

CALIFORNIA LAW REVISION COMMISSION

4000 MIDDLEFIELD ROAD, ROOM D-1
PALO ALTO, CA 94303-4739
650-494-1335



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For Immediate Release

Contact: Nathaniel Sterling
Executive Secretary
650-494-1335

Oral Argument in Civil Procedure

Request for Public Comment

The California Law Revision Commission seeks public comment on its proposal to codify the law governing the circumstances in which oral argument must be allowed in civil practice. The Commission tentatively recommends the following statutory clarifications:

(1) Existing case law pertaining to the right to oral argument should be codified. This will help make the rules transparent and readily accessible to all.

(2) Additional matters on which oral argument is a matter of right should be identified by statute. **The Commission particularly solicits comment on whether the specific matters it has identified are appropriate, and whether there are others it has failed to identify that should also be included in the statutory listing.**

(3) For those matters on which oral argument is not a matter of right, there should be a clear and easy to apply standard for determination of whether oral argument must be allowed in the circumstances of the particular case. It is the Commission's recommendation that oral argument should be granted to the litigants when the court's decision could de jure or de facto terminate the case.

(4) The statutory standards for when oral argument must be allowed should not preclude the court from permitting oral argument in an appropriate case. That may be done by court rule, or by exercise of the court's discretion.

(5) Codification of the oral argument right should not preclude the court from imposing reasonable limitations on exercise of the right. Those limitations may include such matters as time for exercising the right and limits on the length of argument.

The tentative recommendation is available from the California Law Revision Commission, 4000 Middlefield Road, Room D-1, Palo Alto, CA 94303-4739. The tentative recommendation is also available at the Commission's website (www.clrc.ca.gov) through the "Reports" menu.

The Commission will often substantially revise a proposal in response to comment it receives. To receive timely consideration, comments should be submitted by **August 31, 2005**.

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