

INSTRUCTIONS FOR FILING A PETITION FOR REVIEW IN THE CALIFORNIA SUPREME COURT

If you wish to request the California Supreme Court to consider your case, you must file a petition for review in the Supreme Court 31 to 40 days after the decision of the Court of Appeal. Be sure to provide enough time for the petition to be received by the Supreme Court through the mail. If you file the petition Express Mail or Priority Mail, the petition is considered to be “filed” the day it is postmarked.

There are three grounds on which the Supreme Court will grant review. They are: (1) where it appears necessary to secure uniformity of appellate decisions throughout the state, or to settle an important issue of law; (2) where the Court of Appeal was without jurisdiction over the case; or (3) where the Court of Appeal decided the case without a majority of the panel agreeing to the outcome. Most likely, the only ground that may apply to your case is the first one.

The petition for review need not be elaborate. You can only discuss the issues that were raised on appeal. It is written on normal 8½ by 11 inch white paper. The left and right margins must be 1½ inches wide, and the top and bottom margins must be 1 inch wide. The petition should be double spaced or at least 1½ spaced. If you use a computer, the print must be 13 point type. The petition for review must contain the following:

- C First, at the beginning, a statement of the **issues presented** in a concise, nonargumentative form. This is usually a one sentence statement or question.
- C Second, the petition must also contain a discussion of **why the court should grant review**. This usually involves discussing whether an important question of law is involved.
- C Third, the **legal arguments** follow. Your argument should refer to specific legal authority (portions of the Constitution, statutes, or cases) and to specific facts contained in the record on appeal. Do not forget to cite federal cases, statutes, or the Constitution whenever they apply.
- C At the end of your argument, you should have a short **conclusion**: “Therefore, petitioner requests that this Court grant review.” You must sign at the bottom of this page.
- C The **opinion of the Court of Appeal** must be attached to the end of the petition and labeled Exhibit A.
- C At the end, you should also attach a **proof of service**. This is a signed statement under penalty of perjury that on a certain date you mailed copies of the petition for review from your address to each party listed. An example of a proof of service is at the end of the opening and reply briefs to the Court of Appeal. You must send the petition for review to the same people who received the briefs, as well as to the Court of Appeal at the following address: Court of Appeal, Sixth Appellate District, 333 West Santa Clara Street, San Jose, CA 95113.

- C You must have a **certificate of word count** in the end of the petition stating under penalty of perjury that the petition is not any longer than 8400 words, including footnotes. This is the longest the petition can be. The limit does not include the cover, the table of contents, the table of authorities, the Court of Appeal opinion, or the proof of service, and the certificate of word count. If you use a typewriter, the petition can be no longer than 30 pages.

- C A white cover must be at the front of the petition with the same information on it as in the Court of Appeal decision, except the proper court is the Supreme Court, not the Court of Appeal.

- C You must have a **table of contents** and a **table of authorities** in the front of the petition, similar to the tables in the briefs in the Court of Appeal.

You need to mail the original petition and 13 copies to the Supreme Court at 350 McAllister Street room 1295, San Francisco, CA 94102. If you send to the Supreme Court an extra copy with a stamped, self-addressed manila envelope, the court will return the extra brief to you with a “filed” stamp on it, so you will be sure the court received it. You need to mail copies to everyone on the proof of service.