Case No.

THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT, DIVISION

**,**

Plaintiff/Defendant andAppellant/Respondent

**vs.**

**,**

Plaintiff/Defendant andAppellant/Respondent

**RESPONDENT’S BRIEF**

Appeal from An Order of the Los Angeles County Superior Court

Superior Court Case No.

The Hon. , Judge

[Name Of Filing Party]

[Address]

[City, State, Zip]

[phone number]

Appellant In Pro Per

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**INTRODUCTION**

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| *An introduction is not mandatory, but if the appellant included one, so should you.*  *The introduction is a summary of (a) the most important facts (both “factual” and “procedural”) in the case and (b) your most important arguments. If the court of appeal read the appellant’s version of the most important facts and arguments, you should make sure that the court also reads your version.*  *Your introduction should be short—2 or 3 pages at most!*  *This template was created in Microsoft Word. If you have Microsoft Word on your computer, and can use it to fill in the template, type your introduction below these italicized instructions. Then, when you have finished writing your introduction, delete these instructions.*  *If you do not have Microsoft Word on your computer, and/or cannot use it on to fill in the template, print out the template, and type or hand-write your introduction on separate sheets of paper and insert them behind this sheet.* |

**APPELLANT’S CONTENTIONS**

|  |
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| *Here, give the Court of Appeal a one-sentence précis of each of the appellant’s arguments.*  *If you have Microsoft Word on your computer, and can use it to fill in the template, type your summary of the appellant’s arguments below these instructions. When you have finished writing your summary of the appellant’s arguments, delete these instructions.*  *If you do not have Microsoft Word on your computer, and/or cannot use it on to fill in the template, print out the template, and type or hand-write your summary of the appellant’s arguments on one or more separate sheets of paper and insert them behind this sheet*. |

**FACTUAL AND PROCEDURAL BACKGROUND**

**I. Factual History**

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| --- |
| *The “Factual History” is the story of what happened out in the “real” world (the world outside of court) that caused a lawsuit to be filed.*  *If you have Microsoft Word on your computer, and can use it to fill in the template, type your Factual History below these instructions. When you have finished writing your factual history delete these instructions.*  *If you do not have Microsoft Word on your computer, and/or cannot use it on to fill in the template, print out the template, and type or hand-write your Factual History on one or more separate sheets of paper and insert them behind this sheet.* |

**II. Procedural History**

|  |
| --- |
| *The “Procedural History” is the story of what happened in the course of the court proceedings. It includes (a) a description of all the written pleadings that were filed by the parties, (b) an account of what happened at the critical hearings, including the trial if there was one, and (c) a separate section for the trial judge’s judgment or order, together with any explanation the judge may have given for the judgment or order.*  *If you have Microsoft Word on your computer, and can use it to fill in the template, type each section of your case’s Procedural History under the appropriate heading below. When you have finished writing the Procedural History, delete these instructions.*  *If you do not have Microsoft Word on your computer, and/or cannot use it on to fill in the template, print out the template, and type or hand-write each section of your case’s procedural history on one or more separate sheets of paper and insert them behind the sheet with the appropriate heading.* |

**A. The Pleadings**

|  |
| --- |
| *In this section, list all of all the written pleadings that were filed by the parties, and give a short description of each one. (If there were many, many pleadings, list only those that led directly to the judgment or order you are challenging in your appeal.)* |

**B. The Hearing(s) And/Or /Trial**

|  |
| --- |
| *Here, provide an account of what happened at all the hearings that impacted the final result, including the trial if there was a trial.* |

**C. The Trial Court’s Judgment/Order**

|  |
| --- |
| *Here, quote or accurately and objectively summarize the trial judge’s judgment or order, and also quote or summarize any explanation the judge may have given of the reasons for the judgment or order* |

**ARGUMENT**

I.[*Provide a one-sentence précis of your first argument here, and delete these instructions after doing so. A sample argument précis might be “The Trial Court Properly Admitted Evidence That [Identify Any Evidence The Appellant May Have Complained About.”* ]

**A. The Governing Principles Of Law**

**1. Standard Of Review**

[*Make an appointment with the Appellate Clinic for person-to-person guidance on what goes in this sub-section.*]

**2. The Substantive Law Governing The Case**

[*Make an appointment with the Appellate Clinic for person-to-person guidance on what goes in this sub-section.*]

**3. The Procedural Rules Governing This Argument**

[*Make an appointment with the Appellate Clinic for person-to-person guidance on what goes in this sub-section.*]

**B. Application Of The Law To The (Substantive Or Procedural) Facts**

[*Make an appointment with the Appellate Clinic for person-to-person guidance on what goes in this sub-section.*]

**C. The Alleged Trial Error Was Harmless**

[*Unless you are confident that you have established clearly and convincingly in section B that the error alleged by the appellant, and to which you are responding, was not an error, you need to go on and argue that even if there was an error, it was harmless and does not justify reversal of the judgment or order being challenged. Use the following language exactly, and delete these instructions after doing so. Of course, if you are confident that you did establish clearly and convincingly in section B that there was no real error, omit section C.*] An error committed by a trial judge justifies reversal of a judgment or order only if the error caused a miscarriage of justice. (California Constitution, Art. VI, Sec. 13.) A miscarriage of justice has occurred only if the appellant challenging the error can show it is reasonably likely that they would have achieved a better result in the proceeding if the error had not been made. (*People v. Watson* (1956) 46 Cal.2d 818, 836; *Cassim v. Allstate Ins. Co*. (2004) 33 Cal.4th 780, 801.)

In this case [*Here, explain how and why the claim of error you are rebutting in Argument I had no impact, or no significant impact, on ultimate result in the Superior Court and thus did not cause a miscarriage of justice and does not justify reversal of the judgment*.]

II. [or III or IV] [*Use the structure above for each separate argument* (*or “point,” to use the language of Rule 8.*204) .that *you wish to make.*]

**CONCLUSION**

For the reasons discussed above, the judgment must be affirmed.

|  |  |
| --- | --- |
| Respectfully submitted, |  |
| Dated: | YOUR NAME  Respondent, In Pro Per |

**CERTIFICATE OF WORD COUNT**

(Cal. Rules of Court, Rule 8.204(c)(1))

The foregoing Respondent’s Brief is produced using 13-point Roman type, including all footnotes, and consists of words. Appellant relies on the word count generated by the word-processing program used to generate the brief.

Dated:

Respondent, In Pro Per

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