.

When available: If a court reporter was there in the trial court and made a record of the oral proceedings, you can choose (“elect”) to have the court reporter prepare a reporter’s transcript for the appellate division. In most limited civil cases, however, a court reporter will not have been there unless you or another party in your case made specific arrangements to have a court reporter there. Check with the court to see if a court reporter made a record of the oral proceedings in your case before choosing this option.

Contents: If you elect to use a reporter’s transcript, you must identify by date (this is called “designating”) what proceedings you want included in the reporter’s transcript. You can use the same form you used to tell the court you wanted to use a reporter’s transcript—

Appellant’s Notice Designating Record on Appeal (Limited Civil Case) (form [APP-103](#))—to do this.

If you elect to use a reporter’s transcript, the respondent also has the right to designate additional proceedings to be included in the reporter’s transcript. If you elect to proceed without a reporter’s transcript, however, the respondent may not designate a reporter’s transcript without first getting an order from the appellate division.

Cost: The appellant is responsible for paying for preparing a reporter’s transcript. The trial court clerk or the court reporter will notify you of the cost of preparing an original and one copy of the reporter’s transcript. You must deposit payment for this cost (and a fee for the trial court) or one of the substitutes allowed by rule [8.834](#) with the trial court clerk within 10 days after this notice is sent. (See rule 8.834 for more information about this deposit and the permissible substitutes, such as a waiver of this deposit signed by the court reporter.)

Unlike the fee for filing the notice of appeal and the costs for preparing a clerk’s transcript, the court cannot waive the fee for preparing a reporter’s transcript. A special fund, called the Transcript Reimbursement Fund, may be able to help pay for the transcript. You can get information about this fund at www.courtreportersboard.ca.gov/consumers/index.shtml#rtf. If you are unable to pay the cost of a reporter’s transcript, a record of the oral proceedings can be prepared in other ways, by using an agreed statement or a statement on appeal, which are described below.

Completion and delivery: After the cost of preparing the reporter’s transcript or a permissible substitute has been deposited, the court reporter will prepare the transcript and submit it to the trial court clerk. When the record is complete, the trial court clerk will submit the original transcript to the appellate division and send you a copy of the transcript. If the respondent has purchased it, a copy of the reporter’s transcript will also be mailed to the respondent.



(2) Official electronic recording or transcript

When available: In some limited civil cases, the trial court proceedings were officially recorded on approved electronic recording equipment. If your case was officially recorded, you can choose (“elect”) to have a transcript prepared from the recording. Check with the trial court to see if the oral proceedings in your case were officially electronically recorded before you choose this option. If the court has a local rule permitting this and all the parties agree (“stipulate”), a copy of an official electronic recording itself can be used as the record, instead of preparing a transcript. If you choose this option, you must attach a copy of this agreement (“stipulation”) to your notice designating the record on appeal.

Contents: If you elect to use a transcript of an official electronic recording, you must identify by date (this is called “designating”) what proceedings you want included in the transcript. You can use the same form you used to tell the court you wanted to use a transcript of an official electronic recording—*Appellant’s Notice Designating Record on Appeal* (form [APP-103](#)—to do this.

Cost: The appellant is responsible for paying the court for the cost of either (a) preparing a transcript *or* (b) making a copy of the official electronic recording.

(a) If you elect to use a transcript of an official electronic recording, you will need to deposit the estimated cost of preparing the transcript with the trial court clerk and pay the trial court a \$50 fee. There are two ways to determine the estimated cost of the transcript:

- You can use the amounts listed in rule 8.130 (b)(1)(B) for each full or half day of court proceedings to estimate the cost of making a transcript of the proceeding you have designated in your notice designating the record on appeal. Deposit this estimated amount and the \$50 fee with the trial court clerk when you file your notice designating the record on appeal.

- You can ask the trial court clerk for an estimate of the cost of preparing a transcript of the proceedings you have designated in your notice designating the record on appeal. You must deposit this amount and the \$50 fee with the trial court within 10 days of receiving the estimate from the clerk.

(b) If the court has a local rule permitting the use of a copy of the electronic recording itself, rather than a transcript, and you have attached your agreement with the other parties to do this (“stipulation”) to the notice designating the record on appeal that you filed with the court, the trial court clerk will provide you with an estimate of the costs for this copy of the recording. You must pay this amount to the trial court.

If you cannot afford to pay the cost of preparing the transcript, the \$50 fee, or the fee for the copy of the official electronic recording, you can ask the court to waive these costs. To do this, you must fill out and file a *Request to Waive Court Fees* (form [FW-001](#)). You can get form FW-001 at any courthouse or county law library or online at www.courts.ca.gov/forms. The court will review this application to determine if you are eligible for a fee waiver.

Completion and delivery: After the estimated cost of the transcript or official electronic recording has been paid or waived, the clerk will have the transcript or copy of the recording prepared. When the transcript is completed or the copy of the official electronic recording is prepared and the rest of the record is complete, the clerk will send it to the appellate division.

(3) Agreed statement

Description: An agreed statement is a written summary of the trial court proceedings agreed to by all the parties. (See rule 8.836 of the California Rules of Court.)

When available: If the trial court proceedings were not recorded either by a court reporter or by official electronic recording equipment or if you do not want to use one of these options, you can choose (“elect”) to use an agreed statement as the record of the oral proceedings (please note that it



may take more of your time to prepare an agreed statement than to use either a reporter's transcript or official electronic recording, if they are available).

Contents: An agreed statement must explain what the trial court case was about, describe why the appellate division is the right court to consider an appeal in this case (why the appellate division has "jurisdiction"), and describe the rulings of the trial court relating to the points to be raised on appeal.

The statement should include only those facts that you and the other parties think are needed to decide the appeal.

Preparation: If you elect to use this option, you must file the agreed statement with your notice designating the record on appeal or, if you and the other parties need more time to work on the statement, you can file a written agreement with the other parties (called a "stipulation") stating that you are trying to agree on a statement. If you file this stipulation, within the next 30 days you must either file the agreed statement or tell the court that you and the other parties were unable to agree on a statement and file a new notice designating the record.

(4) Statement on appeal

Description: A statement on appeal is a summary of the trial court proceedings that is approved by the trial court judge who conducted those proceedings (the term "judge" includes commissioners and temporary judges).

When available: If the trial court proceedings were not recorded either by a court reporter or by official electronic recording equipment or if you do not want to use one of these options, you can choose ("elect") to use a statement on appeal as the record of the oral proceedings (please note that it may take more of your time to prepare a statement on appeal than to use either a reporter's transcript or official electronic recording, if they are available).

Contents: A statement on appeal must include:

- A statement of the points you (the appellant) are raising on appeal;

- A summary of the trial court's rulings and judgment; and
- A summary of the testimony of each witness and other evidence that is relevant to the issues you are raising on appeal.

(See rule [8.837](#) of the California Rules of Court for more information about what must be included in a statement on appeal and the procedures for preparing a statement. You can get a copy of this rule at any courthouse or county law library or online at www.courts.ca.gov/rules.)

Preparing a proposed statement: If you elect to use a statement on appeal, you must prepare a proposed statement. If you are not represented by a lawyer, you must use *Proposed Statement on Appeal (Limited Civil Case)* (form [APP-104](#)) to prepare your proposed statement. You can get form APP-104 at any courthouse or county law library or online at www.courts.ca.gov/forms.

Serving and filing a proposed statement: You must serve and file the proposed statement with the trial court within 20 days after you file your notice designating the record. "Serve and file" means that you must:

- Have somebody over 18 years old mail, deliver, or electronically send ("serve") the proposed statement to the respondent in the way required by law. If the proposed statement is mailed or personally delivered, it must be by someone who is not a party to the case—so not you.
- Make a record that the proposed statement has been served. This record is called a "proof of service." *Proof of Service (Appellate Division)* (form [APP-109](#)) or *Proof of Electronic Service (Appellate Division)* (form [APP-109E](#)) can be used to make this record. The proof of service must show who served the proposed statement, who was served with the proposed statement, how the proposed statement was served (by mail, in person, or electronically), and the date the proposed statement was served.
- File the original proposed statement and the proof of service with the trial court. You should make a copy of the proposed statement you are planning to file for your own records



before you file it with the court. It is a good idea to bring or mail an extra copy of the proposed statement to the clerk when you file your original and ask the clerk to stamp this copy to show that the original has been filed.

You can get more information about how to serve court papers and proof of service from *What Is Proof of Service?* (form [APP-109-INFO](#)) and on the Self-Help Guide to the California Courts at www.courts.ca.gov/selfhelp-serving.htm.

Review and modifications: The respondent has 10 days from the date you serve your proposed statement to serve and file proposed changes (called “amendments”) to this statement. The trial court judge then reviews both your proposed statement and any proposed amendments filed by the respondent. The trial judge will either make or order you (the appellant) to make any corrections or modifications to the statement that are needed to make sure that the statement provides an accurate summary of the testimony and other evidence relevant to the issues you indicated you are raising on appeal.

