



## Judicial Council of California · Administrative Office of the Courts

455 Golden Gate Avenue · San Francisco, California 94102-3688

[www.courts.ca.gov](http://www.courts.ca.gov)

---

# REPORT TO THE JUDICIAL COUNCIL

For business meeting on: February 26, 2013

---

Title	Agenda Item Type
Civil Cases: Temporary Suspension of Case Management Rules	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
Amend Cal. Rules of Court, rules 3.712 and 3.720	February 26, 2013
Recommended by	Date of Report
Civil and Small Claims Advisory Committee Hon. Dennis M. Perluss, Chair	January 31, 2013
	Contact
	Anne M. Ronan, Attorney, 415-865-8933 <a href="mailto:anne.ronan@jud.ca.gov">anne.ronan@jud.ca.gov</a>

---

### **Executive Summary**

The Civil and Small Claims Advisory Committee recommends that the statewide rules of court on civil case management be amended, on a temporary basis, to give courts the discretion to exempt certain types or categories of general civil cases from the mandatory case management rules. The amendments will help courts to better address the current fiscal crisis by decreasing the time spent by court staff and judicial officers in filing case management statements, setting and holding individual case management conferences, and performing other actions required by the case management rules.

### **Recommendation**

The Civil and Small Claims Advisory Committee recommends that the Judicial Council amend rules 3.712 and 3.720 of the California Rules of Court to permit courts, by local rule, to exempt types or categories of general civil cases from the mandatory case management rules.

The text of the recommended amendments is on pages 11–12.

## Previous Council Action

The current civil case management rules were initially developed in the late 1980s and early 1990s to implement the Trial Delay Reduction Act of 1986. (Gov. Code, § 68600 et seq.) That statute and the implementing rules were created in response to a growing backlog of civil cases. The Judicial Council recognized in its 1988 Annual Report that “the act embodies a fundamental shift in California’s case management policy” and relegates responsibility for supervising the pace of litigation to the judiciary, rather than to litigants and attorneys. The Legislature codified the responsibilities of the judiciary for case management in 1990 by enacting Government Code section 68607. Under that provision, the judges selected to participate in the initial delay reduction programs<sup>1</sup> were given the responsibility to eliminate delay in their courts and, in order to accomplish this, were authorized to actively monitor and supervise the progress of the cases in their courts from filing to disposition. (Gov. Code, § 68607.)

One of the many ways by which courts approached this new task of delay reduction was by enacting local rules providing for case management conferences in some or all civil cases. The conferences were considered a useful tool by which courts were able to monitor the progress of pending cases. In order to make them more useful, in 1999 the Judicial Council adopted a statewide rule of court requiring that, in all courts that conducted case management conferences, the parties meet and confer in advance to discuss certain specified issues applicable to the case. (Cal. Rules of Court, rule 3.724<sup>2</sup> (formerly numbered rule 212(f)).)

In 2001, after this advisory committee had conducted a two-year evaluation of the case management practices being used throughout the state, the council approved a major revision of the case management rules, which the council determined to be necessary to eliminate obsolete provisions and, more importantly, “to establish a uniform set of rules that will reflect the best case management practices.”<sup>3</sup> The intent was to improve case management so that the courts could better meet the case disposition goals the council had adopted in the California Standards of Judicial Administration.<sup>4</sup> The major substantive change in the rules was the mandate for an individualized case management review in all general civil cases,<sup>5</sup> except those types of cases specifically excepted (uninsured motorist cases, coordinated and complex cases, and uncontested

---

<sup>1</sup> The 1986 Act provided for the establishment of exemplary delay reduction programs, commonly referred to as “fast track” programs, in nine superior courts. As of July 1992, the provisions of the 1986 Act were extended to cover all superior courts across the state. (Gov. Code, § 68605.5.)

<sup>2</sup> All references herein to rules are to California Rules of Court unless otherwise noted.

<sup>3</sup> Judicial Council of California, Report from Civil and Small Claims Advisory Committee, *Subject: Case Management* (Dec. 7, 2001).

<sup>4</sup> See Cal. Stds. Jud. Admin., §§ 2.1 and 2.2. The Trial Delay Reduction Act mandated that the council adopt standards for the timely disposition of all civil and criminal actions, which were to serve as guidelines by which the progress of litigation in the superior courts could be measured. (See Gov. Code, § 68603.)

<sup>5</sup> “General civil cases” is defined in the rules of court to mean all civil cases except probate, guardianship, conservatorship, juvenile, family law, small claims, and unlawful detainer proceedings, along with certain civil petitions. (Rule 1.6(4).)

collections cases), within 180 days of the filing of the complaint, and for a mandatory case management conference in all applicable unlimited civil cases unless the court finds it unnecessary in a particular case. (See current rules 3.721 and 3.722 (formerly rule 212(a), (b).))

The case management rules have not been substantively amended since 2001. They were renumbered in the 2007 rule reorganization, with former rule 212 divided and renumbered as rules 3.720 through 3.730. And in 2009 a new topic—issues relating to discovery of electronically stored information—was added to the items the parties are to meet and confer about before the case management conference. (Rule 3.724(8).) Other than those amendments, the case management rules have remained the same for the past ten years, with courts holding individual case management conferences in all applicable unlimited general civil cases and performing individual case management review (although generally not holding conferences) in all limited general civil cases.<sup>6</sup>

### **Rationale for Recommendation**

The recommendation is in response to a request from the Superior Court of Los Angeles County in December 2012, reiterated by the Superior Court of Sacramento County, seeking relief from the current case management rules applicable to general civil cases.

The Superior Court of Los Angeles County has announced that, as part of its efforts to address the current fiscal crisis in the judicial branch, the court is reorganizing its system of managing civil cases and decreasing the number of civil departments. The court intends to take significant steps in implementing the planned reorganization in February 2013 as it removes all personal injury cases,<sup>7</sup> of which it currently has over 16,000 pending, from its individual calendar courts (in which general civil cases are assigned to a single judge for all purposes) and begins to set up two master calendars to handle those pending cases, with 8,000 cases assigned to each calendar. Particularly in light of these changes, the court has requested relief from the mandatory case management rules. It has determined that, with its current limited resources, it cannot continue to provide all general civil cases with the type of individualized case supervision and management envisioned by the rules of court, and has been discussing the limitations and proposed alternatives with the local bar.

The Los Angeles court is not alone; many courts are facing similar issues with stretching limited resources to cover current case management requirements. For example, because of budget cuts and decreased staff, the Superior Court of Sacramento County has stated that it has experienced backlogs of as much as two months' worth of unprocessed civil filings—papers filed via drop box at the clerk's office but not entered into the court's computerized case management system

---

<sup>6</sup> Rule 3.722(e) authorizes courts to provide by local rule that counsel and parties need not attend case management conferences in limited civil cases.

<sup>7</sup> The court has determined that these cases typically require fewer appearances and less direct case management than other types of general civil cases.

until weeks after filing. Such delays result in problems for parties as well as the court; for example, case management statements timely filed by the parties are often not available to the judicial officer at the time of the case management conference. Accordingly, the Sacramento court is also seeking relief from the mandatory case management rules, in order to provide staff with more time to focus on processing complaints and motion papers rather than filing case management statements and setting conferences.

### **The amendments**

The recommended amendments to the case management rules will, for a few years only, provide that courts by local rule may opt to exempt certain types of general civil cases from the mandatory statewide case management rules, including the requirements for filing case management statements, conducting individual case review, and holding case management conferences, in order to reduce the burden on court staff and judicial officers.

Although individualized case management conferences have been considered the best practice for a court's oversight of the pace of civil litigation for over 10 years, under current budgetary constraints it is not possible for all courts to employ optimal case management practices. The proposed exemption will permit a court to determine whether it can more effectively manage its civil cases overall, with current limited resources, by eliminating individualized case management conferences and review for some types of cases. The change will eliminate the court staff time currently needed to file and process case management statements and schedule case management conferences, as well as decrease judicial officer time spent reviewing cases and holding conferences.

At the same time, the statutory mandate of the Trial Court Delay Reduction Act (Gov. Code, § 68600 et seq.) remains in effect and courts continue to have the responsibility to oversee the progress of cases before them and to eliminate delay in the progress and ultimate resolution of litigation. The recommended amendments therefore provide that some alternative method must be in place for the court's processing of those cases and to ensure trial dates are set. The specifics of the recommended amendments are described below.

### **Rule 3.720**

The recommended amendment to this rule allows a court to specify by local rule those types or categories of general civil cases to be exempted from the current mandatory case management rules, provided that the court has developed alternative procedures for processing those cases and setting trial dates, including procedures for complying with the statutes mandating judicial arbitration or mediation in certain cases.<sup>8</sup> The amended rule does not otherwise mandate the content of the alternative case-processing and trial-setting procedures, allowing the courts flexibility to determine how to best process and manage the exempt cases, including whether or

---

<sup>8</sup> Under current rules, a court's determination of whether a case is subject to mandatory judicial arbitration is tied to the initial conference or review under the case management rules. (See rule 3.812(d).) Hence any rule exempting cases from individualized case management review must provide that the local rules address this issue.

not to mandate that the parties file any statements with the court or meet and confer over any issues, and how and when trial setting is to occur.

