

AMENDMENT TO THE CALIFORNIA RULES OF COURT
Adopted by the Judicial Council on March 24, 2017, effective July 1, 2017

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13		

1 **Rule 1.100. Requests for accommodations by persons with disabilities**

2
3 **(a) Definitions**

4
5 As used in this rule:

6
7 (1) “Persons with disabilities” means individuals covered by California Civil
8 Code section 51 et seq.; the Americans With Disabilities Act of 1990 (42
9 U.S.C. §12101 et seq.); or other applicable state and federal laws. This
10 definition includes persons who have a physical or mental ~~impairment~~
11 medical condition that limits one or more of the major life activities, have a
12 record of such ~~an impairment~~ a condition, or are regarded as having such ~~an~~
13 ~~impairment~~ a condition.

14
15 (2) * * *

16
17 (3) “Accommodations” means actions that result in court services, programs, or
18 activities being readily accessible to and usable by persons with disabilities.
19 Accommodations may include making reasonable modifications in policies,
20 practices, and procedures; furnishing, at no charge, to persons with
21 disabilities, auxiliary aids and services, equipment, devices, materials in
22 alternative formats, readers, or certified interpreters for persons ~~with hearing~~
23 ~~impairments~~ who are deaf or hard-of-hearing; relocating services or programs
24 to accessible facilities; or providing services at alternative sites. Although not
25 required where other actions are effective in providing access to court
26 services, programs, or activities, alteration of existing facilities by the
27 responsible entity may be an accommodation.

28
29 *(Subd (a) amended effective July 1, 2017; adopted as subd (b) effective January 1, 1996;*
30 *previously amended effective January 1, 2006, amended and relettered effective January 1,*
31 *2007.)*

32
33 **(b) * * ***

34
35 **(c) Process for requesting accommodations**

36
37 The process for requesting accommodations is as follows:

38
39 (1) * * *

40
41 (2) Requests for accommodations must include a description of the
42 accommodation sought, along with a statement of the ~~impairment~~ medical
43 condition that necessitates the accommodation. The court, in its discretion,

1 may require the applicant to provide additional information about the
2 ~~impairment~~ medical condition.

3
4 (3)–(4) * * *

5
6 *(Subd (c) amended effective July 1, 2017; previously amended effective January 1, 2006,*
7 *and January 1, 2007.)*

8
9 **(d)–(h) * * ***

10
11 *Rule 1.100 amended effective July 1, 2017; adopted as rule 989.3 effective January 1, 1996;*
12 *previously amended effective January 1, 2006; previously amended and renumbered effective*
13 *January 1, 2007; previously amended January 1, 2010.*

14
15 **Rule 8.104. Time to appeal**

16
17 **(a) Normal time**

18
19 (1) Unless a statute, or rules 8.108, ~~or rule 8.702,~~ or 8.712 provides otherwise, a
20 notice of appeal must be filed on or before the earliest of:

21
22 (A)–(C) * * *

23
24 (2)–(3) * * *

25
26 *(Subd (a) amended effective July 1, 2017, previously amended effective January 1, 2007,*
27 *January 1, 2010, July 1, 2012, July 1, 2014, and January 1, 2016.)*

28
29 **(b)–(e) * * ***

30
31 *Rule 8.104 amended effective July 1, 2017; repealed and adopted as rule 2 effective January 1,*
32 *2002; previously amended and renumbered as rule 8.104 effective January 1, 2007; previously*
33 *amended effective January 1, 2005, January 1, 2010, January 1, 2011, July 1, 2011, July 1, 2012,*
34 *July 1, 2014, January 1, 2016, and January 1, 2017.*

35
36 **Advisory Committee Comment**

37
38 **Subdivision (a).** This subdivision establishes the standard time for filing a notice of appeal and
39 identifies rules that establish very limited exceptions to this standard time period for cases
40 involving certain postjudgment motions and cross-appeals (rule 8.108), certain expedited appeals
41 under the California Environmental Quality Act (rule 8.702), and appeals under Code of Civil
42 Procedure section 1294.4 of an order dismissing or denying a petition to compel arbitration (rule
43 8.712).

1
2 Under subdivision (a)(1)(A), a notice of entry of judgment (or a copy of the judgment) must show
3 the date on which the clerk served the document. The proof of service establishes the date that the
4 60-day period under subdivision (a)(1)(A) begins to run.

5
6 Subdivision (a)(1)(B) requires that a notice of entry of judgment (or a copy of the judgment)
7 served by or on a party be accompanied by proof of service. The proof of service establishes the
8 date that the 60-day period under subdivision (a)(1)(B) begins to run. Although the general rule
9 on service (rule 8.25(a)) requires proof of service for all documents served by parties, the
10 requirement is reiterated here because of the serious consequence of a failure to file a timely
11 notice of appeal (see subd. (e)).

