

**DIVISION VII  
APPELLATE**

**CHAPTER 1  
GENERAL POLICIES AND PROCEDURES**

**Rule 7.1.1**

**Policy**

The business of the Appellate Division of the San Diego Superior Court will be conducted in conformity with the applicable provisions of article VI, sections 4, 10 and 11 of the California Constitution, titles 8 and 10 of the California Rules of Court, applicable statutes and case law.

(Adopted 1/1/2000; Renum. 7/1/2001; Renum. 1/1/2006; Rev. 1/1/2009)

**Rule 7.1.2**

**Filing of Appellate Briefs**

In addition to fully complying with the contents, form, filing and service requirements for briefs as stated in the California Rules of Court, rules 8.882, 8.883, 8.927, and 8.928, all original briefs submitted for filing must be accompanied by four copies. Failure of an appellant to file a timely opening brief or to otherwise fully comply with the applicable California Rules of Court may result in dismissal of the appeal.

(Adopted 1/1/2009; Rev. 1/1/2010; Rev. 1/1/2014)

**Rule 7.1.3**

**Record Election Options**

**A. Record of Written Documents from Trial Court Proceedings**

This court does not permit the use of the original trial court file as the record of the written documents from the trial court proceedings. A clerk's transcript is required. Parties also have the option of proceeding by agreed statement in limited civil appeals. (Cal. Rules of Court, rules 8.830(a)(1), 8.860(a)(1), 8.910(a)(1).)

**B. Record of Oral Trial Court Proceedings**

This court does not permit the use of electronic recordings as the record of oral trial court proceedings. Transcripts of such recordings are required. (Cal. Rules of Court, rules 8.830(a)(2), 8.860(a)(2), 8.910(a)(2).)

**C. Court's Use of Electronic Recordings**

The Appellate Division may review the electronic recording of trial court proceedings when the Presiding Judge of the Appellate Division determines that this procedure would save court time and resources or in the event a transcript of all or a portion of the trial court proceedings is unavailable during appellate review of the appeal. The court may order those proceedings or a portion of those proceedings transcribed or may order the use of the electronic recording as the record of such oral proceedings in lieu of a transcript and provide the parties with a copy of the transcript or an electronic copy of the recording.

(Adopted 1/1/2010; Rev. 1/1/2014)

**Rule 7.1.4**

**Late Filing Procedures**

Any brief or other filing received more than two court days after it is due will not be accepted for filing without a court order permitting the late filing.

(Adopted 1/1/2010)

**CHAPTER 2  
WRIT PROCEDURES,  
POLICIES, AND PROTOCOL  
IN LIMITED CIVIL  
AND CRIMINAL CASES**

**Rule 7.2.1**

**Application of the California Rules of Court**

For all petitions for extraordinary relief in limited civil, misdemeanor, and infraction cases which name San Diego Superior Court as respondent, wherever the San Diego Superior Court Rules do not provide specific guidance regarding the proper writ petition procedures, the provisions of the California Rules of Court, Title 8, Division 2, Chapter 6, Writ Proceedings, will apply.

(Adopted 1/1/2000; Renum. 7/1/2001; Renum. 1/1/2006; Rev. 1/1/2009)

**Rule 7.2.2**

**Filing Requirements**

**A.** All such petitions must be filed in the Central Division in Room 3005 on the third floor of the Courthouse at 220 West Broadway, San Diego, California. No such petitions will be accepted for filing anywhere else. Unless otherwise ordered, any subsequent pleadings and papers in the same matter must be filed in the same office.

**B.** All such petitions will be assigned civil case numbers.

**C.** No filing fee will be required when a petition arises from a criminal case.

**D.** The petitioner or counsel for the petitioner is required to submit one original and four copies of the petition. Each copy of the petition must include all supporting documents specified in California Rules of Court, rule 8.931(b). This court has not adopted a local rule permitting the use of electronic recordings of oral proceedings. Transcripts of such recordings are required if they are available.

(Adopted 1/1/2000; Rev. 1/1/2001; Renum. 7/1/2001; Renum. 1/1/2006; Rev. 1/1/2009; Rev. 1/1/2010)

**Rule 7.2.3**

**Request for Stay**

If a stay of the trial court proceeding is requested in the writ petition, the petition must so state prominently on the title page. The petition must set forth all time constraints which are relevant to the request for stay.

(Adopted 1/1/2000; Renum. 7/1/2001; Renum. 1/1/2006; Rev. 1/1/2009)