

First Supplement to Memorandum 99-31

Trial Court Unification: Catalog of Cases (Judicial Council Activities)

Attached to this memorandum is a letter from Joshua Weinstein, a staff attorney for the Judicial Council who has been actively involved in the study relating to a catalog of cases within the jurisdiction of the courts of appeal on June 30, 1995. A copy of Mr. Weinstein's initial memo on the subject is attached to Memorandum 99-31.

Mr. Weinstein's letter memorializes a recent meeting of legal staff members of the Council and the Commission on this matter. (The statutory direction for this study gives primary responsibility to the Judicial Council, in consultation with the Law Revision Commission).

As a result of that meeting, the Judicial Council staff has indicated that they will pursue a three-pronged approach on this study:

(1) They will seek to assess the utility of a catalog of the type envisioned. In particular, they will consult with the State Bar Litigation Section, which first suggested the concept. (**Note.** We understand from Professor Kelso that there are already cases on appeal to construe the constitutional language giving appellate jurisdiction to courts of appeal "in causes of a type" within that jurisdiction on June 30, 1995. Cal. Const. Art. VI, § 11(a). We hope to have further information about the issues in those cases by the time of the Commission meeting.)

(2) If the assessment indicates the utility of such a catalog, they will work to develop one. (**Note.** This could well take the form of a Judicial Council report, as opposed to a statute.)

(3) They will investigate the feasibility of a constitutional amendment to clarify the appellate jurisdiction of the courts of appeal. (**Note.** In the opinion of the Commission's staff, this is the best solution to the problem, if it is feasible.)

In any event, the Judicial Council staff will continue their consultation with the Commission as the study proceeds.

In light of the Judicial Council activity on the study, and in light of the primary responsibility of the Judicial Council for it, the Commission's staff recommends that we hold off developing legislation of a type suggested in

Memorandum 99-31. This would not preclude the Commission, in its consultative role, from suggesting to the Council matters the Commission thinks should be developed in this study.

Respectfully submitted,

Nathaniel Sterling
Executive Secretary



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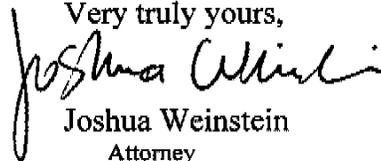
Dear Mr. Sterling:

Thank you again for taking the time to meet with Ben and me today. I think it was a very productive meeting, and I look forward to our continued collaborative efforts on the cataloging of cases within the appellate jurisdiction of the courts of appeal on June 30, 1995.

It is my understanding that you support the Judicial Council maintaining the lead in this project and our continued study of viable resolutions. As we discussed, three solutions appear to deserve further investigation. First, we will assess the need to compile the catalog by contacting the Litigation section of the State Bar, the group that suggested the catalog in the first place. Other relevant groups will be consulted as well. Second, if a catalog appears helpful to the courts or practitioners, we will prepare a report that attempts to catalog the types of causes within the appellate jurisdiction of the courts of appeal on June 30, 1995. Third, we will consult with our Office of Governmental Affairs, the Administrative Director of the Courts, and the relevant advisory groups on the feasibility of seeking a constitutional amendment to clarify the appellate jurisdiction of the court of appeal.

In making these assessments and conducting the investigation, we plan to continue our consultation with your organization.

Very truly yours,


Joshua Weinstein
Attorney

JW:sw