

Memorandum 98-48**Trial Court Unification: Draft of Recommendation**

Proposition 220 (SCA 4), approved by the voters at the June primary, provides for unification of the municipal and superior courts in a county on a vote of a majority of the municipal court judges and a majority of the superior court judges in that county. The measure requires extensive implementing legislation, which the Law Revision Commission has prepared at the direction of the Legislature during the past two years. 1997 Cal. Stat. res. ch. 102. In mid-June, Senator Lockyer amended the Commission's proposed legislation into a pending bill (SB 2139), which is well on its way to enactment. It is now appropriate for the Commission to finalize its report to the Legislature on the implementing legislation for SCA 4.

Attached for the Commission's consideration are (1) the current draft of the narrative portion of the Commission's report, and (2) the table of contents for the proposed legislation. The proposed statutory revisions and accompanying Commission Comments are not attached, due to their bulk (over 300 pages) and because the Commission has previously reviewed and approved all of the provisions. This material can be downloaded from the Commission's Website if desired (<http://www.clrc.ca.gov>). Hard copies will be available for review at the Commission's meeting on July 17, 1998, and will be provided to Commissioners in advance of the meeting on request.

The current draft of the Commission's report incorporates decisions made at the Commission's June meeting. Other significant points include:

(1) The draft report reflects the approval of SCA 4. The contingency provision (stating that the proposed legislation shall become operative only upon voter approval of SCA 4) has been deleted.

(2) The Commission's proposed provision on the procedure for conducting a vote on unification (formerly Gov't Code § 70201, now Gov't Code § 70200.5) has been renumbered, to reflect the Legislature's decision deleting that provision from SB 2139.

Subsequent provisions have also been renumbered, so as to conform to the numbering in SB 2139.

(3) SB 2139 includes provisions on employment issues relating to unification (proposed Gov't Code §§ 70217-70218). These are not incorporated into the draft report, because the Legislature (not the Commission) is the appropriate forum for consideration and resolution of the employment issues.

(4) The draft report includes an appendix consisting of the text of Proposition 220 (SCA 4), which is not attached here.

(5) SB 2139 includes technical provisions to eliminate conflicts between the bill and legislation already enacted in 1998. These are not included in the draft report, but the report has been revised to incorporate a 1998 provision that went into immediate effect (Rev. & Tax Code § 19280). Further technical revisions of SB 2139 to eliminate conflicts with other pending legislation probably will be necessary. The staff is tracking pertinent bills, with assistance from Legislative Counsel.

(6) The draft report includes a provision (proposed Gov't Code § 70219), which Senator Lockyer has already incorporated into SB 2139, directing the Law Revision Commission and the Judicial Council to "study and make recommendations to the Governor and Legislature on the issues identified in the report as appropriate for future study, including consideration of the experience in counties in which the courts have unified." The draft also makes conforming revisions of the preliminary part, reflecting consensus decisions on allocation of responsibility.

(7) The Commission's proposed provision on preclearance under the Voting Rights Act (proposed Gov't Code § 70216) has been deleted from SB 2139. This matter is discussed in Memorandum 98-47.

(8) SB 2139 includes a provision on unification during a municipal court election, which was drafted with assistance from the Commission's staff and its consultant. This matter is discussed in Memorandum 98-47.

Revisions of the attached draft and proposed implementing legislation may be necessary to address points discussed in Memorandum 98-47 or other points raised at the Commission's meeting on July 17. The staff will arrange for these revisions to be incorporated into SB 2139 as appropriate.

Subject to such revisions, the staff recommends approval of the attached draft and the proposed implementing legislation for printing and submission to the Legislature.

Respectfully submitted,

Barbara S. Gaal
Staff Counsel

#J-1300

STATE OF CALIFORNIA

CALIFORNIA LAW REVISION COMMISSION

Staff Draft

RECOMMENDATION

Trial Court Unification: Revision of Codes

July 1998

California Law Revision Commission
4000 Middlefield Road, Room D-1
Palo Alto, CA 94303-4739
650-494-1335 FAX: 650-494-1827

SUMMARY OF RECOMMENDATION

This recommendation proposes revisions of the California codes to implement trial court unification under SCA 4 (Proposition 220).

The objective of the proposed revisions is generally to preserve existing rights and procedures through unification. There should be no disparity of treatment between a party appearing in municipal court and a similarly situated party appearing in superior court as a result of unification of the municipal and superior courts in the county.

This recommendation was prepared pursuant to Resolution Chapter 102 of the Statutes of 1997.

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TRIAL COURT UNIFICATION: REVISION OF CODES

BACKGROUND

Trial Court Unification Under SCA 4

Senate Constitutional Amendment 4 (Lockyer) was enacted as Resolution Chapter 36 of the Statutes of 1996.¹ It provides for unification of the municipal and superior courts in a county on a vote of a majority of the municipal court judges and a majority of the superior court judges in that county.²

The measure appeared on the ballot as Proposition 220 at the statewide election on June 2, 1998. It was approved by the voters and became operative the day after the election.³ The measure includes a number of provisions that are self-executing,⁴ and other provisions that apply only on unification of the municipal and superior courts in a county.⁵

Role and Methodology of Law Revision Commission

Both the self-executing provisions and the other provisions of SCA 4 require conforming or implementing legislation. The Legislature has directed the Law Revision Commission to report recommendations “pertaining to statutory changes that may be necessitated by court unification.”⁶ This assignment follows an earlier legislative assignment in which the Commission made recommendations on the constitutional revisions necessary to implement trial court unification.⁷

1. A copy of the measure is attached as Appendix 1.

2. Cal. Const. art. VI, § 5(e).

3. Cal. Const. art. XVIII, § 4.

4. The measure contains a number of constitutional revisions that apply regardless of whether the courts in any county ever elect to unify. These include:

(1) Creation of an appellate division in the superior court. Cal. Const. art. VI, § 4.

(2) Changes in structure of Judicial Council. Cal. Const. art. VI, § 6.

(3) Protection of the appellate jurisdiction of the courts of appeal in causes of a type within that jurisdiction on June 30, 1995. Cal. Const. art. VI, § 11(a).

(4) Delegation of the appellate jurisdiction of the superior court to causes prescribed by statute. Cal. Const. art. VI, § 11(b).

(5) Change in the date of an election to fill a superior court vacancy (to the next general election after the second January following the vacancy). Cal. Const. art. VI, § 16(c).

5. Provisions contingent on unification within a county include:

(1) Composition of Judicial Council. Cal. Const. art. VI, § 6.

(2) Composition of Commission on Judicial Performance. Cal. Const. art. VI, § 8.

(3) Election of judges in unified counties. Cal. Const. art. VI, § 16(b)(1).

(4) Transitional provisions for unification. Cal. Const. art. VI, § 23.

6. 1997 Cal. Stat. res. ch. 102.

7. See *Trial Court Unification: Constitutional Revision (SCA 3)*, 24 Cal. L. Revision Comm’n Reports 1 (1994); *Trial Court Unification: Transitional Provisions for SCA 3*, 24 Cal. L. Revision Comm’n Reports 627 (1994).

1 The Commission engaged the services of the Institute for Legislative Practice
2 and its director, Professor Clark Kelso of McGeorge Law School, to prepare initial
3 drafts of suggested code revisions. The initial drafts were reviewed by the Judicial
4 Council, which established working groups for this purpose, and were revised
5 appropriately before being considered by the Law Revision Commission. The
6 Commission issued a series of tentative recommendations, which were publicized
7 and circulated for comment before the Commission adopted its final
8 recommendations for code revision.