The requirement that the categories of exempt cases be specified by local rule is consistent with rule 10.613<sup>9</sup> and is intended to ensure that parties will be able to determine, even before a case is filed, whether traditional case management rules will apply. The statute and rules of court generally require that a local rule may only take effect following at least a 90-day period after it is proposed—45 days for circulation for comment to the local bar and 45 days' notice to the Judicial Council. (Gov. Code, § 68071, and rule 10.613(d) and (g).) The rules provide, however, that a presiding judge may request that the chair of the council approve a different effective date on a showing of good cause, which procedure may be used by a presiding judge to request that such time frames are modified and even eliminated altogether if need be. (Rule 10.613(i).)

The proposed amendment does not mandate that a court include in its local rule the specific alternative case-processing and trial-setting procedures that it will employ with the exempted cases, only that the court publish descriptions of any such procedures on its website. The advisory committee concluded that flexibility and speed in developing and, if appropriate, changing, the alternative procedures are key for courts to be able to make use of this exemption in a way that will best balance fiscal concerns with concern for providing access to the courts. While some courts may set out the alternative procedures in local rules, others may find it more effective to issue standardized case management orders at the beginning of each case, as the Superior Court of Los Angeles County plans to do, which could, for example, set the case for trial, give the parties dates by which a case must be submitted to mediation or arbitration if under \$50,000, and inform the parties how they can request a case management conference.

The proposal also requires that when case management conferences are set, they are to be held in accordance with current rules of court. This provision is intended to ensure that uniformity of procedures continues in those cases in which courts are able to continue to comply with the case management rules.

### **Rule 3.712**

If rule 3.720 is amended so that no individual case review is required for certain types of cases under the case management rules in chapter 3 (Case Management), those cases should also be exempted from the individual case review mandated under the rules in chapter 2 (Differential Case Management). The proposal includes an amendment to rule 3.712 to reflect that cases exempted from individual case management under amended rule 3.720 are also exempted from the individual review otherwise required under rule 3.714.

---

<sup>9</sup> Every “rule, regulation, order, policy, form, or standard of general application adopted by a court to govern practice or procedure in that court” is a local rule. (Rule 10.613(a)(1). See also Gov. Code, § 68612 (trial court delay reduction procedures, policies and standards must, when feasible, be developed in consultation with the local bar and are to be filed, distributed, and maintained as local rules under Gov. Code, § 68071)).

## Comments, Alternatives Considered, and Policy Implications

### Alternatives considered

Before circulating the proposal for comments, the advisory committee considered three alternatives to the proposal.

***Alternative 1. Take no action.*** The advisory committee is aware that the council adopted the rules mandating individualized case management review and conferences as the best case management practice. One alternative considered—and reconsidered in light of comments received objecting to the proposal—was to leave the rule as is, to not recommend that the council take any action regarding these rules and instead to leave this best practice in place. In an ideal world, the committee would have chosen this alternative. The consensus of the advisory committee, however, is that in the current less than ideal world, in light of the major budget cuts occurring throughout the judicial branch, at least a temporary suspension of the rules is appropriate. Therefore the committee rejected the alternative of not taking any action.

***Alternative 2. Mandating minimum requirements of alternative procedures.*** The advisory committee considered but rejected an alternative in which the amended rules of court would have mandated provisions to be included in the alternative case-processing and trial-setting procedures that a court applies to exempted cases. Under this proposal, those alternative procedures, to be adopted by local rule, would include requirements that, even in exempted cases, the parties still file case management conference statements and meet and confer about the case management issues listed in the current rules before filing such statements, that the courts review each case to determine whether to assign it to mandatory arbitration or mediation, and that the court set a trial date within a certain time after a case is filed.

The committee reconsidered this alternative in light of comments objecting that the rule as proposed could lead to varying rules across the state, but came to the same conclusion it had reached originally: that this alternative does not provide sufficient flexibility to the courts, which, the committee concluded, are in the best position—with input from the local bar—to decide what procedures should apply to exempted case types in order to achieve the best balance of savings and case management. The committee particularly opposes the alternative of a statewide rule mandating that all parties, even those in cases exempted from case management conferences, file case management statements, which court staff would have to file and process—tasks that some courts hope to avoid for exempted cases.

***Alternative 3. Mandating form and format of alternative procedures.*** The advisory committee also considered a third alternative, similar to the proposal recommended here in that the rule would leave the specific procedures applicable to exempted cases up to each court. That proposal, however, would have required that the courts address certain points by local rule, either directly or by specifying that these points would be addressed by individual case orders. Any such case orders would be standardized by the type or category of case exempted, and published on the court's website. Some committee members preferred this alternative as a way to ensure

better notice to parties about what procedures would apply in a given case. The majority, however, concluded that this alternative was less flexible than the one ultimately recommended and that it added a level of unnecessary complexity to the proposal. The committee ultimately concluded that requiring a court to provide notice of any alternative procedures on the court's website would provide sufficient notice for this temporary change in case management procedures.

### **Comments received**

Because of Los Angeles County Superior Court's schedule for implementing planned changes to its handling of civil cases, as well as the pressing financial needs of other courts to be relieved from the mandated conferences, the amendments were circulated on a special shortened cycle so that, if approved, they can go into effect immediately following the council's February 26, 2013 meeting. Notice of the circulation was provided to all superior court presiding judges and court executives and to organized attorney groups throughout the state. In addition to asking for general comments on the appropriateness of the proposed amendments, the committee specifically asked for input on the proposed duration of the rule amendments and whether courts should be required to provide specific notice of alternative procedures they decided to apply to exempt cases.

Twenty-five comments were received on the proposal.<sup>10</sup> Commentators agreeing with the proposal include 7 trial courts, 4 individual judges, 1 attorney, and the Trial Court Presiding Judges Advisory Committee and Court Executives Advisory Committee Joint Rules Working Group (Joint Rules Working Group).<sup>11</sup> Another court, 1 individual judge, 3 attorneys, and a mediation group agreed with the proposal generally, but sought some modifications. The primary requests for modification are described below; all are included and responded to on the comments chart. The remaining commentators, a court processing clerk, 3 individual attorneys, and the Litigation Section of the State Bar, oppose the suspension of case management rules, even on a temporary basis. Those objections also are summarized below.

***Requests for modification.*** Superior Court of Monterey County and a judge from Superior Court of Sacramento County request modification to ensure that larger categories of cases, such as "all unlimited general civil cases" could be encompassed by the permitted exemption, pointing out that in smaller courts, having clerks separate out cases based on the type of claim (as Los Angeles intends to do) would overly burden already overworked staff. The committee agrees with the intent of the commentators, but notes that there is nothing in the recommended rule that would limit courts to only exempt cases based on the type of claim. The rule is not intended to limit the breadth of the category of general civil cases that may be exempted from the case management rules.

---

<sup>10</sup> All comments and the committee's response to each are set out in the comments chart attached at pages 13–43.

<sup>11</sup> One commentator did not indicate a position, but as he expressed strong disapproval of case management conferences, he also may be viewed as approving a rule allowing suspension of such conferences.

An attorney commentator requested a requirement that some method be in place to get a case to trial and settlement conference, so that cases do not languish in the system. Here again the committee agrees with the intent of the commentator, but disagrees that any modification is required, since the proposed rule expressly requires that in order to exempt cases, a court must have in place “alternative procedures for case processing *and trial setting*” [emphasis added]. The committee concluded that individual courts should have flexibility in determining how such trial setting will be done and declines to modify the rule to require a more specific requirement on this point.

Commentator Southern California Mediation Association asked that a provision be added to the rules to ensure that effective alternative procedures are in place to take advantage of mediation or other alternative dispute resolution (ADR) processes. This commentator pointed out, as did some other commentators, that if the suspension of case management conferences results in fewer cases being settled, courts will not save money in the long run because of the greater number of trials. The commentator suggested that the rule be modified at least to require setting ADR completion dates along with trial dates, in order to remind parties and attorneys to take advantage of mediation or some other ADR process.

The committee considered these comments and agrees that resolution of cases without trial is an important goal and can be furthered by individual case review. However the committee has concluded that not all courts can provide such review in the current economic climate—which is why the proposed rule amendments have been developed. As recommended, rule 3.720 requires that the alternative procedures include a method for complying with mandated ADR procedures. A court may include provisions addressing other ADR procedures if it determines such provisions are helpful. The committee disagrees with the commentator as to the value of adding any more specific requirements regarding such procedures to the rule, concluding that the rule should allow sufficient flexibility for each court to develop procedures that will best address needs of that court and the local bar.

The Southern California Mediation Association also proposed that the rules be modified to “require that whatever means a court puts in place to set trial dates and other deadlines and to refer cases to ADR should be as effective in accomplishing those necessary results as are the current case management conferences.” The committee declines to include such a requirement because such a standard is unlikely to be met. Individual case review and individual case management are the best practices to ensure that trial dates and other deadlines are appropriately set with as little delay as possible and that appropriate references to ADR take place. But several courts have concluded that, in today’s fiscal climate, they cannot afford to employ that best case management practice, which costs more, at least in the short run, than other types of case processing. As a result, some courts want to try alternative, less expensive procedures in hopes that such procedures, even if not as effective as current practices, will be sufficiently effective to ensure that access to justice occurs and that more civil departments can hear motions and hold trials.



