

1 What information does this form provide?

This information tells you how to fill out *Appellant's Proposed Settled Statement (Unlimited Civil Case)* (form APP-014). It includes:

- | Instructions for appellant to complete form APP-014; and
- | Definitions of legal terms, deadlines for filing and serving form APP-014, and the process for asking the court to certify your proposed settled statement for use in the Court of Appeal.

This information is also helpful for respondents who are completing *Response to Appellant's Proposed Settled Statement (Unlimited Civil Case)* (form APP-020).

More information for the appellant and respondent about the settled statement process is found in *Information on Appeal Procedures for Unlimited Civil Cases* (form APP-001-INFO). Read items 14b(3) and 25d.

2 Where can I find general information about the appeals process?

For general information about the appeals process, read *Information on Appeal Procedures for Unlimited Civil Cases* (form APP-001-INFO) (family law cases are one type of unlimited civil case). To learn more, you may also:

- | Visit the California Courts Online Self-Help Center at www.courts.ca.gov/selfhelp-appeals.htm.
- | Find out about self-help resources for the district in which you filed your appeal, at www.courts.ca.gov/courtsofappeal.htm.
- | Read rules 8.100–8.278 of the California Rules of Court, which set out the procedures for unlimited civil appeals. You can get these rules at any courthouse or county law library or online at www.courts.ca.gov/rules.
- | Consult with a lawyer. Find a lawyer through your local bar association, the State Bar of California at www.calbar.ca.gov, or the Lawyer Referral Services at 1-866-442-2529.

3 What is a settled statement?

A settled statement is a summary of the oral (spoken) trial court proceedings that is approved by the trial court judge who conducted those proceedings. The Court of Appeal will rely on this statement in deciding your case.

The appellant is responsible for preparing a proposed settled statement.

4 When can I use a settled statement?

You may use a settled statement as the record of the oral (spoken) trial court proceedings for an appeal if:

- | The trial or hearing was not reported by a court reporter; or
- | You have an order waiving your court fees and costs; or
- | The court orders that you can use a settled statement instead of a court reporter's transcript.

5 What must be included in a proposed settled statement?

The proposed settled statement must include all of the following:

- | A statement of the reasons for your appeal (see item **11**);
- | A summary of the evidence and testimony of each witness that relates to the reasons for your appeal; and
- | A copy of the judgment or order being appealed (must be attached to the settled statement).

6 What is the deadline to file the form?

File the original form in the trial court:

- | At the same time you file *Appellant's Notice Designating Record on Appeal (Unlimited Civil Case)* (form APP-003) or within **30 days** of that date;

OR

- | Within 30 days of the date that the court sends, or a party serves, an order granting your motion to use a settled statement, if applicable.

7 Overview for completing form APP-014

- 1 Review the entire form to become familiar with the categories and what areas apply to the reasons for your appeal. Not all items will apply to your situation.
- 1 Review the judgment or order that you are appealing and make a copy to attach to form APP-014.
- 1 Know why you are appealing the trial court's order or judgment. Describe the reasons in item 2 of form APP-014.

In addition, you will use form APP-014 and any attachments to specify those portions of the record that have evidence relevant to your issues on appeal, such as:

- 1 The testimony of a party or nonparty witness.
- 1 The court's ruling on an objection to a party's or nonparty witness's testimony.
- 1 The court's rulings about allowing (or not allowing) exhibits to be admitted into evidence to support or disprove a party's or a nonparty witness's testimony.
- 1 The trial court's findings at the hearing or trial.
- 1 The court's ruling on a motion or motions.
- 1 The court's rulings on one or several jury instructions (Note: Not all cases have juries.)

Remember, not every item on the form may apply to your situation. Answering yes or no where indicated on form APP-014 will help you and the court focus on the issues that are relevant to your appeal.

8 What is the meaning of these words that are found in form APP-014 and this information sheet?

Evidence: Any proof legally presented at a hearing or trial through witnesses, records, or exhibits.

Substantial evidence: Evidence that is reasonable, believable, and of solid value. It is not just any evidence. The focus is on the quality—not the quantity—of evidence needed to support a legal conclusion.

Findings: A decision by a judge that something is a fact or is relevant.

