

## First Supplement to Memorandum 2002-57

**Statutes Made Obsolete by Trial Court Restructuring:  
Additional Provisions**

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This memorandum presents supplemental material for inclusion in the tentative recommendation on statutes made obsolete by trial court restructuring. The Exhibit to the memorandum consists of comments that the Commission previously received with regard to Code of Civil Procedure Section 575.1, and the text of California Rule of Court 981, as recently amended. These provisions relating to local rules are discussed below, along with a few other minor issues. A draft of the provisions to be added to the tentative recommendation is attached to the memorandum.

The Commission needs to review this supplemental material and decide whether to approve it for inclusion in the tentative recommendation.

## LOCAL RULES

In late 2001, as part of its work on trial court restructuring the Commission proposed the following amendment of Code of Civil Procedure Section 575.1, which governs the preparation and distribution of local rules:

**Code Civ. Proc. § 575.1 (amended). Local court rules**

SEC. \_\_\_\_ . Section 575.1 of the Code of Civil Procedure is amended to read:

575.1. (a) The presiding judge of each superior ~~and municipal~~ court may prepare, with the assistance of appropriate committees of the court, proposed local rules designed to expedite and facilitate the business of the court. The rules need not be limited to those actions on the civil active list, but may provide for the supervision and judicial management of actions from the date they are filed. Rules prepared pursuant to this section shall be submitted for consideration to the judges of the court and, upon approval by a majority of the judges, the judges shall have the proposed rules published and submitted to the local bar and others, as specified by the Judicial Council, for consideration and recommendations.

(b) After a majority of the judges have officially adopted the rules, 61 copies or a greater number as specified by Judicial Council

rule, or an electronic copy, shall be filed with the Judicial Council as required by Section 68071 of the Government Code. The Judicial Council shall deposit, by electronic or other means, a copy of each rule and amendment with each county law library or ~~county clerk~~ where it shall be made clerk of the superior court, which shall make a hard copy available for public examination. The local rules shall also be published for general distribution in accordance with rules adopted by the Judicial Council. Each court shall make its local rules available for inspection and copying in every location of the court that generally accepts filing of papers. The court may impose a reasonable charge for copying the rules and may impose a reasonable page limit on copying. The rules shall be accompanied by a notice indicating where a full set of the rules may be purchased.

(c) If a judge of a court adopts a rule that applies solely to cases in that judge's courtroom, or a particular branch or district of a court adopts a rule that applies solely to cases in that particular branch or district of a court, the court shall publish these rules as part of the general publication of rules required by the California Rules of Court. The court shall organize the rules so that rules on a common subject, whether individual, branch, district, or courtwide appear sequentially. Individual judges' rules and branch and district rules are local rules of court for purposes of this section and for purposes of the adoption, publication, comment, and filing requirements set forth in the Judicial Council rules applicable to local court rules.

**Comment.** Subdivision (a) of Section 575.1 is amended to reflect unification of the municipal and superior courts pursuant to Article VI, Section 5(e), of the California Constitution.

Subdivision (b) is amended to reflect elimination of the county clerk's role as ex officio clerk of the superior court. See former Gov't Code § 26800 (county clerk acting as clerk of superior court). The powers, duties, and responsibilities formerly exercised by the county clerk as ex officio clerk of the court are delegated to the court administrative or executive officer, and the county clerk is relieved of those powers, duties, and responsibilities. See Sections 69840 (powers, duties, and responsibilities of clerk of court), 71620 (trial court personnel).

Subdivision (b) is also amended to make clear that a hard copy of each rule and amendment must be made available for public examination. It is not sufficient for a county law library or clerk of a superior court to provide the material to the public solely in electronic form. But the material may be electronically transmitted from a court to the Judicial Council or from the Judicial Council to the county law library or clerk of the superior court.

The Commission incorporated this amendment into the Tentative Recommendation on *Statutes Made Obsolete by Trial Court Restructuring* (Nov. 2001). The tentative recommendation included a Note soliciting comment on the provision, particularly on “whether it would make sense to require the Judicial Council to deposit a copy of local rules with both the county law library and the clerk of the superior court in every county, instead of with only one of these entities.” *Id.* at 108.