Completion and certification: If the judge makes any corrections or modifications to the proposed statement, the corrected or modified statement will be sent to you and the respondent for your review. If the judge orders you to make any corrections or modifications to the proposed statement, you must serve and file the corrected or modified statement within the time ordered by the judge. If you or the respondent disagree with anything in the modified or corrected statement, you have 10 days from the date the modified or corrected statement is sent to you to serve and file objections to the statement. The judge then reviews any objections, makes or orders you to make any additional corrections to the statement, and certifies the statement as an accurate summary of the testimony and other evidence relevant to the issues you indicated you are raising on appeal.

Sending statement to the appellate division: Once the trial court judge certifies the statement on appeal, the trial court clerk will send the statement to the appellate division along with any record of the documents filed in the trial court.

b. Record of the documents filed in the trial court

The second part of the official record of the trial court proceedings is a record of the documents that were filed in the trial court. There are three ways in which a record of the documents filed in the trial court can be prepared for the appellate division:

- A clerk’s transcript or an appendix
- The original *trial court file* or
- An *agreed statement*

Read below for more information about these options.

(1) Clerk’s transcript or appendix

Description: A clerk’s transcript is a record of the documents filed in the trial court prepared by the clerk of the trial court. An appendix is a record of these documents prepared by a party. (See rule 8.845 of the California Rules of Court.)

Contents: Certain documents, such as the notice of appeal and the trial court judgment or order being appealed, must be included in the clerk’s transcript or appendix. These documents are listed in rule [8.832\(a\)](#) and rule [8.845\(b\)](#) of the California Rules of Court and in *Appellant’s Notice Designating Record on Appeal (Limited Civil Case)* (form [APP-103](#)).

Clerk’s transcript: If you want any documents other than those listed in rule [8.832\(a\)](#) to be included in the clerk’s transcript, you must tell the trial court in your notice designating the record on appeal. You can use form [APP-103](#) to do this. You will need to identify each document you want included in the clerk’s transcript by its title and filing date or, if you do not know the filing date, the date the document was signed.

If you—the appellant—request a clerk’s transcript, the respondent also has the right to ask the clerk to include additional documents in the clerk’s transcript. If this happens, you will be served with a notice saying what other documents the respondent wants included in the clerk’s transcript.



Cost: The appellant is responsible for paying for preparing a clerk's transcript. The trial court clerk will send you a bill for the cost of preparing an original and one copy of the clerk's transcript. You must do one of the following things within 10 days after the clerk sends this bill or the appellate division may dismiss your appeal:

- Pay the bill.
- Ask the court to waive the cost because you cannot afford to pay. To do this, you must fill out and file a *Request to Waive Court Fees* (form [FW-001](#)). You can get form FW-001 at any courthouse or county law library or online at www.courts.ca.gov/forms. The court will review this application to determine if you are eligible for a fee waiver.
- Give the court a copy of a court order showing that your fees in this case have already been waived by the court.

Completion and delivery: After the cost of preparing the clerk's transcript has been paid or waived, the trial court clerk will compile the requested documents into a transcript format and, when the record on appeal is complete, will forward the original clerk's transcript to the appellate division for filing. The trial court clerk will send you a copy of the transcript. If the respondent bought a copy, the clerk will also send a copy of the transcript to the respondent.

Appendix: If you choose to prepare an appendix of the documents filed in the superior court, rather than designating a clerk's transcript, that appendix must include all of the documents and be prepared in the form required by rule [8.845](#) of the California Rules of Court. The parties may prepare separate appendixes or stipulate (agree) to a joint appendix. If separate appendixes are prepared, each party must pay for its own appendix. If a joint appendix is prepared, the parties can agree on how the cost of preparing the appendix will be paid or the appellant will pay the cost.

The party preparing the appendix must serve the appendix on each other party (unless the parties have agreed or the appellate division has ordered otherwise) and file the appendix in the appellate division. The appellant's appendix or a joint appendix must be served and filed before or together with the appellant's opening brief. See [\(15\)](#) for information about the brief.

(2) Trial court file

When available: If the court has a local rule allowing this, the clerk can send the appellate division the original trial court file instead of a clerk's transcript (see rule [8.833](#) of the California Rules of Court).

Cost: As with a clerk's transcript, the appellant is responsible for paying for preparing the trial court file. The trial court clerk will send you a bill for this preparation cost. You must do one of the following things within 10 days after the clerk sends this bill or the appellate division may dismiss your appeal:

- Pay the bill.
- Ask the court to waive the cost because you cannot afford to pay. To do this, you must fill out and file a *Request to Waive Court Fees* (form [FW-001](#)). You can get form FW-001 at any courthouse or county law library or online at www.courts.ca.gov/forms. The court will review this application to determine if you are eligible for a fee waiver.
- Give the court a copy of a court order showing that your fees in this case have already been waived by the court.

Completion and delivery: After the cost of preparing the trial court file has been paid or waived and the record on appeal is complete, the trial court clerk will send the file and a list of the documents in the file to the appellate division. The trial court clerk will also send a copy of the list of documents to the appellant and respondent so that you can put your own files of documents from the trial court in the correct order.



(3) Agreed statement

When available: If you and the respondent have already agreed to use an agreed statement as the record of the oral proceedings (see a(3) above) and agree to this, you can use an agreed statement instead of a clerk’s transcript. To do this, you must attach to your agreed statement all of the documents that are required to be included in a clerk’s transcript.

c. Exhibits

The third part of the official record of the trial court proceeding is the exhibits, such as photographs, documents, or other items that were admitted in evidence, refused, or lodged (temporarily placed with the court) in the trial court. Exhibits are considered part of the record on appeal, but the clerk will not include any exhibits in the clerk’s transcript unless you ask that they be included in your notice designating the record on appeal. *Appellant’s Notice Designating Record on Appeal (Limited Civil Case)* (form [APP-103](#)), includes a space for you to make this request. You also can ask the trial court to send original exhibits to the appellate division at the time briefs are filed (see rule [8.843](#) for more information about this procedure and see below for information about briefs).

Sometimes, the trial court returns an exhibit to a party at the end of the trial. If the trial court returned an exhibit to you or another party and you or the other party ask for that exhibit to be included in the clerk’s transcript or sent to the appellate division, the party who has the exhibit must deliver that exhibit to the trial court clerk as soon as possible.

(14) What happens after the official record has been prepared?

As soon as the record on appeal is complete, the clerk of the trial court will send it to the appellate division. When the appellate division receives the record, it will send you a notice telling you when you must file your brief in the appellate division.

(15) What is a brief?

Description: A “brief” is a party’s written description of the facts in the case, the law that applies, and the party’s argument about the issues being appealed. If you are represented by a lawyer in your appeal, your lawyer will prepare your brief. If you are not represented by a lawyer, you will have to prepare your brief yourself. You should read rules 8.882–8.884 of the California Rules of Court, which set out the requirements for preparing, serving, and filing briefs in limited civil appeals, including requirements for the format and length of these briefs. You can get copies of these rules at any courthouse or county law library or online at www.courts.ca.gov/rules.

Contents: If you are the appellant, your brief, called an “appellant’s opening brief,” must clearly explain what you believe are the legal errors made in the trial court. Your brief must refer to the exact places in the clerk’s transcript and the reporter’s transcript (or the other forms of the record you are using) that support your argument. Remember that an appeal is not a new trial. The appellate division will not consider new evidence, such as the testimony of new witnesses or new exhibits, so do not include any new evidence in your brief.

You may, but are not required to, fill out *Appellant’s Opening Brief—Limited Civil Case* (form [APP-200](#)) and use it as your opening brief. You can get more information about using this form as your opening brief from *Information on Using Form Appellate Briefs* (form [APP-200-INFO](#)).

Serving and filing: You must serve and file your brief in the appellate division by the deadline the court set in the notice it sent you, which is usually 30 days after the record is filed in the appellate division or 60 days from the date the appellant chooses to proceed with no reporter’s transcript under rule [8.845](#). “Serve and file” means that you must:

- Have somebody over 18 years old mail, deliver, or electronically send (“serve”) the brief to the other parties in the way required by law. If the brief is mailed or personally delivered, it must be by someone who is not a party to the case—so not you.
- Make a record that the brief has been served. This record is called a “proof of service.” *Proof of Service (Appellate Division)* (form [APP-109](#)) or *Proof of Electronic Service (Appellate Division)* (form [APP-109E](#)) can be used to make this record. The proof



of service must show who served the brief, who was served with the brief, how the brief was served (by mail, in person, or electronically), and the date the brief was served.

- File the original brief and the proof of service with the appellate division. You should make a copy of the brief you are planning to file for your own records before you file it with the court. It is a good idea to bring or mail an extra copy of the brief to the clerk when you file your original and ask the clerk to stamp this copy to show that the original has been filed.
- Note: If a party chooses to prepare an appendix of the documents filed in the trial court instead of designating a clerk's transcript, the appellant's appendix or a joint appendix must be served and filed before or together with the appellant's opening brief.

