

Invitation to Comment

Title	<b>Criminal Cases: Rules for Continuances and Calendar Management</b> (amend rule 4.115 of the California Rules of Court).
Summary	The proposed rule amendments would address trial calendar management and continuance procedures in criminal cases.
Source	Trial Courts Presiding Judges Advisory Committee
Staff	Joshua Weinstein, 415-865-7688, joshua.weinstein@jud.ca.gov.
Discussion	<p>Several courts are facing serious calendar management difficulties because of the amount of time-not-waived criminal cases on or near the last day for trial. Often the number of cases is significant larger than the number of available courtrooms.</p> <p>To address this problem the Trial Courts Presiding Judges Advisory Committee is proposing amending the rule of court governing criminal case assignments. The amendments would:</p> <ul style="list-style-type: none"> <li>• Provide that all requests for continuances of the trial, including trailing cases, must comply with rule 4.113 and Penal Code section 1050;</li> <li>• Encourage courts to actively manage trial calendars to minimize the number of statutory dismissals; and</li> <li>• Requires courts to implement calendar management procedures, in accordance with local conditions and needs, to ensure that criminal cases are assigned to trial departments before the last day of the statutory speedy trial period.</li> </ul> <p>The text of the proposed amendments is attached.</p>
	Attachment

Rule 4.115 of the California Rules of Court would be amended, effective January 1, 2008, to read:

1 **Rule 4.115. Criminal case assignment**

2  
3 **(a) Master calendar departments**

4  
5 To ensure that the court's policy on continuances is firm and uniformly  
6 applied, that pretrial proceedings and trial assignments are handled  
7 consistently, and that cases are tried on a date certain, each court not  
8 operating on a direct calendaring system must assign all criminal matters to  
9 one or more master calendar departments. The presiding judge of a master  
10 calendar department must conduct or supervise the conduct of all  
11 arraignments and pretrial hearings and conferences, and assign to a trial  
12 department any case requiring a trial or dispositional hearing.  
13

14 **(b) Trial calendaring and continuances**

15  
16 Any request for a continuance, including a request to trail the trial date, must  
17 comply with rule 4.113 and section 1050's requirement for a showing of  
18 good cause to continue a hearing in a criminal proceeding. All courts are to  
19 actively manage trial calendars to minimize the number of statutory  
20 dismissal situations the court faces. Accordingly, courts should avoid  
21 calendaring or trailing criminal cases for trial to the last day permitted for  
22 trial pursuant to section 1382. Courts must implement calendar management  
23 procedures, in accordance with local conditions and needs, to ensure that  
24 criminal cases are assigned to trial departments before the last day permitted  
25 for trial pursuant to section 1382.

## Item SPR07-36 Response Form

**Title:** Criminal Cases: Rules for Continuances and Calendar Management (amend rule 4.115 of the California Rules of Court).

- 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:** \_\_\_\_\_

Please **write** or **fax** or **respond using the Internet** to:

**Address:** Ms. Camilla Kieliger,  
Judicial Council, 455 Golden Gate Avenue,  
San Francisco, CA 94102  
**Fax:** (415) 865-7664      **Attention:** Camilla Kieliger  
**Internet:** [www.courtinfo.ca.gov/invitationstocomment](http://www.courtinfo.ca.gov/invitationstocomment)

<b>DEADLINE FOR COMMENT: 5:00 p.m., Wednesday, June 20, 2007</b>
--

Your comments may be written on this *Response Form* or directly on the proposal or as a letter. If you are not commenting directly on this sheet please remember to attach it to your comments for identification purposes.

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