9 In the interest of submitting its recommendations to the Governor and
10 Legislature during the 1998 legislative session, for enactment at that session, the
11 Commission has narrowly limited its recommendations to generally preserve
12 existing procedures in the context of unification. The objective of the proposed
13 revisions is to preserve existing rights and procedures through unification, with no
14 disparity of treatment between a party appearing in municipal court and a similarly
15 situated party appearing in superior court as a result of unification of the municipal
16 and superior courts in the county.

17 However, the existing substantive and procedural distinctions between
18 traditional superior court cases, traditional municipal court cases, and small claims
19 cases deserve reexamination in light of unification.⁸ The Law Revision
20 Commission has also identified and compiled a number of other issues that may be
21 appropriate for future study.⁹

22 **Drafting Conventions**

23 Any legislation introduced may include not only changes necessitated by SCA 4,
24 but also unrelated technical revisions requested by Legislative Counsel.¹⁰ To
25 highlight the SCA 4 changes for those who have occasion to review them, this
26 recommendation does not include technical revisions unrelated to SCA 4.¹¹

27 The draft does, however, delete most existing statutory references to justice
28 courts. Justice courts have been eliminated from California's judicial structure,¹²
29 but the statutes have not been revised to account for this.¹³ A few statutory
30 references to justice courts are retained, for a variety of reasons.¹⁴

8. See "Issues in Judicial Administration Appropriate for Future Study," *infra*.

9. *Id.*

10. For example, Legislative Counsel habitually expunges the word "such" from the text of all statutes.

11. Gender-neutral language is adopted throughout, however.

12. 1994 Cal. Stat. res. ch. 113 (SCA 7) (Prop. 191, approved Nov. 8, 1994). The draft also eliminates the few remaining references to the justices' court — an obsolete inferior court superseded by the justice court by Constitutional Amendment on November 7, 1950. See Mil. & Vet. Code § 467; Drainage District Act of 1903 (1903 Cal. Stat. ch. 238), § 4.

13. Statutory references to the justice court office of constable are likewise corrected in the proposed law.

14. Some statutory references to justice courts appear to have continued importance notwithstanding the elimination of the justice courts, particularly statutes governing the retirement benefits of retired justice

1 **County-Specific Statutes**

2 This recommendation proposes only revisions of the laws of the state relating to
3 the courts generally. It does not propose revisions of the special statutes relating to
4 the courts in a particular county.¹⁵ If the courts in a particular county elect to unify,
5 the codes should be reviewed at that time to determine whether the special statutes
6 relating to the courts in that county should be revised or repealed.¹⁶

7 **Employment Statutes**

8 Municipal court employment statutes constitute the great bulk of county-specific
9 statutes.¹⁷ The California Constitution requires the Legislature to prescribe for
10 each municipal court the number, qualifications, and compensation of judges,
11 officers, and employees.¹⁸ The Law Revision Commission's recommendation does
12 not attempt to address these highly specific statutes. In the event of unification of
13 the courts in a county, the Legislature must examine the statutes and determine
14 whether and to what extent they are to be preserved.¹⁹

15 UNIFICATION PROCEDURE

16 Under SCA 4 the municipal and superior courts in a county are unified on a vote
17 of a majority of the municipal court judges and a majority of the superior court
18 judges in that county.²⁰ The recommended legislation includes a unification voting
19 procedure.²¹

court judges. See, e.g., Gov't Code §§ 22754.3, 22754.35, 22825.2, 71001, 73438, 73606, 73647, 73698.3, 73699.2, 73799, 74131.1, 74608, 74747, 74867, 74926, 74958, 75002, 75076.2.

Other references to justice courts appear in statutes that may be obsolete. See, e.g., Code Civ. Proc. §§ 221, 1012.5. Rather than suggesting technical amendments in statutes that are most likely obsolete, the Commission recommends the these statutes be left unamended for now, pending a study of whether they should be repealed completely. See discussion of "Issues in Judicial Administration Appropriate for Future Study," *infra*.

Still other references to justice courts appear in county-specific statutes. See, e.g., Gov't Code § 70111. This recommendation does not propose revisions of county-specific statutes. See discussion of "County-Specific Statutes," *infra*.

15. See, e.g., Bus. & Prof. Code § 6301.1 (board of law library trustees of San Diego County); Code Civ. Proc. §§ 199.2 (Placer County jurors), 199.3 (Nevada County jurors), 200 (Alameda and Los Angeles County municipal court jurors); Gov't Code §§ 26826.1 (Riverside County filing fee surcharge), 69640-69650 (Los Angeles County superior court districts).

16. The draft legislation includes a provision that general statutes governing unification of the courts prevail over inconsistent county-specific statutes. See proposed Gov't Code § 70215 (county-specific legislation).

17. Gov't Code §§ 72000-74991.

18. Cal. Const. art. VI, § 5(c).

19. See discussion of "Employment Issues," *infra*.

20. Proposed Cal. Const. art. VI, § 5(e).

21. *Cf.* proposed Cal. Const. art. VI, § 23(a) (purpose of SCA 4 "to permit the Legislature to provide for the abolition of the municipal courts and unify their operations within the superior courts").

1 The voting procedure allows for a vote call on application of the presiding
2 superior court judge or all of the presiding municipal court judges in a county, or
3 on application of a majority of the superior court judges or a majority of the
4 municipal court judges in a county.²² The vote is conducted by the Judicial
5 Council or the county's registrar of voters,²³ and all judges serving at the time the
6 vote is taken are eligible to vote.²⁴ The vote may be done by unanimous written
7 consent of all the judges in the county.²⁵

8 Unless an earlier date is specified in the unification vote, unification occurs 180
9 days following certification of the vote for unification.²⁶ Once unification has been
10 approved, it may not be rescinded.²⁷

11 CIVIL PROCEDURE

12 **Distinguishing Between Civil Causes**

13 On unification of the trial courts in a county, all causes will be within the
14 original jurisdiction of the superior court. Differentiating among superior court
15 causes will be necessary, however, to preserve filing fees, economic litigation
16 procedures, local appeals, and other significant procedural distinctions for matters
17 that traditionally have been within the municipal court's jurisdiction. If instead all
18 causes in a unified court were treated in the same manner as traditional superior
19 court causes, there would be disparity of treatment between a party appearing in a
20 municipal court and a similarly situated party appearing in a unified superior court.
21 The approach may also be impractical for a number of reasons, including limited
22 trial and appellate court resources.

23 The statutes could differentiate among civil causes simply by referring to causes
24 that would be within the jurisdiction of the municipal court if the courts in a
25 county had not unified. But this approach is predicated on the assumption that
26 municipal courts in some counties will exist indefinitely. The approach also makes
27 it necessary to refer to statutes applicable in another county to determine
28 jurisdiction issues in a county in which the courts have unified. In the long run, all
29 courts may be unified, at which time further statutory revision would be necessary.