You can get more information about how to serve court papers and proof of service from *What Is Proof of Service?* (form [APP-109-INFO](#)) and on the Self-Help Guide to the California Courts at www.courts.ca.gov/selfhelp-serving.htm.

You and the other parties can agree (stipulate) to extend the time for filing this brief by up to 30 days (see rule [8.882\(b\)](#) for requirements for these agreements). You can also ask the court to extend the time for filing this brief if you can show good cause for an extension (see rule [8.811\(b\)](#) for a list of the factors the court will consider in deciding whether there is good cause for an extension). You **must** use *Application for Extension of Time to File Brief—Limited Civil Case* (form [APP-106](#)) to ask the court for an extension.

If you do not file your brief by the deadline set by the appellate division, the court may dismiss your appeal.

16 What happens after I file my brief?

Within 30 days after you serve and file your brief, the respondent may, but is not required to, respond by serving and filing a respondent's brief. If the respondent does not file a brief, the appellant does not automatically win the appeal. The court will decide the appeal on the record, the appellant's brief, and any oral argument by the appellant.

If the respondent files a brief, within 20 days after the respondent's brief was filed, you may, but are not required to, file another brief replying to the respondent's brief. This is called a "reply brief."

17 What happens after all the briefs have been filed?

Once all the briefs have been filed or the time to file them has passed, the appellate division will notify you of the date for oral argument in your case.

18 What is "oral argument"?

"Oral argument" is the parties' chance to explain their arguments to the appellate division judges in person. You do not have to participate in oral argument if you do not want to; you can notify the appellate division that you want to "waive" oral argument. If all parties waive oral argument, the judges will decide your appeal based on the briefs and the record that were submitted. But if one party waives oral argument and another party or parties does not, the appellate division will hold oral argument with the party or parties who did not waive it.

If you do choose to participate in oral argument, you will have up to 10 minutes for your argument unless the appellate division orders otherwise. Remember that the judges will have already read the briefs, so you do not need to read your brief to the judges. It is more helpful to tell the judges what you think is most important in your appeal or ask the judges if they have any questions you could answer.

19 What happens after oral argument?

After oral argument is held (or the date it was scheduled passes if all the parties waive oral argument), the judges of the appellate division will make a decision about your appeal. The appellate division has 90 days after the date scheduled for oral argument to decide the appeal. The clerk of the court will mail you a notice of the appellate division's decision.

20 What should I do if I want to give up my appeal?

If you decide you do not want to continue with your appeal, you must file a written document with the appellate division notifying it that you are giving up (this is called "abandoning") your appeal. You can use *Abandonment of Appeal (Limited Civil Case)* (form [APP-107](#)) to file this notice in a limited civil case. You can get form APP-107 at any courthouse or county law library or online at www.courts.ca.gov/forms.



INFORMATION FOR THE RESPONDENT

This section of this information sheet is written for the respondent—the party responding to an appeal filed by another party. It explains some of the rules and procedures relating to responding to an appeal in a limited civil case. The information may also be helpful to the appellant.

21 I have received a notice of appeal from another party. Do I need to do anything?

You do not *have* to do anything. The notice of appeal simply tells you that another party is appealing the trial court’s decision. However, this would be a good time to get advice from a lawyer, if you want it. You do not *have* to have a lawyer; if you are an individual (not a corporation, for example), you are allowed to represent yourself in an appeal in a limited civil case. But appeals can be complicated and you will have to follow the same rules that lawyers have to follow.

If you have any questions about the appeal procedures, you should talk to a lawyer. You must hire your own lawyer if you want one. You can get information about finding a lawyer on the Self-Help Guide to the California Courts at selfhelp.courts.ca.gov/get-free-or-low-cost-legal-help.

22 If the other party appealed, can I appeal too?

Yes. Even if another party has already appealed, you may still appeal the same judgment or order. This is called a “cross-appeal.” To cross-appeal, you must serve and file a notice of appeal. You can use *Notice of Appeal/Cross-Appeal—Limited Civil Case* (form [APP-102](#)) to file this notice in a limited civil case. Please read the information for appellants about filing a notice of appeal, starting on page 2 of this information sheet, if you are considering filing a cross-appeal.

23 Is there a deadline to file a cross-appeal?

Yes. You must serve and file your notice of appeal within either the regular time for filing a notice of appeal (generally 30 days after mailing or service of Notice of Entry of the judgment or a file-stamped copy of the judgment) or within 10 days after the clerk of the trial court mails notice of the first appeal, whichever is later.

24 I have received a notice designating the record on appeal from another party. Do I need to do anything?

You do not *have* to do anything. A notice designating the record on appeal lets you know what kind of official record the appellant has asked to be sent to the appellate division. Depending on the kind of record chosen by the appellant, however, you may have the option to:

- Add to what is included in the record
- Participate in preparing the record *or*
- Ask for a copy of the record

Look at the appellant’s notice designating the record on appeal to see what kind of record the appellant has chosen and read about that form of the record in the response to question **13** above. Then read below for what your options are when the appellant has chosen that form of the record.

a. Reporter's transcript

If the appellant is using a reporter’s transcript, you have the option of asking for additional proceedings to be included in the reporter’s transcript. To do this, within 10 days after the appellant files its notice designating the record on appeal, you must serve and file a notice designating additional proceedings to be included in the reporter’s transcript.

Whether or not you ask for additional proceedings to be included in the reporter’s transcript, you must generally pay a fee if you want a copy of the reporter’s transcript. The trial court clerk or reporter will send you a notice indicating the cost of preparing a copy of the reporter’s transcript. If you want a copy of the reporter’s transcript, you must deposit this amount (and a fee for the trial court) or one of the substitutes allowed by rule [8.834](#) with the



trial court clerk within 10 days after this notice is sent. (See rule 8.834 for more information about this deposit and the permissible substitutes, such as a waiver of this deposit signed by the court reporter.)

Unlike the fee for preparing a clerk’s transcript, the court cannot waive the fee for preparing a reporter’s transcript. A special fund, called the Transcript Reimbursement Fund, may be able to help pay for the transcript. You can get information about this fund at www.courtreportersboard.ca.gov/consumers/index.shtml#trf. The reporter will not prepare a copy of the reporter’s transcript for you unless you deposit the cost of the transcript, or one of the permissible substitutes, or your application for payment by the Transcript Reimbursement Fund is approved.

If the appellant elects not to use a reporter’s transcript, you may not designate a reporter’s transcript without first getting an order from the appellate division.

b. Agreed statement

If you and the appellant agree to prepare an agreed statement (a summary of the trial court proceedings that is agreed to by the parties), you and the appellant will need to reach an agreement on that statement within 30 days after the appellant files its notice designating the record.

c. Statement on appeal

If the appellant elects to use a statement on appeal (a summary of the trial court proceedings that is approved by the trial court), the appellant will send you a proposed statement to review. You will have 10 days from the date the appellant sent you this proposed statement to serve and file suggested changes (called “amendments”) that you think are needed to make sure that the statement provides an accurate summary of the testimony and other evidence relevant to the issues the appellant indicated the appellant is raising on appeal. “Serve and file” means that you must:

- Have somebody over 18 years old mail, deliver, or electronically send (“serve”) the proposed amendments to the appellant in the way required by law. If the proposed amendments are mailed or personally delivered, it must be by someone who is not a party to the case—so not you.
- Make a record that the proposed amendments have been served. This record is called a “proof of service.” *Proof of Service (Appellate Division)* (form [APP-109](#)) or *Proof of Electronic Service (Appellate Division)* (form [APP-109E](#)) can be used to make this record. The proof of service must show who served the proposed amendments, who was served with the proposed amendments, how the proposed amendments were served (by mail, in person, or electronically), and the date the proposed amendments were served.
- File the original proposed amendments and the proof of service with the trial court. You should make a copy of the proposed amendments you are planning to file for your own records before you file them with the court. It is a good idea to bring or mail an extra copy of the proposed amendments to the clerk when you file your original and ask the clerk to stamp this copy to show that the original has been filed.

You can get more information about how to serve court papers and proof of service from *What Is Proof of Service?* (form [APP-109-INFO](#)) and on the Self-Help Guide to the California Courts at www.courts.ca.gov/selfhelp-serving.htm.

d. Clerk’s transcript or appendix

Clerk’s transcript: If the appellant is using a clerk’s transcript, you have the option of asking the clerk to include additional documents in the clerk’s transcript.

To do this, within 10 days after the appellant serves its notice designating the record on appeal, you must serve and file a notice designating additional documents to be included in the clerk’s transcript. You may use *Respondent’s Notice Designating Record on Appeal—Limited Civil Case* (form [APP-110](#)) for this purpose.



Whether or not you ask for additional documents to be included in the clerk’s transcript, you must pay a fee if you want a copy of the clerk’s transcript. The trial court clerk will send you a notice indicating the cost for a copy of the clerk’s transcript. If you want a copy, you must deposit this amount with the court within 10 days after the clerk’s notice was sent.

