

Invitation to Comment

Title	Judicial Administration: Membership of the Civil and Small Claims Advisory Committee (amend Cal. Rules of Court, rule 10.41).
Summary	This proposal would expand the categories of members on the Judicial Council’s Civil and Small Claims Advisory Committee to include a category for an individual knowledgeable about court-connected alternative dispute resolution programs for civil and small claims cases.
Source	Civil and Small Claims Advisory Committee Hon. Dennis M. Perluss, Chair
Staff	Anne M. Ronan, Office of the General Counsel, 415-865-8933, anne.ronan@jud.ca.gov.

Rule 10.41(b) of the California Rules of Court establishes the categories of members of the Civil and Small Claims Advisory Committee. The current categories are appellate court justice, trial court judicial officer, judicial administrator, lawyer whose primary area of practice is civil law, legal secretary, and person knowledgeable about small claims law and procedure. This proposal would add a new membership category for persons knowledgeable about court-connected alternative dispute resolution (ADR) programs for civil and small claims cases.

The Civil and Small Claims Advisory Committee has an active ADR Subcommittee, which makes recommendations to the advisory committee concerning rules, forms, and policies relating to court ADR programs for civil and small claims cases. The committee’s current membership categories, however, do not expressly include individuals with specific expertise in ADR programs. While the committee has been fortunate to have among its members many judges, court administrators, and attorneys who have experience in the ADR area, most individuals apply for and are appointed to the advisory committee based on their interest and expertise in civil litigation or small claims litigation. The committee has rarely had candidates or members whose main area of expertise was court-connected ADR programs. As a result, the ADR Subcommittee has often needed to create working groups with non-members, including court administrators, practitioners, and academics who specialize in ADR, in order to develop sound recommendations for the full advisory committee’s consideration. A new membership category would allow the advisory committee to recruit as members individuals who have significant interest and expertise in court-connected ADR programs. The advisory committee does not intend that the new membership category increase the total number of committee members, but rather be offset by a reduction in the number of members appointed from one or more of the other membership categories.

Rule 10.41 of the California Rules of Court would be amended, effective January 1, 2011, to read:

Title 10. Judicial Administration Rules

Division 1. Judicial Council

Chapter 2. Judicial Council Advisory Committees and Task Forces

Rule 10.41. Civil and Small Claims Advisory Committee

(a) ****

(b) Membership

The committee must include at least one member from each of the following categories:

- (1) Appellate court justice;
- (2) Trial court judicial officer;
- (3) Judicial administrator;
- (4) Lawyer whose primary area of practice is civil law;
- (5) Legal secretary; ~~and~~
- (6) Person knowledgeable about small claims law and procedure; and
- (7) Person knowledgeable about court-connected alternative dispute resolution programs for civil and small claims cases.

Item SPR10-20 Response Form

Title: **Judicial Administration: Membership of the Civil and Small Claims Advisory Committee** (amend Cal. Rules of Court, rule 10.41)

- 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.

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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.