The Commission received an abundance of comments relating to the proposed amendment, reflecting a variety of views on the proper treatment of subdivision (b). Exhibit pp. 1-6 (previously reproduced in Memorandum 2002-14, Exhibit pp. 2, 7, 28-33, 50). None of the comments objected to the proposed treatment of subdivision (a), deleting the obsolete reference to the municipal court. *Id.* Given the diversity of opinion regarding the proper treatment of subdivision (b), the Commission decided to study the provision further and remove it from the 2002 proposal. Memorandum 2002-17, p. 15; Minutes (March 14-15, 2002), p. 10.

Since then, the Judicial Council has amended California Rule of Court 981, effective January 1, 2003, to require each superior court to file any changes to its local rules with the Judicial Council electronically. See Exhibit pp. 7-11. Under the amended rule, the Judicial Council is to deposit a hard copy of each new rule or amendment with the executive officer of each superior court that does not provide assistance to members of the public in accessing the Internet or has not obtained agreement from the county law librarian to provide such assistance. The executive officer must make a complete set of current local rules, including all amendments, available for public examination either in hard copy form or through the Internet with public assistance. “In a county maintaining an organized county law library, if the executive officer is satisfied that the rules and amendments will be maintained as required ..., the executive officer, with the approval of the superior court and the written consent of the county law librarian, may delegate the authority to the county law librarian to (1) receive and maintain paper copies of the rules and amendments, or (2) make the rules and amendments available through the Internet with assistance to members of the public.” Cal. R. Ct. 981(e)(2) (reproduced at Exhibit pp. 8-9).

This amended rule represents a balance between the interest in making local rules readily accessible to the public and the interest in minimizing administrative burdens on the court system and county law libraries. The staff is

not inclined to disrupt this newly set balance. **We would amend Code of Civil Procedure Section 575.1 to authorize the approach in Rule 981 as recently amended:**

**Code Civ. Proc. § 575.1 (amended). Local court rules**

SEC. \_\_\_\_ . Section 575.1 of the Code of Civil Procedure is amended to read:

575.1. (a) The presiding judge of each superior ~~and municipal~~ court may prepare, with the assistance of appropriate committees of the court, proposed local rules designed to expedite and facilitate the business of the court. The rules need not be limited to those actions on the civil active list, but may provide for the supervision and judicial management of actions from the date they are filed. Rules prepared pursuant to this section shall be submitted for consideration to the judges of the court and, upon approval by a majority of the judges, the judges shall have the proposed rules published and submitted to the local bar and others, as specified by the Judicial Council, for consideration and recommendations.

(b) After a majority of the judges have officially adopted the rules, ~~61 copies or a greater number as specified by Judicial Council rule, they~~ shall be filed with the Judicial Council as required by Section 68071 of the Government Code and specified in rules adopted by the Judicial Council. The Judicial Council shall ~~deposit a copy of each rule and amendment with each county law library or county clerk where it shall be~~ prescribe rules, not inconsistent with statute, to ensure that a complete current set of local rules and amendments is made available for public examination in each county. The local rules shall also be published for general distribution in accordance with rules adopted by the Judicial Council. Each court shall make its local rules available for inspection and copying in every location of the court that generally accepts filing of papers. The court may impose a reasonable charge for copying the rules and may impose a reasonable page limit on copying. The rules shall be accompanied by a notice indicating where a full set of the rules may be purchased.

(c) If a judge of a court adopts a rule that applies solely to cases in that judge's courtroom, or a particular branch or district of a court adopts a rule that applies solely to cases in that particular branch or district of a court, the court shall publish these rules as part of the general publication of rules required by the California Rules of Court. The court shall organize the rules so that rules on a common subject, whether individual, branch, district, or courtwide appear sequentially. Individual judges' rules and branch and district rules are local rules of court for purposes of this section and for purposes of the adoption, publication, comment, and filing

requirements set forth in the Judicial Council rules applicable to local court rules.

**Comment.** Subdivision (a) of Section 575.1 is amended to reflect unification of the municipal and superior courts pursuant to former Section 5(e) of Article VI of the California Constitution.

Subdivision (b) is amended to be consistent with the approach used in California Rule of Court 981, as amended effective January 1, 2003, regarding preparation of and public access to local rules.

If the Commission approves the proposed amendments, the staff will add a brief discussion of Section 575.1 in an appropriate place within the preliminary part of the tentative recommendation.

#### ADDITIONAL CLEANUP PROVISIONS

##### **Chaptered Out Provisions**

The staff has completed a conflicts check of every section contained in last year's bill on trial court restructuring — SB 1316 (2002 Cal. Stat. ch. 784) — to identify all proposed revisions that were chaptered out by other bills in the 2002 legislative session. The staff has discovered two additional sections we need to address again this session due to the chaptering out problem: Government Code Section 71081 and Penal Code Section 3075. The proposed revisions are included in the attachment. They are identical to those proposed in SB 1316.