30 A preferable approach is to identify causes that are traditionally within the
31 municipal court jurisdiction and deal with them directly. In the proposed law, these
32 matters are listed in new Section 85 of the Code of Civil Procedure and are
33 identified as "limited civil cases." In a county in which the courts have not unified,
34 the municipal court has jurisdiction of limited civil cases. In a county in which the

22. Proposed Gov't Code § 70201(a).

23. Proposed Gov't Code § 70200(b).

24. Proposed Gov't Code § 70201(c).

25. Proposed Gov't Code § 70201(e).

26. Proposed Gov't Code § 70203.

27. Proposed Gov't Code § 70202(c).

1 courts have unified, the superior court has original jurisdiction of limited civil
2 cases, but these cases are governed by economic litigation procedures, local
3 appeal, filing fees, and the other procedural distinctions that characterize these
4 cases in a municipal court.

5 Although the proposed legislation would preserve these procedural distinctions
6 intact, they warrant reexamination as unification progresses. Adjustments may be
7 appropriate to eliminate unnecessary rigidity and improve the court system.²⁸

8 **Misclassification of Civil Causes in a Unified Court**

9 To facilitate differentiation among civil cases, the proposed law would require
10 that in a unified superior court a litigant in a limited civil case must identify it as
11 such in the caption of the complaint, cross-complaint, petition, or other initial
12 pleading. Where a caption erroneously states or fails to state that the matter is a
13 limited civil case, the case may be reclassified on motion of a party or on the
14 court's own motion.²⁹

15 **Judicial Arbitration**

16 Judicial arbitration of cases where the amount in controversy is \$50,000 or less
17 is mandatory in a superior court with ten or more judges and permissive in a
18 superior court with fewer than ten judges.³⁰ Because unification will increase the
19 number of superior court judges in a county, the proposed law would apply these
20 provisions to a unified superior court with eighteen or more judges. This will
21 preserve judicial arbitration in all courts where it is currently applicable.³¹

22 **Small Claims Sessions**

23 Each small claims division of a municipal court with four or more judicial
24 officers must conduct at least one night session or Saturday session each month.³²
25 The proposed law would apply this requirement to a 7-judge unified superior
26 court. This will preserve the special small claims session requirements in all courts
27 currently subject to them.³³

28 **Increase in Jurisdictional Amounts**

29 A number of statutes in the Food and Agricultural Code, enacted in 1967, give
30 the municipal court jurisdiction where the amount in controversy does not exceed

28. See "Issues in Judicial Administration Appropriate for Future Study," *infra*.

29. Proposed Code Civ. Proc. §§ 395.9, 399.5, 400.

30. Code Civ. Proc. § 1141.1.

31. Monterey County would also be subject to these judicial arbitration provisions. There are currently eight superior court judges and 10 municipal court judges in Monterey County.

32. Code Civ. Proc. § 116.250(b).

33. Butte County would also be subject to these requirements. That county currently has four municipal court judges, but they are divided between two judicial districts.

1 \$5,000.³⁴ This was the jurisdictional limit of the municipal court in civil cases at
2 that time. During the past 30 years the jurisdictional limit of the municipal court in
3 civil cases has increased to \$25,000,³⁵ but the statutes in the Food and Agricultural
4 Code have not been adjusted. The proposed law increases the amounts in those
5 statutes to \$25,000, consistent with the contemporary civil jurisdictional limit of
6 the municipal court.

7 CRIMINAL PROCEDURE

8 **Distinguishing Between Criminal Causes**

9 On unification of the trial courts in a county, all criminal causes, including
10 misdemeanors and infractions as well as felonies, will fall within the original
11 jurisdiction of the superior court. Many criminal procedure statutes, however, are
12 not phrased in terms of felonies, misdemeanors, or infractions, but rather in terms
13 of the original trial jurisdiction of superior and municipal courts.

14 The proposed law revises the criminal procedure statutes to accommodate the
15 possibility of unification by replacing references to matters within the original
16 jurisdiction of the superior court with references to felonies,³⁶ and by replacing
17 references to matters within the original jurisdiction of the municipal court with
18 references to misdemeanors and infractions.³⁷

19 The original penal jurisdiction of the superior court currently includes some
20 matters that are not felonies. Specifically:

- 21 • A misdemeanor or infraction charge may be joined with a felony charge, and
22 thus remain within the superior court's original jurisdiction. The proposed
23 law makes clear that a felony case may include joined misdemeanor and
24 infraction charges.³⁸
- 25 • The superior court's juvenile court jurisdiction is noncriminal.³⁹ The
26 proposed law eliminates from the Penal Code references to the superior
27 court's juvenile court jurisdiction that imply it may be criminal or otherwise
28 governed by the Penal Code.⁴⁰

34. See Food & Agric. Code §§ 7581, 12647, 27601, 53564. See also Food & Agric. Code § 52514 (\$3,000 limit).

35. Code Civ. Proc. § 86.

36. See, e.g., Penal Code §§ 682, 737, 806, 813, 827, 859.

37. See, e.g., Penal Code §§ 691, 740, 804, 829.

38. Penal Code § 691.

39. Criminal cases of which the juvenile court is given jurisdiction are governed by the Juvenile Court Law, Chapter 2 (commencing with Section 200) of Part 1 of Division 2 of the Welfare and Institutions Code. See Welf. & Inst. Code §§ 203 (juvenile court proceedings noncriminal), 245 (superior court jurisdiction), 602 (criminal law violation by minor subject to juvenile court jurisdiction), 603 (juvenile crimes not governed by general criminal law).

40. See Penal Code §§ 682, 737, 860, 1462. In this connection the proposed law also adjusts Penal Code Section 949, which implies that a violation of Penal Code Section 272 (misdemeanor contributing to delinquency of a minor) is within the jurisdiction of the superior court. This is a relic of an era when that crime was within the non-felony juvenile court jurisdiction of the superior court. Cf. 2 B. Witkin & N.

- The superior court’s Penal Code jurisdiction includes proceedings for expungement of an arrest record.⁴¹ These proceedings are noncriminal in character; the proposed law clarifies the appeal path for these proceedings.
- Proceedings under the Government Code for removal of a local public official from office for willful or corrupt misconduct in office are quasi-criminal in nature.⁴² The proposed law adjusts references to these proceedings found in the Penal Code⁴³ and clarifies the appeal path for these proceedings.⁴⁴

Review of Ruling or Order of Municipal Court Judge

Some criminal procedures call for a preliminary decision by a municipal court judge, followed by superior court review.⁴⁵ This dual system requires revision in a county in which the courts have unified.

Under SCA 4, in a county in which the courts have unified, Penal Code procedures that necessitate superior court review of, or action based on, a ruling or order by a municipal court judge are to be performed by a superior court judge other than the superior court judge who originally made the ruling or order.⁴⁶ This scheme is maintained in the proposed law.⁴⁷

Reenactment of Section 1538.5

Penal Code Section 1538.5 provides for a motion to suppress evidence on a number of grounds, including “violation of state constitutional standards”.⁴⁸ Proposition 8, the Victims’ Bill of Rights, includes a provision that “relevant evidence shall not be excluded in any criminal proceeding” except as provided by statute thereafter enacted by a two-thirds vote of the Legislature.⁴⁹ Reenactment of Section 1538.5 to adjust for trial court unification is not intended to override Proposition 8, but only to preserve the status quo.⁵⁰ Disclamatory language to this effect is included in the Comment to revision of Section 1538.5.

Epstein, California Criminal Law *Crimes Against Decency and Morals* § 836, at 951-52 (2d ed. 1989); 4 *id.*, *Jurisdiction and Venue* § 1838, at 2176-77.

