

## **TITLE 8 APPEALS**

### **RULE 8000 APPLICATION**

The local rules in this title are intended to supplement the California Rules of Court, which govern appeals in (1) limited civil appeals taken pursuant to Code of Civil Procedure Section 904.2, (2) misdemeanor and infraction appeals taken pursuant to Penal Code Sections 1466 and 1538.5, and (3) small claims appeals taken pursuant to Code of Civil Procedure Section 116.710 et sequitur.

(Adopted 11-4-11, effective 1-1-12)

### **RULE 8005 WHERE TO FILE DOCUMENTS**

Documents shall be filed at the court facility as designated in the Administrative Order – Where to File Documents. The order can be located on the court's website at <http://www.riverside.courts.ca.gov/> by clicking on *Local Rules* under the *General Information* tab.

(Adopted 11-4-11, effective 1-1-12; amended 5-13-13, effective 7-1-13)

### **RULE 8010 RECORD ON APPEAL**

#### **A. Record of Oral Proceedings**

1. The record of oral proceedings in limited civil, excluding limited unlawful detainer appeals as noted in subsection (A)(2), and misdemeanor appeals may be submitted by a) statement on appeal, b) electronic recording or transcript therefrom, or (c) reporter's transcript. In limited civil appeals, the appellant and respondent may also jointly prepare or stipulate to an agreed statement on appeal.
2. The official record of the oral proceedings in infraction trials and limited unlawful detainer trials shall be a transcription of the official electronic recording, and the parties shall be entitled to a free copy of that transcript, unless the appellant elects in the notice of appeal to proceed by statement on appeal. Infraction appellants are encouraged to use Local Form "Notice of Appeal and Record of Oral Proceedings (Infraction)." Limited unlawful detainer appellants are encouraged to use Local Form "Notice of Appeal and Record of Oral Proceedings (Unlawful Detainer)." The transcription of the official electronic recording shall be provided within 20 days of the notice to prepare the transcript.

3. If the appellant in a misdemeanor appeal proceeds by way of reporter's transcript, the appellant shall be responsible for transcript preparation unless appellant obtains a waiver of transcript fees pursuant to Government Code Section 68634.5 and Rule 8.866 of the California Rules of Court. Respondent shall be responsible to make private arrangements with court reporter(s) to obtain copies if appellant does not obtain a waiver of transcript fees.

**B. Record of Written Documents**

1. The record of written documents in limited civil and misdemeanor appeals shall be submitted by clerk's transcript.
2. In infraction appeals, pursuant to rules 8.910(a)(1)(B) and 8.914(a) of the California Rules of Court, the Court elects to use the original trial court file as the record of the written documents from the trial court proceedings instead of a clerk's transcript.

(Adopted 1-1-86; Amended 10-21-89, effective 1-1-90; amended 4-16-94, effective 7-1-94; amend. 4-25-98, effective 7-1-98; Renumbered from Rule 8.0010, 8-1-11, effective 1-1-12; amended 11-4-11, effective 1-1-12; amended 2-7-13, effective 3-1-13; administrative change made to remove the reference to the Southwest Justice Center in (A)(1), 10-15-13, effective 1-1-14)

**RULE 8015  
APPOINTMENT OF COUNSEL**

- A. Continuation. In every criminal case where a defendant in a lower court has assigned counsel, and such defendant files an appeal, the assigned counsel is hereby appointed to continue on as counsel for the purpose of perfecting and arguing the appeal.
- B. Financial Statement. Assigned counsel is directed to prepare a financial statement of the defendant under penalty of perjury for submission to the Court upon hearing on appeal. The Court may further require testimony under oath of the defendant at that time. Defendant must appear at the hearing on appeal for the purpose of establishing his ability to pay for assigned counsel pursuant to Penal Code Section 987.2; assigned counsel is directed to inform the defendant of the necessity of his appearance.
- C. Attorney Fees. After the decision on appeal has become final, assigned counsel may submit an application for attorney fees for services rendered in the appeal

proceeding to the Presiding Judge who shall consider the application and may award reasonable attorney fees pursuant to Penal Code Section 987.2.

(Adopted 1-1-86; Renumbered from Rule 8.0015, 8-1-11, effective 1-1-12; amended 11-4-11, effective 1-1-12)

**RULE 8020**  
**COST OF TRANSCRIPTS**

(Adopted 1-1-84; Amended 4-16-94, effective 7-1-94; Renumbered from Rule 8.0020, 8-1-11, effective 1-1-12; deleted 11-4-11, effective 1-1-12)

**RULE 8025**  
**DISMISSAL**

- A. Failure to Perform. If and when the appellant fails to perform any act necessary to perfect the appeal according to the California Rules of Court, the trial Court shall mail a notice to the appellant informing the appellant that the appeal will be dismissed unless an application pursuant to Local Rule 8030 is filed with the Appellate Division of the Superior Court within fifteen (15) days of the date of mailing.
- B. Transmittal. A certified copy of the notice accompanied by a certified copy of the notice of appeal, the fee for filing of an appeal in a civil matter, and a certified copy of the docket shall be transmitted to the Appellate Division of the Superior Court forthwith upon mailing the aforesaid notice to the appellant.

