

**RULE OF COURT
NO. TEN**

APPELLATE DIVISION

1. SESSIONS.

The Appellate Division will convene at times and places designated by the Presiding Judge of the Appellate Division.

2. JUDGE.

The Presiding Judge of the Appellate Division shall oversee the processing of appeals; appoint three judges to hear each case, and designate one of them to preside over that panel, who shall be designated as the presiding judge of the panel; and act upon routine matters, applications, and motions before the court.

3. BRIEFS.

All briefs filed with the Appellate Division must be bound on the top, with covers in colors as designated by California Rules of Court 8.40(c). Copies are not required to be submitted because briefs are submitted to the appellate panel judges electronically, eliminating the need for additional copies.

Briefs that are filed by Fax Filing under Section 9 or Electronically Filed under Section 10 are not required to be bound or to have covers in the colors designated by California Rules of Court 8.40(c).

4. MOTIONS.

All motions, including ex parte applications for orders in a case where there has not been an appointment of a hearing panel and presiding judge thereof, shall be presented to the Presiding Judge of the Appellate Division. In cases where a panel designation has been made, they shall be presented to the presiding judge of the panel. Any such presiding judge may act on routine matters, or may schedule a motion for hearing before the panel at his or her discretion.

5. MOTIONS FOR AUGMENTATION AND CORRECTION OF THE RECORD; MOTIONS FOR ADDITIONS TO THE RECORD.

- (a) All motions for augmentation and correction of the record pursuant to Rule 8.841, California Rules of Court, and motions for the addition

of omitted portions of the record pursuant to Rule 8.841, California Rules of Court, shall set forth the facts showing: 1) good cause why the materials have not been included in the record on appeal; and 2) any previous motions for augmentation or additions to the record granted or denied to any party after filing of the notice of appeal.

- (b) All such motions shall specifically identify each paper, record, or exhibit that is being requested and/or specifically identify, by subject, date, and department what portion of the proceedings before the trial court is being requested to be transcribed.

6. COURT REPORTER.

The sessions of the Appellate Division shall not be reported by a court reporter unless a party so requests at least one week prior to the date set for the hearing.

7. WAIVER OF FEES AND COSTS.

Applications for a waiver of fees and costs shall be made pursuant to California Rules of Court 8.818.

8. APPOINTED COUNSEL IN MISDEMEANOR APPEALS.

- (a) **Right to counsel.** A defendant appealing a misdemeanor conviction, who had appointed counsel at trial or who has otherwise met the standards for appointed counsel, is entitled to appointed counsel on appeal.
- (b) **Applications for appointed counsel.**
 - (1) A party, meeting the standards, may apply for appointment of counsel either in the trial court or in the Appellate Division (CRC, Rule 8.851.)
 - (2) Applications filed in the Appellate Division are decided, without hearing, by the Presiding Judge.
- (c) **List of attorneys.** Appointments are made by the Appellate Division from the list of attorneys maintained by the Appellate Division.

9. FAX FILINGS.

Fax filings will be accepted during normal business hours.

A party may file by fax directly to the Appellate Division. Each document transmitted for fax filing shall contain the phrase "By Fax" immediately below the title of the document.

A party who files a signed document by fax represents that the original signed document is in his or her possession or control.

At any time after filing a signed facsimile document, any other party may serve a demand for production of the original physically signed document. The demand shall be served on all other parties but not be filed with the court.

If a demand for production of the original signed document is made, the parties shall arrange a meeting at which the original signed document can be examined.

Notwithstanding any provision of law to the contrary, a signature produced by facsimile transmission is an original.