##### **Technical Corrections**

The attachment also contains additional technical corrections discovered by the staff since the main memorandum was prepared. They simply correct cross-references to account for statutory revisions made in the early and mid-1990's.

Respectfully submitted,

Barbara Gaal  
Staff Counsel

Lynne Urman  
Staff Counsel

Comments on Code of Civil Procedure § 575.1

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**GRANT BARRETT, CALAVERAS COUNTY SUPERIOR COURT**

From: Grant Barrett <GBarrett@co.calaveras.ca.us>  
To: bgaal@clrc.ca.gov  
Subject: CCP 575.1 Comment in Opposition to Amendment  
Date: Feb. 4, 2002

Dear Law Review Commission:

This comment addresses the proposed revision to CCP sec. 575.1 requiring the clerk of the superior court to make a "hard copy" of each county's local rules available for inspection by the public.

We oppose this proposed revision. Currently our county law library maintains updated copies of each court's local rules. The law library provides the space and quiet necessary for review of local rules. Our court clerks' window does not have the space to store or provide access to these rules. Additionally, we do not have the staff to update each court's local rules as the supplements come out approximately every six months.

In the near future our court intends to have a public access computer terminal. If the State would provide an internet address or link where the local rules could be accessed (and kept uniformly updated) it would be possible to provide the public access to such information, but not in a hard copy format.

Thank you for this opportunity to comment and register our opposition to the proposed revisions.

Grant V. Barrett  
General Counsel  
Calaveras Superior Court

P.S. If any commission representative wishes to discuss this comment, you may contact me at 209/754-6340.

**MIKE BEREST, MARIPOSA COUNTY SUPERIOR COURT**

Date: Jan. 16, 2002  
From: Michael Berest <berestm@mariposacourts.org>  
To: Brian Hebert <bhebert@clrc.ca.gov>  
Subject: Trial Court Restructuring: Code Civ. Proc. § 575.1

I personally think the copies should only be with the Law Library. I know no one who remembers anybody ever coming in to the Clerk's Office and asking to see the local rules of another county. Of course, many ask to see the local rules of our county, which is what one would expect. Having them in the Law Library only, however, would make them

accessible to the public while taking the burden off of court staff of what I see as the totally unnecessary task of keeping and updating the local rules of the other counties.

Mike Berest  
Mariposa Superior Court

**TIMOTHY GEE, SAN MATEO COUNTY SUPERIOR COURT**

From: "Timothy Gee" <TGee@sanmateocourt.org>  
Subject: Comments on CCP 575.1

Thank you for providing our Court with the opportunity to comment on the proposed changes to CCP 575.1. We support, in most part, the changes proposed. We do have two concerns.

1) In section 575.1 (b) reference is made to having 61 copies provided to the Judicial Council. We believe that the California Rules of Court, Rule 981 (d) specifies 80 copies to be provided to the Judicial Council. Section (b) should be changed to be consistent with the Rules of Court.

2) The other changes in section (b) should also be consistent with the recent proposed changes to the California Rules of Court issued by the Judicial Council (number W02-08). The two should be consistent with each other. We agree with having the copies of each county's local rules deposited with either the law library OR the Clerk of Court, depending on who is designated as the maintainer of the local rules as provided for under Rule 981.

Please feel free to contact me if you have any questions regarding our comments.

Timothy Gee  
Superior Court, San Mateo County  
Planning and Development  
(650) 599-1790  
(650) 363-4698 FAX

**JANET GROVE, ADMINISTRATIVE OFFICE OF THE COURTS**

Subject: CLRC comment on CCP 575.1  
Date: Feb. 15, 2002  
From: "Grove, Janet" <Janet.Grove@jud.ca.gov>  
To: "Bgaal (E-mail)" <bgaal@clrc.ca.gov>,  
"Sterling (E-mail)" <sterling@clrc.ca.gov>

Below is a comment from Cara Vonk and other AOC staff about CCP 575.1 (local court rules).

We recommend that subdivision (b) be amended as follows:

(b) After a majority of the judges have officially adopted the rules, 61 copies or a greater number as specified by Judicial Council rule, or an electronic copy, shall be filed with the Judicial Council as required by Section 68071 of the Government Code. [We also request that all suggested changes be deleted from the second sentence.]

