

# **FIRST APPELLATE DISTRICT INTERNAL OPERATING PRACTICES AND PROCEDURES**

[Adopted effective March 18, 2024]

## **I. INTRODUCTION**

### **A. Purpose and Scope**

The purpose of these internal operating practices and procedures is to provide information about the organization of the court and its procedures for processing cases. These practices and procedures are not intended to supplant the California Rules of Court, the Local Rules of the First Appellate District, or the statutes and constitutional provisions governing court operations.

### **B. General Information**

The court's address is:

California Court of Appeal  
First Appellate District  
350 McAllister Street  
San Francisco, CA 94102

The clerk's office is located on the first floor in Room 1195. It is open to the public from 9:00 a.m. to 5:00 p.m., Monday through Friday, exclusive of state holidays. Its e-mail address is [first.district@jud.ca.gov](mailto:first.district@jud.ca.gov).

The court's telephone numbers are:

(415) 865-7200 (Clerk's Office)  
(415) 865-7300 (Main Number)

The court's website is <https://www.courts.ca.gov/1dca.htm>.

## II. ORGANIZATION OF THE COURT

### A. Justices and Staff

The First Appellate District consists of five divisions, which functionally operate as discrete, differentiated units for the purpose of deciding cases. (Gov. Code, § 69101.) Each division consists of a presiding justice (PJ) and three associate justices. If a justice position is vacant, the Chief Justice may appoint a judge pro tempore to sit by assignment for a designated period.

The PJ is responsible for managing the division's caseload, presiding over oral argument, and performing administrative tasks. In any case in which the PJ is not on the panel of justices assigned to a case, the senior associate justice of the division serves as the acting presiding justice.

One of the five presiding justices serves as the court's administrative presiding justice (APJ). Among other duties, the APJ is responsible for leading the court, establishing policies, promoting access to justice, providing a forum for the fair and expeditious resolution of disputes, and maximizing the use of judicial resources. (See Cal. Rules of Court, rule 10.1004.)

Each justice employs two research attorneys and one judicial assistant. Some justices also invite law student externs to assist them. Each division has an assigned writ attorney who is supervised by the PJ.

### B. Clerk/Executive Officer, Clerk's Office Staff, and Administrative Support Staff

The court's clerk/executive officer (CEO) is selected by the justices and works under the general direction and supervision of the APJ. The CEO manages the clerk's office and its personnel and supervises the court's administrative support staff. The CEO also oversees nonjudicial support activities, including personnel, budget, technology, and facilities. (See Cal. Rules of Court, rule 10.1020.)

### C. Managing Attorney and Central Staff

The court's managing attorney is selected by the justices and works under the general direction and supervision of the APJ. The managing attorney serves as legal advisor to the court, its justices, and the clerk's office. The managing attorney also supervises a central staff of research attorneys and judicial

assistants, who are assigned on an as-needed basis to assist in processing appeals and writ petitions.

### III. PROCEDURES FOR PROCESSING CASES

#### A. Assigning Cases to Divisions

Appeals are sequentially assigned to the divisions when the clerk's office receives the notices of appeal from the superior court. Writ petitions are sequentially assigned to the divisions when the petitions are filed with the court. Appeals and petitions are assigned to divisions without regard to subject matter or complexity. However, when it is apparent to the clerk's office that an appeal or petition arises from the same trial court action that gave rise to an earlier proceeding in this court, the filing will be assigned to the same division that handled the earlier proceeding.

Appeals and writ petitions are sometimes assigned to a division before it becomes apparent that a different division previously handled a related proceeding. In these instances, the subsequent appeal or petition may be transferred to the division that handled the earlier proceeding. If the subsequent appeal or petition arose from the same trial court action that gave rise to the earlier proceeding, the APJ decides whether it should be transferred to the division that handled the earlier proceeding. If the appeal or petition arose from a different trial court action than gave rise to the earlier proceeding, the Supreme Court, upon request, decides whether it should be transferred to the division that handled the earlier proceeding. (Cal. Rules of Court, rule 10.1000.)

