

Judicial Council of California • Administrative Office of the Courts

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INVITATION TO COMMENT SPR14-03

Title	Action Requested
Appellate Procedure: Judicial Notice Requests	Review and submit comments by June 18, 2014
Proposed Rules, Forms, Standards, or Statutes	Proposed Effective Date
Amend Cal. Rules of Court, rule 8.252	January 1, 2015
Proposed by	Contact
Appellate Advisory Committee Hon. Raymond J. Ikola, Chair	Heather Anderson, heather.anderson@jud.ca.gov, 415-865-7691

Executive Summary and Origin

Based on a suggestion received from a Court of Appeal attorney, the Appellate Advisory Committee is proposing that the rule relating to motions for judicial notice be amended to require that the pages of documents submitted with the motion be consecutively paginated.

The Proposal

California Rules of Court, rule 8.252 addresses motions for judicial notice in the Court of Appeal and Supreme Court.¹ Subdivision (a)(3) of this rule requires that, if the matter to be noticed is not in the record, the party must serve and file a copy with the motion. The rule does not currently contain any requirements with respect to the format of a document or documents submitted with a motion for judicial notice. In contrast, rule 8.155, which addresses motions for augmentation of the record, requires that the pages of documents attached to such a motion be consecutively numbered.

This proposal would amend rule 8.252 to require that, similar to attachments to motions to augment, the pages of copies of material submitted with a motion for judicial notice be consecutively paginated. This pagination will make it easier for the court to locate cited material in these copies.

¹ Rule 8.520(g) provides that, to obtain judicial notice by the Supreme Court, a party must comply with rule 8.252(a).

The proposals have not been approved by the Judicial Council and are not intended to represent the views of the council, its Rules and Projects Committee, or its Policy Coordination and Liaison Committee. These proposals are circulated for comment purposes only.

Alternatives Considered

The committee considered requiring that additional formatting requirements, such as binding and indexing, be applied to material submitted with both motions for judicial notice and motions to augment the record. The committee concluded, however, that given the small number of documents typically submitted with such motions, these additional formatting requirements would generally not be needed.

The committee also considered not proposing this rule amendment at all. However, the committee concluded that a pagination requirement should be proposed because it would facilitate more accurate citation by parties and make it easier for the court to locate cited material.

Implementation Requirements, Costs, and Operational Impacts

This proposal will not impose any implementation requirements or costs on the courts.

Request for Specific Comments

In addition to comments on the proposal as a whole, the advisory committee is interested in comments on whether the proposal appropriately addresses the stated purpose.

The advisory committee also seeks comments from *courts* on the following cost and implementation matters:

- Would the proposal provide cost savings? If so please quantify.
- What would the implementation requirements be for courts? For example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems.
- Would 2 months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?
- How well would this proposal work in courts of different sizes?

Rule 8.252 of the California Rules of Court would be amended, effective January 1, 2015, to read:

Rule 8.252. Judicial notice; findings and evidence on appeal

(a) Judicial notice

(1)–(2) * * *

(3) If the matter to be noticed is not in the record, the party must serve and file a copy with the motion or explain why it is not practicable to do so. The pages of the copy of the matter or matters to be judicially noticed must be consecutively numbered, beginning with the number 1.

(b)–(c) * * *