If you cannot afford to pay this cost, you can ask the court to waive it. To do this, you must fill out and file a *Request to Waive Court Fees* (form [FW-001](#)). You can get form FW-001 at any courthouse or county law library or online at www.courts.ca.gov/forms. The court will review this application and determine if you are eligible for a fee waiver. The clerk will not prepare a copy of the clerk’s transcript for you unless you deposit payment for the cost or obtain a fee waiver.

Appendix: If the appellant is using an appendix, and you and the appellant have not agreed to a joint appendix, you may prepare a separate respondent’s appendix. See pages 8–9 for more information about preparing an appendix.

If the appellant chooses a clerk’s transcript but does not have a waiver of the fee for a clerk’s transcript, you can choose an appendix instead of a clerk’s transcript, and the appeal will proceed by appendix. To choose an appendix, you can fill out and file *Respondent’s Notice Designating Record on Appeal—Limited Civil Case* (form [APP-110](#)) within 10 days after the appellant’s notice designating the record on appeal is filed.

25 What happens after the official record has been prepared?

As soon as the record on appeal is complete, the clerk of the trial court will send it to the appellate division. When the appellate division receives this record, it will send you a notice telling you when you must file your brief in the appellate division.

A brief is a party’s written description of the facts in the case, the law that applies, and the party’s argument about the issues being appealed. If you are represented by a lawyer, your lawyer will prepare your brief. If you are not represented by a lawyer in your appeal, you will have to

prepare your brief yourself. You should read rules [8.882–8.884](#) of the California Rules of Court, which set out the requirements for preparing, serving, and filing briefs in limited civil appeals, including requirements for the format and length of these briefs. You can get these rules at any courthouse or county law library or online at www.courts.ca.gov/rules.htm.

The appellant serves and files the first brief, called an “appellant’s opening brief.” You may, but are not required to, respond by serving and filing a respondent’s brief within 30 days after the appellant’s opening brief is filed. “Serve and file” means that you must:

- Have somebody over 18 years old mail, deliver, or electronically send (“serve”) the brief to the other parties in the way required by law. If the brief is mailed or personally delivered, it must be by someone who is not a party to the case—so not you.
- Make a record that the brief has been served. This record is called a “proof of service.” *Proof of Service (Appellate Division)* (form [APP-109](#)) or *Proof of Electronic Service (Appellate Division)* (form [APP-109E](#)) can be used to make this record. The proof of service must show who served the brief, who was served with the brief, how the brief was served (by mail, in person, or electronically), and the date the brief was served.
- File the original brief and the proof of service with the appellate division. You should make a copy of the brief you are planning to file for your own records before you file it with the court. It is a good idea to bring or mail an extra copy of the brief to the clerk when you file your original and ask the clerk to stamp this copy to show that the original has been filed. You can get more information about how to serve court papers and proof of service from *What Is Proof of Service?* (form [APP-109-INFO](#)) and on the Self-Help Guide to the California Courts at www.courts.ca.gov/selfhelp-serving.htm.

You may, but are not required to, fill out *Respondent’s Brief—Limited Civil Case* (form [APP-201](#)) and use it as your answering brief. You can get more information about using this form as your answering brief from *Information on Using Form Appellate Briefs* (form [APP-200-INFO](#)).



You and the other parties can agree (stipulate) to extend the time for filing this brief by up to 30 days (see rule [8.882\(b\)](#) for requirements for these agreements). You can also ask the court to extend the time for filing this brief if you can show good cause for an extension (see rule [8.811\(b\)](#) for a list of the factors the court will consider in deciding whether there is good cause for an extension). You **must** use *Application for Extension of Time to File Brief—Limited Civil Case* (form [APP-106](#)) to ask the court for an extension.

If you do not file a respondent’s brief, the appellant does not automatically win the appeal. The court will decide the appeal on the record, the appellant’s brief, and any oral argument by the appellant. Remember that an appeal is not a new trial. The appellate division will not consider new evidence, such as the testimony of new witnesses or new exhibits, so do not include any new evidence in your brief.

If you file a respondent’s brief, the appellant then has an opportunity to serve and file another brief within 20 days replying to your brief.

26 What happens after all the briefs have been filed?

Once all the briefs have been filed or the time to file them has passed, the court will notify you of the date for oral argument in your case.

“Oral argument” is the parties’ chance to explain their arguments to appellate division judges in person. You do not have to participate in oral argument if you do not want to; you can notify the appellate division that you want to “waive” oral argument. If all parties waive oral argument, the judges will decide the appeal based on the briefs and the record that were submitted. But if one party waives oral argument and another party or parties does not, the appellate division will hold oral argument with the party or parties who did not waive it.

After oral argument is held (or the scheduled date passes if all parties waive argument), the judges of the appellate division will make a decision about the appeal. The appellate division has 90 days after oral argument to decide the appeal. The clerk of the court will mail you a notice of the appellate division’s decision.

Clerk stamps date here when form is filed.

**DRAFT
02.20.2024
Not approved
by Judicial
Council**

Appellate Division Case Number:

Trial Court Case Number:

Trial Court Judicial Officer:

Appellant*(fill in the name of each party appealing)*

v.

Respondent*(fill in the name of each party against whom the appeal is brought)***Instructions**

- This form is for use as the appellant's opening brief in a **limited civil case** appeal only. Do not use this form, however, if this is a criminal case, an unlimited civil case, or if there is a cross appeal in this case.
- Before you fill in this form, read *Information on Using Form Appellate Briefs* (form [APP-200-INFO](#)). You can get this form at any courthouse or county law library or online at www.courts.ca.gov/forms.
- You may attach additional pages as needed when answering an item by checking the box that indicates there is not enough space. Your brief cannot be longer than 20 pages, including this form and any attached pages. Your attachments must comply with the formatting requirements of California Rules of Court, rule [8.883\(c\)](#).
- Fill out this brief and make a copy for each of the other parties and the trial court. Serve a copy of the completed form on each of the other parties and the trial court and keep proof of this service. *Proof of Service* (form [APP-109](#)) or *Proof of Electronic Service* (form [APP-109E](#)) can be used to make this record. You can get information about how to serve court papers and proof of service from *What Is Proof of Service?* (form [APP-109-INFO](#)) and on the Self-Help Guide to the California Courts website at www.courts.ca.gov/selfhelp-serving.htm.
- Take or mail the completed form and proof of service on the other parties to the appellate division clerk's office. It is a good idea to take or mail an extra copy to the clerk and ask the clerk to stamp it to show that the original has been filed.

1 Information About the Appellant

- a. Appellant (*name*): _____
 Your Lawyer (*if you have one for this case*):
 Name: _____ State Bar No.: _____
 Firm Name: _____
- b. Your Address (*If you are a lawyer filling this form out on behalf of your client, provide your contact information and not your client's.*)
 Address: _____
 City: _____ State: _____ Zip: _____
 Telephone: _____ Fax: _____
 Email Address: _____



2 The Order Being Appealed as Stated in the Notice of Appeal

I am/My client is appealing (*check all that apply*):

- a. The final judgment in the trial court case.
- b. An order made after the final judgment in the case.
- c. An order changing or refusing to change the place of trial (venue).
- d. An order granting a motion to quash service of summons.
- e. An order granting a motion to stay or dismiss the action on the ground of inconvenient forum.
- f. An order granting a new trial.
- g. An order denying a motion for judgment notwithstanding the verdict.
- h. An order granting or dissolving an injunction or refusing to grant or dissolve an injunction.
- i. An order appointing a receiver.
- j. Other action (*please describe, indicate the date the trial court took the action you are appealing, and explain why it is appealable*):

3 Timeliness of Appeal

- a. Date of entry of judgment or order appealed from:
- b. Date that notice of entry of judgment or a copy of the judgment was served by the clerk or by a party under California Rules of Court, rule 8.822:
- c. Was a notice of intention to move for new trial, a motion for judgment notwithstanding the verdict, a motion for reconsideration, or a motion to vacate the judgment made and denied? Yes No
 - (1) If yes, please specify the type of motion:
 - (2) Date motion filed:
Date motion denied:
Date denial served:
- d. Date you filed the notice of appeal:

4 Other Appeals

Has there been another appeal in this same case? Yes No

If yes, list the case number for each appeal and the date of the decision in that prior appeal. Include all appeals in the case, whether or not all appeals have concluded.



6 What Happened in the Trial Court?

Describe the proceedings before the trial court. When referring to a specific document (such as the complaint, a motion, or an order), cite to the page of the record where that document can be found.

a. In the trial court, you or your client was the (check one):

- plaintiff (the party who filed the complaint in the case).
defendant (the party against whom the complaint was filed).

b. What legal claims did the plaintiff make in the complaint? (For example, a claim for negligence, breach of contract, violation of civil rights, or employment discrimination):

Check here if there is not enough space for your answer. Continue your answer on an attached sheet of paper, and write "Attachment 6b" at the top.

Horizontal lines for writing the answer to question b.

c. What did the complaint ask the court to do? (For example, order the defendant to pay damages):

Check here if there is not enough space for your answer. Continue your answer on an attached sheet of paper, and write "Attachment 6c" at the top.