We disagree with the comment that the statute should "make clear that a hard copy of each rule and amendment must be made available for public examination. It is not sufficient for a county law library or clerk of a superior court to provide the material to the public solely in electronic form." We also do not agree that a copy of local rules should be deposited with both the county law library and the clerk of the superior court.

Currently rule 981(e) provides that the court executive officer, with the approval of the superior court and the written consent of the county law librarian, may delegate the authority to receive and maintain the rules [for all 58 counties] to the law librarian. There are counties that do not maintain a public law library. In counties that do maintain a public law library, there is no reason to burden the court executive officer with maintaining the local rules for all 58 counties. Maintaining local rules involves substantial filing time, and at least one court has told us that it doesn't have the staff to maintain and file all the amendments that come in twice per year (and therefore the rules are just dumped into a box).

The Judicial Council is currently circulating an invitation to comment with proposed rule 981 changes governing the filing, distribution, and maintenance of local rules. Under the proposal, the court (or law librarian, if delegated) must make local rule amendments available for public examination "either in paper copy or through the Internet with personal public assistance." If the court cannot certify public assistance, then the AOC will continue to make paper copies of all 58 counties' rules amendments available to these courts. If the CLRC believes that a hard copy of other courts' local rules should be made available, it may wish to comment on the rule 981 proposal, suggesting that the local rules should be made available for viewing and copying. A court must make its own local rules available for inspection and copying in all court locations. (See rule 981(b).) There are also publishers of statewide local rules including Westlaw, The Daily Journal, and the Recorder, among others. The Judicial Council plans to post all local rules amendments on its California Judicial Web site, which can then be viewed from home or on any public library computer and printed. Our goal is to make it easier, not harder, to access local court rules. We believe that the statutes should provide the Judicial Council with the greatest amount of flexibility possible, so that it may use new techniques and technologies to devise the best possible public access to all courts' local rules.

## LOS ANGELES SUPERIOR COURT

Excerpt from undated document titled Trial Court Restructuring Proposals: Comments on Proposed Changes:

### § 575.1

Instead of specifying entities to receive and maintain current individual copies of local rules, it might make more sense to specify the alternative of posting on the court's web page (assuming it has one) as satisfying the requirement to share access to local rules statewide.

**JOSÉ GUILLÉN, RIVERSIDE COUNTY SUPERIOR COURT**

Date: Jan. 16, 2002  
From: "José Guillén" <JGUILLEN@co.riverside.ca.us>  
To: <bhebert@clrc.ca.gov>  
Subject: Trial Court Restructuring: Code Civ. Proc. § 575.1

I would recommend deleting county law library and in practice, all the courts would need is the confirmation that the local rules as submitted have been approved by judicial council.

**EILEEN LEDGERWOOD, TULARE COUNTY SUPERIOR COURT**

Date: Jan. 16, 2002  
From: "Sam Ledgerwood" <SLedgerw@co.tulare.ca.us>  
To: <bgaal@clrc.ca.gov>  
Subject: Trial Court Restructuring: CCP 575.1

In accordance with Nathaniel Sterling's instructions to comment on the proposed amendment to CCP 575.1, please be informed that the Tulare County Superior Court is of the opinion that copies of local rules of court should be deposited with the law library in each county, rather than with the clerk of court. The task of maintaining all local rules of court appears to be better associated with routine library services

Respectfully submitted.

Eileen Ledgerwood, Admin. Svcs. Ofcr.  
on behalf of CEO, LaRayne Cleek  
Tulare County Superior Court

**JODY PATEL, SACRAMENTO COUNTY SUPERIOR COURT**

From: "Patel, Jody" <patelj@saccourt.com>  
To: "bhebert@clrc.ca.gov" <bhebert@clrc.ca.gov>  
Subject: Trial Court Restructuring: Code Civ. Proc. § 575.1  
Date: Jan. 17, 2002

Noted below is our response to restructuring of CCP 575.1 Please let me know if you have any questions.

Proposed Amendment to Code of Civil Procedure section 575.1

In response to Commission's question of whether to require the Judicial Council to deposit a copy of proposed local rules with both the county library and the clerk of the superior court, I would recommend that proposed local trial court rules be sent only to the county law library which will make a hard copy available for public inspection. From my

experience, the law library is equipped for public use and viewing of documents. There is no need for the clerk of the superior court to duplicate the public examination service for proposed local rules adopted by trial courts in other counties.

