

Second Supplement to Memorandum 2011-23

**Trial Court Restructuring: Writ Jurisdiction in a Small Claims Case
(Further Input)**

Attached is a letter we just received from Presiding Justice Dennis Perluss, the Chair of the Civil and Small Claims Advisory Committee of the Judicial Council. He reports that the committee recently considered Memorandum 2011-23 and the draft recommendation attached to that memorandum. He says that the committee "found the draft recommendation consistent with the informal input it has recently provided to the Law Revision Commission and has no additional comments at this time." Exhibit p. 1. He also notes that "this informal input from the committee does not constitute a position of the Judicial Council." *Id.*

He goes on to thank the Commission for its work on this project:

The Civil and Small Claims Advisory Committee appreciates the Law Revision Commission's substantial and collaborative efforts to address the committee's concerns regarding this issue. The thorough research and analysis by the commission's staff were invaluable in helping the committee to understand the complex issues involved and to formulate its views concerning how they might best be addressed. And, the Law Revision Commission has been most responsive to the committee's suggestions in this regard.

Id.

In light of this positive input, and the absence of any negative input on the draft recommendation, the staff recommends that the Commission **approve that draft as a final recommendation, for printing and submission to the Legislature.**

Respectfully submitted,

Barbara Gaal
Chief Deputy Counsel

Any California Law Revision Commission document referred to in this memorandum can be obtained from the Commission. Recent materials can be downloaded from the Commission's website (www.clrc.ca.gov). Other materials can be obtained by contacting the Commission's staff, through the website or otherwise.

The Commission welcomes written comments at any time during its study process. Any comments received will be a part of the public record and may be considered at a public meeting.



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August 5, 2011

California Law Revision Commission
4000 Middlefield Road, Room D-2
Palo Alto, CA 94303-4739

Re: Study J-1452—Trial Court Restructuring: Writ Jurisdiction in a Small Claims Case

Dear Commissioners,

On July 27, 2011, the Civil and Small Claims Advisory Committee of the Judicial Council of California considered California Law Revision Commission Staff Memorandum 2011-23 and the draft final recommendation that it presented regarding writ jurisdiction in small claims cases. The committee found the draft recommendation consistent with the informal input it has recently provided to the Law Revision Commission and has no additional comments at this time. Please understand, however, that this informal input from the committee does not constitute a position of the Judicial Council.

The Civil and Small Claims Advisory Committee appreciates the Law Revision Commission's substantial and collaborative efforts to address the committee's concerns regarding this issue. The thorough research and analysis by the commission's staff were invaluable in helping the committee to understand the complex issues involved and to formulate its views concerning about how they might best be addressed. And, the Law Revision Commission has been most responsive to the committee's suggestions in this regard.

Thank you again for collaborating with the Civil and Small Claims Advisory Committee as you developed recommendations to clarify writ jurisdiction in small claims cases after trial court unification.

Sincerely,

Dennis M. Perluss
Chair, Civil and Small Claims Advisory Committee

DMP/aw