

7. APPELLATE RULES

7.1 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]

7.2 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]

7.3 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]

7.4 COPIES

At the time of filing any original brief with the Clerk of the Appellate Division, the filing party shall lodge with the Clerk four (4) legible copies of the brief.

[Rule 7.4 adopted effective 5/1/98; amended 7/1/15]

7.5 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]

7.6 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.

MARIN COUNTY SUPERIOR COURT - UNIFORM LOCAL RULES

In an appeal from a misdemeanor case in which the proceedings were officially recorded electronically in accordance with CRC 8.868, the original recording or a copy prepared by the court may be transmitted as the record of oral proceedings without being transcribed in lieu of a reporter's transcript or settled statement, pursuant to CRC 8.869(d)(6)(A). The trial judge will not order that a transcript be prepared as the record of the oral proceedings. (See CRC 8.869(d)(6)(B).)

[Rule 7.6 adopted effective 1/1/16; amended 1/1/18]

7.7 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]