



To: Hon. Louis R. Mauro, Chair
Appellate Advisory Committee
455 Golden Gate Avenue
San Francisco, California 94102

From: The Committee on Appellate Courts of the Litigation Section of the California Lawyers Association

Date: June 8, 2018

Re: Invitations to Comment - SPR18-03; SPR18-05; SPR18-06

The Committee on Appellate Courts of the Litigation Section of the California Lawyers Association submits the following comments.

1. Finality of Appellate Division Decisions – SPR18-03

The Committee on Appellate Courts supports this proposal. The proposal addresses a genuine problem and is a sensible attempt to give parties sufficient time to prepare their pleadings seeking review of adverse decisions in the Appellate Division.

2. Notice of Appeal and Record on Appeal in Appellate Division Cases – SPR18-05

The Committee on Appellate Courts supports this proposal. The proposal appropriately addresses the stated purpose by providing more complete and accurate information, making corrections, and clarifying various items.

3. Electronic Sealed and Confidential Records and Lodged Records in the Court of Appeal – SPR18-06

The Committee on Appellate Courts supports this proposal and responds as follows to the Invitation to Comment's request for specific comments.

Does the proposal appropriately address the stated purpose?

Yes, the new and revised forms achieve the stated purpose because (1) when motion to seal is denied, it requires the clerk to either return paper copies submitted, or delete electronic copies; (2) it requires sealed documents to be transmitted to the reviewing court in a secure and confidential manner; (3) it clarifies procedures for transmitting and conditionally sealing

materials where the ruling denying sealing is challenged on appeal; and (4) it clarifies procedures for lodging unredacted materials in the appellate court.

Is new subdivision (e) of rule 8.46—addressing a record that is the subject of an appeal or original proceeding challenging a trial court’s ruling denying a motion or application to seal that record—helpful, and does it provide sufficient guidance?

Yes, new subdivision (e) is helpful and provides sufficient guidance.

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