***Objections to proposal.*** The objections raised by the Litigation Section include all those raised by the other objectors: that the time and resources saved in the short run through eliminating case management conferences will be offset by less efficient litigation, with attorneys not as aware of the issues that may arise and not as likely to consider ADR; with cases remaining in the court system longer, with more motions to be heard in courts where motion calendars are already overly long and dates difficult to obtain; and with more cases going to trial in the long run. The committee considered all the objections raised, but determined that none outweigh the need for some courts to obtain immediate relief from the cost and staffing burden of mandatory case management conferences in general civil cases. The committee acknowledges that in an ideal world, mandatory case management conferences in all cases, with parties and judges having sufficient time to prepare for and take an active role in the conferences, would result in more efficient handling of cases in the long run. But the committee also acknowledges that we are not in a financially ideal world, but in one in which courts are dealing with substantial budget cuts that are likely to continue in the near future. The committee recognizes the need to provide a short-term remedy, allowing courts to try different ways to manage their civil caseloads with the very limited resources available.

The Litigation Section also points out, as does an individual attorney commentator, that the rule amendments could result in divergent rules across the state, differing from county to county, with counsel not knowing what is expected in different courts. The committee agrees that the rule may result in a variety of local rules, but notes that such divergence will be for a limited time only and is necessary to provide courts with flexibility in responding to the fiscal crisis. The committee has also modified the recommended rule to provide that those courts that decide to use alternative procedures must post those procedures on the court's website, ensuring that parties and their counsel will be able to determine what case management process will apply in a given case. In addition, in those courts that decide to continue to hold case management conferences in all or some cases, the rules will remain the same as they are now: amended rule 3.720 provides that when a court does set a case management conference, the uniform case management rules apply.

***Specific comments on time frame of amendments.*** As noted in the advisory committee comment to the rule, the intent is not to change the case management rules on an ongoing basis, but only temporarily, while the state is experiencing a fiscal crisis that is severely impacting the courts' budgets. The recommended rule provides a three-year period during which the exemption will be available to courts, allowing courts to exempt cases filed before January 1, 2016. Specific comments were requested on whether that is an appropriate duration for the exemption. All comments responding to this request agreed that the time frame was appropriate.

***Specific comments on providing notice re alternative procedure.*** One concern raised in light of the flexibility provided by the proposed amendments was how to ensure that parties are able to determine which rules will apply in each court. The advisory committee asked for specific comments on this point and, in particular, on the possibility of adding a provision to amended rule 3.720 requiring some form of notice be placed on a court's website. Seven commentators

responded to this comment. One court and the Joint Rules Working Group stated that it should be entirely left to individual courts as to how parties would be notified of the alternative rules. Two other courts and an individual judge agreed that the rule should require courts to publish notice of any alternative procedures on the court's website, with one court describing such notice as critical. A third court thought the requirement unnecessary, but did not object to it. As addressed above, a few commentators thought the rule should require not only notice on the website, but additional notice. The few commentators who addressed the timing of such posting agreed that it should not be required in advance of implementation of the alternative procedures.

As noted above, the committee concluded that rule 3.720 should require courts to post on their website a description of alternative procedures that would apply to cases exempted from statewide case management rules. The recommended rule has been modified to incorporate this requirement.

### **Implementation Requirements, Costs, and Operational Impacts**

Because the amendments provide discretion to courts as to whether to act under the new rule, implementation of these amendments would have impacts only on those courts that choose to exempt cases from the case management rules. Those courts will need to spend time determining which categories or types of general civil cases they choose to exempt from the case management rules, developing a local rule identifying such cases, developing alternative procedures to be applied to such cases, and training court staff and judicial officers on those procedures. Courts using computerized case management systems may have to alter those systems to implement the alternative procedures. However, all these potential costs could be offset by savings realized by court staff and judicial officers through not requiring individual case review in all general civil cases. Alternatively, as noted by one court, the operational impact could include more cases going to trial as a result of the lack of direct case management. It will be up to each court to determine which potential costs are more burdensome at the present time.

### **Relevant Strategic Plan Goals and Operational Plan Objectives**

These recommendations fall within the ambit of Strategic Plan, Goal III: Modernization of Management and Administration; Operational Plan, Objective 5: Develop and implement effective trial case management rules, procedures, techniques, and practices to promote the fair, timely, consistent, and efficient processing of civil cases.

### **Attachment**

1. Proposed amendments to Cal. Rules of Court, rules 3.712 and 3.720 at pages 11–12.
2. Comments Chart at pages 13–43.

Rules 3.712 and 3.720 of the California Rules of Court would be amended, effective February 26, 2013, to read:

1 **Title 3. Civil Rules**

2  
3 **Division 7. Civil Case Management**

4  
5 **Chapter 2. Differential Case Management**

6  
7 **Rule 3.712. Application and exemptions**

8  
9 **(a) General application**

10  
11 The rules in this chapter apply to all general civil cases filed in the trial courts except those  
12 specified in (b), (c), and (d) and except those specified types or categories of general civil  
13 cases that have been exempted from the case management rules under rule 3.720(b).

14  
15 **(b)–(d) \*\*\***

16  
17 **Chapter 3. Case Management**

18  
19 **Rule 3.720. Application**

20  
21 **(a) General application**

22  
23 The rules in this chapter prescribe the procedures for the management of all applicable  
24 court cases. These rules may be referred to as “the case management rules.”

25  
26 **(b) Emergency suspension of rules**

27  
28 A court by local rule may exempt specified types or categories of general civil cases filed  
29 before January 1, 2016, from the case management rules in this chapter, provided that the  
30 court has in place alternative procedures for case processing and trial setting for such  
31 actions, including, without limitation, compliance with Code of Civil Procedure sections  
32 1141.10 et seq. and 1775 et seq. The court must post the alternative procedures on its  
33 website.

34  
35 **(c) Rules when case management conference set**

36 In any case in which a court sets an initial case management conference, the rules in this  
37 chapter apply.

38  
39 **Advisory Committee Comment**

1 Subdivision (b) of this rule is an emergency measure in response to the limited fiscal resources available  
2 to the courts as a result of the current fiscal crisis and is not intended as a permanent change in the case  
3 management rules.

**SP13-01****Expedited Proposal to Allow Suspension of Mandatory Case Management Rules During Fiscal Crisis** (amend Cal. Rules of Court, rules 3.712 and 3.720)

All comments are verbatim unless indicated by an asterisk (\*).

	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
1.	Hon. David W. Abbott Superior Court of Sacramento County	A	These changes give individual trial courts the latitude to make adjustments in their procedures to accommodate staff reductions on a temporary basis. Not all courts will feel the need to totally suspend case management rules, while others may need to abandon them altogether. I think the duration of this rule until 2016 is appropriate.	The committee notes the commentator's general agreement with the proposal, and his agreement with the proposed time frame.
2.	Peter Brewer Attorney Palo Alto, California	NI	Case Management Conferences were instituted because lawyers were acting like doctors and "keeping patients waiting" in their metaphorical waiting rooms. Cases were dragging on because lawyers were taking on too much and not moving the cases at a reasonable pace. Now it's the courts that are causing the delays. Therefore CMCs are an anachronism. Moreover, while they started out to be a simple procedure to insure against foot-dragging, now they have become an end in themselves, rather than a means to an end. The bureaucrats have added pages and pages to the CMC statements, require proofs of service, and all kinds of silly nonsense that nobody in the private sector would ever dream of requiring. CMCs just increase the costs to the clients and constitute make-work for the bureaucrats that pervade our court system.	While the committee does not agree that case management conferences are an anachronism, the proposal will permit courts to suspend them for a certain period of time.
3.	Hon. David Cohn Superior Court of San Bernardino County	A	I have never found CMCs to be particularly helpful, even when the courts were not in financial crisis. The lawyers often send junior associates who are not particularly knowledgeable about the cases, and discovery has often barely begun. Also, given San Bernardino's extremely high caseload (we are	The committee notes the commentator's agreement with the proposal; no response required.

**SP13-01**

**Expedited Proposal to Allow Suspension of Mandatory Case Management Rules During Fiscal Crisis** (amend Cal. Rules of Court, rules 3.712 and 3.720)

All comments are verbatim unless indicated by an asterisk (\*).

	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
			the most under-resourced court in the state), there is rarely time to conduct truly meaningful conferences. I support eliminating them altogether.	
4.	Kathleen Duggan Attorney Los Angeles, California	N	It has been my personal experience that in superior courts that are already lax with CMC appearances and case monitoring have less success in early resolving cases and an increase number of cases that appear on the trial calendar. This seems less efficient not more in the long run.	While the committee agrees that individual case review and case management conferences are the best practices to combat litigation delays, the committee also notes that some courts have concluded that, in today’s fiscal climate, they cannot afford to employ that best practice, which costs more, at least in the short run, than other types of case processing. The committee has concluded that such courts should be allowed to suspend the more costly procedures in the short term.
5.	Steven Enochian Attorney Walnut Creek, California	N	There are too many different local rules and regulations now. Allowing individual courts to implement even more special rules would add additional burdens to lawyers practicing in multiple counties and would give judges further power in assessing sanctions on lawyers if one small aspect of their court’s special procedure wasn’t followed.	The committee acknowledges that the rule may result in a variety of local rules, but notes that such divergence will be for a limited time only and has concluded it is necessary to provide courts with flexibility in responding to the fiscal crisis. The committee has also modified the recommended rule to provide that those courts that decide to use alternative procedures must post those procedures on the court’s website, ensuring that parties and their counsel will be able to determine what case management process will apply in a given case.
6.	John S. Gilmore Attorney Randolph, Cregger & Chalfant Sacramento, California	AM	Information stating the applicable local rules, including direction to the court’s website, shall be provided plaintiffs at the time of filing the complaint. That information must be served with the complaint on all defendants. This practice is similar to federal rules requiring	The practice of providing information in writing at the time of filing and requiring that it be served on all defendants is one of several ways in which a court might provide notice of alternative case processing procedures under the proposed rule. The committee determined, however, that

**SP13-01****Expedited Proposal to Allow Suspension of Mandatory Case Management Rules During Fiscal Crisis** (amend Cal. Rules of Court, rules 3.712 and 3.720)

All comments are verbatim unless indicated by an asterisk (\*).