41. Penal Code § 851.8.

42. Gov’t Code § 3060 *et seq.*

43. Penal Code §§ 737, 860.

44. Proposed Gov’t Code § 3075.

45. See, e.g., Penal Code §§ 995, 1538.5.

46. Cal. Const. art. VI, § 23(c)(7).

47. See proposed Penal Code § 859c.

48. Penal Code § 1538.5(a)(2).

49. Cal. Const. art. I, § 28(d).

50. *Cf. People v. Daan*, 161 Cal. App. 3d 22, 207 Cal. Rptr. 228 (1984).

1 **Business Hours for Bail Purposes**

2 The municipal court clerk or other court personnel must be available at all hours
3 for the purpose of fixing and accepting bail for misdemeanor arrestees⁵¹ and must
4 also accept bail in felony arrests.⁵² The proposed law maintains these functions in
5 the superior court in a county in which there is no municipal court.

6 **Authority of City Prosecutor**

7 The city attorney of a city in which a misdemeanor is committed may prosecute
8 the misdemeanor in the municipal court district in which the city is located.⁵³ The
9 proposed law provides that if there is no municipal court in a county, the city
10 attorney may prosecute such misdemeanors in the superior court.⁵⁴

11 JUDICIAL DISTRICTS

12 **Judicial Districts in Unified Counties**

13 Statutes refer to “judicial districts” for various purposes. The references
14 generally intend the “municipal court district” in a county.⁵⁵ On unification of the
15 municipal and superior courts in a county, the former municipal court districts
16 have little relevance for most purposes. The proposed law treats statutory
17 references to judicial districts as references to the county if there is no municipal
18 court in the county.⁵⁶ Exceptions to this rule,⁵⁷ and circumstances where
19 application of the rule could result in a significant change, are noted in
20 Commentary following relevant provisions in the proposed law.

21 **Court Sessions**

22 Superior court judges have authority to hold sessions at any place where a
23 municipal court holds sessions within the county.⁵⁸ The authority of the judges to
24 hold sessions at locations remote from regularly scheduled sessions should be
25 continued in a county in which the courts have unified despite the absence of
26 municipal court districts, provided adequate facilities exist for that purpose. On

51. Gov’t Code § 72301.

52. Gov’t Code § 72302.

53. Gov’t Code § 72193; see also Gov’t Code § 41083.5 (prosecution of misdemeanor with the consent of district attorney).

54. There is precedent for this approach in prior court consolidations. See Gov’t Code § 71099.

55. See, e.g., Elec. Code § 325. There appear to be only two instances in the codes where “judicial district” might have been intended to mean “superior court district” (see Food & Agric. Code § 31622; Ins. Code § 11542.2), and one where “judicial district” means “court of appeal district” (see Pub. Util. Code § 1756). While the California Constitution does refer to “municipal court districts,” it does not equate them with “judicial districts.”

56. See proposed Code Civ. Proc. § 38.

57. See, e.g., Gov’t Code §§ 69744.5, 69746.5 (superior court sessions). See also the discussions of “Publication in Former Municipal Court Districts” and “Judicial Districts in Los Angeles County,” *infra*.

58. Gov’t Code § 69510.

1 unification, preexisting municipal court locations become superior court
2 locations.⁵⁹ The proposed law preserves the authority of a majority of the judges of
3 a unified superior court to order sessions held at any place where there is a court
4 facility.

5 **Venue**

6 In specified circumstances, existing law allows transfer of a case from one
7 municipal court to another municipal court in the same county.⁶⁰ In a county with
8 a unified superior court, there are no municipal court districts; the proposed law
9 would preserve the ability of the court to transfer a case from one location to
10 another location within the county.⁶¹

11 **Jury Venire**

12 The general policy of the state is that juries are selected from the population of
13 the “area served by the court”.⁶² Historically, this has meant that superior court
14 juries are selected from the county and municipal court juries from the municipal
15 court district. This concept has changed in recent years — superior courts may
16 draw from the judicial district in which a particular session is located,⁶³ and
17 municipal courts may draw from the superior court pool.⁶⁴

18 Statistics on the frequency with which the superior courts use municipal court
19 jury pools are not available. However, a survey conducted by the Judicial Council
20 reveals that a substantial number of municipal courts use the superior court pool.

21 The proposed law maintains the existing flexibility enabling a court to draw a
22 jury from the area served by it. After unification, the court will have sufficient
23 authority to continue the practice most appropriate for that county.⁶⁵

24 **Publication in Former Municipal Court Districts**

25 The general rule that judicial districts are countywide in a county in which the
26 courts have unified is subject to a significant exception for legal publication
27 requirements. Under existing law, if the municipal courts in a county consolidate,
28 the former municipal court districts are preserved for purpose of publication.⁶⁶ The
29 proposed law applies the same principle if the municipal courts in a county unify
30 with the superior court.

59. Cal. Const. art. VI, § 23(c)(2); proposed Gov’t Code § 70212(b).

60. Code Civ. Proc. §§ 392, 393, 395; Penal Code §§ 1034, 1035.

61. Proposed Code Civ. Proc. § 402.4; proposed Penal Code § 1038.

62. Code Civ. Proc. §§ 190, 197.

63. Code Civ. Proc. § 198.5.

64. Code Civ. Proc. § 200.

65. As a technical matter, the proposed law revises Code of Civil Procedure Section 198.5 to refer to the area in which a session is held, rather than the municipal court district, in a county in which the courts have unified.

66. Gov’t Code § 71042.5 (preservation of judicial districts for purpose of publication).

1 **Judicial Districts in Los Angeles County**

2 Los Angeles is the only county that has superior court districts.⁶⁷ In Los Angeles
3 County it is not clear whether existing statutory references to “judicial districts”
4 mean superior court districts or municipal court districts. If the municipal and
5 superior courts in Los Angeles County unify, the statutes probably would be
6 construed to refer to superior court districts.⁶⁸ In that event, statutes that refer to
7 judicial districts should be reviewed for propriety of operation.⁶⁹

8 APPEALS UNDER SCA 4

9 **Appellate Jurisdiction of Court of Appeal**

10 SCA 4 provides that the courts of appeal have appellate jurisdiction when
11 superior courts have original jurisdiction “in causes of a type within the appellate
12 jurisdiction of the courts of appeal on June 30, 1995” and in other causes
13 prescribed by statute.⁷⁰ The effect of this provision is to perpetuate the court of
14 appeal jurisdiction as it existed on June 30, 1995, but allow for statutory expansion
15 of the court of appeal jurisdiction.

16 The provision presents a number of challenges, such as ascertaining what it
17 means to be a cause “of a type” within the court of appeal jurisdiction, keeping the
18 legal community aware of the historical jurisdiction of the court of appeal, and
19 dealing with pending appeals on the operative date of SCA 4 in causes of a type
20 not within the appellate jurisdiction of the court of appeal on June 30, 1995.

21 The proposed law resolves these issues through a statutory grant of appellate
22 jurisdiction to the court of appeal in cases within the original jurisdiction of the
23 superior court, excluding limited civil cases (cases historically within the original
24 jurisdiction of the municipal courts) and misdemeanor and infraction criminal
25 cases. Statutory expansion of court of appeal jurisdiction is allowed under SCA 4⁷¹
26 and provides a ready means of determining the extent of the appellate jurisdiction
27 of the court of appeal. The statutory grant of jurisdiction is also consistent with the
28 intent of SCA 4: to preserve the appellate jurisdiction of the court of appeal in
29 cases historically within the original jurisdiction of the superior court.

