

Supreme Court of California

350 McAllister Street, San Francisco, California 94102-3688

www.courtinfo.ca.gov/invitationstocomment/

INVITATION TO COMMENT

SP11-03

Title	Action Requested
Citation Procedure: Copies of Decisions Only Available in Computerized Databases	Review and submit comments by Monday, June 20, 2011
Proposed Rules, Forms, Standards, or Statutes	Proposed Effective Date
Amend Cal. Rules of Court, rule 8.1115	January 1, 2011
Proposed by	Contact
Supreme Court of California	Heather Anderson, 415-865-7691 heather.anderson@jud.ca.gov

Discussion

The rules in title 8, division 5 of the California Rules of Court, which govern the publication and citation of appellate opinions, are adopted by the Supreme Court under section 14 of article VI of the California Constitution and published in the California Rules of Court at the direction of the Judicial Council. Rule 8.1115, which is among the rules in this division, addresses citation of opinions. Subdivision (c) of this rule currently requires that if a party cites either an unpublished opinion or an opinion from any court that is available only in a computer-based source of decisional law, the party must furnish a copy of that decision to the court and to all parties.

Most courts and many parties now have access to computer-based sources of decisional law through which they can access the types of opinions identified in rule 8.1115(c). It therefore typically is not necessary for a party to provide either the court or other parties with copies of these opinions. In addition, requiring copies of these opinions adds to the cost of litigation in the trial court, the cost of preparing records and other documents in appellate proceedings, and the size of court files and the costs associated with storing these files.

To reduce these costs, this proposal would amend rule 8.1115(c) to instead provide that copies of these opinions need be provided only if requested by the court or a party. This amendment would maintain the ability of a court or party to obtain a copy of such an opinion from the citing party if necessary but would eliminate the routine provision of copies in all cases. To reflect this new procedure, the rule also would be revised to change the timeframe for providing copies.

The proposals have not been approved by the Supreme Court and are not intended to represent the views of the court. These proposals are circulated for comment purposes only.

Rule 8.1115 of the California Rules of Court would be amended, effective January 1, 2012, to read:

Title 8. Appellate Rules

Division 5. Publication of Appellate Opinions

Rule 8.1115. Citation of opinions

(a) – (b) * * *

(c) Citation procedure

On request of the court or a party, a copy of an opinion citable under (b) or of a cited opinion of any court that is available only in a computer-based source of decisional law must be furnished to the court and all parties or the requesting party. The copy must be furnished by attaching it to the document in which it is cited or, if the request is made too late to attach it to the document or the citation will be made orally, by letter within a reasonable time in advance of citation after the request is made.

(d) * * *

Item SP11-03 Response Form

Title: Citation Procedure: Copies of Decisions Only Available in Computerized Databases (amend Cal. Rules of Court, rule 8.1115)

- Agree with proposed changes
- Agree with proposed changes **if modified**
- Do not agree** with proposed changes

Comments: _____

Name: _____ **Title:** _____

Organization: _____

- Commenting on behalf of an organization**

Address: _____

City, State, Zip: _____

To Submit Comments

Comments may be submitted online, written on this form, or prepared in a letter format. If you are *not* commenting directly on this form, please include the information requested above and the proposal number for identification purposes. Please submit your comments online or email, mail, or fax comments. You are welcome to email your comments as an attachment.

Internet: <http://www.courtinfo.ca.gov/invitationstocomment/>

Email: invitations@jud.ca.gov

Mail: Ms. Camilla Kieliger
 Judicial Council, 455 Golden Gate Avenue
 San Francisco, CA 94102

Fax: (415) 865-7664, Attn: Camilla Kieliger

DEADLINE FOR COMMENT: 5:00 p.m., Monday, June 20, 2011

The proposals have not been approved by the Supreme Court and are not intended to represent the views of the court. These proposals are circulated for comment purposes only.