



Supreme Court of California  
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**NEWS RELEASE**

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**FOR IMMEDIATE RELEASE**

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## Supreme Court Seeks Comment on Possible Changes to Publication Practice

*Rule change could mean Court of Appeal decisions would no longer be automatically depublished when the Supreme Court grants review*

SAN FRANCISCO—The California Supreme Court announced today that it is seeking public comment on a possible amendment to the California Rules of Court concerning publication of appellate opinions (rule [8.1105](#)(e)(1)) and the citation of opinions (rule [8.1115](#)), to provide that a published opinion of a Court of Appeal will no longer be automatically depublished after the Supreme Court grants review of the case.

“Our court regularly reassesses its policies and practices in order to determine whether we can or should do things differently, or better,” said Chief Justice Tani G. Cantil-Sakauye. “Beginning in 1979, and three more times in the 1980s, various commissions, Court of Appeal justices, entities and bar groups asked this court to change its rule automatically depublishing Court of Appeal opinions upon grant of review by the Supreme Court. The court previously decided against such revisions, but upon reflection, and in view of renewed interest for change voiced by some Court of Appeal justices, the court determined that the time has come to consider whether to make changes.”

The court’s decision to seek comment on a possible rule change, taken at its regular monthly administrative conference on July 22, was unanimous. An invitation to comment on the possible changes is available on the California Courts website’s [Invitations to Comment](#) page, under the “Supreme Court” heading. Also available at that link are documents, dating from 1979 to 1988, concerning prior related proposals. The deadline for submitting public comments on the possible changes is Friday, September 25.

Under article VI, section 14, of the California Constitution, the court has sole authority to make and amend rules concerning publication of appellate opinions. No amendment presently under consideration would alter the court’s existing general authority to order the depublishing of Court of Appeal opinions.

In contemplating and drafting the possible rules, the Supreme Court considered the practices of other jurisdictions and the language of prior proposed rules. The possible amendments include

alternative versions of rule 8.1115(e)(1), concerning the binding or precedential effect of published Court of Appeal opinions after grant of review by the Supreme Court and pending that review, and the court would particularly appreciate comments on those alternatives.

The court will receive a report with the results of public comments by early November.

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*The Supreme Court of California is the state's highest court and its decisions are binding on all other California state courts. The court's primary role is to decide matters of statewide importance and to maintain uniformity in the law throughout California by reviewing matters from the six districts of the California Courts of Appeal and the fifty-eight county superior courts (the trial courts). Among its other duties, the court also decides all capital appeals and related matters and reviews both attorney and judicial disciplinary matters.*