12
13 **Subdivision (b).** * * *

14
15 **Chapter 12. Appeals Under Code of Civil Procedure Section 1294.4 from an Order**
16 **Dismissing or Denying a Petition to Compel Arbitration**

17
18 *Title 8, Appellate Rules—Division 2, Rules Relating to the Superior Court Appellate*
19 *Division—Chapter 12, Appeals Under Code of Civil Procedure Section 1294.4 from an*
20 *Order Dismissing or Denying a Petition to Compel Arbitration adopted effective July 1,*
21 *2017.*

22
23 **Rule 8.710. Application**

24
25 **(a) Application of the rules in this chapter**

26
27 The rules in this chapter govern appeals under Code of Civil Procedure section
28 1294.4 from a superior court order dismissing or denying a petition to compel
29 arbitration.

30
31 **(b) Application of general rules for civil appeals**

32
33 Except as otherwise provided by the rules in this chapter, rules 8.100–8.278,
34 relating to civil appeals, apply to appeals under this chapter.

35
36 *Rule 8.710 adopted effective July 1, 2017.*

37
38 **Rule 8.711. Filing and service**

39
40 **(a) Method of service**

41
42 Except as otherwise provided by law:

1 (1) All documents must be served electronically on parties who have consented
2 to electronic service or who are otherwise required by law or court order to
3 accept electronic service. All parties represented by counsel are deemed to
4 have consented to electronic service. All self-represented parties may so
5 consent.

6
7 (2) All documents that the rules in this chapter require be served on the parties
8 that are not served electronically must be served by personal delivery,
9 express mail, or other means consistent with Code of Civil Procedure
10 sections 1010, 1011, 1012, and 1013, and reasonably calculated to ensure
11 delivery of the document to the parties not later than the close of the business
12 day after the document is filed or lodged with the court.

13
14 **(b) Electronic filing**

15
16 In accordance with rule 8.71, all parties except self-represented parties are required
17 to file all documents electronically except as otherwise provided by these rules, the
18 local rules of the reviewing court, or court order. Notwithstanding rule 8.71(b), in
19 appeals governed by this chapter, a court may order a self-represented party to file
20 documents electronically.

21
22 **(c) Exemption from extension of time**

23
24 The extension of time provided in Code of Civil Procedure section 1010.6 for
25 service completed by electronic means does not apply to any service in actions
26 governed by these rules.

27
28 *Rule 8.711 adopted effective July 1, 2017.*

29
30 **Rule 8.712. Notice of appeal**

31
32 **(a) Contents of notice of appeal**

33
34 (1) The notice of appeal must state that the superior court order being appealed is
35 governed by the rules in this chapter.

36
37 (2) Copies of the order being appealed and the order granting preference under
38 Code of Civil Procedure section 36 must be attached to the notice of appeal.

39
40 **(b) Time to appeal**

41
42 The notice of appeal must be served and filed on or before the earlier of:
43

1 (1) Twenty days after the superior court clerk serves on the party filing the notice
2 of appeal a document entitled “Notice of Entry” of the order dismissing or
3 denying a petition to compel arbitration or a filed-endorsed copy of the order,
4 showing the date either was served; or
5

6 (2) Twenty days after the party filing the notice of appeal serves or is served by a
7 party with a document entitled “Notice of Entry” of the order dismissing or
8 denying a petition to compel arbitration or a filed-endorsed copy of the order,
9 accompanied by proof of service.
10

11 **(c) Extending the time to appeal**

12
13 (1) Motion to reconsider appealable order
14

15 If any party serves and files a valid motion under subdivision (a) of Code of
16 Civil Procedure section 1008 to reconsider the order dismissing or denying a
17 petition to compel arbitration, the time to appeal from that order is extended
18 for all parties until five court days after the superior court clerk or a party
19 serves an order denying the motion or a notice of entry of that order.
20

21 (2) Cross-appeal
22

23 If an appellant timely appeals from the order dismissing or denying a petition
24 to compel arbitration, the time for any other party to appeal from the same
25 order is extended until five court days after the superior court clerk serves
26 notification of the first appeal.
27

28 *Rule 8.712 adopted effective July 1, 2017.*
29

30 **Rule 8.713. Record on appeal**

31
32 **(a) Record of written documents**
33

34 The record of the written documents from the superior court proceedings must be in
35 the form of a joint appendix or separate appellant’s and respondent’s appendixes
36 under rule 8.124.
37

38 **(b) Record of the oral proceedings**
39

40 (1) The appellant must serve and file with its notice of appeal a notice
41 designating the record under rule 8.121 specifying whether the appellant
42 elects to proceed with or without a record of the oral proceedings in the trial

1 court. If the appellant elects to proceed with a record of the oral proceedings
2 in the trial court, the notice must designate a reporter's transcript.

3
4 (2) Within 10 days after the superior court notifies the court reporter to prepare
5 the transcript under rule 8.130(d)(2), the reporter must prepare and certify an
6 original of the transcript and file the original and required number of copies
7 in superior court.

