

8. APPELLATE RULES

8.1 APPLICATION

The Appellate Division Rules apply to all appeals filed in the appellate division of the court, unless otherwise provided in these rules, by rule in the California Rules of Court, or by order in a particular case.

[Rule 7.1 adopted effective 1/1/18; renumbered as Rule 8.1 effective 1/1/22]

8.2 APPELLATE DIVISION JURISDICTION

A. Appeals. The Appellate Division has jurisdiction over all appeals arising from all misdemeanor, infraction, and limited civil cases in the County (except small claims appeals and parking citation appeals) and over all motions and petitions for stay orders in connection with such appeals. (Code Civ. Proc., § 77(e).)

B. Writs. The Appellate Division has jurisdiction over all petitions for writs of mandate, prohibition, and review (certiorari) in any misdemeanor, infraction, or limited civil case. (Code Civ. Proc., §§ 1068(b), 1085(b) and 1103(b).)

[Rule 8.2 adopted effective 1/1/26]

8.3 WRITS INVOLVING FELONY MATTERS PRIOR TO THE DEFENDANT BEING HELD TO ANSWER.

In felony cases where the ruling, order, or other matter arose prior to the completion of the preliminary hearing, petitions for writs of mandate, prohibition, review (certiorari), habeas corpus or any other petition for extraordinary relief, must be filed in the Department of the Supervising Judge of the Criminal Division.

[Rule 8.3 adopted effective 1/1/26]

8.4 DISMISSAL UPON FAILURE TO FILE OPENING BRIEF

When the time for filing briefs in any matter in which the appellate division has jurisdiction has expired either pursuant to the California Rules of Court or as extended by court order and no opening brief has been filed, the court will send a Notice of Impending Dismissal. If the court receives no response to the notice within the time frame provided, it shall enter a dismissal without a hearing.

[Rule 7.2 adopted effective 1/1/18; renumbered as Rule 8.2 effective 1/1/22; renumbered as Rule 8.4 effective 1/1/26]

8.5 MOTIONS

All motions, including ex parte applications for orders, shall be presented to the presiding judge of the appellate division. The presiding judge may rule on the motion, convene the panel to rule on the motion, or may schedule a motion for hearing before the panel at his or her discretion.

[Rule 7.3 adopted effective 1/1/18; renumbered as Rule 8.3 effective 1/1/22; renumbered as Rule 8.5 effective 1/1/26]

8.6 RECORD ON APPEAL - CIVIL MATTERS

A. Record on Appeal. The Appellate Division elects to authorize the use of the original court file in lieu of a clerk's transcript as the record on appeal, pursuant to CRC 8.830(a)(1)(B) and 8.833.

B. Settled Statement on Appeal. The Appellate Division elects to authorize the use of an official electronic recording, where available, as the record of the oral proceeding instead of obtaining a corrected statement on appeal from the judicial officer who presided over the proceeding before the Appellate Division, pursuant to CRC 8.837(d)(6)(A). The trial judge will not order that a transcript be prepared as the record of the oral proceedings. (See CRC 8.837(d)(6)(B).)

[Rule 7.5 adopted effective 1/1/13; amended 1/1/18; renumbered as Rule 8.4 effective 1/1/22; renumbered as Rule 8.6 effective 1/1/26]

8.7 RECORD ON APPEAL - FELONIES AND MISDEMEANORS

The Appellate Division elects to authorize the use of the original court file in lieu of a clerk's transcript as the record on appeal, pursuant to CRC 8.860(a)(1)(B) and 8.863.

[Rule 7.6 adopted effective 1/1/16; amended 7/1/18; renumbered as Rule 8.5 effective 1/1/22; renumbered as Rule 8.7 effective 1/1/26]

8.8 RECORD ON APPEAL - INFRACTIONS

The Appellate Division elects to use the original court file in lieu of a clerk's transcript as the record on appeal, pursuant to CRC 8.910(a)(1)(B) and 8.914.

The Appellate Division elects to use the official electronic recording, where available, as the record of the oral proceeding instead of obtaining a reporter's transcript or corrected statement on appeal from the judicial officer who presided over the proceeding before the Appellate Division, pursuant to CRC 8.916(d)(6)(A). The trial judge will not order that a transcript be prepared as the record of the oral proceedings. (See CRC 8.916(d)(6)(B).)

[Rule 7.7 adopted effective 1/1/18; renumbered as Rule 8.6 effective 1/1/22; renumbered as Rule 8.8 effective 1/1/26]