Judgment: The final determination of the rights of the parties in an action or proceeding.

Objection: A formal protest made by a party about what a party or witness says at the trial or hearing or about any exhibits or other evidence that the other side tries to introduce during a trial or hearing.

Order: A decision made by a judicial officer on an issue that is raised by a party in a lawsuit.

Rulings on objections: A ruling is a judge's decision on a party's objection to a witness's testimony, exhibits, or other evidence at the trial or hearing. The judge can "sustain" the objection or "overrule" the objection.

If the judge sustains the objection, the judge is agreeing with the objection and will not consider that part of the testimony or evidence that is being objected to.

If the judge overrules the objection, the judge is disagreeing with the objection, and will allow the evidence to be introduced.

9 How do I complete the caption (the top part of the form)?

Name and contact information. If you have a lawyer for the appeal, your lawyer will fill out the form. If you do not have a lawyer for the appeal, write your name and provide your contact information in the first part of the caption.

Court address. Complete the address for the superior court where your case is filed.

Party names. Write the names of the parties in the case. *Note for Domestic Violence Restraining Order cases:* If you are appealing a Domestic Violence Restraining Order, write your name next to Plaintiff/Petitioner if you are the Protected Person on the restraining order. Write your name next to Defendant/Respondent if you are the Restrained Person on the restraining order.

Amended statement. If the court ordered you to amend (make changes to) a proposed settled statement, check the box under the name of the form. Then, on the line that follows the check box, write whether this is the first, second, third, fourth, etc. time you are amending the proposed settled statement.

Filing date of notice of appeal. Finally, fill in the date your appeal was filed, as well as the superior court case number and Court of Appeal case number.

10 How do I complete item 1, "Preliminary Information"?

In item 1 of form APP-014, check the boxes that apply and provide the dates requested.

11 How do I complete item 2, "Reasons for Your Appeal"?

In item 2 of APP-014, describe the errors (mistakes) you believe were made at the hearing or trial. For example:

No substantial evidence.

You might argue that there was no substantial evidence that supported the judgment or order that you are appealing. (See item **8** of this information sheet for the definition of substantial evidence.)

Errors.

You might argue that an error or errors about the law or court procedure affected the outcome of the trial or hearing. This can include an argument that the court made a ruling that is based on a mistake about the facts of the case or about the law.

Before you complete this item, you should understand that the Court of Appeal will reverse the order or judgment you are appealing only if the error affected the outcome of the case. ("Reverse" means to change the trial court's decision.)

If you need more space to describe the reasons for your appeal, check the box labeled "Attachment 2a" and/or "Attachment 2b." Then attach a separate page or pages (you can use form MC-025) to continue describing the reasons for your appeal.

YOUR ARGUMENTS/REASONS CAN BE BECAUSE:	
p	There was no substantial evidence that supported the judgment or order.
p	There was an error or errors about either the law or court procedure. Examples are that the court: (1) misinterpreted the law; (2) wrongly ruled on an objection; or (3) gave an incorrect jury instruction.

YOUR ARGUMENTS/REASONS CANNOT BE TO:	
X	Present your case all over again to the Court of Appeal;
X	Present new evidence or new witnesses to the Court of Appeal;
X	Generally complain about the judge or a lawyer; or
X	Explain to the Court of Appeal that a witness did not tell the truth at the trial.

12 How do I complete item 3, "Summary of the Parties' Testimony and Other Evidence"?

Indicate in item 3 of form APP-014 if a *party* in the case gave testimony at the trial or hearing. Item 3 provides space to summarize the testimony that is relevant to the reasons you gave in item 2 for this appeal.

After summarizing the testimony, indicate if there were any objections to the testimony and exhibits relevant to the appeal that the judge allowed, or did not allow, to be used as evidence to support or disprove the party's testimony. If you answer yes to any of the questions following each party's testimony, complete the corresponding item on page 4.

If you need more space to describe the testimony or evidence, check the box below the summary of the testimony (for example, "Attachment 3a(1)"). Then, attach a separate page or pages (you can use form MC-025) to continue the summary. Label the attachment "APP-014, Attachment 3a(1)" if you are continuing to summarize the testimony of the party named in item 3a(1).