	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
			certain information such as ADR, standing orders, etc. required to be served with the complaint.	it would require only one such method in this rule, that a court post its alternative procedures on the court's website, and leave each court with flexibility to determine what other methods it might use to communicate its process to parties.
7.	Constatino Herrera Court Processing Clerk Superior Court of Merced	N	Mandatory Case Management conferences are a great tool to expedite or identify civil cases that create a drag, in terms of time to settle, on the court system's time and resources.	The committee does not disagree on the value of individualized case review and notes that a court may continue to employ case management conferences under the proposed rule. The new rule will not mandate the suspension of case management rules statewide but leave it to a court's discretion as to whether such suspension is necessary or appropriate in that court.
8.	Hon. Russell Kussman Superior Court of Los Angeles County	A	<p>Since becoming a judge, I have been assigned to both a limited civil court (where the parties need not necessarily appear at a Case Management Conference, per CRC Rule 3.722(e)) and, at present, an unlimited civil court (where we have relatively in-depth Case Management Conferences for each and every case). As an attorney, I practiced law both before and after the implementation of the Case Management Conferences required by the California Rules of Court. I believe I have a fair perspective on the pro's and con's of CMC's. I tend to agree that in the best of all worlds a case management review, with counsel meeting and conferring beforehand and then appearing in court to discuss the case with the judge, is optimal.</p> <p>But we are not living in the best of all worlds. And we may not return to anything resembling such a world for quite a while, if ever. Being</p>	The committee notes the commentator's general agreement with the proposal; see response to comment re notice of alternative procedures below.

**SP13-01**

**Expedited Proposal to Allow Suspension of Mandatory Case Management Rules During Fiscal Crisis** (amend Cal. Rules of Court, rules 3.712 and 3.720)

All comments are verbatim unless indicated by an asterisk (\*).

	Commentator	Position	Comment	Committee Response
			<p>compelled by our circumstances to make difficult choices, we must look anew at the costs and benefits of what we have been doing, even where things have been going relatively well. “If it ain’t broke, don’t fix it” does not apply if you are spending resources that prevent you from fixing other things that ARE broken.</p> <p>The benefits of a CMC are fairly clear to all who participate. Among other things, it requires the parties to meet and confer; to assess the case long before trial is imminent; to make sure all parties are on-board (or not); and to interact with the court in terms of scheduling issues, potential problems, and possible resolution. But at what cost? Are we paying too high a price for this benefit? In many cases, if not the majority, the attorneys do not have a meaningful meet and confer session prior to the CMC; in many others, they are able to act responsibly to keep their case on track and prepare for trial in a timely manner without the need for court intervention. Often, the case is not ‘ripe’ for meaningful discussion at the CMC, other than to set a date for trial and pre-trial and/or settlement conferences. Expending substantial court and staff time on things that ultimately result in merely setting dates is a very inefficient use of resources. (At present, per local rule, the parties in limited jurisdiction cases need not appear at a CMC, and involvement of a judicial officer is minimal. The court can set dates and give notice without having to spend time scheduling,</p>	



**SP13-01**

**Expedited Proposal to Allow Suspension of Mandatory Case Management Rules During Fiscal Crisis** (amend Cal. Rules of Court, rules 3.712 and 3.720)

All comments are verbatim unless indicated by an asterisk (\*).

	Commentator	Position	Comment	Committee Response
			<p>and participating in, a hearing. While perhaps not ideal, we realize substantial savings in time and money, while giving up little in terms of overall case management).</p> <p>In terms of the Advisory Committee's specific question about giving notice to the parties by posting any alternative procedures on the court's website, this should be required. But in addition, the parties should be notified directly, in the way they are presently notified about the CMC -- that is, when a complaint is filed and summons issued, the plaintiff should be given a copy of the court's amended case management rules, with instructions to serve a copy of them on each defendant along with the summons and complaint. This document would not only contain the new rules, but whatever information each court can reasonably include at that time in terms of dates, times, and cut-offs. In that way, each litigant would be apprised of the court's new (hopefully temporary) case management procedures. The notice may also include a provision reminding the parties of their obligation to diligently keep the case moving, and to proceed in a prompt and diligent fashion; while at the same time, indicating that either side may request a case management conference along the way, if necessary.</p> <p>I support proposal SP 13-01 to amend CRC Rules 3.712 and 3.720. I believe the flexibility afforded will benefit the court and the bar</p>	<p>The practice of providing information in writing at the time of filing and requiring that it be served on all defendants is one of several ways in which a court might provide notice of alternative case processing procedures under the proposed rule. The committee decided, however, that it would require only one such method in this rule, that a court post its alternative procedures on the court's website, and leave each court with flexibility to determine what other methods it might use to communicate its process to parties.</p>

**SP13-01**

**Expedited Proposal to Allow Suspension of Mandatory Case Management Rules During Fiscal Crisis** (amend Cal. Rules of Court, rules 3.712 and 3.720)

All comments are verbatim unless indicated by an asterisk (\*).

	Commentator	Position	Comment	Committee Response
			without any significant detriment to case management, while freeing up time and resources to spend on other matters that are more pressing and critical to the operation of, and access to, the courts -- yet still respecting the spirit of the Trial Court Delay Reduction Act to the extent possible.	
9.	Litigation Section–Rules and Legislation Committee State Bar of California By Reuben Ginsberg	N	<p>The Rules and Legislation Committee of the State Bar of California’s Litigation Section has reviewed the Invitation to Comment on the Expedited Proposal to Allow Suspension of Mandatory Case Management Rules During Fiscal Crisis (SP13-01) and appreciates the opportunity to submit these comments.</p> <p>The committee does not agree with the proposal to temporarily suspend the mandatory case management rules. The Invitation to Comment itself (pp. 3, 5) acknowledges that individual case management review and conferences are considered the best practice for efficient case management and delay reduction. We believe that the investment of time and effort by the court and the parties under the existing case management rules is worthwhile and leads to more efficient litigation. We believe that the time that would be saved in the short term by suspending the case management rules and adopting some other, likely less rigorous, means of case management, soon would lead to less efficient litigation and greater delay when issues that could have been identified and addressed in the case management process arise later in the</p>	<p>The committee acknowledges the commentator’s disagreement with the recommendation. The committee responds to the various concerns below.</p> <p>The committee disagrees with the commentator. The committee acknowledges that in an ideal world, mandatory case management conferences in all cases, with parties and judges having sufficient time to prepare for and take an active role in the conferences, would result in more efficient handling of cases in the long run. But the committee also notes that the current circumstances are not ideal, and courts are dealing with major budget cuts, which are likely to continue in the near future. The committee recognizes the need to provide a short-term remedy, to allow courts to try different ways to manage their civil caseloads with very limited resources.</p>

**SP13-01**

**Expedited Proposal to Allow Suspension of Mandatory Case Management Rules During Fiscal Crisis** (amend Cal. Rules of Court, rules 3.712 and 3.720)

All comments are verbatim unless indicated by an asterisk (\*).

	Commentator	Position	Comment	Committee Response
			<p>litigation.</p> <p>The existing case management rules allow the court to forego a case management conference and instead issue a case management order based on the case management statements filed by the parties. (Cal. Rules of Court, rule 3.722(d).) We believe that this existing rule appropriately affords flexibility to the individual judge to determine whether a case management conference would be beneficial. We also believe that the existing rule for additional case management conferences (Cal. Rules of Court, rule 3.723) appropriately gives the court the discretion to decide whether to require the parties to appear at an additional case management.</p> <p>A suspension of the case management rules, in contrast, would deprive individual judges of the discretion to determine whether to conduct a case management conference or an additional case management conference, and would deprive judges of the opportunity to learn about the case, for purposes of efficient case management, by reviewing the case management statements. Whether courts suspending the case management rules would adopt other rules providing for efficient case management is uncertain, but seems unlikely in light of the emphasis on short-term time savings.</p>	<p>The flexibility provided in the current rules, permitting a court to not hold a conference in a specific case, only comes into play following an individualized case review by a judicial officer. The point of the amended rule is to allow a court to eliminate such individualized review where it deems appropriate or necessary due to fiscal constraints.</p> <p>The committee considered this objection and disagrees. The rule does not eliminate the discretion of a judge to manage his or her cases individually. It instead allows a court to exempt cases from standardized mandatory rules.</p>

**SP13-01**

**Expedited Proposal to Allow Suspension of Mandatory Case Management Rules During Fiscal Crisis** (amend Cal. Rules of Court, rules 3.712 and 3.720)

All comments are verbatim unless indicated by an asterisk (\*).