67. See Gov’t Code Sections 69640-69650 (board of supervisors may divide county into 12 or fewer superior court districts).

68. As a general rule, the proposed law treats statutory references to judicial districts as references to the county if there is no municipal court in the county. See discussion of “Judicial Districts in Unified Counties,” *supra*; proposed Code Civ. Proc. § 38.

69. The statute on Los Angeles County superior court districts is one of many county-specific statutes that will need to be reviewed if the Los Angeles County courts unify. See discussion of “County-Specific Statutes,” *supra*.

70. Proposed Cal. Const. art. VI, § 11(a).

71. Proposed Cal. Const. art. VI, § 11(a) (“and in other causes prescribed by statute”).

1 **Appellate Division of Superior Court**

2 *Creation of appellate division.* SCA 4 creates an appellate division in each
3 superior court.⁷² The appellate division is similar to the existing appellate
4 department, but is intended to have greater autonomy so that it can exercise a true
5 review function in a unified superior court.⁷³ SCA 4 creates appellate divisions in
6 all superior courts, regardless of whether the trial courts in the county have
7 unified.

8 *Appellate jurisdiction of appellate division.* Under existing law, the appellate
9 jurisdiction of the superior court is defined by causes “that arise in municipal
10 courts in their counties.”⁷⁴ SCA 4 would delete this provision, simply leaving the
11 appellate jurisdiction of superior courts to statute.⁷⁵ The proposed law would make
12 clear that the appellate jurisdiction of the appellate division covers limited civil
13 cases and misdemeanor and infraction cases — causes traditionally within the
14 original jurisdiction of municipal courts — regardless of whether the courts in a
15 county have unified.

16 *Appointments to appellate division.* SCA 4 requires the Chief Justice to assign
17 judges to the appellate division for specified terms pursuant to rules, not
18 inconsistent with statute, adopted by the Judicial Council to promote the
19 independence of the appellate division.⁷⁶ The provision

20 requires adoption of court rules intended to foster independence of judges
21 serving in the appellate division. Rules may set forth relevant factors to be
22 used in making appointments to the appellate division, such as length of
23 service as a judge, reputation within the unified court, and degree of
24 separateness of the appellate division workload from the judge’s regular
25 assignments (e.g., a superior court judge who routinely handles large
26 numbers of misdemeanors might ordinarily not serve in the appellate
27 division). Review by a panel of judges might include judges assigned from
28 another county in appropriate circumstances, or even by a panel of appellate
29 division judges from different superior courts who sit in turn in each of the
30 superior courts in the “circuit.”⁷⁷

31 To effectuate this intent, the proposed law does not attempt to specify terms or
32 conditions, but leaves the Judicial Council freedom to adopt appropriate rules and
33 leaves the Chief Justice broad discretion in making appointments.

72. Proposed Cal. Const. art. VI, § 4.

73. Assignments to the appellate division are made by the Chief Justice for specified terms and pursuant to rules (not inconsistent with statute) adopted by the Judicial Council to promote the independence of the appellate division. *Id.*

74. Cal. Const. art. VI, § 11.

75. Proposed Cal. Const. art. VI, § 11(b).

76. Proposed Cal. Const. art. VI, § 4.

77. *Trial Court Unification: Constitutional Revision (SCA 3)*, 24 Cal. L. Revision Comm’n Reports 1, 77 (1994).

1 **Small Claims**

2 The current appeal route for a small claim is a new trial in the superior court, a
3 court of higher jurisdiction.⁷⁸ Upon unification of the municipal and superior
4 courts in a county, the superior court will include the small claims division and
5 will not be a court of higher jurisdiction. SCA 4 addresses this matter by providing
6 for a rehearing in the superior court by a judge other than the judge who originally
7 heard the case.⁷⁹ The proposed law preserves the scheme of SCA 4: A hearing
8 before a new judicial officer, with legal representation,⁸⁰ is a sufficient review
9 opportunity for the litigants without being a substantial burden on judicial
10 resources.

11 EMPLOYMENT ISSUES

12 Employment issues are among the most difficult matters to resolve in unifying
13 the municipal and superior courts in a county. Hundreds of statutes in the
14 Government Code specify salaries of employees, benefits, privileges, and so forth,
15 in every municipal court district in the state. Bargaining rights, salary parity,
16 seniority, and other issues must be addressed in each court that unifies. The
17 present Law Revision Commission recommendations do not attempt to deal with
18 this.⁸¹ Because the statutes governing court employment in each judicial district
19 are unique, it is not possible to generalize as to the effect of unification on salaries
20 and other employment matters.

21 Recent legislation addresses employee rights⁸² and establishes a mechanism for
22 rationalizing the system — the Task Force on Trial Court Employees.⁸³ It is likely,
23 however, that immediate problems will be triggered by unification and will need to
24 be statutorily addressed on an urgency basis before the Task Force is able to
25 complete its work.

26 **Continued Employment of Existing Court Employees**

27 SCA 4 continues existing employees in a county in which the courts have
28 unified, until changed by the Legislature.⁸⁴ The proposed law provides that the
29 courts in a county in which the courts have unified will develop and adopt a
30 personnel plan.⁸⁵ These general transitional provisions are not completely
31 adequate, however, and in any event, existing statutes governing court employees

78. Code Civ. Proc. §§ 116.710, 116.770.

79. This rule is subject to overriding statutes. Proposed Cal. Const. art. VI, § 23(c)(6).

80. Code Civ. Proc. § 116.770(c).

81. See discussion of “County-Specific Statutes,” *supra*.

82. See AB 233 (Escutia & Pringle), 1997 Cal. Stat. ch. 850.

83. Gov’t Code §§ 77600-77606.

84. See proposed Cal. Const. art. VI, § 23(c)(1).

85. See proposed Gov’t Code § 70210(d). The provision parallels Rule of Court 205(11).

1 in an individual county will need to be cleaned up by the Legislature on a case-by-
2 case basis as unification occurs.

3 **Court Reporters**

4 Among the county-specific statutes that must be harmonized in a county in
5 which the courts unify are those governing appointment and compensation of
6 municipal court reporters, and regulating their fees.⁸⁶ This is an appropriate matter
7 for review by the Task Force on Trial Court Employees.

8 **Subordinate Judicial Officers**

9 Municipal court personnel who become superior court personnel on unification
10 include subordinate judicial officers.⁸⁷ Existing law provides authority to the
11 municipal courts to appoint a number of subordinate judicial officers, such as court
12 commissioners and referees.⁸⁸ The proposed law preserves the existing municipal
13 court authority in a unified superior court.⁸⁹ While this will work as an interim
14 measure, ultimately the Legislature should address the use of subordinate judicial
15 officers in a county in which the courts have unified.⁹⁰

16 Salaries of some municipal court officers are based on salaries of municipal
17 court judges.⁹¹ This statutory scheme will function adequately as long as
18 municipal courts remain, but if the courts in all counties unify, there will be no
19 municipal court judge salaries to serve as a benchmark. This matter should be
20 referred to the Task Force on Trial Court Employees.

