

THE LIFECYCLE OF AN APPEAL – CALIFORNIA STATE COURT

FILING APPEAL & DESIGNATING RECORD

- 1) **NOTICE OF APPEAL** – filed in Superior Court; jurisdictional deadline, due within 60/180 days
- 2) **NOTICE DESIGNATING RECORD ON APPEAL** – filed in Superior Court; due within 10 days of filing appeal
- 3) **CIVIL CASE INFORMATION STATEMENT** – filed in Court of Appeal; due within 15 days of filing appeal
- 4) **CERTIFICATE OF INTERESTED ENTITIES/PERSONS** – filed in Court of Appeal; due any time before or concurrently with 1st filing

BRIEFS & MOTIONS

- 5) **APPELLANT'S OPENING BRIEF** – due 40 days after record files (plus grace period of at least 15 days)
 - **APPELLANT'S APPENDIX** (or joint appendix) – filed concurrently with opening brief (unless Clerk's Transcript designated)
- 6) **RESPONDENT'S BRIEF** – due 30 days after opening brief is filed (plus grace period of at least 15 days)
 - **RESPONDENT'S APPENDIX** (if necessary) – filed concurrently with respondent's brief
- 7) **REPLY BRIEF** – due 20 days after respondent's brief is filed (no grace period)
 - **EXTENSION REQUESTS** – for any brief, up to 60 days via stipulation, or via court application showing good cause
 - **MOTION TO DISMISS** – can be filed before or after the record is filed in Court of Appeal
 - **MOTION TO AUGMENT OR CORRECT THE RECORD** – can be filed at any time

ORAL ARGUMENT

- 8) **ORAL ARGUMENT** – usually scheduled between 3 and 12 months after last brief is filed, depending on size of the record and complexity of the case

DECISION, PUBLICATION REVIEW & REMITTITUR

- 9) **WRITTEN OPINION** can be published (precedential), or unpublished (nonprecedential) – issued within 90 days after oral argument
 - **REQUEST FOR ORDER TO PUBLISH** an unpublished opinion – can be requested by anybody from the Court of Appeal; due within 20 days after the opinion is filed
 - **REQUEST FOR ORDER TO DE-PUBLISH** an opinion certified for publication – can be requested from CA Supreme Court by anybody; due within 30 days after decision is final in Court of Appeal
 - **PETITION FOR REHEARING** – due within 15 days after opinion is filed
 - **FINALITY** - The Court of Appeal's opinion becomes **FINAL** 30 days after opinion is filed
- 10) **PETITION FOR REVIEW** – filed in CA Supreme Court; due within 10 days after Court of Appeal's opinion becomes final
 - a) **ANSWER** to Petition for Review – due 20 days after petition is filed
 - b) **REPLY** – due 10 days after Answer is filed
- 11) **REMITTITUR** – issued by Court of Appeal after time to seek Supreme Court review expires or review is denied