

First Supplement to Memorandum 2000-25

Reclassification of Civil Cases: Comments of Civil and Small Claims Advisory Committee

Two Judicial Council committees (the Civil and Small Claims Advisory Committee and the Trial Court Presiding Judges and Court Executives Advisory Committee) are studying reclassification of civil cases. The Commission has received a letter from the chair of the Civil and Small Claims Advisory Committee reporting on that work. (Exhibit pp. 1-2.)

The letter states that although the Judicial Council has authority to promulgate rules relating to reclassification, “the advisory committees’ preliminary discussions have suggested that it may be better to enact some statutory amendments that would further simplify and clarify the law relating to the reclassification of civil cases.” (*Id.* at 1.) “The committees have not yet reached any firm conclusions, nor have they made any legislative recommendations.” (*Id.*) “In the event that the committees develop legislative proposals on reclassification approved by the Judicial Council, [they] would like to work closely with the Commission on such legislation.” (*Id.* at 2.)

Respectfully submitted,

Barbara S. Gaal
Staff Counsel

Judicial Council of California

HON. RONALD M. GEORGE
*Chief Justice of California
Chair of the Judicial Council*

June 13, 2000

WILLIAM C. VICKREY
Administrative Director of the Courts

Law Revision Commission
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**Civil and Small Claims
Advisory Committee**
455 Golden Gate Avenue
San Francisco, CA 94102-3660

Ms. Barbara Gaal
Staff Counsel
California Law Revision Commission
4000 Middlefield Road, Room D-1
Palo Alto, California 94303-4739

File: J-1312

Dear Ms. Gaal:

HON. RONALD M. SABRAW
Chair

I am writing as Chair of the Civil and Small Claims Advisory Committee of the Judicial Council of California. The purpose of this letter is to inform the Law Revision Commission of certain activities undertaken by this committee and the Trial Court Presiding Judges and Court Executives Advisory Committee relating to the reclassification of limited civil cases.

*Ms. Mary E. Alexander
Mr. Kenneth W. Babcock
Mr. Albert Y. Balingit
Hon. Elihu M. Berle
Hon. Richard Best
Hon. Cecily Bond
Hon. Douglas Gilbert Carnahan
Ms. Jeanne Caughell
Mr. Paul J. Dubow
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Hon. Douglas P. Miller
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Mr. Peter Ostroff
Mr. Charles D. Ramey
Hon. William F. Rylaarsdam
Hon. George Schiavelli
Hon. Arthur E. Wallace
Hon. Elaine M. Watters*

As you know, the California Law Revision Commission, with the assistance of the Judicial Council and the State Bar, has developed procedures for the reclassification of civil cases in unified superior courts. These procedures have recently been improved with the enactment of the new chapter of the Code of Civil Procedure entitled "Reclassification of Civil Actions and Proceedings" (Section 403.010-403.090).

The advisory committees have been discussing whether some further improvements of these procedures may be desirable. Although the reclassification statutes authorize the Judicial Council to prescribe rules for reclassification of civil actions (Code of Civil Procedure § 403.090), the advisory committees' preliminary discussions have suggested that it may be better to enact some statutory amendments that would further simplify and clarify the law relating to the reclassification of civil cases. The committees are therefore considering various legislative proposals.

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General Counsel

The committees have not yet reached any firm conclusions, nor have they made any legislative recommendations. The Judicial

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Council has not considered this matter. Nonetheless, we thought that the Law Revision Commission should be informed of the committees' interest in possible legislation. In the event that the committees develop legislative proposals on reclassification approved by the Judicial Council, we would like to work closely with the Commission on such legislation.

Thank you for your attention to this matter. The Civil and Small Claims Advisory Committee and its members look forward to working with the Law Revision Commission in the future on areas of common interest and concern.

Sincerely,

A handwritten signature in black ink, appearing to read "Ronald M. Sabraw". The signature is fluid and cursive, with a long horizontal stroke at the end.

Hon. Ronald M. Sabraw, Chair
Civil and Small Claims Advisory Committee

RMS/PO/dr

cc: Hon. Wayne L. Peterson, Chair, Trial Court Presiding
Judges Advisory Committee

Mr. Arthur Sims, Chair, Court Executives Advisory Committee