

Addendum

Procedures and policies adopted by the California Supreme Court on August 22, 2001, as amended July 27, 2005, May 18, 2011, and March 19, 2014

Parts A-D below were adopted on August 22, 2001, effective October 1, 2001. Part D below was amended effective July 27, 2005. Parts E & F were adopted effective July 1, 2011. On March 19, 2014, Part B was amended effective May 1, 2014, and non-substantive, conforming revisions to Parts C and E were made for clarity.

A. Contents of Declarations in Support of Extension of Time (EOT) Requests

Any declaration submitted in support of an EOT request must include the following:

1. The original due date for the uncompleted matter for which an EOT is sought; the total amount of time that has elapsed since that date; and the number of prior extensions requested and granted or denied.
2. The number of pages in the record on appeal, as follows: (a) the number of pages in the combined record on appeal, both reporter's and clerk's transcripts, *including* juror questionnaires, and (b) the number of pages in the combined record on appeal, *excluding* the juror questionnaires. (This information is not required if the EOT request concerns only habeas corpus briefing.)
3. A good faith estimate of the percentage of work accomplished to date, with regard to the uncompleted matter for which an EOT is sought.

4. A good faith estimate of the amount of time required for the remaining work to be done, with regard to the uncompleted matter for which an EOT is sought, and a proposed target date for the filing of that matter.

*B. Contents of Appointed Counsel's
Confidential Status Report (CSR)*

In accordance with longstanding court practice, until appointed appellate counsel files the appellant's opening brief, and until appointed habeas corpus/executive clemency counsel files a concurrent capital-related state habeas corpus petition, a current CSR must be submitted every 60 days. Lead appointed counsel must serve a copy of the CSR on the assisting entity or attorney and on any appointed associate counsel, and must submit proof of service with the report. A CSR submitted by appointed counsel must include the following:

1. Current case status, including a good faith estimate of the percentage of work accomplished to date with regard to each pending uncompleted task.
2. Progress during the last 60 days.
3. Problems and reasons for any delay.
4. Future plans, including a good faith estimate of the amount of time it will take for the remaining work to be done as to each pending uncompleted task, and a proposed target date for completion of each such task.

Whenever appointed appellate counsel has filed a request for an EOT to file the appellant's opening brief or appellant's reply brief, or appointed habeas corpus/executive clemency counsel has filed a request for an EOT to file the reply to an informal response to a petition for a writ of habeas corpus, and the court has subsequently denied that

request, appointed counsel must submit to the court and serve upon the assisting entity or attorney a CSR as described above 30 days after the court's order denying the request and every 30 days thereafter until the brief or reply has been filed. In addition, the assisting entity or attorney must also submit to the court 30 days after the date of the court's order and every 30 days thereafter until the brief or reply is filed a CSR providing the following:

1. The assisting entity's or attorney's assessment of current case status, including a good faith estimate of the percentage of work accomplished to date with regard to each pending uncompleted task.

2. The assisting entity's or attorney's assessment of appointed counsel's progress during the last 30 days.

3. The assisting entity's or attorney's views regarding any problems and the reasons for delay.

4. Future plans and arrangements appointed counsel and the assisting entity or attorney have made, including the assisting entity's or attorney's good faith estimate of the date when the brief or reply will be filed.

The assisting entity or attorney must serve a copy of the CSR on the lead appointed counsel and any appointed associate counsel being assisted, and must submit proof of service with the report.

*C. Supplemental Declarations and
Confidential Status Reports*

As appropriate, counsel of record may be requested to submit a supplemental declaration to establish good cause for any requested EOT. Similarly, appointed counsel, as appropriate, may be requested to submit a supplemental CSR.

*D. Extensions of Time Related to
Habeas Corpus Informal Briefing*

Extensions of time granted by the court for habeas corpus informal briefing (informal response to a habeas corpus petition, or a reply to an informal response to a habeas corpus petition) will be provided, pursuant to the court's previous practice, in 60-day intervals. This has been the internal operating policy of the court since July 27, 2005.

*E. Declarations in Support of
Confidential Status Reports*

In all automatic appeals and capital-related habeas corpus proceedings in which appointed counsel of record is required to submit a periodic CSR, and in all such cases and proceedings in which appointed counsel is not required to submit a CSR but nevertheless chooses to do so, the CSR must contain a certification or declaration under penalty of perjury by lead counsel that the contents of the CSR are true and correct. (Code Civ. Proc., § 2015.5.)

F. Proofs of Service

In all automatic appeals and capital-related habeas corpus proceedings in which counsel of record is required to provide the court with the original of a proof of service

(Policy 4, Supreme Court Policies Regarding Cases Arising From Judgments of Death [“Service of process by counsel for defendant”]), such delivery must be evidenced by a certification or declaration under penalty of perjury. (Code Civ. Proc., § 2015.5.)