#### B. Processing Appeals

1. ***Motions.*** Each PJ determines the process for resolving motions that are filed in an appeal before the case is fully briefed. Routine motions and requests for extensions of time are typically decided by the PJ; dispositive motions are decided by a majority of a panel of three justices.
2. ***Vexatious Litigants.*** Applications to appeal or file a writ petition submitted by self-represented litigants named on the vexatious litigant list maintained by the Judicial Council are assigned to "Division v"—a virtual division—and are decided by

the APJ. If the APJ grants the application, the case is assigned to one of the court's five divisions as described above.

3. ***Panel Assignments.*** Fully briefed appeals are assigned to a panel of three justices for decision. To expedite their processing, appeals entitled to priority—such as juvenile dependency appeals—may be assigned before they are fully briefed. Appeals are assigned to a randomly selected panel, except that an appeal arising from a related proceeding already handled by a panel may be assigned to that same panel.
4. ***Draft Opinions.*** One justice on the panel is assigned to author the opinion. The author prepares a draft opinion, which typically includes a statement of the pertinent factual and procedural history, an analysis of the legal issues necessary to resolve the appeal, and a proposed disposition. In some appeals, the author may prepare a memorandum opinion with an abbreviated factual recitation and legal discussion. (See Cal. Stds. Jud. Admin., § 8.1.) Upon completion of the draft opinion, the author circulates it to the other panel members for their consideration. Conferencing practices vary among divisions.
5. ***Focus Letters and Tentative Opinions.*** In cases scheduled for oral argument, the panel may issue a focus letter or order to notify the parties about particular issues the panel is interested in discussing, in addition to any other issues the court and the parties may want to address. Panels may, in their sole discretion, issue tentative opinions in cases scheduled for oral argument. (See Ct. App., First Dist., Local Rules of Ct., rule 15(b).) Any party who originally requested oral argument, and who still wants to proceed with argument after receiving a tentative opinion, must reassert their desire for argument.
6. ***Oral Argument and Submission.*** When an appeal is assigned to a panel, the court notifies the parties that they may request oral argument within a designated time. If no party requests oral argument, argument will be deemed waived and the case will be submitted upon the court's approval of the waiver. If a party requests oral argument, or if the court determines that oral argument would be helpful regardless of whether a party has requested it, the clerk's office notifies the parties of the

argument's date, time, and location. The court will continue oral argument only upon written application supported by a showing of good cause. At the conclusion of oral argument, the PJ or acting presiding justice declares the matter submitted unless submission is deferred pending further briefing. Opinions are filed within ninety days of the date the matter is submitted. (See Cal. Const., art. VI, § 19.)

7. ***Preparing and Filing Opinions.*** After the parties have waived oral argument or oral argument has concluded, the author prepares a final draft of the opinion. If the other justices on the panel concur in the opinion, they approve it and the opinion is filed. A justice who does not subscribe to the opinion's reasoning or disposition may file a separate opinion. If the author fails to obtain the concurrence of at least one other justice on the panel, authorship may be reassigned to another panel member. An opinion is published if a majority of the justices on the panel certifies it for publication.
8. ***Rehearing.*** A majority of the justices on a panel is required to decide a petition for rehearing. An order granting rehearing vacates the court's original opinion and sets the case for full reconsideration. Generally, the parties have no right to reargue the case. In some cases, however, the court may invite additional briefing or conduct another oral argument before resubmitting the matter and filing a new opinion.

## C. Processing Writ Petitions

Upon filing, writ petitions are transmitted to the divisional writ attorney who typically researches the issues and provides legal analysis and recommendations to a panel of three justices. Before ruling on a petition, the court may request opposition. If the court decides that an opinion is required, the matter is assigned to a justice on the panel to author, and the matter is thereafter processed similarly to an appeal.