	Commentator	Position	Comment	Committee Response
			<p>We believe that the case management statement also helps to focus counsel on the case and can cause counsel to anticipate issues that may arise and consider alternative dispute resolution. This too can lead to more efficient litigation even without the court’s intervention.</p> <p>We are concerned that alternative methods of processing cases and trial setting, as required by the proposal, may involve measures not tailored to individual cases. Such alternative methods could lead to motions for relief from burdensome deadlines and other efforts to sort out what could have been managed more effectively by investing more time and effort in efficient case management earlier in the case.</p> <p>The proposal also would constitute a step away from uniform state rules and back toward divergent local rules from county to county. Counsel would be have to check whether the county in which the case was filed has suspended the statewide case management rules and would have to become familiar with any local case management rules. We believe that this new burden on counsel would constitute another undesirable inefficiency.</p> <p><u>DISCLAIMER</u> This position is only that of the Rules and Legislation Committee of the State Bar of California’s Litigation Section. This position</p>	<p>The committee agrees that mandatory case management statements are helpful to the parties as well as the courts, but has concluded that currently some courts need relief from the expense of filing and processing such statements, as well as holding case management conferences.</p> <p>Under the recommended rule, each court will have the flexibility to determine appropriate alternative processes for cases exempted from the uniform case management rules. Such processes may be altered if the court finds they are overburdening the parties or resulting in excessive motions.</p> <p>The committee acknowledges that the rule may result in a variety of local rules, but notes that such divergence will be for a limited time only and has concluded it is necessary to provide courts with flexibility in responding to the fiscal crisis. The committee has also modified the recommended rule to provide that those courts that decide to use alternative procedures must post those procedures on the court’s website, ensuring that parties and their counsel will be able to determine what case management process will apply in a given case.</p>

**SP13-01****Expedited Proposal to Allow Suspension of Mandatory Case Management Rules During Fiscal Crisis** (amend Cal. Rules of Court, rules 3.712 and 3.720)

All comments are verbatim unless indicated by an asterisk (\*).

	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
			has not been adopted by the State Bar's Board of Trustees or overall membership, and is not to be construed as representing the position of the State Bar of California. Membership in the Rules and Legislation Committee and in the Litigation Section is voluntary, and funding for their activities, including all legislative activities, is obtained entirely from voluntary sources.	
10.	William Munoz Attorney Murphy, Pearson, Bradley & Feeny Sacramento, California	AM	There has to be something in place to get matters set for trial and settlement conferences if there is no individual review of the cases on the court's docket. Otherwise, cases will languish in the system.  If, for example, within 120 days of filing a lawsuit, the matter is referred to the Trial Setting calendar for parties to meet and confer on trial and MSC dates, that may address the issue.	The rule as recommended requires that a court have an alternative trial setting process in place before exempting cases from uniform case management rules. The committee concluded that each court should be allowed flexibility in how such a procedure will work, and so decided not to put further details into this statewide rule as to how such a process must work.
11.	Fulton Smith Attorney Meckler, Bulger, Tilson, Marick & Pearson San Francisco, California	AM	The proposed suspension appears to say nothing about how it will impact the jury fee deposit issue that is likewise tied to CMC hearings, etc. This could give rise to serious civil rights disputes, etc.	The committee notes the commentator's general agreement with the proposal. As to the deposit of the new jury fee, Code Civ. Proc., § 631 expressly provides an alternative date for payment of such fees (within 365 days of filing of action) in cases in which no case management conference is scheduled.
12.	Wayne V.R. Smith Attorney Martinez, California	A	Makes a lot of sense.	The committee notes the commentator's agreement with the proposal.
13.	Southern California Mediation Assoc. By Joseph C. Markowitz	AM	The Southern California Mediation Association ("SCMA") is the leading non-profit organization	The committee notes the commentator's general agreement with the proposal, and responds to the

**SP13-01**

**Expedited Proposal to Allow Suspension of Mandatory Case Management Rules During Fiscal Crisis** (amend Cal. Rules of Court, rules 3.712 and 3.720)

All comments are verbatim unless indicated by an asterisk (\*).

	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
	Los Angeles, California		<p>in our region promoting the practice of mediation. Many of our member mediators serve on the Los Angeles County Superior Court mediation panels, and our organization takes a keen interest in the administration of alternative dispute resolution procedures in our local state court system. We are concerned that the proposed change to California Rules of Court, Rule 3.720, allowing for the elimination of case management conferences, would not sufficiently encourage litigants to take advantage of available mediation services. That would contribute to worsening backlogs in the court system, and would not provide sufficient assurance that the court will be able to comply with C.C.P. Sections 1141.10 and 1775 et seq. We suggest, at a minimum, adding the word "effective" to the proposed rule amendment, so that new rule 3.720(b) would require that if a court decides to dispense with case management conferences, it must have in place "effective alternative procedures" to assure compliance with the listed C.C.P. sections.</p> <p>Case management conferences have over the years increasingly served the function of educating and directing parties and their attorneys to alternative dispute resolution procedures. At these conferences, parties are generally required to consider whether mediation or arbitration or early neutral evaluation or voluntary settlement conferences will best serve their needs; to commit publicly</p>	<p>specific requests for modification below.</p> <p>The committee declines the proposal to add "effective" as a modifier to the "alternative procedures" that the court is to employ. Such a description would be well-intentioned, but too vague to be helpful or enforceable.</p>

**SP13-01**

**Expedited Proposal to Allow Suspension of Mandatory Case Management Rules During Fiscal Crisis** (amend Cal. Rules of Court, rules 3.712 and 3.720)

All comments are verbatim unless indicated by an asterisk (\*).

	Commentator	Position	Comment	Committee Response
			<p>to engage in such an ADR procedure; and to bind themselves to completion dates for such processes. Typically, attorneys then proceed immediately to the ADR office to sign up for the court's random select or party select panel. Litigants in Los Angeles County are about to be hit with a double whammy. Not only is the court proposing to do away with case management conferences, which will leave parties with no similar opportunity to commit to an ADR process; the court is also proposing to do away with its entire ADR administrative staff, which will leave parties with no assistance within the court to help assign their cases to ADR.</p> <p>At the same time, the court is asking organizations such as the LA County Bar Association and SCMA to step in and provide outside referral services and panels of mediators to continue to assist the court in resolving cases. We are eager to help, as it is an important part of our mission to promote the use of mediation. The courts agree, as has been codified in C.C.P. §1775 and elsewhere, that mediation can be of substantial assistance to litigants in resolving disputes in a fair and cost-effective manner, and that mediation can also assist the courts in reducing overcrowding and backlogs. It seems counter-productive, however, at a time of greatly reduced funding for the courts, which will have the almost certain effect of increasing such backlogs, also to make it more difficult for parties to obtain the services of mediators in the</p>	

**SP13-01**

**Expedited Proposal to Allow Suspension of Mandatory Case Management Rules During Fiscal Crisis** (amend Cal. Rules of Court, rules 3.712 and 3.720)

All comments are verbatim unless indicated by an asterisk (\*).

	Commentator	Position	Comment	Committee Response
			<p>manner anticipated by the Code. Yet the proposed rule changes have the potential of doing exactly that.</p> <p>We appreciate the constraints under which the courts are now being required to operate, and the need to cut budgets wherever that will do the least harm. We understand that case management conferences consume a substantial amount of judicial and clerical time. We have the resources to help relieve pressure on the courts, in the form of a large cadre of mediators available to resolve disputes that courts themselves have fewer resources to resolve. In order to perform that service, however, we count on the court to put in place an effective mechanism to refer and remind litigants and attorneys of the value and even necessity of mediation or another ADR process. Perhaps that can be accomplished by setting ADR completion dates, along with final status conference and trial dates, without discussing these matters at a case management conference. But some workable mechanism should be put in place to accomplish the tasks now assigned to the CMC.</p> <p>A lot of attorneys are reluctant to suggest mediation to their clients or to opposing counsel either due to inertia or to a fear of showing weakness or to a lack of resources. The courts have recognized the value of taking steps to overcome that reluctance. We therefore suggest</p>	<p>The committee considered these comments and agrees that resolution of cases without trial is an important goal that can be furthered by individual case review. However the committee has concluded that not all courts can provide such review in the current economic climate—which is why the amended rule has been developed. As recommended, the rule requires that the alternative procedures include a method for complying with mandatory ADR procedures. A court may include alternative provisions addressing other forms of ADR if it determines such provisions are appropriate. The committee disagrees with the commentator as to the value of adding any more specific requirements regarding such procedures to the rule, concluding that the rule should allow sufficient flexibility for each court to develop procedures that will best address needs of that court and the local bar.</p> <p>The committee declines to include a requirement in the rule that the alternative procedures be “as effective” as the uniform statewide case management rules because such a standard is unlikely to be met. Individual case review and individual case management are the best practices</p>



**SP13-01**

**Expedited Proposal to Allow Suspension of Mandatory Case Management Rules During Fiscal Crisis** (amend Cal. Rules of Court, rules 3.712 and 3.720)

All comments are verbatim unless indicated by an asterisk (\*).

	Commentator	Position	Comment	Committee Response
			<p>that whatever procedures courts decide to put in place instead of case management conferences, should be equally effective in assisting parties to find outside dispute resolution services, and in complying with the objectives of C.C.P. §§1141.10 and 1775 et seq. The committee probably acted wisely in declining to specify exactly what procedures courts should choose to accomplish that purpose. Nevertheless, the rules should at least require that whatever means a court puts in place to set trial dates and other deadlines, and to refer cases to ADR, should be as effective in accomplishing those necessary results as are the current case management conferences.</p> <p>We appreciate the opportunity to comment on the proposed rule changes.</p>	<p>to ensure that trial dates and other deadlines are appropriately set with as little delay as possible and that appropriate references to ADR takes place. But some courts have concluded that, in today’s fiscal climate, they cannot afford to employ that best case management practice, which costs more, at least in the short run, than other types of case processing. As a result, some courts want to try alternative, less expensive procedures in hopes that such procedures, even if not as effective as current practices, will be sufficiently effective to ensure that access to justice occurs and that more civil departments can hear motions and hold trials.</p>
14.	Superior Court of Los Angeles County	A	<p>The Los Angeles Superior Court strongly favors Proposal SP13-01. As stated in the Memorandum explaining the Proposal, in order to conform its operations to the available budget in fiscal year 2013-2014, the Los Angeles Superior Court will be forced to consolidate and contract our operations substantially. This will result in fewer staff and courtrooms, including those hearing civil cases. At present, our number of individual calendar unlimited civil courtrooms will be reduced by 15 percent. In addition, we intend to reconfigure our remaining unlimited civil courtrooms to reduce staff support significantly.</p> <p>While the LA Superior Court will continue to</p>	<p>The committee notes the commentator’s general agreement with the proposal, and responds to specific comments below.</p>

**SP13-01**

**Expedited Proposal to Allow Suspension of Mandatory Case Management Rules During Fiscal Crisis** (amend Cal. Rules of Court, rules 3.712 and 3.720)

All comments are verbatim unless indicated by an asterisk (\*).