Filings by fax shall be sent to the following telephone number: 530-257-9061

Filings by fax shall be accompanied by a cover sheet with the following information:

**TO: Appellate Division of the Superior Court
220 S. Lassen Street, Ste 2
Susanville, CA 96130
Telephone Number: 530-251-8256
Fax Telephone Number: 530-257-9061**

**NAME, ADDRESS & TELEPHONE NUMBER OF PARTY MAKING
FILING
DATE SUBMITTED
DOCUMENT SUBMITTED
TOTAL NUMBER OF PAGES**

If the facsimile filing is not filed by the court because of (1) an error in the transmission of the document to the court which was unknown to the sending party or (2) a failure to process the facsimile filing when received by the court, the sending party may move the court for an order filing the document nunc pro tunc. The motion shall be accompanied by the transmission record and a proof of transmission in the following form:

“At the time of transmission I was at least 18 years of age and not a party to this legal proceeding. On (date) _____ and (time) _____, I transmitted to the Appellate Division of the Superior Court the following documents (name) _____ by facsimile machine, pursuant to local rule. The court’s fax telephone number that I used as (fax telephone number) _____ . The facsimile machine I used complied with rule 2003 and no error was reported by the machine. I caused the machine to print a transmission record of the transmission, a copy of which is attached to this declaration.

“I declare under penalty of perjury that under the laws of the State of California that the foregoing is true and correct.”

10. ELECTRONIC FILINGS.

Electronic filings will be accepted during normal business hours.

A party may submit documents for filing electronically to the Appellate Division. Each document transmitted electronically for filing shall contain the phrase “*Electronically Submitted*” immediately below the title of the document.

A party who files a signed document electronically represents that the original signed document is in his or her possession or control.

At anytime after filing a signed electronically filed document, any other party may serve a demand for production for the original physically signed document. The demand shall be served on all other parties but not be filed with the court.

If a demand for production of the original signed document is made, the parties shall arrange a meeting at which the original signed document can be examined.

Notwithstanding any provision of law to the contrary, a signature produced by electronic transmission is an original.

Electronic filings shall be sent to the following email address:

appellatedivision@lassencourt.ca.gov

Electronic filings shall be accompanied by a cover sheet with the following information:

**TO: Appellate Division of the Superior Court
220 S. Lassen Street, Ste 2
Susanville, CA 96130
Telephone Number: 530-251-8256**

Email Address: appellatedivision@lassencourt.ca.gov

**NAME, ADDRESS, TELEPHONE NUMBER & EMAIL ADDRESS
OF PARTY MAKING FILING**

**DATE SUBMITTED
DOCUMENT SUBMITTED
TOTAL NUMBER OF PAGES**

Electronically submitted documents will be printed and the filed documents will be placed in the case file.

If a technical problem with respect to a court's electronic filing system precludes the court from accepting an electronic filing during its regular filing hours on a particular court day, and the electronic filer demonstrates that he or she attempted to file on that day, the court must deem the filing received on that day.

11. ORAL ARGUMENT APPEARANCES BY VIDEOCONFERENCE.

Whenever hearings for oral argument on appeal have been set, upon request by any party, or on his or her own motion, the Presiding Judge of the Panel may permit appearances of any of the parties and any or all of the judges assigned to the panel to appear by videoconference, provided all of the following conditions are met:

- (a) Notice of the time and place of the oral argument will be given to all parties;**
- (b) The parties will present oral argument in the venue where the underlying case being appealed was heard;**
- (c) Videoconference and telephonic equipment shall be provided, at no cost to the parties, which will allow each party to see and hear each other and each judicial panel member during the oral argument hearing;**
- (d) Each of the judges assigned to the panel shall participate in person or by videoconference during the entire oral argument hearing;**
- (e) The oral argument hearings shall be open to the public in the venue where the place of the oral argument is being heard and in each other venue where one of the judges assigned to the panel is participating by videoconference equipment;**

- (f) Notice shall be given to all parties of the location where each participating panel judge will be sitting while participating in the oral argument hearing.**

OTHER RULES OF APPEAL.

Except as modified by this section, the California Rules of Court on Appeals to the Superior Court (commencing with Rule 8.700) apply to the Appellate Division. Any applications involving matters pending before the Appellate Division shall be presented to the designated Presiding Judge of the assigned panel for the case involved, or, in the absence of such designation, the Presiding Judge of the Appellate Division.

(Effective 7/1/04, Revised 1/1/07, 1/1/09, and 7/1/10)