21 **Judges' Salaries**

22 While it is not possible to generalize on the consequences of unification for court
23 employee salaries (due to county-specific statutes governing these matters), it is
24 possible to generalize on the consequences of unification for judicial salaries.
25 Judges' salaries are set by general statute,⁹² with a statutory escalator clause.⁹³
26 Currently superior court judges earn \$107,390 and municipal court judges earn
27 \$98,070. On unification, municipal court judges become superior court judges⁹⁴
28 and are compensated as superior court judges.

86. Cf. Gov't Code §§ 72195, 72600-74997 (statutes governing organization of municipal courts).

87. Cf. proposed Gov't Code § 70212(a) & Comment.

88. See, e.g., Gov't Code §§ 72400 (traffic referees), 72450 (traffic trial commissioners).

89. Proposed Gov't Code § 70214.

90. See "Issues in Judicial Administration Appropriate for Future Study," *infra*.

91. See, e.g., Gov't Code §§ 72404, 72406, 72450.

92. Gov't Code § 68202.

93. Gov't Code § 68203.

94. Cal. Const. art. VI, § 23(b).

Judges' Retirement

Provisions of the Judges' Retirement Law are keyed to salaries currently being paid to judges of the same rank.⁹⁵ For example, a retired judge may receive a retirement allowance equal to 65 percent of "the salary payable, at the time payment of the allowance falls due, to the judge holding the judicial office to which he or she was last elected or appointed".⁹⁶ In the case of a retired municipal court judge, this system will become problematic if as a result of unification there no longer exists a municipal court judgeship to serve as a basis for determining the retirement allowance.

The Commission believes the matter requires prompt attention. As a result of incentives to unify,⁹⁷ unification under SCA 4 may occur sooner rather than later, with the consequence of an immediate loss of the basis for determining municipal court retirement allowances. The Commission has alerted the Judicial Council and the Public Employees Retirement System to the urgency of this matter. It should be addressed promptly by statute.

Judicial Elections

SCA 4 provides that on unification, the "term of office of a previously selected municipal court judge is not affected by taking office as a judge of the superior court."⁹⁸ The impact of this provision on judicial elections in a unified court is unclear, since different rules govern the timing of municipal court elections and superior court elections.

For example, if a judge is appointed to fill a vacancy in the municipal court, the judge serves out the remainder of the unexpired term for which the judge was appointed, and an election for a successor is held at the general election preceding the end of the term.⁹⁹ If the vacancy occurs within 10 months before that election, however, this rule does not apply. Instead, the judge continues to hold office until the next succeeding general election.¹⁰⁰

In contrast, a judge appointed to fill a vacancy in the superior court does not serve out the remainder of an elected predecessor's six-year term. An election for a

95. This does not apply to the Judges' Retirement System II, applicable to persons who first become judges on or after November 9, 1994. Under that system, retirement payments are based on a percentage of salary at retirement, augmented by a cost of living escalator. Payments are not based on a percentage of salary of currently serving judges in the same class.

96. Gov't Code § 75076.

97. See, e.g., Gov't Code §§ 69620, 77202, 77213.

98. Cal. Const. art. VI, § 23(b). This provision would apply to a municipal court appointee as well as to an elected municipal court judge. See *Trial Court Unification: Constitutional Revision (SCA 3)*, *supra* note 8, at 82. See also *Lungren v. Davis*, 234 Cal. App. 3d 806, 822, 285 Cal. Rptr. 777 (1991).

99. Gov't Code § 71145.

100. Gov't Code § 71180(a); *see also* *Donnellan v. Hite*, 139 Cal. App. 2d 43, 293 P.2d 158 (1956); *Campbell v. Hite*, 57 Cal. 2d 484, 369 P.2d 944, 20 Cal. Rptr. 328 (1962); *Brailsford v. Blue*, 57 Cal. 2d 335, 369 P.2d 13, 19 Cal. Rptr. 485 (1962).

1 successor is held at the general election following the second January 1 following
2 the vacancy.¹⁰¹

3 The proposed legislation would provide guidance concerning which rule applies
4 in a unified court.¹⁰²

5 The term of office of a previously selected municipal court judge is not affected
6 by taking office as a judge of the superior court. A previously selected municipal
7 court judge is entitled to hold office for the same time period as if the judge had
8 remained a judge of the municipal court. Until a previously selected municipal
9 court judge leaves office or a successor is elected and qualifies, the time for
10 election of a successor is governed by the law otherwise applicable to selection of
11 a municipal court judge. Thereafter, selection of a successor to the office is
12 governed by the law governing selection of a superior court judge.¹⁰³

13 Thus, if a municipal court judge appointed to fill a vacancy is serving at the time
14 unification occurs, the municipal court rules on election timing would continue to
15 apply. The judge would serve out the remainder of the term, with an election held
16 at the general election preceding the end of the term (unless that would occur
17 within 10 months after the vacancy, in which case the election would be held at the
18 next succeeding general election).¹⁰⁴ Thereafter, the ordinary superior court rules
19 on election timing would apply.

20 OTHER TRIAL COURT UNIFICATION ISSUES

21 **Electronic Reporting**

22 Existing law, while generally requiring stenographic court reporting, authorizes
23 electronic reporting in municipal courts in some circumstances.¹⁰⁵ The proposed
24 law preserves the ability of the court to use electronic reporting in similar
25 circumstances where the municipal and superior courts in a county have unified.

26 **Trial Setting Conferences**

27 If the municipal and superior courts in a county unify, statutes providing for
28 telephonic trial setting conferences in superior court will also apply to cases
29 formerly within the jurisdiction of the municipal court.¹⁰⁶ This result is

101. Cal. Const. art. VI, § 16(b), (c).

102. Cf. Cal. Const. art. VI, § 23(a) (purpose of SCA 4 is to permit the Legislature to provide for unification, including broad legislative authority).

103. Proposed Gov't Code § 79211(b).

104. These rules for the first election following unification apply only so long as the municipal court judge holding office at the time of unification continues in that office, consistent with the constitutional mandate that the term of that judge is not affected by unification. If the judge leaves office before the end of the term, the office is thereafter treated as an ordinary superior court judgeship and is subject to the superior court rule on election timing.

105. See Gov't Code § 72194.5.

106. Cf. Code Civ. Proc. § 575.6; Gov't Code § 68070.1.

appropriate; it will be neither practical nor desirable to distinguish among cases for this purpose in a unified court. The proposed legislation leaves existing statutes on this point intact.

Transitional Issues

On the operative date of unification in a county there will be causes pending in the municipal court as well as new causes that are statutorily within the jurisdiction of the municipal court. SCA 4 includes transitional provisions that address these matters.¹⁰⁷ The proposed law covers transitional problems not dealt with directly in SCA 4, and also makes the constitutional transitional provisions more accessible to attorneys and others by repeating them in statutes.¹⁰⁸

ISSUES IN JUDICIAL ADMINISTRATION APPROPRIATE FOR FUTURE STUDY

In the process of preparing proposed statutory revisions to implement trial court unification, the Commission has identified a number of issues that are appropriate for future study. In particular, although the implementing legislation would preserve existing procedural distinctions between traditional superior court cases, traditional municipal court cases, and small claims cases, the Commission strongly recommends that the Legislature direct a study reexamining this three-track system and its underlying policies in light of unification. Such a study may entail elimination of unnecessary procedural distinctions,¹⁰⁹ reassessment of the jurisdictional limits for small claims procedures¹¹⁰ and economic litigation procedures,¹¹¹ and reevaluation of which procedures apply to which type of case.¹¹² Organizations with expertise suitable for conducting the proposed study include the Judicial Council and the Law Revision Commission; a joint study and report is advisable.