Horizontal lines for writing the answer to question c.

d. What legal arguments did the defendant make in response? These arguments can be found either in the answer to the complaint or in motions filed by the defendant. (For example, the claims in the complaint were barred by the statute of limitations, there was no enforceable contract, or the facts do not support the legal claims in the complaint):

Check here if there is not enough space for your answer. Continue your answer on an attached sheet of paper, and write "Attachment 6d" at the top.

Horizontal lines for writing the answer to question d.



GENERAL INFORMATION**1 What does this information sheet cover?**

This information sheet tells you about how to use these forms to prepare a brief for an appeal in a limited civil case:

- *Appellant’s Opening Brief—Limited Civil Case* (form [APP-200](#))
- *Respondent’s Brief—Limited Civil Case* (form [APP-201](#))
- *Appellant’s Reply Brief—Limited Civil Case* (form [APP-202](#))

A “limited civil case” is a civil case that involves an amount of \$35,000 or less. If your case involves more than \$35,000, your case is an “unlimited civil case” and you cannot use these forms. Also, do not use these forms in a criminal case.

Do not use these forms if a cross-appeal has been filed in your case. A cross-appeal is when both parties have filed notices of appeal asking to have the trial court’s decision reviewed. For more information about briefs where a cross-appeal has been filed, see California Rules of Court, rule [8.884](#).

For information about the appeal process in limited civil cases in general, you should read *Information on Appeal Procedures for Limited Civil Cases* (form [APP-101-INFO](#)). To learn even more, you should read rules [8.800–8.845](#) and [8.880–8.891](#) of the California Rules of Court, which sets out the procedures for appeals in limited civil cases. You can get this form and these rules at any courthouse or county law library or online at www.courts.ca.gov/rules and www.courts.ca.gov/forms.

2 What is an appeal?

An appeal is a request to a higher court to review a decision made by a judge or jury in a lower court. In a limited civil case, the court hearing the appeal is the appellate division of the superior court and the lower court—called the “trial court” in this information sheet and in the form briefs—is the superior court.

If you are the party appealing (asking for the trial court’s decision to be reviewed), you are called the appellant. If you received notice that another party in the case is appealing, you are called the respondent.

3 What is a brief?

A “brief” is a written document that tells the appellate division (the court reviewing your case):

- The facts in the case
- The law that applies
- The party’s arguments about the issues being appealed

If you are the appellant, you will file the first brief, called an “opening brief.” If you are the respondent, after the appellant files the opening brief, you will have the chance to file the “respondent’s brief” to respond to the appellant’s arguments in the opening brief. Finally, if the respondent files a respondent’s brief, the appellant will then have the chance to file a “reply brief” to reply to the respondent’s arguments. The reply brief is the final brief unless the appellate division orders further briefing.

4 Preparing a brief

If you are represented by a lawyer in your appeal, your lawyer will prepare your brief. If you are not represented by a lawyer, you will have to prepare your brief yourself.

For appellants, there are two forms you may use to prepare your briefs, one for the opening brief and one for the reply brief. For respondents, there is one form you may use to prepare your respondent’s brief. For information in filling out these forms, appellants should read the sections below called “Information About Filling Out *Appellant’s Opening Brief—Limited Civil Case* (form [APP-200](#)),” starting on page 2, and “Information About Filling Out *Appellant’s Reply Brief—Limited Civil Case* (form [APP-202](#)),” starting on page 9. Respondents should read the section below called “Information About Filling Out *Respondent’s Brief—Limited Civil Case* (form [APP-201](#)),” starting on page 6.

You or your lawyer do not need to use these forms for your briefs. If you choose to draft your own brief, read California Rules of Court, rule [8.882–8.884](#) to learn about what your brief must contain, how it must be formatted, and how and when it must be served and filed.



**INFORMATION ABOUT FILLING OUT
APPELLANT'S OPENING BRIEF—
LIMITED CIVIL CASE (FORM APP-200)**

If you are the appellant, you must prepare and file the first brief, called an “appellant’s opening brief.” This brief must clearly explain what you believe are the legal errors made in the trial court. You or your lawyer may use *Appellant’s Opening Brief—Limited Civil Case* (form [APP-200](#)) to prepare this opening brief. This section describes how to fill out this form.

5 Attachments, format, and length

Form APP-200 has spaces for you to provide information or answer questions. If any of these spaces are not big enough and you need more space for your response to an item, you may check the box in that item indicating that you need more space. After you check the box, you may continue your answer on a separate sheet of paper labeled “Attachment” followed by the item number you are filling out. For example, an attachment continuing your response to item 4 would be labeled “Attachment 4” at the top of the page.

You should format your brief and attachments as follows:

- The attachments must be on white paper, 8.5 inches by 11 inches in size, with 1.5-inch margins on the left and right and 1-inch margins on the top and bottom.
- In typing the brief and attachments, you may use any conventional font, but the font must not be smaller than 13 point.
- You should use normal typeface, however italics, boldface type, or underscores can be used for emphasis. Case names must also be in italics or underscored.
- If you file the brief in paper form, you should bind the brief on the left margin, unless the appellate division has a local rule requiring the brief to be bound on the top.
- All attachments need to be included at the end of form APP-200 in the order of the attachment number. For example, you would put Attachment 4 after Attachment 3. You then need to number the pages of all of the attachments in order, starting with page 8 (because the actual form is 7 pages long).

Your opening brief, including the form and any attachments, may not be longer than 20 pages.

6 Completing the caption (the top part of the form)

Name of the parties on appeal. At the top left of the form, fill out the name of each party appealing the trial court’s decision and the name of each party who is a respondent in the appeal.

Appellate division case number. When you filed the notice of appeal in your case, the clerk gave the appeal a case number. You can find this number on the notice of briefing schedule or another document about your case sent to you by the clerk of the appellate division. Write that number in the box entitled “Appellate Division Case Number.”

Trial court case number and trial court judicial officer. Write the case number your case had in the trial court here. You can find this number on any court order from the trial court. Also write the name of the trial court judge or other judicial officer who made the decision you are appealing.

7 Completing item 1, "Information About the Appellant"

In item 1a, type your name. If you are a lawyer filling this out for your client, type your name, State Bar number, and the name of your law firm.

In item 1b, type your address and contact information if you do not have a lawyer. If you are a lawyer filling out this form for your client, write your office address, telephone number, fax number (if applicable), and email address.

8 Completing item 2, "The Order Being Appealed as Stated in the Notice of Appeal"

In this item, you are telling the appellate division about the judgment or order you are appealing. Check the box or boxes that describe the judgment or orders you are appealing. You may check multiple boxes. For example, if you are appealing from the final judgment after a jury trial *and* the trial court’s denial of your motion for new trial, you would check the box at item 2a and item 2b.

9 Completing item 3, "Timeliness of Appeal"

In item 3, you are providing the court with information about when the trial court entered the order or judgment you are appealing, when notice of that order or judgment was served, and when your notice of appeal was filed.



This information will help the appellate division determine whether you filed your notice of appeal in time. Except in very limited circumstances listed in California Rules of Court, rule [8.823](#), you must have filed your notice of appeal within **30 days** after the trial court clerk or a party served either a document called “Notice of Entry” of the trial court judgment or a file-stamped copy of the judgment or within **90 days** after entry of the judgment, whichever is earlier.

In item 3a, write the date the trial court entered the judgment or order you are appealing.

In item 3b, write the date that you were served by the clerk or another party with a notice of entry of judgment or a copy of the judgment under California Rules of Court, rule [8.822](#).

The time to file a notice of appeal may be longer if certain types of motions were filed after the trial court made its decision and the motion was denied by the trial court. These motions are listed in item 3c (notice of intention to move for a new trial, motion for judgment notwithstanding the verdict, motion for reconsideration, or a motion to vacate judgment).

In item 3c, check “yes” if a party filed one of the listed motions which was then denied by the trial court. If you check “yes,” write the type of motion that was filed, the date the motion was filed, the date the trial court denied the motion, and the date you were served with a copy of the trial court’s denial.

Finally, in item 3d, indicate the date you filed your notice of appeal.

10 Completing item 4, “Other Appeals”

In Item 4, indicate whether there have been any other appeals in this case. If yes, provide the case numbers for those other appeals.

11 Completing item 5, “What Are the Facts of This Case?”

In item 5, discuss what happened between the parties to cause this lawsuit to be filed. You must only include facts that:

- Are important to what you think the district court got wrong, and

- Were presented to the trial court. The appellate division will not consider new evidence, such as the testimony of new witnesses or new exhibits, so do not discuss any facts that were not presented to the trial court.