**SANDRA SILVA, FRESNO COUNTY SUPERIOR COURT**

From: "Silva, Sandra" <SSilva@fresno.ca.gov>  
To: "bhebert@clrc.ca.gov" <bhebert@clrc.ca.gov>  
Subject: Trial Court Restructuring: Code Civ. Proc. § 575.1  
Date: Feb. 11, 2002

Thank you for the opportunity to comment on the proposed modification of Code of Civil Procedure Section 575.1 relating to Local Rules.

The Fresno Superior Court is supportive of the change which will allow the court to transmit Local Rules to the Judicial Council electronically.

Sandra Silva  
Associate Executive Office  
Fresno County Superior Court  
(559)488-6792 - FAX (559)488-6883

**GAYLE WEBB, RIVERSIDE COUNTY LAW LIBRARY**

Date: Jan. 22, 2002  
From: "Gayle Webb" <GWEBB@co.riverside.ca.us>  
To: <bhebert@clrc.ca.gov>  
Subject: Trial Court Restructuring: Code Civ. Proc. § 575.1

We have been receiving the print copies of rule updates for all California local courts for several years and making them available to the public. We would like to continue providing that service, even if it means receiving them in electronic format and making a print copy of Riversides' If the Court would prefer to take this over, please let me know.

**LOS ANGELES COUNTY COURT REPORTERS ASSOCIATION**

Excerpt from letter to Law Revision Commission dated February 12, 2002:

Code of Civil Procedure § 575.1

We recommend amendment to this section to include distribution of local court rules to recognized employee organizations.

**CALIFORNIA COURT REPORTERS ASSOCIATION**

Excerpt from letter to Law Revision Commission dated February 14, 2002:

Code of Civil Procedure § 575.1

We recommend amendment to this section to include distribution of local court rules to recognized employee organizations.

SAN MATEO COUNTY LAW LIBRARY  
710 HAMILTON STREET  
REDWOOD CITY, CALIFORNIA 94063

E-MAIL: smc11@ix.netcom.com

PHONE: (650) 363-4913  
FAX: (650) 367-6040

February 5, 2002

Law Revision Commission  
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File: J-1400

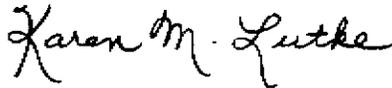
Barbara S. Gaal  
California Law Revision Commission  
4000 Middlefield Road, Room D-1  
Palo Alto, CA 94303-4739

RE: Proposed amendments of Bus. & Prof. Code Sec. 6302.5 and Code Civ.  
Proc. Sec. 575.1

Dear Ms. Gaal,

The Board of Law Library Trustees support the proposed amendments of the California Law Revision Commission to Business and Professions Code Section 6365 and Code of Civil Procedure Section 575.1 that affect county law libraries.

Sincerely,



Karen M. Lutke,  
Director

CC: Board of Law Library Trustees

**Rule 981. Local court rules—adopting, filing, distributing, and maintaining**

(a) \*\*\*

(b) **[Local inspection and copying of rules]** Each court ~~shall~~ must make its local rules available for inspection and copying in every location of the court that generally accepts filing of papers. The court may impose a reasonable charge for copying the rules and may impose a reasonable page limit on copying. The rules ~~shall~~ must be accompanied by a notice indicating where a full set of the rules may be purchased or otherwise obtained.

*(Subd (b) amended effective January 1, 2003; adopted as subd (c) effective July 1, 1991; relettered effective July 1, 1999.)*

(c) **[Publication of rules]**

(1) Each court executive officer ~~shall~~ must be the official publisher of the court's local rules unless the court, by a majority vote of the judges, appoints another public agency or a private company. ~~All courts within a county that select a private company as the official publisher must select the same private company.~~

(2) The official publisher ~~shall~~ must have the local rules reproduced and make copies available for distribution to attorneys and litigants.

(3) The court ~~shall~~ must adopt rules in sufficient time to permit reproduction of the rules by the official publisher before the effective date of the changes.

(4) The official publisher may charge a reasonable fee.

(5) Within 30 days of selecting an official publisher or changing an official publisher, each court ~~shall~~ must notify the Judicial Council of the name, address, and telephone number of the official publisher. Within 30 days of a change in the cost of the rules, each court ~~shall~~ must notify the Judicial Council of the charge for the local rules. This information will be published annually by the Judicial Council.