The Commission has also identified a number of narrower issues in judicial administration that should be studied. The Commission recommends that the

107. Proposed Cal. Const. art. VI, § 23(c)(4)-(5).

108. See proposed Gov't Code §§ 70210-70216.

109. For example, there are differences in the extent to which municipal and superior courts may set terms and conditions for payment of money judgments. *Compare* Code Civ. Proc. § 85 (municipal court has broad discretion to set terms and conditions) *with* Code Civ. Proc. § 667.7 (superior court may enter judgment for periodic payments in certain circumstances in actions for injury or damages against health care providers). This topic should be examined as part of the proposed study of procedural distinctions between traditional superior court cases, traditional municipal court cases, and small claims cases.

110. The existing limit is \$5,000. Code Civ. Proc. § 116.220.

111. The existing limit is \$25,000. Code Civ. Proc. § 91.

112. For example, some provisions appear to give municipal and superior courts concurrent jurisdiction. See, e.g., Bus. & Prof. Code §§ 6405, 22391, 22443.1, 22455; Civ. Code §§ 1789.24, 1812.66, 1812.105, 1812.503, 1812.510, 1812.515, 1812.525, 1812.600; Code Civ. Proc. § 688.010; Food & Agric. Code §§ 25564, 29733, 43039, 59289; Health & Safety Code §§ 108580, 111880, 111895; Veh. Code §§ 11102.1, 11203, 11301.5, 11710.2.

1 Legislature direct the Judicial Council or the Law Revision Commission, to
2 conduct these studies as indicated below.¹¹³ The Judicial Council and Law
3 Revision Commission should consult with each other on these studies; joint
4 reports may be appropriate in some circumstances.

5 Studies for which the Judicial Council should be assigned primary responsibility
6 include:

- 7 • Obsolete statutes relating to prior court and personnel restructurings.¹¹⁴
- 8 • Superior court sessions, both general and special.¹¹⁵
- 9 • Number of authorized commissioners and referees in a county in which the
10 courts have unified.¹¹⁶
- 11 • Reorganization of statutes governing court fees.¹¹⁷
- 12 • Eligibility of judges to serve on the small claims advisory committee.¹¹⁸
- 13 • Catalogue of cases within the appellate jurisdiction of the courts of appeal on
14 June 30, 1995.¹¹⁹
- 15 • Consolidation of jury commissioner functions for the courts in each county.
- 16 • Magistrate as judicial officer of the state or judicial officer of a particular
17 court.
- 18 • Correction of county-specific statutes after unification in that county.¹²⁰

113. The Judicial Council's constitutional mandate includes making recommendations to the courts, Governor, and Legislature, and to adopt rules for court administration, practice and procedure, to improve the administration of justice. Cal. Const. art. VI, § 6.

The Law Revision Commission's statutory mandate includes making recommendations to the Governor and Legislature for changes in the law necessary to modify or eliminate antiquated and inequitable rules of law, and to bring the law of the state into harmony with modern conditions. Gov't Code § 8289.

In the course of preparing implementing legislation for trial court unification, the Judicial Council and Law Revision Commission have developed background information on these topics. The Council and the Commission have existing study mechanisms in place, without the need to establish new committees or procedures for these studies.

114. See, e.g., Gov't Code. §§ 71003, 71040.5.

115. See, e.g., Gov't Code §§ 69510, 69510.5, 69510.6, 69740-69801.

116. The trial court unification transitional provisions would merely preserve existing authority to appoint commissioners and referees. *Cf.* Gov't Code §§ 70141 *et seq.* (existing authority to appoint superior court commissioners), 72000-74991 (existing authority to appoint municipal court commissioners found among county-specific statutes in the Government Code governing municipal courts), 72400 (existing authority to appoint municipal court traffic trial commissioners).

117. Existing statutes governing court fees are organized by court rather than by cause. See, e.g., Gov't Code §§ 26800 *et seq.* (fees collected by county clerk), 72055 *et seq.* (municipal court fees). It may be appropriate to consolidate the fee provisions for ease of use. In addition, it may be appropriate to replace provisions for collection of fees by the county clerk with provisions relating to the court executive officer.

118. See Code Civ. Proc. § 116.950(d), which could be broadened to allow any judge with extensive experience as a small claims judge (including a retired judge, an appellate court justice, or a judge of a non-unified superior court) to serve on the committee.

119. See Cal. Const. art. VI, § 11, which may make it worthwhile to construct such a catalogue.

120. See discussion of "County-Specific Statutes," *supra*.

1 Studies for which the Law Revision Commission should be assigned primary
2 responsibility include:

- 3 • Obsolete statutes relating to expired pilot projects or other expired
4 programs.¹²¹
- 5 • Whether to conform the statutory provisions on circumstances for
6 appointment of a receiver.¹²²
- 7 • Procedure for good faith improver claims.¹²³
- 8 • Procedure for obtaining a stay of a mechanic's lien foreclosure action
9 pending arbitration.¹²⁴
- 10 • Whether to make revisions regarding the repository for the duplicate of an
11 affidavit pursuant to Fish and Game Code Section 2357.¹²⁵
- 12 • Clarification of provisions relating to obtaining counsel for defendant in a
13 criminal case.¹²⁶
- 14 • Role of court reporter in a county in which the courts have unified,
15 particularly in a criminal case.¹²⁷
- 16 • Appealability of order of recusal in a criminal case.¹²⁸
- 17 • Publication of legal notice in a county with a unified superior court.¹²⁹
- 18 • Resolving the numbering conflict in the two Chapters 2.1 (commencing with
19 Section 68650) of Title 8 of Government Code.
- 20 • Default in an unlawful detainer case.¹³⁰

121. See, e.g., Code Civ. Proc. §§ 221, 1012.5; Gov't Code § 68520.

122. Compare Code Civ. Proc. § 86(a)(8) (appointment of receiver in municipal court) with Code Civ. Proc. § 564 (appointment of receiver in superior court). See also Code Civ. Proc. §§ 708.610-708.630, 712.060.

123. An action by a good faith improver is within the traditional jurisdiction of the superior court, but a cross-complaint under \$25,000 by a good faith improver is heard in the municipal court. Code Civ. Proc. § 871.3. This differential treatment may be inappropriate.

124. Code Civ. Proc. § 1281.5. It may be appropriate to clarify or simplify the procedure for obtaining a stay in superior court for arbitration of a municipal court lien foreclosure action.

125. Is a notary a proper repository, and does this provision serve a useful function?

126. Penal Code Sections 859, 859a, 859b, and 860 relate to obtaining counsel for defendants in criminal cases. The statutes appear to be somewhat dated, and their interrelation is unclear. A more clear statutory statement of the governing rules may be appropriate.

127. Existing statutes governing functions of court reporters may be problematic as applied in a county in which the courts have unified, particularly in criminal cases. Cf. Code Civ. Proc. § 274c; Gov't Code § 72194.5; Penal Code § 869.

128. Compare Penal Code § 1466(a)(1)(A) (in a misdemeanor or infraction case an appeal may be taken from "an order recusing the district attorney or city attorney pursuant to Section 1424") with Penal Code § 1238 (comparable provision for a felony case, but no mention of an appeal from an order recusing the district attorney or city attorney).

