

Attorney Header

[date]

[client]

Re: Your Appeal in Court of Appeal no. _____

Dear Mr./Ms. ____ :

I have now carefully read the record in your case, and have discussed it with your trial attorney and with a staff attorney at the Central California Appellate Project.

Based on the record, and on the applicable law, I have determined that there are no issues which I can argue to the Court of Appeal on your behalf. I hope you understand that while I may not agree with the decision of the juvenile court concerning your case, there is no legal argument that I can make to the Court of Appeal that is likely to result in that decision being changed.

[sometimes include here a brief explanation of problem with case; also reference discussions previously had with client, if any, including any specific issues that you may have researched and rejected]

As a result, I have filed with the court a *[Third: document entitled "Opening Brief",]* *[Fifth: letter addressing your case]* and a copy is enclosed for you. In this document, I have summarized the facts of your case and have advised the court that I am not presenting any arguable issues.

If you disagree with my conclusion and you want to file something with the Court of Appeal explaining why it should consider your case, you may file a *[Third: motion entitled "Motion for Leave to File Supplemental Brief",]* *[Fifth: letter addressing your issues]* within 30 days of the date my brief is filed (my brief will be filed about two days after the date of this letter). Your filing must contain a "Proof of Service" and "a showing of good cause that an arguable issue does, in fact, exist." If the court is not satisfied that you have demonstrated that an arguable issue exists, it will deny your motion and your appeal will be dismissed.

You should prepare your filing in the form of the sample I have attached. You must mail the signed original plus four copies to the court at:

Third District Court of Appeal
Clerk's Office
621 Capitol Mall, 10th Floor
Sacramento, CA 95814.

[or insert Fifth DCA address]

Be sure you mail copies to the persons to whom I mailed my document and send one to me too. Their names and addresses are on the Proof of Service in the attached sample. The Proof of Service should be signed by anyone over age 18 who is not you or the child's other parent.

I am returning to you with this letter the entire transcript record, which belongs to you; do not lose it because I have not kept a copy. However, if after you file your document the court decides to request additional briefing from me, I will need to get it back from you.

If you do nothing, the court will dismiss your appeal in 30 days.

You also have the right to ask the court to relieve me as your attorney, and to appoint yourself as your own attorney. If you want to do that, include that request in your motion. If the court grants your motion and substitutes you as your own attorney, you will then be responsible for drafting all additional briefs which the court may require.

Please feel free to contact me if you have any questions.

Sincerely,

[Attorney name]

Enclosures:
instructions for filing motion
record on appeal
cc: trial counsel