

Invitation to Comment

Title	Civil Motions: Lodging of Copies of Authorities (amend Cal. Rules of Court, rule 3.1113)
Summary	California Rules of Court, rule 3.1113(i) mandates that if any non-California authority or new California case not yet published in the Official Reports is cited in papers supporting or opposing a motion in a civil action, a copy of the authority must be provided to the court along with the papers that cite it. The proposed amendment would authorize a judicial officer to relieve parties from this mandate of providing paper copies in order to eliminate the waste of resources caused by filing unnecessary papers.
Source	Civil and Small Claims Advisory Committee Hon. Dennis M. Perluss, Chair
Staff	Anne M. Ronan, Office of General Counsel, 415-865-8933, anne.ronan@jud.ca.gov

Rule 3.1113(i) of the California Rules of Court currently requires parties who cite any non-California cases, statutes, constitutional provisions, or state or local rules in memoranda filed in civil law and motion matters to lodge paper copies of those authorities with the court. Parties are also required to lodge copies of California cases that have not yet been published in the advance sheets of the Official Reports. While these authorities may be important to the court’s consideration of the case, many courts can obtain such authorities online, making the provision of paper copies unnecessary. In addition, recent California cases are posted on the California Courts Web site, *courtinfo.ca.gov*. Because rule 3.1113(i) is currently a mandatory provision, a judicial officer may not excuse the parties from complying with it. The proposal would provide a judicial officer with the discretion to do so.

The requirement of providing paper copies in all cases, even when the judicial officer does not need or want them, is contrary to the judicial branch’s goal of reducing unnecessary consumption of paper, as evidenced by the rules requiring use of recycled paper and standard 10.5 of the California Standards of Judicial Administration requiring courts to take part in waste reduction programs. (Cal. Stds. Jud. Admin., std. 10.5.) In addition to wasting resources, the lodging of unnecessary papers imposes an additional burden on court staff, who must lodge, distribute, and sometimes even scan potentially large quantities of unneeded paper.

The proposed amendment would allow judicial officers who prefer to review electronic copies of authorities online to order that the parties need not lodge paper copies with the

court. This would save resources and relieve court staff from processing stacks of papers not needed by the court.

Rule 3.1113 of the California Rules of Court would be amended, effective January 1, 2011, to read as follows:

Title 3. Civil Rules

Division 11. Law and Motion

Chapter 2. Format of Motion Papers

Rule 3.1113. Memorandum

(a) – (h) ***

(i) Copies of ~~non-California~~ cited authorities

Unless otherwise ordered by the court, If any authority other than California cases, statutes, constitutional provisions, or state or local rules is cited, a copy of the authority must be lodged with the papers that cite the authority and tabbed as required by rule 3.1110(f). Unless otherwise ordered by the court, If a California case is cited before the time it is published in the advance sheets of the Official Reports, a copy of that case must also be lodged and tabbed as required by rule 3.1110(f).

(j) – (m) ***

Item SPR10-19 Response Form

Title: **Civil Motions: Lodging of Copies of Authorities** (amend Cal. Rules of Court, rule 3.1113)

- 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
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DEADLINE FOR COMMENT: 5:00 p.m., Friday, June 18, 2010

Circulation for comment does not imply endorsement by the Judicial Council or the Rules and Projects Committee. All comments will become part of the public record of the council's action.