*(Subd (c) amended effective January 1, 2003; adopted as subd (d) effective July 1, 1991; amended and relettered effective July 1, 1999.)*

(d) **[Filing rules with Judicial Council]**

- (1) Thirty days before the effective date of January 1 or July 1, Each court shall ~~must~~ file with the Judicial Council ~~80 collated copies~~ an electronic copy of rules and amendments to rules adopted by the court in a format authorized by the Judicial Council. ~~unless, for good cause shown, the Chair of the Judicial Council authorizes the filing of fewer copies. The package mailed to the Judicial Council shall be labeled "Attn: Local Rules."~~
- (2) The filing ~~shall~~ must be accompanied by a certificate from the presiding judge, ~~clerk,~~ or court executive officer stating that (1) the court has complied with the applicable provisions of this rule; (2) the court does or does not post local rules on the court's Web site; and (3) the court does or does not provide assistance to members of the public in accessing the Internet or the court has delegated to and obtained the written consent of the county law librarian to provide public assistance under subdivision (e).
- (3) Rules that do not comply with this rule will not be accepted for filing by the Judicial Council.

*(Subd (d) amended effective January 1, 2003; adopted as subd (e) effective July 1, 1991; amended and relettered effective July 1, 1999.)*

**(e) [Deposit and maintenance of rules statewide for public inspection]**

- (1) The Judicial Council must publish a list of courts that have filed rules and amendments to rules with the Judicial Council. The Judicial Council shall ~~must~~ deposit a paper copy of each rule and amendment in the office of the executive officer of each superior court that does not provide assistance to members of the public in accessing the Internet or has not obtained agreement from the county law librarian to provide assistance under this subdivision.
- (2) The executive officer ~~shall~~ must make a complete current set of ~~these~~ local rules and amendments available for public examination either in paper copy or through the Internet with public assistance. In a county maintaining an organized county law library, if the executive officer is satisfied that the rules and amendments will be maintained as required by this ~~subdivision~~ paragraph, the executive officer ~~shall,~~ with the approval of the superior court and the written consent of the county law librarian, may delegate the authority to the county law librarian to (1) receive and maintain paper copies of the rules and amendments, or (2) make the rules

and amendments available through the Internet with assistance to members of the public to the county law librarian.

- (3) On or before January 1 of each year, the executive officer of each court ~~shall~~ must notify the Judicial Council of the street address and room number of the place the rules are maintained under this subdivision.

*(Subd (e) amended effective January 1, 2003; adopted as subd (f) effective July 1, 1991; amended and relettered effective July 1, 1999.)*

(f) [Form]

- (1) Paper Copies may be typewritten or printed or produced by other process of duplication ~~as defined in subdivision (f) of rule 40~~ at the option of the court. Electronic rules must be prepared in a format authorized by the Judicial Council. All copies must be clear and legible.
- (2) Paper Copies ~~shall~~ must conform, as far as is practicable, to the requirements of subdivision (b) of rule 201 except that both sides of the paper may be used, lines need not be numbered and may be single spaced, and the pages ~~shall~~ must not be permanently bound across the top but may be bound at the left side. ("Permanently bound" does not include binding with staples.) The left margin on the front and the right margin on the reverse ~~shall~~ must be at least one inch. The name of the court ~~shall~~ must be at the top of each page. The effective date of each rule and amended rule ~~shall~~ must be stated in parentheses following the text of the rule.
- (3) New pages ~~shall~~ must be issued for added, repealed, or amended rules, with a list of currently effective rules and the date of adoption or of the latest amendment to each rule. Filing instructions ~~shall~~ must accompany each set of replacement pages.
- (4) The rules ~~shall~~ must have a table of contents. The rules ~~shall~~ must list all local forms and indicate whether their use is mandatory or optional. If the total length of the court rules exceeds five pages, the rules ~~shall~~ must have an alphabetical subject matter index at the end of the rules. All courts ~~shall~~ must use any subject matter index the Judicial Council may have specified.