(Adopted 1-1-86; Amend 4-25-98, effective 7-1-98; Renumbered from Rule 8.0025, 8-1-11, effective 1-1-12; amended 11-4-11, effective 1-1-12)

**RULE 8030**  
**EXTENSION OR SHORTENING OF TIME; RELIEF FROM DEFAULT**

Applications for an extension or shortening of time (Rule 8.810 of the California Rules of Court) or for relief from default (Rule 8.812 of the California Rules of Court) shall comply with Rule 8.806 of the California Rules of Court and shall be deposited with the Clerk for presentation to the Presiding Judge. Failure to fully comply with Rule 8.806 shall be cause for the Clerk of the Appellate Division of the Superior Court for presentation to the Presiding Judge. Applicant shall prepare and provide a proposed order for Presiding Judge. Failure to fully comply with Rule 8.806 shall be cause for the Clerk to refuse the deposit of said application.

(Adopted 1-1-86; Amend. 4-25-98, effective 7-1-98; Renumbered from Rule 8.0030, 8-1-11, effective 1-1-12; amended 11-4-11, effective 1-1-12)

**RULE 8035  
APPEAL PROCESSING SCHEDULE**

Schedule 8035 is for the initiation and prosecution of an appeal to the Appellate Division of the Superior Court. Compliance therewith shall be strictly enforced.

**SCHEDULE 8035**

Parenthesized figures refer to California Rules of Court

TYPE OF ACTION	CIVIL	CRIMINAL
1. Notice of Appeal-- Filing of (NO extensions)	30 or 90 days (8.822)	30 days (8.853, 8.902)
2. Notice to Prepare Reporter's Transcript	10 days after filing notice of appeal (8.831)	
3. Deposit of Costs for Reporter's Transcript	10 days after notification (8.834)	
4. Filing of Reporter's Transcript	20 days after notice from clerk to prepare or receipt of fees (8.834)	20 days (8.866)
5. Notice Designating Record on Appeal	10 days after filing notice of of appeal (8.831)	
6. Preparation of Clerk's Transcript	30 days after payment of costs (8.832)	
7. Agreed Statement-- Preliminary Stipulation	10 days after filing notice of appeal 8.831, 8.836)	
Original Statement	30 days after filing notice of record designation (8.836)	
8. Statement on Appeal	10 days after filing notice of appeal (8.831)	
Proposed Statement	20 days after filing notice of record	20 days after filing record

	designation (8.837)	preparation election (8.869)
9. Review and Certification of Statement on Appeal	10 days after proposed amendments are filed (8.837)	10 days after proposed amendments are filed (8.869)
10. Request for Correction Or Augmentation of Transcripts	Any time (8.841)	Any time (8.873)
11. Transmission of Record On Appeal to Appellate Division	Upon completion (8.840)	Upon certification of statement or right thereto has expired, and completion of clerk's transcript (8.872)
12. Payment of Filing Fee	With notice of Appeal or within 15 days after clerk sends notice of failure to pay fee (8.821)	
13. Appellant's Opening Brief with required Proofs of Service	30 days after record is filed (8.882)	30 days after record is filed (8.882, 8.927)
14. Respondent's Brief with required Proofs of Service	30 days after filing of Opening Brief (8.882)	30 days after filing of Opening Brief (8.882, 8.927)
15. Appellant's Reply Brief	20 days after filing of Respondent's Brief (8.882)	20 days after filing of Respondent's Brief (8.882, 8.927)
16. Remittitur	30 days after filing Decision on Appeal (8.888)	30 days after filing Decision on Appeal (8.888)

(Adopted 1-1-86; Renumbered from Rule 8.0035, 8-1-11, effective 1-1-12; amended 11-4-11, effective 1-1-12)

**RULE 8040**  
**APPEAL -- SMALL CLAIMS**

- A. Docket Entries. In small claims actions where there are multiple parties it is requested that the courts insure that the docket entries and other records include the specifics as to which plaintiffs prevailed against which defendants and whether any liability found to exist is several or joint and several.
- B. Multiple Defendants. In cases involving multiple defendants in which there is an appeal by less than all defendants, the only original documents which should be transmitted to the Clerk of the Superior Court should be the notice of appeal and the notice of entry of judgment; other documents required pursuant to Rule 8.957 of the California Rules of Court are to be certified copies.
- C. Notice of Appeal. A notice of appeal should be filed by each appealing defendant or in the alternative, each defendant who appeals should sign the notice of appeal.
- D. Extraneous Documents. Extraneous correspondence and other documents which are neither admitted into evidence nor marked for identification should not be transmitted to the court.

(Adopted 1-1-86; Renumbered from Rule 8.0040, 8-1-11, effective 1-1-12; amended 11-4-11, effective 1-1-12)