

Respondent's Brief

Because there is no new trial in an appeal, each party writes a brief that tells their side of the case. The written briefs are a very important part of an appeal.

A brief is an opportunity to explain to the Court of Appeal what your arguments are and why you are correct.

It can take a lot of time, research, and effort to write a respondent's brief. There are strict rules about the format and the information that must be included.

Who's responsible? The party who won in the trial court – who is called the respondent – has the option to file a respondent's brief. It is the only brief written by the respondent.

When is the deadline? The respondent's brief must be filed with the Court of Appeal within 30 days after the appellant files the opening brief. A copy of the respondent's brief should be served – or delivered – to all other parties in the case, the trial court, and the California Supreme Court before it is filed with the Court of Appeal. A respondent can request additional time to serve and file their brief.

How much does it cost? There is a \$390 filing fee the first time a respondent files a motion or brief with the Court of Appeal. The respondent does not pay other filing fees during the appeal, however there may be other fees to get parts of the trial court record. A respondent can apply for a fee waiver.

Is there a court form? No. There is not a court form for the opening brief, but there are strict rules about the format and the contents.

What's included? The respondent's brief contains basic information like the case number and contact information. It also contains detailed information about what happened in the trial court. Every fact must be supported with a citation to the volume and page number in the appellate record where that fact can be found.

The heart of the respondent's brief supports the trial court's decision and addresses each legal issue raised in the appellant's opening brief. The respondent references legal authorities – or examples from the law – to show that the appellant is wrong and the trial court was right. Even if the trial court made a mistake, the respondent may argue that the mistake did not impact the judgment so the judgment should not change.

What happens next? Next the appellant can file a reply brief to address what's included in the respondent's brief. After all the briefs are filed and reviewed by the Court of Appeal, the parties will prepare to make their arguments in person before the court.

[Learn more about how to write a respondent's brief](#)

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