129. See proposed Gov't Code § 71042.5, which would preserve former municipal court districts for purposes of publication, but may be unsatisfactory in the long-term because it would not account for changing demographics.

130. See Code Civ. Proc. § 1167.3, which contains incorrect cross-references.

BUSINESS AND PROFESSIONS CODE	1
§ 470.3 (amended). Fee for filing first paper in civil action	1
§ 6152 (amended). Runners and cappers	1
§ 6301 (amended). Board of law library trustees	2
§ 6302.5 (amended). Board of law library trustees of Los Angeles County	3
§ 6341 (amended). Law library branches	4
§ 7028.2 (amended). Venue for criminal complaint	4
§ 6321 (amended). Filing fee	3
§ 6322 (amended). First appearance fee	4
§ 17209 (amended). Notice to Attorney General and county district attorney	5
§ 17536.5 (amended). Notice to Attorney General and county district attorney	5
§ 25762 (amended). Fines and forfeitures of bail	6
CIVIL CODE	6
§ 798.61 (amended). Abandoned mobilehomes	6
§ 1181 (amended). Proof or acknowledgment of instrument	8
§ 1719 (amended). Checks passed on insufficient funds	9
§ 1780 (amended). Action for unlawful method, act, or practice	12
§ 1812.10 (amended). Action on contract or installment account	13
§ 2984.4 (amended). Action on contract or purchase order	14
§ 3342.5 (amended). Dog bites	15
CODE OF CIVIL PROCEDURE	16
§ 32.5 (added). Jurisdictional classification	16
§ 38 (added). Judicial districts	16
§ 77 (amended). Appellate division	16
Heading of Chapter 5 (commencing with Section 81) (amended)	18
Heading of Article 1 (commencing with Section 81) (repealed)	19
§ 82 (amended). Effect of establishing municipal court	19
§ 83 (repealed). Concurrent jurisdiction	19
§ 84 (amended). Process	19
§ 85 (repealed). Money judgments	19
§§ 85-85.1 (added). Limited civil cases	20
§ 85. Limited civil cases	20
§ 85.1. Original jurisdiction	22
§ 86 (amended) Miscellaneous limited civil cases	22
§ 86.1 (amended). Long-Term Care, Health, Safety, and Security Act	24
§ 87 (repealed). Corporation as party	25
§ 88 (repealed). Clerks of justice courts	25
§ 89 (repealed). Issuance of papers in blank	26
Article 2 heading (commencing with Section 90) (amended)	26
§ 91 (amended). Application of economic litigation procedures	26
§ 116.120 (amended). Legislative findings and declaration	27
§ 116.210 (amended). Small claims division	27
§ 116.231 (amended). Limitation on number of actions filed each year	28
§ 116.250 (amended). Court sessions	28
§ 116.760 (amended). Filing fee	29
§ 116.770 (amended). Hearing de novo	29
§ 116.940 (amended). Advisory services	30
§ 116.950 (amended). Advisory committee	31
§ 134 (amended). Court closure on judicial holidays	31
§ 166 (amended). Judges of municipal and superior courts	32
§ 170.5 (amended). Definitions	33

CODE OF CIVIL PROCEDURE CONTINUED

§ 170.6 (amended). Prejudice against party or attorney	34
§ 170.7 (amended). Judge serving on appellate division	36
§ 179 (amended). Taking and certifying acknowledgments, affidavits or depositions	36
§ 194 (amended). Definitions	37
§ 195 (amended). Jury commissioners	38
§ 198.5 (amended). Superior court venires in judicial districts	38
§ 200 (amended). Jury pool	39
§ 215 (amended). Fees and mileage for jurors	39
§ 217 (amended). Jurors in criminal cases	39
§ 234 (amended). Alternate jurors	39
§ 269 (amended). Record on appeal	40
§ 274a (amended). Transcription at judge's request	41
§ 274c (amended). Official reporters of municipal courts	42
§ 392 (amended). Real property actions	42
§ 393 (amended). Action for penalty or forfeiture or against public officer	43
§ 395 (amended). Actions generally	44
§ 395.9 (added). Misclassification as limited civil case or otherwise	45
§ 396 (amended). Court without jurisdiction	46
§ 396a (amended). Statement of jurisdictional facts	47
§ 399.5 (added). Reclassification pursuant to Section 395.9	49
§ 400 (amended). Petition for writ of mandate	50
§ 402 (amended). Transfer for convenience of municipal court	50
§ 402.5 (added). Change of venue in limited civil case	51
§ 422.20 (repealed). Justice court pleadings	51
§ 422.30 (amended). Caption	51
§ 425.10 (amended). Content of complaint	51
§ 425.11 (amended). Damages for personal injury or wrongful death	52
§ 489.220 (amended). Amount of undertaking	52
§ 564 (amended). Appointment of receivers	53
§ 575 (amended). Promulgation of rules by Judicial Council	55
§ 575.1 (amended). Local rules	55
§ 580 (amended). Relief awardable	56
§ 581d (amended). Dismissal	57
§ 582.5 (added). Judgment for payment of money	57
§ 594 (amended). Bringing issues to trial or hearing	58
§ 628 (amended). Entry upon receipt of verdict	59
§ 631 (amended). Waiver of trial by jury	59
§ 632 (amended). Statement of decision	60
§ 655 (amended). Application of article to municipal and superior courts	60
§ 668 (amended). Judgment book	60
§ 670 (amended). Judgment roll	61
§ 685.030 (amended). Satisfaction of money judgment	61
§ 688.010 (amended). Jurisdiction	62
§ 697.310 (amended). Creation and duration of lien generally	62
§ 697.350 (amended). Lien on real property	62
§ 697.540 (amended). Lien on personal property	63
§ 703.600 (amended). Appeal of order on claim of exemption	63
§ 706.105 (amended). Claim of exemption under § 706.051	63
§ 708.180 (amended). Adverse claim of, or denial of debt by third party	66
§ 720.160 (amended). Undertaking by creditor	67
§ 720.260 (amended). Undertaking by creditor	68
§ 720.420 (amended). Appeals of judgment on third-party claim	69
§ 871.3 (amended). Good faith improver	69

CODE OF CIVIL PROCEDURE CONTINUED

§ 904.1 (amended). Taking appeal	69
§ 904.2 (amended). Taking appeal in limited civil case	70
§ 904.5 (amended). Small claims appeals	71
§ 911 (amended). Transfer from appellate division to court of appeal	71
§ 912 (amended). Certification to trial court of result on appeal	72
§ 996.430 (amended). Enforcement of liability on bond	72
§ 1014 (amended). Appearance by defendant	73
§ 1033 (amended). Small recovery	73
§ 1052 (amended). Register of civil actions in municipal court	74
§ 1052.5 (amended). Alternative methods of keeping register of actions	74
§ 1060 (amended). Declaration of rights and duties	74
§ 1068 (amended). Courts authorized to grant writ of review	75
§ 1085 (amended). Courts authorized to grant writ of mandate	75
§ 1103 (amended). Courts authorized to grant writ of prohibition	75
§ 1134 (amended). Judgment and costs	76
§ 1140 (amended). Enforcement and appeal of judgment where controversy is submitted on agreed statement of facts	76
§ 1141.11 (amended). Arbitration of at-issue civil actions	76
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