*(Subd (f) amended effective January 1, 2003; adopted as subd (g) effective July 1, 1991; amended and relettered effective July 1, 1999.)*

(g) [Comment period for proposed rules] ~~Except for rules specifying the time of hearing and similar calendaring matters, all proposed rules shall be distributed for comment to the individuals and organizations specified in this subdivision in each county within a 100-mile radius of the county seat of the county in which the court is located. At least 45 days before the rules are adopted, the initial draft shall be distributed as follows:~~

- ~~(1) Civil rules to the county bar association in each county, the nearest office of the State Attorney General, and the county counsel in each county; and~~
- ~~(2) Criminal rules to the county bar association in each county, the nearest office of the State Attorney General, the district attorney in each county, and the public defender in each county.~~

~~A bar organization or newspaper may, upon request to the court, be placed on a mailing list to receive copies of proposed rules.~~

- (1) (Timing) Except for rules specifying the time of hearing and similar calendaring matters, the court must distribute each proposed rule for comment at least 45 days before it is adopted.
- (2) (Organizations) A proposed rule must be distributed for comment to the following organizations in each county located within a 100-mile radius of the county seat of the county in which the court is located:
  - (A) Civil rules to the county bar association in each county, the nearest office of the State Attorney General, and the county counsel in each county;
  - (B) Criminal rules to the county bar association in each county, the nearest office of the State Attorney General, the district attorney in each county, and the public defender in each county; and
  - (C) Upon request, any bar organization, newspaper, or other interested party.
- (3) (Methods) A court may distribute a proposed rule for comment by one of the following methods:
  - (A) Distributing a copy of the proposal to every organization listed in subdivision (g) (2), or

**(B) Posting the proposal on the court's Web site and distributing to every organization listed in subdivision (g) (2) a notice that the proposed rule has been posted for comment and that a hard copy of the proposal is available on request.**

*(Subd (g) amended effective January 1, 2003; adopted as subd (h) effective July 1, 1991; relettered effective July 1, 1999.)*

**(h) [Periodic review]** Each court ~~shall~~ must periodically review its local rules and repeal rules that have become outdated, unnecessary, or inconsistent with statewide rule or statute.

*(Subd (h) amended effective January 1, 2003; adopted as subd (i) effective July 1, 1991; relettered effective July 1, 1999.)*

**~~(i)-(j)~~ \*\*\***

*Rule 981 amended effective January 1, 2003; adopted effective July 1, 1991; previously amended effective January 1, 1993, July 1, 1999, and July 1, 2001.*

STATUTES MADE OBSOLETE BY  
TRIAL COURT RESTRUCTURING:  
ADDITIONAL PROVISIONS

CHAPTERED OUT PROVISIONS .....	2
Gov't Code § 71081 (repealed). Eligibility of municipal court judge to multiple courts .....	2
Penal Code § 3075 (amended). Board of parole commissioners .....	2
LOCAL RULES .....	2
Code Civ. Proc. § 575.1 (amended). Local court rules .....	2
TECHNICAL CORRECTIONS .....	3
Code Civ. Proc. § 90 (amended). Limitation of general law by economic litigation procedures .....	3
Code Civ. Proc. § 116.310 (amended). Pleadings and pretrial discovery in small claims case .....	4



1

## CHAPTERED OUT PROVISIONS

2 **Gov't Code § 71081 (repealed). Eligibility of municipal court judge to multiple courts**

3 SEC. \_\_\_\_\_. Section 71081 of the Government Code is repealed.

4 ~~71081. Whenever the judge of an existing court would be entitled pursuant to~~  
5 ~~this article to become the judge of more than one court, he or she shall file a~~  
6 ~~written statement with the county elections official electing the judicial office to~~  
7 ~~which he or she will assert his or her claim of eligibility. Failure to file a statement~~  
8 ~~is deemed an election by the judge to assert his or her claim of eligibility to office~~  
9 ~~in the court of the district in which the existing court is located.~~

10 **Comment.** Section 71081 is repealed to reflect unification of the municipal and superior courts  
11 pursuant to former Section 5(e) of Article VI of the California Constitution.

12 **Penal Code § 3075 (amended). Board of parole commissioners**

13 SEC. \_\_\_\_\_. Section 3075 of the Penal Code is amended to read:

14 3075. (a) There is in each county a board of parole commissioners, consisting of  
15 each of the following:

16 (1) The sheriff, or his or her designee, or, in a county with a department of  
17 corrections, the director of that department.

18 (2) The probation officer, or his or her designee.

19 (3) A member, not a public official, to be selected from the public by the  
20 presiding judge, if any, or, if none, by the senior judge in point of service, of the  
21 superior court.

22 (b) The public member of the county board of parole commissioners or his or her  
23 alternate shall be entitled to his or her actual traveling and other necessary  
24 expenses incurred in the discharge of his or her duties. In addition, the public  
25 member or his or her alternate shall be entitled to per diem at any rate that may be  
26 provided by the board of supervisors. The public member or his or her alternate  
27 shall hold office for a term of one year and in no event for a period exceeding  
28 three consecutive years. The term shall commence on the date of appointment.

