

Petition for Rehearing

If any party – appellant or respondent – believes the Court of Appeal made a legal mistake in its opinion, they can petition for rehearing. A petition for rehearing asks the court to reconsider its decision.

Who is responsible? Any party has the option to petition for rehearing. Generally, the party who lost in the Court of Appeal petitions for rehearing.

Why file a petition for rehearing? A party must have proof that the Court of Appeal made a legal mistake. For example, if the decision contains an error of law or fact, or if the decision does not address an important issue in the appeal. The court generally will not consider issues that a party has not raised before, with a few exceptions.

When does it happen? The deadline to serve and file a petition for rehearing is 15 days after the Court of Appeal files an opinion (decision), an order dismissing the appeal, or a modification of its original opinion.

May I request an extension of time? No. However, a court of Appeal may accept a late Petition for Rehearing, as long as it is received before the court loses jurisdiction (which is 30 days from the date the opinion was filed).

How much does it cost? There is no additional court cost to file a petition for rehearing.

Is there a court form? No. There is no court form for a petition for rehearing, but there are rules about the format and the information that must be included.

What do the other parties do? There are no fixed requirements for the other parties during the petition for rehearing process. Other parties cannot file opposition against the petition unless the court asks for a response. In some cases, the court may hold another oral argument or ask one or more parties to provide a written response to the petition. In other cases, the court does not ask any party for more information.

All parties must pay close attention when the court reviews a petition for rehearing, because if the court asks for a response there is a very short deadline.

What does the court do? The Court of Appeal reviews the petition for rehearing and decides how to respond. The court can do nothing, deny the petition, or grant the petition. There is an automatic right to rehearing if the court makes a decision based on an issue that was not raised by any party during the appeal.

If the Court of Appeal agrees there was an important mistake and grants the petition for rehearing, it will consider the appeal again and issue a new

decision after rehearing the case.

What Happens Next

If the Court of Appeal takes no action within 30 days after it issues an opinion, jurisdiction over the case moves to the California Supreme Court. The California Supreme Court has legal authority over the case for 30 days. If a party still wants to challenge the Court of Appeal's decision, the party has a limited amount of time to file a petition for review with the California Supreme Court.

If the California Supreme Court takes no action within the 30 days it has jurisdiction over the case, the Court of Appeal's opinion becomes final. Then the Court of Appeal issues a remittitur summarizing the decision and what the parties need to do.

[Learn more about what happens during petition for rehearing](#)

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