

Closing Advisory Letter to Client

[Attorney letterhead info]

[Date]

[Client name]

[Client address]

Dear Mr./Ms. ____:

I am enclosing a copy of the court's opinion in your case. The court rejected all of our arguments. The court specifically held that [insert brief summary of the court's holding].

I am disappointed, as I know you are, that we couldn't turn your case around.

For use when no further action will be taken by counsel:

If you are unhappy with the court's decision, the only possible course of action is a petition for review in the California Supreme Court. However, there are only three grounds on which the Supreme Court will grant review. These are:

1. Where it appears necessary to secure uniformity of decision or the settlement of important issues of law;
2. Where the court of appeal was without jurisdiction of the case; or
3. Where, because of disqualification or other reasons, the decision of the court of appeal lacks the concurrence of the required majority of qualified judges.

Unfortunately, these categories do not appear applicable in your case. Therefore, it is my opinion that a petition to the Supreme Court would be unsuccessful, and I will not be filing one on your behalf.

Insert when counsel intends to file a petition for rehearing to "clean up" opn.:

[Any further review by an appeals court is discretionary – there is no automatic right to any further appeal. After careful consideration, I do not believe that there is really any hope of prevailing in the Supreme Court. However, I am considering whether to file a petition for rehearing with the Court of Appeal in order to preserve the issues should you wish to pursue a petition for review with the Supreme Court. However, if the petition for rehearing is denied, I have concluded that there is no basis for me to pursue this matter any further.]

However, as we discussed, you may, if you wish, file a petition for review in the Supreme Court on your own, without the assistance of appointed counsel.

IF YOU WISH TO FILE A PETITION FOR REVIEW IN THE SUPREME COURT, IT MUST BE FILED AT LEAST 30 DAYS BUT NOT MORE THAN 40 DAYS FROM THE DATE THE OPINION WAS FILED.

Enclosed is an information sheet with instructions on how to file your own petition for review. Also, use as examples the cover pages and proofs of services used in the briefs. You will also need the clerk's transcripts and reporter's transcripts, and those are enclosed for you as well. Please keep me advised of what you decide to do. If you file nothing, the case will become final.

I will remain your attorney in this case until the court of appeal opinion becomes final, which will be 60 days after the opinion was issued, unless you file a petition for review with the Supreme Court. Of course, always feel free to contact me by email, telephone or letter if you have any questions.

For use in parental rights termination appeals:

[I am also enclosing information about how to place letters in [child's name] adoption file, that she will be able to access when she is 18.]

A substitute third paragraph for use when you intend to petition for review:

At this point, I am going to file a petition for review with the Supreme Court. This petition must be filed within 30 to 40 days after the Court of Appeal files the opinion.

I want to advise you that petitions for review are seldom granted. Generally, the Court accepts cases where: (1) the different courts of appeal have reached different results on a particular issue, or (2) where the issue presented is of statewide importance. But, I will file the petition to see if the Supreme Court will grant review.

Since I am going to file a petition for review, I am not going to return your case transcripts yet. I will return them once the process is final. If you have any questions regarding the Court's opinion, please feel free to write me.

[Closing]

I wish you all the best.

Sincerely,

[Name]

Attorney at Law

cc: trial counsel

encls: Opinion

Clerk's Transcripts [if applicable]

Reporter's Transcripts [if applicable]

Petition for Review information [if applicable]

Information on contacting your adopted child [if applicable]