29 **Comment.** Subdivision (a)(3) of Section 3075 is amended to delete language referring to the  
30 senior judge. Every superior court has a presiding judge. See Gov't Code §§ 69508, 69508.5.

31

## LOCAL RULES

32 **Code Civ. Proc. § 575.1 (amended). Local court rules**

33 SEC. \_\_\_\_\_. Section 575.1 of the Code of Civil Procedure is amended to read:

34 575.1. (a) The presiding judge of each superior ~~and municipal~~ court may  
35 prepare, with the assistance of appropriate committees of the court, proposed local  
36 rules designed to expedite and facilitate the business of the court. The rules need  
37 not be limited to those actions on the civil active list, but may provide for the

1 supervision and judicial management of actions from the date they are filed. Rules  
2 prepared pursuant to this section shall be submitted for consideration to the judges  
3 of the court and, upon approval by a majority of the judges, the judges shall have  
4 the proposed rules published and submitted to the local bar and others, as specified  
5 by the Judicial Council, for consideration and recommendations.

6 (b) After a majority of the judges have officially adopted the rules, ~~61 copies or a~~  
7 ~~greater number as specified by Judicial Council rule, they~~ shall be filed with the  
8 Judicial Council as required by Section 68071 of the Government Code and  
9 specified in rules adopted by the Judicial Council. The Judicial Council shall  
10 ~~deposit a copy of each rule and amendment with each county law library or county~~  
11 ~~clerk where it shall be~~ prescribe rules, not inconsistent with statute, to ensure that a  
12 complete current set of local rules and amendments is made available for public  
13 examination in each county. The local rules shall also be published for general  
14 distribution in accordance with rules adopted by the Judicial Council. Each court  
15 shall make its local rules available for inspection and copying in every location of  
16 the court that generally accepts filing of papers. The court may impose a  
17 reasonable charge for copying the rules and may impose a reasonable page limit  
18 on copying. The rules shall be accompanied by a notice indicating where a full set  
19 of the rules may be purchased.

20 (c) If a judge of a court adopts a rule that applies solely to cases in that judge's  
21 courtroom, or a particular branch or district of a court adopts a rule that applies  
22 solely to cases in that particular branch or district of a court, the court shall publish  
23 these rules as part of the general publication of rules required by the California  
24 Rules of Court. The court shall organize the rules so that rules on a common  
25 subject, whether individual, branch, district, or courtwide appear sequentially.  
26 Individual judges' rules and branch and district rules are local rules of court for  
27 purposes of this section and for purposes of the adoption, publication, comment,  
28 and filing requirements set forth in the Judicial Council rules applicable to local  
29 court rules.

30 **Comment.** Subdivision (a) of Section 575.1 is amended to reflect unification of the municipal  
31 and superior courts pursuant to former Section 5(e) of Article VI of the California Constitution.

32 Subdivision (b) is amended to be consistent with the approach used in California Rule of Court  
33 981, as amended effective January 1, 2003, regarding preparation of and public access to local  
34 rules.

35 TECHNICAL CORRECTIONS

36 **Code Civ. Proc. § 90 (amended). Limitation of general law by economic litigation**  
37 **procedures**

38 SEC. \_\_\_\_\_. Section 90 of the Code of Civil Procedure is amended to read:

39 90. Except where changed by the provisions of this ~~Article and Part 3.5~~  
40 ~~(commencing with Section 1823)~~ article, all provisions of law applicable to civil  
41 actions generally apply to actions subject to this article.

1       **Comment.** Section 90 is amended to reflect the repeal of former Part 3.5 (commencing with  
2 Section 1823) of the Code of Civil Procedure, relating to pilot projects. See 1994 Cal. Stat. ch.  
3 146, § 26; 1996 Cal. Stat. ch. 124, § 15.

4       **Code Civ. Proc. § 116.310 (amended). Pleadings and pretrial discovery in small claims case**  
5       SEC. \_\_\_\_\_. Section 116.310 of the Code of Civil Procedure is amended to read:  
6       116.310. (a) No formal pleading other than the claim described in Section  
7       116.320 or ~~116.380~~ 116.360, is necessary to initiate a small claims action.  
8       (b) The pretrial discovery procedures described in subdivision (a) of Section  
9       2019 are not permitted in small claims actions.

10       **Comment.** Subdivision (a) of Section 116.310 is amended to correct the cross-reference. See  
11       1991 Cal. Stat. ch. 915, § 11.

12