For each fact you discuss in item 5, you must tell the appellate division where in the record on appeal it shows that the fact was presented to the trial court. (For more information about the record on appeal, read item 13 on form [APP-101-INFO](#).) To do this, when you discuss a fact, you must **cite** the page in the record where it shows that fact was presented to the trial court. To *cite* means to provide: (1) the volume number of the part of the record where the fact can be found, (2) the name of the part of the record you are citing, and (3) the page number in the record where the fact can be found. Here are examples of how to cite to different forms of the record:

- If the fact you are discussing appears at page 10 of volume 2 of the Clerk’s Transcript, you would cite the Clerk’s Transcript as “2 CT 10.”
- If the fact you are discussing appears at page 15 of volume 1 of the Reporter’s Transcript, you would cite the Reporter’s Transcript as “1 RT 15.”
- If the parties used an appendix on appeal instead of a clerk’s transcript, and the fact you are discussing appears at page 33 of volume 1 of the appendix, you would cite the appendix as “1 App’x 33.”

12 Completing item 6, “What Happened in the Trial Court?”

In item 6, you will provide the appellate division with the facts about what happened in the trial court. Just like in item 5, you must cite to where in the record on appeal a fact you provide appears. For example, when you are talking about a specific document filed in the trial court (such as a complaint, a motion, or a court order), cite to where in the record that document can be found.

In item 6a, indicate whether you were the plaintiff or the defendant in the trial court. The plaintiff is the party who filed the complaint in the case. The defendant is the party against whom the complaint was filed.

In item 6b, describe the legal claims the plaintiff made in the complaint. The plaintiff started this lawsuit by filing a complaint. The complaint explains how the plaintiff believes they have been harmed. The “legal claims” in the complaint describe why the plaintiff believes the defendant is legally responsible for that harm. The following are examples of legal claims:



- The defendant drove through a red light and crashed into the plaintiff. The legal claim would be for “negligence.”
- The defendant failed to pay the plaintiff for work the plaintiff did under a contract. The legal claim would be for “breach of contract.”

In item 6c, describe what the plaintiff asked the trial court to do in the complaint to fix the harm they suffered. For example, the plaintiff may have asked the trial court to order the defendant to pay damages (money) to the plaintiff or to issue an injunction (an order requiring the defendant either to do something or not to do something).

In item 6d, describe the arguments the defendant made to the trial court against the complaint. These arguments are the reasons why the defendant believed the plaintiff should lose the lawsuit. These arguments can be found either in the defendant’s answer or in motions filed by the defendant (such as a demurrer or a motion for summary judgment). Examples of such arguments could include:

- The plaintiff waited too long to bring this lawsuit and the claims are now barred by the statute of limitations.
- The facts alleged in the complaint do not support the legal claims.
- The plaintiff failed to provide evidence supporting their legal claims.

In item 6e, indicate whether the defendant filed a cross-complaint against the plaintiff or another party. When a plaintiff sues a defendant, the defendant can sue the plaintiff back or, if the defendant thinks someone else is responsible for plaintiff’s harm, the defendant can sue that other person and bring them into the lawsuit. This is called filing a cross-complaint. If the defendant in this case filed a cross-complaint, briefly describe the legal claims made in the cross-complaint and what relief the defendant asked the trial court to order.

In item 6f, describe the decision of the trial court that you are appealing. You should state what the trial court’s decision was (for example, an order sustaining defendant’s demurrer, an order granting a motion for summary judgment, or a judgment after a jury verdict) and describe any reasons the trial court gave for its decision. Finally, describe what, if anything, the trial court’s decision requires the parties to do.

13 Completing item 7, "Your Request of the Appellate Division of the Superior Court"

In item 7, tell the appellate division what you would like it to do to fix the mistakes you believe the trial court made. For example, if the trial court sustained the defendant’s demurrer and dismissed your case, you could ask the appellate division to reverse the judgment and send the case back to the trial court to allow the case to continue.

14 Completing item 8, "What Do You Think the Trial Court Did Wrong?"

In item 8, you must clearly explain what you believe the trial court did wrong in deciding your case. You must include all your arguments in this opening brief. The appellate division will only consider arguments raised in the opening brief.

It is important to understand that **an appeal is NOT a new trial**. The appellate division will not consider new evidence, such as the testimony of new witnesses or new exhibits. Instead, the appellate division will review the appellate record (the record of what happened in the trial court that the parties have provided) and the trial court’s decision to see if certain kind of legal errors were made. The appellate division can only review a case for whether one of the two types of mistakes occurred:

- A **prejudicial error** occurred in the case before the trial court. A *prejudicial error* is an error that was made about either the law or court procedures in the case and that caused harm to the appellant.

Prejudicial error can include things like errors made by the judge about the law, errors or misconduct by the lawyers, incorrect instructions given to the jury, and misconduct by the jury that harmed appellant. When it conducts its review, the appellate division presumes that the judgment, order, or other decision being appealed is correct. As the appellant, you have the responsibility of showing that an error was made and that you were harmed by the error in some way.



- That there was **no substantial evidence** to support the judgment, order, or other decision being appealed. *Substantial evidence* is evidence that is reasonable and believable. When it conducts its review, the appellate division only looks to see if there was evidence that reasonably supports the trial court’s judgment, order, or other decision. The appellate division generally will not reconsider the jury’s or trial court’s conclusion about which side had more or stronger evidence or whether witnesses were telling the truth or lying.
- The law that supports your argument. This can take the form of statutes, court opinions, court rules, constitutional provisions, or other legal authority. You may find law that supports your appeal mentioned in the documents filed by the parties in the trial court or in the trial court’s decisions.

The appellate division generally will not reverse the judgment, order, or other decision being appealed unless the record clearly shows that one of these mistakes was made. (*Reverse* means to change the trial court’s decision.)

Item 8 is your opportunity to explain to the appellate division how the trial court made one of these mistakes and how the mistake harmed your case.

For each argument, you should clearly identify the following:

- The mistake you believe the trial court made in its judgment, order, or other decision you are appealing
- The **standard of review** that the reviewing court should apply in reviewing the argument. The *standard of review* is the rule or guidelines the appellate division will apply to determine whether a mistake was made in the trial court. Common standards of review include “de novo” if you are claiming the trial court misapplied the law; “abuse of discretion” if you are claiming the trial court exercised their discretion in an absurd or arbitrary way; or “substantial evidence” if you are challenging the factual findings of the judge or jury. You can get information about the possible standards of review that may apply on the Self-Help Guide to the California Courts website at selfhelp.courts.ca.gov/civil-appeals/legal-errors-standards-review.
- The places in the record on appeal where the facts which support your argument can be found. (Please see the discussion of cites to the record on appeal in item 11 of this information sheet.)

Form [APP-200](#) provides items for making two arguments. If you have more than two arguments to make, check the box at item 8c and make those additional arguments on a separate piece of paper and write “Attachment 8c” at the top.

15 Serving and Filing Your Brief

After you have completed your brief, make copies of the brief (with all attachments) for your records, each of the other parties in the case, and the trial court.

Serve a copy of the completed form (with all attachments) on each of the other parties and the trial court and keep proof of this service. There are two forms you may use to show proof of service:

- *Proof of Service* (form [APP-109](#)); or
- *Proof of Electronic Service* (form [APP-109E](#)).

You can get more information about how to serve court papers and proof of service from *What is Proof of Service* (form [APP-109-INFO](#)) and on the Self-Help Guide to the California Courts website at www.courts.ca.gov/selfhelp-serving.htm.

After you have served copies of the brief on the other parties and the trial court, file the original brief and all attachments, along with the proof of service, with the appellate division.



**INFORMATION ABOUT FILLING OUT
RESPONDENT'S BRIEF—LIMITED CIVIL
CASE (FORM APP-201)**

This part of the information sheet is written for the respondent—the party who is responding to an appeal filed by another party. If you are the respondent, your brief, called a “respondent’s brief,” responds to the arguments raised in the appellant’s opening brief and explains why the decision of the trial court that is being appealed is correct. You or your lawyer may use *Respondent’s Brief—Limited Civil Case* (form [APP-201](#)) for this purpose. This section describes how to fill out this form.

You do not need to submit a respondent’s brief. However, if you do not submit a brief, you will lose the chance to present your argument to the appellate division, either in writing or by making an oral argument before the appellate division. (For more information about oral argument, read item 26 on form [APP-101-INFO](#).) If you do not submit a brief, the appellant does not automatically win the appeal. Instead, the appellate division will decide the appeal on the trial court record, the appellant’s opening brief, and any oral argument by the appellant.

16 Attachments, format, and length

Form [APP-201](#) has spaces for you to provide information or answer questions. If any of these spaces are not big enough and you need more space for your response to an item, you may check the box in that item indicating that you need more space. After you check the box, you may continue your answer on a separate sheet of paper labeled “Attachment” followed by the item number you are filling out. For example, an attachment continuing your response to item 4 would be labeled “Attachment 4” at the top of the page.

You should format your brief and attachments as follows:

- The attachments must be on white paper, 8.5 inches by 11 inches in size, with 1.5 inch margins on the left and right and 1-inch margins on the top and bottom.
- In typing the brief and attachments, you may use any conventional font, but the font must not be smaller than 13 point.