8
9 (3) If the appellant does not present its notice of designation as required under
10 (1) or if any designating party does not submit the required deposit for the
11 reporter's transcript under rule 8.130(b)(1) or a permissible substitute under
12 rule 8.130(b)(3) with its notice of designation or otherwise fails to timely do
13 another act required to procure the record, the superior court clerk must serve
14 the defaulting party with a notice indicating that the party must do the
15 required act within two court days of service of the clerk's notice or the
16 reviewing court may impose one of the following sanctions:

17
18 (A) If the defaulting party is the appellant, the court may dismiss the
19 appeal; or

20
21 (B) If the defaulting party is the respondent, the court may proceed with the
22 appeal on the record designated by the appellant.

23
24 (4) Within 10 days after the record is filed in the reviewing court, a party that has
25 not purchased its own copy of the record may request the appellant, in
26 writing, to lend it the appellant's copy of the record at the time that the
27 appellant serves its final opening brief under rule 8.715(b)(2). The borrowing
28 party must return the copy of the record when it serves its brief or the time to
29 file its brief has expired. The cost of sending the copy of the record to and
30 from the borrowing party shall be treated as a cost on appeal under rule
31 8.891(d)(1)(B).

32
33 *Rule 8.713 adopted effective July 1, 2017.*

34
35 **Rule 8.714. Superior court clerk duties**

36
37 Within five court days following the filing of a notice of appeal under this rule, the
38 superior court clerk must:

39
40 (1) Serve the following on each party:

41
42 (A) Notification of the filing of the notice of appeal; and
43

1 (B) A copy of the register of actions, if any.

2
3 (2) Transmit the following to the reviewing court clerk:

4
5 (A) A copy of the notice of appeal, with the copies of the order being
6 appealed and the order granting preference under Code of Civil
7 Procedure section 36 attached; and

8
9 (B) A copy of the appellant's notice designating the record.

10
11 *Rule 8.714 adopted effective July 1, 2017.*

12
13 **Rule 8.715. Briefing**

14
15 **(a) Time to serve and file briefs**

16
17 Unless otherwise ordered by the reviewing court:

18
19 (1) An appellant must serve and file its opening brief within 10 days after the
20 notice of appeal is served and filed;

21
22 (2) A respondent must serve and file its brief within 25 days after the appellant
23 files its opening brief; and

24
25 (3) An appellant must serve and file its reply brief, if any, within 15 days after
26 the respondent files its brief.

27
28 **(b) Contents and form of briefs**

29
30 (1) The briefs must comply as nearly as possible with rule 8.204.

31
32 (2) If a designated reporter's transcript has not been filed at least 5 days before
33 the date by which a brief must be filed, an initial version of the brief may be
34 served and filed in which references to a matter in the reporter's transcript are
35 not supported by a citation to the volume and page number of the reporter's
36 transcript where the matter appears. Within 10 days after the reporter's
37 transcript is filed, a revised version of the brief must be served and filed in
38 which all references to a matter in the reporter's transcript must be supported
39 by a citation to the volume and page number of the reporter's transcript
40 where the matter appears. No other changes to the initial version of the brief
41 are permitted.

1 **(c) Stipulated extensions of time to file briefs**

2
3 If the parties stipulate to extend the time to file a brief under rule 8.212(b), they are
4 deemed to have agreed that such an extension will promote the interests of justice,
5 that the time for resolving the action may be extended beyond 100 days by the
6 number of days by which the parties stipulated to extend the time for filing the
7 brief, and that to that extent, they have waived any objection to noncompliance
8 with the deadlines for completing review stated in Code of Civil Procedure section
9 1294.4 for the duration of the stipulated extension.

10
11 **(d) Failure to file brief**

12
13 If a party fails to timely file an appellant’s opening brief or a respondent’s brief, the
14 reviewing court clerk must serve the party with a notice indicating that if the
15 required brief is not filed within two court days of service of the clerk’s notice, the
16 court may impose one of the following sanctions:

- 17
18 (1) If the brief is an appellant’s opening brief, the court may dismiss the appeal;
19
20 (2) If the brief is a respondent’s brief, the court may decide the appeal on the
21 record, the opening brief, and any oral argument by the appellant; or
22
23 (3) Any other sanction that the court finds appropriate.

24
25 *Rule 8.715 adopted effective July 1, 2017.*

26
27 **Rule 8.716. Oral argument**

28
29 The reviewing court clerk must send a notice of the time and place of oral argument to all
30 parties at least 10 days before the argument date. The presiding justice may shorten the
31 notice period for good cause; in that event, the clerk must immediately notify the parties
32 by telephone or other expeditious method.

33
34 **Rule 8.717. Extensions of time**

35
36 The Court of Appeal may grant an extension of the time in appeals governed by this
37 chapter only if good cause is shown and the extension will promote the interests of
38 justice.

39
40 *Rule 8.716 adopted effective July 1, 2017.*