If more than two parties provided testimony, complete *Other Party and Nonparty Witness Testimony and Other Evidence Attachment (Unlimited Civil Case)* (form APP-014A) and attach it to form APP-014.

13 How do I complete item 4, “Summary of Nonparty Witness Testimony and Other Evidence”?

If nonparty witnesses (persons other than the parties in the case) provided testimony at the trial or hearing that is relevant to the reasons for your appeal, you will need to provide the information and attach it to form APP-014.

You may use *Other Party and Nonparty Witness Testimony and Other Evidence Attachment (Unlimited Civil Case)* (form APP-014A) for this purpose.

14 How do I complete item 5, “Trial Court’s Findings”?

Indicate if the judge made any findings (decisions about the facts or the law) that are relevant to your reasons in item 2 of form APP-014 for this appeal. (See item **8** for the definition of findings.)

If you need more space to describe the trial court's findings, check the box “Attachment 5.” Then, attach a separate page or pages (you can use form MC-025) to continue the summary. Label the attachment “APP-014, Attachment 5.”

15 How do I complete item 6, “Summary of Motions”?

If the trial court’s ruling on a motion is relevant to your reasons in item 2 of form APP-014 for this appeal, describe the motion. Include which party made the motion, what was said by the parties and the court about the motion, whether the trial court granted or denied the motion, and what the court said in ruling on the motion.

16 How do I complete item 7, “Summary of Jury Instructions”?

If one of your reasons in item 2 of form APP-014 for this appeal is a challenge to a jury instruction, indicate which instruction you are challenging and which party requested it. Also state whether the court gave the instruction to the jury, refused to give the instruction to the jury, or modified the instruction before giving it to the jury. If an instruction was given orally rather than in writing, provide the language of the oral instruction. And if an instruction was modified, describe how the instruction was modified.

17 Attach order or judgment and make copies

When you have finished your proposed settled statement:

- | Attach a copy of the order or judgment you are appealing;
- | Make one copy of the proposed settled statement and attachments for each party in your case; and
- | Keep a copy for your records.

18 Have all parties in the case served

Have each party in your case served with a copy of the complete proposed settled statement with attachments.

For information about serving your documents:

- | See *Information Sheet for Proof of Service* (form APP-009-INFO); and
- | Go to the California Courts Online Self-Help Center at www.courts.ca.gov/selfhelp-serving.htm.

19 File the proof of service forms with the court

You can file the forms in person, by mail, or e-filing (if available) in the court that made the order or judgment you are appealing.

Ask the court clerk to stamp the extra copy for your records to show that the original was filed.

20 Respondent's options

The respondent has 20 calendar days from the date you serve your proposed settled statement to serve and file either:

- | Proposed amendments (changes) to the proposed settled statement. Use *Response to Appellant’s Proposed Settled Statement (Unlimited Civil Case)* (form APP-020) to request changes; or
- | A notice choosing to provide a reporter’s transcript instead of a settled statement. This option is available if the oral proceedings in the trial court were reported by a court reporter.

21 Review process

If the respondent proposes changes, the trial court judge then reviews both your proposed settled statement and the respondent's proposed amendments.

If the proposed settled statement does not need any corrections or modifications, the trial court judge will certify the statement as an accurate summary of the testimony and evidence relevant to the reasons for the appeal.

Changes made to the settled statement

If corrections or modifications are needed, and the judge makes the amendments to the statement, the amended statement will be sent to you and the respondent for your review.

If the judge orders you (the appellant) to make the corrections or modifications to the statement, you must serve and file an amended proposed settled statement within the time ordered by the judge.

Resolving disagreements

If you or the respondent disagree with anything in the amended proposed settled statement, the parties have 10 calendar days from the date the amended statement is sent to serve and file proposed amendments to the amended proposed settled statement.

The judge then reviews any proposed amendments and decides if any further changes to the proposed settled statement are necessary.

If corrections and modifications are needed, the process of review and proposing amendments as described in this section must be repeated.

22 Certification

Once the trial court judge decides that no further changes are needed, the judge will certify the statement as an accurate summary of the testimony and evidence relevant to the reasons for the appeal. The trial court clerk will send the settled statement to the Court of Appeal.