- You should use normal typeface, but italics, boldface type, or underscores can be used for emphasis. Case names must also be in italics or underscored.
- If you file the brief in paper form, you should bind the brief on the left margin, unless the appellate division has a local rule requiring the brief to be bound on the top.
- All attachments need to be included at the end of form APP-201 in the order of the attachment number. For example, you would put Attachment 4 after Attachment 3. You then need to number the pages of all of the attachments in order, starting with page 6 (because the actual form is 5 pages long).

Your respondent’s brief, including the form and any attachments, may not be longer than 20 pages.

17 Completing the caption (the top part of the form)

Name of the parties on appeal. At the top left of the form, fill out the name of each party appealing the trial court’s decision and the name of each party who is a respondent in the appeal.

Appellate division case number. When the appellant filed the notice of appeal in this case, the clerk gave the appeal a case number. You can find this number on the appellant’s opening brief or on the notice of briefing schedule sent to you by the clerk of the appellate division. Write that number in the box entitled “Appellate Division Case Number.”

Trial court case number and trial court judicial officer. Write the case number your case had in the trial court here. You can find this number on any court order from the trial court. Also write the name of the trial court judge or other judicial officer who made the decision the appellant is appealing.

18 Completing item 1, "Information About the Respondent"

In item 1a, type your name. If you are a lawyer filling this out for your client, type your name, State Bar number, and the name of your law firm.

In item 1b, type your address and contact information if you do not have a lawyer. If you are a lawyer filling out this form for your client, write your office address, telephone number, fax number (if applicable), and e-mail address.



19 Completing item 2, "What Are the Facts of This Case?"

You do not need to fill out item 2 if you agree with the facts stated by the appellant in the appellant's opening brief. If you do not agree with those facts, then, in item 2, discuss what happened between the parties to cause this lawsuit to be filed.

If you provide a discussion of the facts, you must only include facts that:

- Are important to the arguments raised in the appellant's opening brief, your responses to those arguments you make in item 3, or other arguments you make in item 4 about why the superior court was correct in the decision the appellant is challenging on appeal or why the appellant should not be permitted to appeal.
- Were presented to the trial court. The appellate division will not consider new evidence, such as the testimony of new witnesses or new exhibits, so do not discuss any facts that were not presented to the trial court.

For each fact you discuss in item 2, you must tell the appellate division where in the record on appeal it shows that the fact was presented to the trial court. (For more information about the record on appeal, read item 13 on form [APP-101-INFO](#).) To do this, when you discuss a fact, you must **cite** the page in the record where it shows that fact was presented to the trial court. To *cite* means to provide: (1) the volume number of the part of the record where the fact can be found, (2) the name of the part of the record you are citing, and (3) the page number in the record where the fact can be found. Here are examples of how to cite to different forms of the record:

- If the fact you are discussing appears at page 10 of volume 2 of the Clerk's Transcript, you would cite the Clerk's Transcript as "2 CT 10."
- If the fact you are discussing appears at page 15 of volume 1 of the Reporter's Transcript, you would cite the Reporter's Transcript as "1 RT 15."
- If the parties used an appendix on appeal instead of a clerk's transcript, and the fact you are discussing appears at page 33 of volume 1 of the appendix, you would cite the appendix as "1 App'x 33."

20 Completing item 3, "What Are Your Responses to Appellant's Arguments?"

Item 3 is your opportunity to explain why the arguments made by the appellant in appellant's opening brief are wrong and the trial court's decision is right. You should respond to every legal argument raised by the appellant in the opening brief and should respond to the arguments in the same order that appellant made them.

Form [APP-201](#) provides items for responding to the appellant's first two arguments. If the appellant made more than two arguments, check the box at item 3c, and respond to appellant's other arguments on a separate piece of paper labeled "Attachment 3c" at the top of the page.

For each response, begin by briefly describing the appellant's argument to which you are responding. Then, explain why you believe the appellant's argument is wrong and the trial court's decision is correct. Even if the appellant has identified a legal mistake made by the trial court, you can argue that the mistake did not cause enough harm (or *prejudice*) to appellant's case to require the trial court's decision to be changed (or *reversed*).

In each of your responses, you must clearly identify the following:

- The places in the record on appeal where the facts that support your argument can be found. (Please see the discussion of cites to the record on appeal in item 19 of this information sheet.)
- The law that supports your argument. This can take the form of statutes, court opinions, court rules, constitutional provisions, or other legal authority. You may find law that supports your appeal mentioned in the documents filed by the parties in the trial court or in the trial court's decisions.

In reviewing the arguments raised by the appellant in the opening brief and your responses to those arguments, the appellate division will apply a **standard of review**. The *standard of review* is the rule or guidelines the appellate division will apply to determine whether a mistake was made in the trial court. If the appellant's opening brief failed to discuss the applicable standard of review, or if you disagree with the appellant about which standard of review applies, you should include in your response a discussion of what standard of review you believe applies.



You can get information about the possible standards of review that may apply on the Self-Help Guide to the California Courts website at selfhelp.courts.ca.gov/civil-appeals/legal-errors-standards-review.

21 Completing item 4, "Other Arguments"

In item 3, you responded to the arguments the appellant raised in the appellant's opening brief. Item 4 is your opportunity to raise any additional arguments you may have for why the trial court's decision is correct.

For example, if the trial court's decision provided two reasons why the appellant lost, but the appellant only discussed one of these reasons in the appellant's opening brief, you could argue that the appellant has lost the ability to challenge the other reason.

Additionally, if the appellant did not follow the court rules about appeals, you can argue in item 4 that the appellate division should dismiss the appeal. For example, if the appellant failed to file the notice of appeal in time or if the trial court's decision is not an appealable order, you could raise these arguments in item 4. For more information about the deadlines for filing a notice of appeal and what orders or trial court decisions can be appealed, see the Self-Help Guide to the California Courts website at selfhelp.courts.ca.gov/civil-appeals/can-you-appeal.

You may raise as many additional arguments as you want. Each argument should be listed separately with a title that summarizes the argument in a single sentence, followed by the argument. If you require additional space, check the box indicating you need additional space, and continue your answer on an attached sheet of paper labeled "Attachment 4" at the top of the page.

22 Completing item 5, "Your Request of the Appellate Division"

In item 5, tell the appellate division what you would like it to do. For example, if you believe the trial court's decision is correct, you could ask the appellate division to **affirm** the trial court's decision (to *affirm* means to uphold the trial court's decision). Or, if you believe the appellant has not followed the rules about appeals and the appellate division should reject the appeal, you could ask the appellate division to dismiss the appellant's appeal, leaving the trial court's decision in place.

23 Serving and Filing Your Brief

After you have completed your brief, make copies of the brief (with all attachments) for your records, each of the other parties in the case, and the trial court.

Serve a copy of the completed form (with all attachments) on each of the other parties and the trial court and keep proof of this service. There are two forms you may use to show proof of service:

- *Proof of Service* (form [APP-109](#)); or
- *Proof of Electronic Service* (form [APP-109E](#))

You can get more information about how to serve court papers and proof of service from *What is Proof of Service* (form [APP-109-INFO](#)) and on the California Courts Online Self-Help Center site at www.courts.ca.gov/selfhelp-serving.htm.

After you have served copies of the brief on the other parties and the trial court, file the original brief and all attachments, along with the proof of service, with the appellate division.



**INFORMATION ABOUT FILLING OUT
APPELLANT'S REPLY BRIEF—
LIMITED CIVIL CASE (FORM APP-202)**

This part of the information sheet is written for the appellant—the party who is appealing the trial court's decision. If the respondent filed a respondent's brief, that brief contained arguments that responded to your opening brief. You now have the opportunity to file an "appellant's reply brief" which replies to those arguments made in the respondent's brief. You or your lawyer may use *Appellant's Reply Brief—Limited Civil Case* (form [APP-202](#)) for this purpose. This section describes how to fill out this form.

You do not need to file a reply brief unless you want to. If you choose to file a reply brief, it will be the final brief filed in the case, unless the appellate division chooses to order additional briefing.

24 Attachments, format, and length

Form APP-202 has spaces for you to provide information or answer questions. If any of these spaces are not big enough and you need more space for your response to an item, you may check the box in that item indicating that you need more space. After you check the box, you may continue your answer on a separate sheet of paper labeled "Attachment" followed by the item number you are filling out. For example, an attachment continuing your response to item 4 would be labeled "Attachment 4" at the top of the page.

You should format your brief and attachments as follows:

- The attachments must be on white paper, 8.5 inches by 11 inches in size, with 1.5-inch margins on the left and right and 1-inch margins on the top and bottom.
- In typing the brief and attachments, you may use any conventional font, but the font must not be smaller than 13 points.
- You should use normal typeface, but italics, boldface type, or underscores can be used for emphasis. Case names must also be in italics or underscored.
- If you file the brief in paper form, you should bind the brief on the left margin, unless the appellate division has a local rule requiring the brief to be bound on the top.

- All attachments need to be included at the end of form APP-202 in the order of the attachment number. For example, you would put Attachment 4 after Attachment 3. You then need to number the pages of all of the attachments in order, starting with page 4 (because the actual form is 3 pages long).

