

## NOTICE TO LITIGANTS

1. The Court of Appeal presumes a trial court **Judgment** is correct and that any trial court error is **harmless** unless the appellant shows the error is **prejudicial**.
2. The Court of Appeal **will reverse** a trial court judgment **only** where the appellant shows there was **prejudicial error**.
3. In a civil case, the appellant must present both an **adequate record on appeal** and an **adequate appellant's opening brief**.
4. An **adequate record on appeal** is one that presents not only the judgment but transcripts and exhibits from the trial court that will enable the appellate court to see what happened there.
5. If appellant contends that **evidence is insufficient** or **unbelievable** or that a reasonable trial judge or jury should or could not have believed the testimony of the winning party, then the appellant must present the relevant reporter's transcripts.
6. An **adequate Appellant's Opening Brief** must present identifiable, recognizable issues and support them with understandable arguments that (a) cite the **record on appeal** and (b) cite pertinent legal authorities.
7. The appellate court will **not scour the record on appeal** to find the support for appellant's position.
8. An appellant waives or **forfeits any issue** not coherently presented in the **Appellant's Opening Brief**.

*As one appellate court wrote a few years ago: "When practicing appellate law, there are at least **three immutable rules**: **first**, take great care to prepare a complete record; **second**, if it is not in the record, it did not happen; and **third**, when in doubt, refer back to rules one and two."* (*Protect Our Water v. County of Merced* (2003) 110 Cal.App.4th 362, 364.)