	Commentator	Position	Comment	Committee Response
			<p>apply principles of case management, we will do so differentially in a way that serves each civil case type in light of substantially diminished resources. We plan to direct resources to the most significant case events within each case type. Thus, for example, because more than 80 percent of general jurisdiction personal injury cases currently are resolved with between 0 and 4 appearances, these cases will receive less intensive case management. Trial dates will be set early in the litigation and the court’s focus will be on maintaining the ability to hear motions and make trials available in those cases. These cases will be assigned for all pretrial purposes to high-volume master calendar courts. Counsel will be permitted to request transfer of personal injury cases that will benefit from more intensive case management (e.g., catastrophic injury and product liability cases) to individual calendar courts that will set case management conferences.</p> <p>Comments are requested on whether the Rule should require a court that exempts cases from mandatory case management to post on its website the court’s alternative case management procedures. This requirement seems unnecessary, because counsel will be informed of case events and the timing of those events by orders issued in each case. However, LA Superior Court has no objection to posting such standard form orders on its website. LA</p>	<p>The committee has modified the rule to require a court to post on its website a description of alternative procedures that will apply to cases exempted from statewide case management rules, in order to ensure that parties and their counsel are able to determine which rules will apply in each court.</p>

**SP13-01**

**Expedited Proposal to Allow Suspension of Mandatory Case Management Rules During Fiscal Crisis** (amend Cal. Rules of Court, rules 3.712 and 3.720)

All comments are verbatim unless indicated by an asterisk (\*).

	Commentator	Position	Comment	Committee Response
			<p>Superior Court believes it is important, however, to retain the flexibility to modify standard form orders in response to input from the organized Bar. LA Superior Court does not currently have experience with using master calendar court processes for personal injury cases, and it will be important to be able to adapt case management processes in light of experience and comments from the Bar.</p> <p>Comments also are requested as to whether the duration of the exemption is appropriate. Leaving the exemption in place until 2016 seems appropriate.</p> <p>Comments also are requested as to whether the proposal will provide cost savings. The proposal will allow LA Superior Court to continue to hear civil cases, and to focus on the most significant case events in those cases, in light of the substantial cuts in court operations that are required in order to avoid an inability to make payroll in 2013-2014. With between 5,000 and 8,000 personal injury general jurisdiction cases assigned to a master calendar civil courtroom, there will be significant delays in calendaring motions and in setting trial dates if courtroom staff is required to do the work necessary to allow the court to conduct mandatory case management conferences. In terms of the amount of staff required to set CMCs, file papers in connections with CMCs, change dates of CMCs on request of counsel, assist the court</p>	<p>The committee notes the commentator’s agreement with the proposed time frame.</p> <p>The committee appreciates the court’s responses regarding savings and impacts to the court.</p>

**SP13-01**

**Expedited Proposal to Allow Suspension of Mandatory Case Management Rules During Fiscal Crisis** (amend Cal. Rules of Court, rules 3.712 and 3.720)

All comments are verbatim unless indicated by an asterisk (\*).

	Commentator	Position	Comment	Committee Response
			<p>on the day of the CMC, prepare orders after the CMC, set OSCs re sanctions when one or more counsel fails to appear at a CMC, and repeat the CMC process when counsel does not appear at a CMC, we estimate that the current proposal would allow the Court to save more than \$1.2 million if CMCs are eliminated in general jurisdiction personal injury cases. Substantial additional savings are expected if the suspension of CMCs is extended to limited jurisdiction civil cases.</p> <p>Comments are also requested on the subject of staff training. It will take minimal staff training to instruct staff not to set CMCs. A committee of judges will prepare form orders to set trial dates and make other required orders to counsel regarding case management. Some staff training will be required on the use of such orders. No changes in the case management system will be required in order to refrain from setting CMCs.</p> <p>The Judicial Council’s approval of this proposal with an immediate effective date will not cause concern. LA Superior Court will communicate with the Bar concerning the location and filing requirements for personal injury cases in the new system, and the change of process with respect to CMCs can be part of that communication.</p> <p>Comments also are requested with respect to how well the proposal will work in courts of</p>	

**SP13-01****Expedited Proposal to Allow Suspension of Mandatory Case Management Rules During Fiscal Crisis** (amend Cal. Rules of Court, rules 3.712 and 3.720)

All comments are verbatim unless indicated by an asterisk (\*).

	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
			different sizes. The proposal is designed to allow courts of different sizes to make their own judgments as to whether they are or are not able to continue to provide mandatory case management conferences.	
15.	Superior Court of Merced County By Linda Romero Soles Court Executive Officer	A	We would be in support of the relaxation of the civil rule time requirements. No down side and it would not prevent us from adhering to them voluntarily.	The committee notes the commentator's agreement with the proposal.
16.	Superior Court of Monterey County By Minnie Monarque Director, Trial Court	AM	If the exemption allows each court to designate by case type or case category for implementation, i.e. instead of the Los Angeles example of personal injury cases, courts can decide case management progression by unlimited versus limited jurisdiction.  Local court rule impact: some courts are now on an annual submission cycle. For fiscal courts this would mean any changes would not be reflected until July 2014.	The committee notes the commentator's general agreement with the proposal. The proposal does allow each court to designate by case type or category, including as broad a category as unlimited general civil cases. Further, a court may, for good cause, seek exemptions from the standard time required for adoption of local rules. See Cal. Rules of Court, rule 10.613(i).
17.	Superior Court of Orange County, By Hon. Charles Margines Superivising Judge, Civil Panel	A	Orange County Superior Court fully supports the proposal for the temporary suspension of case management rules, as set forth in proposed amended Rules of Court 3.712 and 3.720. The flexibility which the proposed amendments to the rules offer will allow our court to save resources while still properly managing our cases. Our specific comments follow.  1) Does the proposal appropriately address stated purpose? Yes  2) Should a provision be added to the amended	The committee notes the commentator's general agreement with the proposal, and responds to specific comments below.  1. The committee agrees

**SP13-01**

**Expedited Proposal to Allow Suspension of Mandatory Case Management Rules During Fiscal Crisis** (amend Cal. Rules of Court, rules 3.712 and 3.720)

All comments are verbatim unless indicated by an asterisk (\*).

	Commentator	Position	Comment	Committee Response
			<p>rule requiring a court that exempts cases from the case management rules to post the means by which parties can learn of those alternative procedures, whether in local rule or by standardized orders or notices, on the court website? If so, should the posting be required before the adoption of such procedure?</p> <p>No, we recommend not to include this provision in the rule and leave it up to the individual courts to decide how litigants will be notified of alternative procedures, whether by local rule or administrative order or notices.</p> <p>3) Is the duration of the proposed exemption, which as proposed may be used for cases filed before January 1, 2016, appropriate? Yes.</p> <p>4) Would the proposal provide cost savings? Yes, the workload associated with the processing of case management statements, scheduling hearings, and preparation of minutes after hearings will be reduced.</p> <p>5) What would the implementation requirements be for courts? Procedures will need to be developed and processes updated. A training and communication plan will need to be rolled out by a training staff, at an estimated time of 40 hours. The case management system will need to be updated and modified.</p>	<p>2. The committee disagrees, and has modified the rule to require a court to post on its website a description of alternative procedures that will apply to cases exempted from statewide case management rules, in order to ensure that parties and their counsel are able to determine which rules will apply in each court.</p> <p>3. The committee notes the commentator’s agreement with the proposed time frame.</p> <p>4.-6. The committee appreciates the court’s comments regarding potential savings to and impacts on the court.</p>

**SP13-01**

**Expedited Proposal to Allow Suspension of Mandatory Case Management Rules During Fiscal Crisis** (amend Cal. Rules of Court, rules 3.712 and 3.720)

All comments are verbatim unless indicated by an asterisk (\*).