Your reply brief, including the form and any attachments, may be no longer than 20 pages.

25 Completing the caption (the top part of the form)

Name of the parties on appeal. At the top left of the form, fill out the name of each party appealing the trial court's decision and the name of each party who is a respondent in the appeal.

Appellate division case number. When you filed the notice of appeal in your case, the clerk gave the appeal a case number. You can find this number on the notice of briefing schedule or another document about your case sent to you by the clerk of the appellate division. Write that number in the box entitled "Appellate Division Case Number."

Trial court case number and trial court judicial officer. Write the case number your case had in the trial court here. You can find this number on any court order from the trial court. Also write the name of the trial court judge or other judicial officer who made the decision you are appealing.

26 Completing item 1, "Information About the Appellant"

In item 1a, type your name. If you are a lawyer filling this out for your client, type your name, State Bar number, and the name of your law firm.

In item 1b, type your address and contact information if you do not have a lawyer. If you are a lawyer filling out this form for your client, write your office address, telephone number, fax number (if applicable), and e-mail address.



27 Completing item 2, "Replying to Respondent's Arguments"

Item 2 is your opportunity to reply to the arguments made by the respondent in the respondent's brief.

Form APP-202 provides items for replying to the respondent's first two arguments. If the respondent's brief contained more than two arguments, check the box at item 2c, and reply to the other arguments on a separate piece of paper labeled "Attachment 2c" at the top of the page.

For each reply, begin by briefly describing the respondent's argument to which you are replying. Then, provide your reply explaining why the respondent's arguments are incorrect. Your reply brief should not simply repeat the arguments you made in the opening brief. Instead, your reply arguments can do the following:

- Address legal issues and arguments raised in the respondent's brief.
- Show the appellate division how the respondent did not successfully address the legal issues raised in the appellant's opening brief.
- Address new legal authorities (cases, statutes, or constitutional provisions) included in the respondent's brief.

For each of your reply arguments, you must clearly identify the following:

- The places in the record on appeal where the facts that support your argument can be found. (Please see the discussion of cites to the record on appeal in item 11 of this information sheet.)
- The law that supports your argument. This can take the form of statutes, court opinions, court rules, constitutional provisions, or other legal authority. You may find law that supports your appeal mentioned in the documents filed by the parties in the trial court or in the trial court's decisions.

28 Serving and Filing Your Brief

After you have completed your brief, make copies of the brief (with all attachments) for your records, each of the other parties in the case, and the trial court.

Serve a copy of the completed form (with all attachments) on each of the other parties and the trial court and keep proof of this service. There are two forms you may use to show proof of service:

- *Proof of Service* (form [APP-109](#)); or
- *Proof of Electronic Service* (form [APP-109E](#))

You can get more information about how to serve court papers and proof of service from *What is Proof of Service* (form [APP-109-INFO](#)) and on the Self-Help Guide to the California Courts website at www.courts.ca.gov/selfhelp-serving.htm.

After you have served copies of the brief on the other parties and the trial court, file the original brief and all attachments, along with the proof of service, with the appellate division.

Clerk stamps date here when form is filed.

**DRAFT
02.20.2024
Not approved
by Judicial
Council**

Appellate Division Case Number:

Trial Court Case Number:

Trial Court Judicial Officer:

Appellant*(fill in the name of each party appealing)*

v.

Respondent*(fill in the name of each party against whom the appeal is brought)***Instructions**

- This form is for use as the respondent's brief in a **limited civil case** appeal only. Do not use this form, however, if this is a criminal case, if this is an unlimited civil case, or if there is a cross-appeal in this case.
- Before you fill in this form, read *Information on Using Form Appellate Briefs* (form [APP-200-INFO](#)). You can get this form at any courthouse or county law library or online at www.courts.ca.gov/forms.
- You may attach additional pages as needed when answering an item by checking the box that indicates there is not enough space. Your brief cannot be longer than 20 pages, including this form and any attached pages. Your attachments must comply with the formatting requirements of California Rules of Court, rule [8.883\(c\)](#).
- Fill out this brief and make a copy for each of the other parties and the trial court. Serve a copy of the completed form on each of the other parties and the trial court and keep proof of this service. *Proof of Service* (form [APP-109](#)) or *Proof of Electronic Service* (form [APP-109E](#)) can be used to make this record. You can get information about how to serve court papers and proof of service from *What Is Proof of Service?* (form [APP-109-INFO](#)) and on the Self-Help Guide to the California Courts website at www.courts.ca.gov/selfhelp-serving.htm.
- Take or mail the completed form and proof of service on the other parties to the appellate division clerk's office. It is a good idea to take or mail an extra copy to the clerk and ask the clerk to stamp it to show that the original has been filed.

1 Information About the Respondenta. Respondent (*name*): _____Your Lawyer (*if you have one for this case*):

Name: _____ State Bar No.: _____

Firm Name: _____

b. Your Address (*If you are a lawyer filling this form out on behalf of your client, provide your contact information and not your client's.*)

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

Email Address: _____



2 What Are the Facts of This Case?

You do not need to fill out this item if you agree with the what the appellant’s opening brief says are the facts. If you do not agree with what the Appellant’s Opening Brief says are the facts, please describe here the facts about what happened between the parties to cause this lawsuit. For each fact you mention, cite the page or pages of the record where it shows that the fact was presented to the trial court.

Check here if there is not enough space for your answer. Continue your answer on an attached sheet of paper, and write “Attachment 2” at the top.

Lined area for writing the facts of the case.



4 Other Arguments

Are there any other arguments you would like to raise to explain why the superior court was correct in the decision that the appellant is challenging on appeal or why the appellant should not be permitted to appeal?

Check here if there is not enough space for your answer. Continue your answer on an attached sheet of paper, and write "Attachment 4" at the top.

Lined area for writing answers to section 4.

5 Your Request of the Appellate Division

What would you like the appellate division to do? (For example, affirm the trial court's decision or dismiss appellant's appeal):

Check here if there is not enough space for your answer. Continue your answer on an attached sheet of paper, and write "Attachment 5" at the top.

Lined area for writing answers to section 5.

Date: _____

Type or print your name



Sign your name

Clerk stamps date here when form is filed.

**DRAFT
02.20.2024
Not approved
by Judicial
Council**

Appellate Division Case Number:

Trial Court Case Number:

Trial Court Judicial Officer:

Appellant*(fill in the name of each party appealing)*

v.

Respondent*(fill in the name of each party against whom the appeal is brought)***Instructions**

- This form is for use as the appellant's reply brief in a **limited civil case** appeal only. Do not use this form, however, if this is a criminal case, if this is an unlimited civil case, or if there is a cross-appeal in this case.
- Before you fill in this form, read *Information on Using Form Appellate Briefs* (form [APP-200-INFO](#)). You can get this form at any courthouse or county law library or online at www.courts.ca.gov/forms.
- You may attach additional pages as needed when answering an item by checking the box that indicates there is not enough space. Your brief cannot be longer than 20 pages, including this form and any attached pages. Your attachments must comply with the formatting requirements of California Rules of Court, rule [8.883\(c\)](#).
- Fill out this brief and make a copy for each of the other parties and the trial court. Serve a copy of the completed form on each of the other parties and the trial court and keep proof of this service. *Proof of Service* (form [APP-109](#)) or *Proof of Electronic Service* (form [APP-109E](#)) can be used to make this record. You can get information about how to serve court papers and proof of service from *What Is Proof of Service?* (form [APP-109-INFO](#)) and on the Self-Help Guide to the California Courts website at www.courts.ca.gov/selfhelp-serving.htm.
- Take or mail the completed form and proof of service on the other parties to the appellate division clerk's office. It is a good idea to take or mail an extra copy to the clerk and ask the clerk to stamp it to show that the original has been filed.

1 Information About the Appellant

- a. Appellant (*name*): _____
 Your Lawyer (*if you have one for this case*):
 Name: _____ State Bar No.: _____
 Firm Name: _____
- b. Your Address (*If you are a lawyer filling this form out on behalf of your client, provide your contact information and not your client's*):
 Address: _____
 City: _____ State: _____ Zip: _____
 Telephone: _____ Fax: _____
 Email Address: _____



2 Replying to Respondent's Arguments

List each argument raised in the respondent’s brief to which you are replying, and then explain your reply to that argument. Do not repeat arguments from your opening brief or raise new arguments. Refer to facts presented to the trial court as well as the statutes, cases, court rules, constitutions, and other legal authorities that support your arguments.

a. Reply 1.

(1) What is the first response or argument in the Respondent’s Brief to which you are replying?

☐ Check here if there is not enough space for your answer. Continue your answer on an attached sheet of paper, and write “Attachment 2a(1)” at the top.

Lined area for writing the first response or argument.

(2) What is your reply to that response or argument? Include the law and/or facts that support your reply.

☐ Check here if there is not enough space for your answer. Continue your answer on an attached sheet of paper, and write “Attachment 2a(2)” at the top.

Lined area for writing the reply to the first response or argument.