	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
			6) Would the Judicial Council’s approval of this proposal with an immediate effective date provide sufficient time for implementation? Yes. The proposed amendments to the rules of court provide necessary flexibility for courts to develop their own timeline for implementation.	
18.	Superior Court of Riverside County, By Hon. Mark A. Cope Presiding Judge	A	In light of substantial reductions to the operating budgets of California’s trial courts, this proposal makes sense. Rules and legislation that hinder the flexibility of those responsible for trial court budgets to address budget realities should be examined for elimination. This is one example of such rules. The proposal should be accepted.	The committee notes the commentator’s agreement with the proposal.
19.	Superior Court of Sacramento County By Hon. Laurie M. Earl Presiding Judge	A	Thank you for the opportunity to comment on SP13-01, the Civil and Small Claims Advisory Committee’s Proposal to Allow Suspension of Mandatory Case Management Rules. The Sacramento Superior Court supports the proposal and offers the following comments.  Since fiscal year 2008-09 the Sacramento Superior Court has taken a number of steps to reduce our expenditures in light of reduced trial court funding. We have eliminated all non-mandatory programs and services, we have eliminated chamber library materials, we have re-negotiated service contracts and most importantly we have reduced our work force by more than 200 full time employees. We are struggling to manage the work that comes into our courthouse. As part of our budget reduction actions in the current fiscal year, we reduced the	The committee notes the commentator’s general agreement with the proposal; responses to specific comments are provided below

**SP13-01**

**Expedited Proposal to Allow Suspension of Mandatory Case Management Rules During Fiscal Crisis** (amend Cal. Rules of Court, rules 3.712 and 3.720)

All comments are verbatim unless indicated by an asterisk (\*).

	Commentator	Position	Comment	Committee Response
			<p>number of front counter clerks in our civil law division. We have limited the ability of litigants to file documents at the front counter to specifically articulated documents, including civil complaints. In lieu of front counter staff we have installed date/time-stamping machines and large drop boxes for all documents not permitted to be filed at the front counter. As of today we are processing complaints filed on December 5. You can imagine the impact a seven-week delay has on litigants who are attempting to initiate a civil case. Other areas affected by our downsizing include similar delays in our ability to process default judgments (4-6 months), hear demurrers (4-5 months), and process Petitions for Expungements (4-6 months).</p> <p>The projections for our Court in FY 2013-14 are no better. The Sacramento Superior Court will have an approximate \$11million deficit that will need to be operationalized. Having already eliminated all non-mandatory functions and programs, we have reached a point where compliance with the existing mandated case management rules are suffocating our operations. The suspension of these rules would provide cost savings to the Court of up to \$200,000 and allow us to shift staff resources from tending to the calendaring needs of case management conferences to ensuring that the more significant events in those civil cases are handled in a timely fashion.</p>	



**SP13-01**

**Expedited Proposal to Allow Suspension of Mandatory Case Management Rules During Fiscal Crisis** (amend Cal. Rules of Court, rules 3.712 and 3.720)

All comments are verbatim unless indicated by an asterisk (\*).

	Commentator	Position	Comment	Committee Response
			<p>The Invitation to Comment asks for additional specific comments which I address below:</p> <p>We believe that the proposed rule change addresses the purpose of the rule.</p> <p>Comments are requested on whether the Rule should require a court that exempts cases from mandatory case management to post on its website the court's alternative case management procedures. We believe it is reasonable to require courts to post means by which parties can learn of alternative procedures for management of exempted cases. However we do not believe that posting needs to occur prior to adoption of the procedures. Additionally we believe the timeframe for such notification should be left up to individual courts who can best determine effective communication to their civil bar and litigants.</p> <p>We believe the duration of the proposed exemption is appropriate.</p> <p>Comments are also requested on the subject of staff training. We believe implementation of the proposed suspension would require minimal training.</p> <p>We do not believe the Judicial Council's approval of this proposal with an immediate effective date will cause concern. The</p>	<p>The committee agrees.</p> <p>The committee agrees and has modified the rule to require a court to post on its website a description of alternative procedures that will apply to cases exempted from statewide case management rules, in order to ensure that parties and their counsel are able to determine which rules will apply in each court. No advance posting has been required.</p> <p>The committee notes the commentator's agreement with the proposed time frame.</p> <p>The committee appreciates the court's comments on potential savings and impact on the court</p>

**SP13-01****Expedited Proposal to Allow Suspension of Mandatory Case Management Rules During Fiscal Crisis** (amend Cal. Rules of Court, rules 3.712 and 3.720)

All comments are verbatim unless indicated by an asterisk (\*).

	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
			<p>Sacramento Superior Court has an excellent relationship with our civil bar. We will be able to immediately communicate our processing changes.</p> <p>Given the optional nature of the rule and the flexibility it provides to different courts in determining what, if any, cases to exempt, we believe the proposed rule would work well for courts of varying sizes.</p> <p>Thank you for your consideration.</p>	
20.	Superior Court of San Diego County By Mike Roddy Court Executive Officer	A	No additional comments.	The committee notes the commentator's agreement with the proposal.
21.	Superior Court of San Mateo County, By Rodian Catalano, Deputy Court Executive Officer, and	A	<p>1. While our Court supports these proposals, we agree with the concept that the changes are optional for a court to participate and make changes. As mentioned in the comments in the proposals, these changes may impact the larger courts mostly. As discussed in the comments below, our Court may not utilize these proposed provisions since our current process has proven to be effective in reducing our case workload even though there may be some savings from not completing related paperwork. Whatever is adopted should allow each individual court to determine whether or not to utilize these emergency relief provisions.</p> <p>2. Comments on the proposal as a whole: While it is certainly understood that budget</p>	<p>1. The committee notes the commentator's general agreement with the proposal. The committee agrees that the exemption of cases from case management rules should be at the discretion of the individual court. The committee also agrees that those courts that can continue to employ individualized case review and case management conferences may achieve more efficiencies in the long run due to use of this best practice. However the committee acknowledges the need of some courts to eliminate these practices in the short term to make best use of limited resources.</p> <p>2. The committee considered these comments and agrees that resolution of cases without trial is an</p>

**SP13-01**

**Expedited Proposal to Allow Suspension of Mandatory Case Management Rules During Fiscal Crisis** (amend Cal. Rules of Court, rules 3.712 and 3.720)

All comments are verbatim unless indicated by an asterisk (\*).

	Commentator	Position	Comment	Committee Response
			<p>reductions have curtailed individual court’s abilities to adjudicate cases, severely in many instances, it is important to consider the downstream consequences of any proposal.</p> <p>One of the fundamental components of the rules governing case management is the opportunity to identify appropriate cases early on for settlement or other forms of alternative dispute resolution (ADR). The judicial oversight that comes from the case management calendar, together with detailed state and local rules, allows courts to leverage ADR resources, for example referring cases to a neutral for mediation. This can reduce the court’s workload. Many cases resolving in mediation do not come back on the court’s calendar, saving court resources in the long run both in terms of bench officer time (motion and trial dates, and calendar availability), and significant savings in courtroom staff time and clerk’s office time (pre and post calendar work, file prep, etc.) Without such mechanisms there may be increases to the court’s docket to consider and plan for.</p> <p>Recent data from San Mateo County shows that between 53 and 66% of the cases on the case management calendars during September through November 2012 were referred to either mediation or arbitration. If even as much as half of those are resolved, the savings to the court downstream would be significant .</p>	<p>important goal that can be furthered by individual case review. However, the committee has concluded that not all courts can provide such review in the current economic climate—which is why the amended rule has been developed. As recommended, the rule requires that the alternative procedures include a method for complying with mandated ADR procedures. A court may include provisions addressing other ADR procedures if it determines such provisions are appropriate.</p>

**SP13-01**

**Expedited Proposal to Allow Suspension of Mandatory Case Management Rules During Fiscal Crisis** (amend Cal. Rules of Court, rules 3.712 and 3.720)

All comments are verbatim unless indicated by an asterisk (\*).

	Commentator	Position	Comment	Committee Response
			<p>3. Does it appropriately address the stated purpose? Yes, it provides options for those courts that must take severe actions.</p> <p>4. Should a provision be added to the amended rule requiring a court that exempts cases from the case management rules to post the means by which parties can learn of those alternative procedures? Yes, local rules, local forms, information on the website, etc. would be critical as these cases may otherwise flounder in limbo until their trial date and courts could see calendars and disposition times lengthen downstream.</p> <p>5. Is the duration of the proposed exemption appropriate? Yes. Any such shift away from the acknowledged best practices should be temporary and for a determined timeframe.</p> <p>6. Would the proposal provide cost savings? Potential cost savings that would result from the proposed Rule changes:</p> <ul style="list-style-type: none"> <li>• Currently, staff working New Complaints prepare a Notice of Case Management Conference document for unlimited filings (with a few exceptions), calendar the CMC hearing, and provide a case management conference packet to the litigant. Relieving courts from this mandated conference for some case types will reduce paper and reduce the number of cases appearing on calendar.</li> </ul>	<p>3. The committee agrees.</p> <p>4. The committee agrees and has modified the rule to require a court to post on its website a description of alternative procedures that will apply to cases exempted from statewide case management rules, in order to ensure that parties and their counsel are able to determine which rules will apply in each court. No advance posting has been required.</p> <p>5. The committee notes the commentator’s agreement with the proposed time frame</p> <p>6. The committee appreciates the comments as to potential savings and impacts on the court.</p>

**SP13-01**

**Expedited Proposal to Allow Suspension of Mandatory Case Management Rules During Fiscal Crisis** (amend Cal. Rules of Court, rules 3.712 and 3.720)

All comments are verbatim unless indicated by an asterisk (\*).

	Commentator	Position	Comment	Committee Response
			<ul style="list-style-type: none"> <li>• There would also be a savings in staff time by not having to process case management statements and verify the cases for the CMC calendars. Even if just a few case types were exempt from the case management requirement, we would still realize some staff savings.</li> <li>• We would also save time in the file room by not having to file those documents into the case files.</li> <li>• The savings in staff hours by not having to process documents and create calendars for these conferences could be transferred to more time for processing workload and cross training.</li> </ul> <p>7. What would the implementation requirements be for the court? All of those examples listed would need to be contemplated. The two most important and related factors will be how cases can be referred to ADR and how the court will keep the rest from lingering without court involvement. Continuances, sanctions, dismissal calendars for failure to prosecute, tracking Judgments and removing from trial calendars, etc. would be issues to consider.</p> <p>8. Would the Judicial Council’s approval of this proposal with an immediate effective date cause any concern? The pressure would only be on those courts that chose to opt into this alternative system, and for those time is most likely of the essence.</p> <p>9. How well would this proposal work in courts</p>	<p>7. The committee appreciates the comments as to potential savings and impacts on the court.</p> <p>8. The committee agrees.</p> <p>9. The committee appreciates the comments as to</p>

**SP13-01**

**Expedited Proposal to Allow Suspension of Mandatory Case Management Rules During Fiscal Crisis** (amend Cal. Rules of Court, rules 3.712 and 3.720)

All comments are verbatim unless indicated by an asterisk (\*).

	Commentator	Position	Comment	Committee Response
			<p>of different sizes? It would seem to be more advantageous to the very large/large courts.</p> <p>10. Rule 3.720 – Notice re alternative procedure We suggest that notice of alternative procedures adopted by a Court be done by way of a local rule, especially since the proposed Rule 3.720 changes include an expedited process to get these emergency local rules approved and effective. Since these changes impact civil cases, it is crucial that the most visible means are used to get the information out. Since there is a greater likelihood that litigants may come from areas outside of the immediate jurisdiction of that particular court, it is imperative that the noticing method has the broadest reach possible.</p> <p>Standardized orders or notices tend to be more localized in their impact (i.e. the audience is usually limited to just those who visit a court’s website or who may have seen the published notice). Adopting a local rule has a broader audience in that local rules are published not just on a court’s website but also picked up by other publishers and sources of court-related information. Therefore, we would support including a provision in the proposed rule that requires a local rule change that addresses the procedural changes so that there would be the greatest exposure notifying of the changes. [Submitted by Timothy Gee]</p>	<p>potential impacts.</p> <p>10. The committee has concluded that requiring that the alternative procedures be adopted as local rules would be too inflexible and too time-consuming to provide the prompt relief sought during this fiscal crisis. (The committee notes that the procedure to seek exemption from the time requirements imposed on passage of local rules may be found in Cal. Rules of Court, rule 10.613(i), not in the amended rules.)</p>

**SP13-01**

**Expedited Proposal to Allow Suspension of Mandatory Case Management Rules During Fiscal Crisis** (amend Cal. Rules of Court, rules 3.712 and 3.720)

All comments are verbatim unless indicated by an asterisk (\*).

	Commentator	Position	Comment	Committee Response
			<p>11. Would the Judicial Council’s approval of this proposal with an immediate effective date (i.e., as of February 26, 2013) cause any concern?</p> <p>It would seem that an immediate effective date would not be of concern to the courts since it would immediately authorize the courts to start their planning for making changes to their procedures and to start in drafting and adopting local rules to implement the changes.</p> <p>While it would be ideal to have one established effective date for all of these changes so that those courts that are making changes under these new rules will all become effective on the same date, setting such a date may prohibit those courts who are not currently ready to make such a decision from adopting and implementing such a change later on (i.e., they may have determined the need at this time but may determine the need later on). It would be ideal to have the one effective date but there should be a provision that allows courts to adopt local rules to implement this change when the need arises.</p> <p>Having a singular effective date would be beneficial for the following reasons:</p> <ul style="list-style-type: none"> <li>• For the practitioners and the public, it would be less confusing if all of the changes became effective at the same time. This is especially important for practitioners who have cases throughout the State. It would be very</li> </ul>	<p>11. The committee agrees that the immediate effective date should not cause a problem for courts. The committee notes that the proposed rules would not establish any particular date by which a court must choose to exempt cases from case management rules, but leave it up to each court as to whether or when it will create such an exemption.</p>

**SP13-01**

**Expedited Proposal to Allow Suspension of Mandatory Case Management Rules During Fiscal Crisis** (amend Cal. Rules of Court, rules 3.712 and 3.720)

All comments are verbatim unless indicated by an asterisk (\*).

	Commentator	Position	Comment	Committee Response
			<p>confusing to an attorney or litigant to have changes become effective at various times, not knowing if and when a court would be making any procedural changes.</p> <ul style="list-style-type: none"> <li>From the standpoint of publicizing the changes, it may be in the best interest of publishers and website managers to make all these changes all at once so that each court's changes can be published at the same time. Having the changes trickle out may result in some oversight in publishing a court's changes.</li> </ul>	
22.	Trial Court Presiding Judges Advisory Committee and Court Executives Advisory Committee Joint Rules Working Group (JRWG)	A	<p>The JRWG recommends that the rule not be amended to require a court that exempts cases from the case management rules to post the means by which parties can learn of those alternative procedures. Instead, the JRWG recommends that the trial courts be given the discretion to decide how litigants will be notified of alternative procedures, whether by local rule or administrative order or notices.</p> <p>The JRWG concluded that the duration of the proposed exemption (which as proposed may be used for cases filed before January 1, 2016) is appropriate.</p> <p>The JRWG concluded that the proposed effective date of the proposal (February 26, 2013) is feasible.</p> <p>Because this proposal creates no mandate for</p>	<p>The committee notes the commentator's general agreement with the proposal. The committee disagrees with the comment regarding notice, and has modified the rule to require a court to post on its website a description of alternative procedures that will apply to cases exempted from statewide case management rules, in order to ensure that parties and their counsel are able to determine which rules will apply in each court.</p> <p>The committee notes the commentator's agreement with the proposed time frame.</p> <p>The committee agrees.</p> <p>The committee appreciates the comments as to</p>



**SP13-01****Expedited Proposal to Allow Suspension of Mandatory Case Management Rules During Fiscal Crisis** (amend Cal. Rules of Court, rules 3.712 and 3.720)

All comments are verbatim unless indicated by an asterisk (\*).

	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
			the trial courts, there are no automatic fiscal/operational impacts on the trial courts as a whole. Each court that decides to exempt certain types or categories of general civil cases from the mandatory case management rules will have to identify and assess potential fiscal/operational impacts to its operations. With this noted, the proposal does appear to create savings for participating courts.	potential savings and impacts on the court.
23.	Hon. John P. Vander Feer Superior Court of San Bernardino County	A	Each court has its own budget difficulties. Each court should have the ability to manage its caseload in the most effective manner with the resources available to it. This will help.	The committee notes the commentator's agreement with the proposal.
24.	Hon. Gerrit Wood Superior Court of Sacramento County	AM	I currently handle a CMP [Case Management Program] calendar. Fiscal shortages have stripped most personnel who traditionally prepared this calendar. A Case Management calendar only makes sense if it actually manages cases, and in our county, we lack the resources to make it so.  I support suspending the Case Management Conference Program until resources can be reestablished. Exempting some but not all cases does nothing more than task already overworked employees to classify cases one way or the other.	The committee notes the commentator's general agreement with the proposal. The proposed rule is intended to allow each court to determine what cases, if any, it will exempt from case management rules. The recommended rule would not prohibit a court from designating "all general civil cases" as the type of case exempted from case management rules.
25.	Dennis Zaragoza Attorney San Francisco, California	N	First, the fiscal crisis has created a situation in which it may be impossible to obtain hearing dates for motions to compel discovery before trial, motions to bifurcate, and/or other motions that are necessary to an efficient judicial process. I am concerned that the various	The committee has concluded that permitting courts to exempt certain cases from case management conferences may free up staff and judicial resources which can be better used, for example, to schedule and hear law and motion matters.

**SP13-01**

**Expedited Proposal to Allow Suspension of Mandatory Case Management Rules During Fiscal Crisis** (amend Cal. Rules of Court, rules 3.712 and 3.720)

All comments are verbatim unless indicated by an asterisk (\*).

	Commentator	Position	Comment	Committee Response
			<p>limitations on the abilities of parties to obtain judicial review of discovery and other pretrial matters will harm the rights of the parties to due process.</p> <p>Next, given the current estimate of the State's income for the following year, I would hope that full funding returns to the court system.</p> <p>Case management conferences are one means that lawyers have to communicate problems to the court. Because motion calendars are often full and ex parte motions to shorten time to allow a hearing are often denied, the proposed solution (in its outline form) appears to be a means for the courts to push cases along without adequate supervision.</p> <p>While justice may be blind, the courts should not be deaf to the needs of the parties. Good case management often requires that the court listen and respond. If you can't get a hearing date, the courts cannot listen to the parties, and attempt to resolve issues, rather than bury them.</p> <p>Again, I understand that case management conferences are a burden. However, few things of value are accomplished without some sacrifice. Justice is such a value.</p> <p>The public hopes and expects that the judicial system will be fair and impartial. Both lawyers and the courts should all strive to keep that</p>	<p>The committee thinks it unlikely that full funding is likely to return to the courts within the next year or two.</p> <p>While the committee agrees that individual case review and case management conferences are the best practices to combat overlong litigation and trial delays, the committee also notes that some courts have concluded that, in today's fiscal climate, they cannot afford to employ that best practice, which costs more, at least in the short run, than other types of case processing. The committee has concluded that such courts should be allowed to suspend the more costly procedures in the short term.</p>

**SP13-01****Expedited Proposal to Allow Suspension of Mandatory Case Management Rules During Fiscal Crisis** (amend Cal. Rules of Court, rules 3.712 and 3.720)

All comments are verbatim unless indicated by an asterisk (\*).

	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
			system working as best we can. Thank you for listening to my concerns.	

