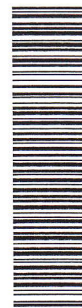


98940

01/18/12 02:29 PM
RN 12 00612 PAGE 1

An act to add Section 68906 to the Government Code, relating to courts.



120061298940BILL

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. The Legislature finds and declares all of the following:

(a) Ninety percent of California appellate opinions are not allowed to be cited or mentioned in, to, or by any California state court. These opinions are labeled as “Not Certified for Publication” or the like, but are, in fact, published on the California Courts of Appeal Internet Web sites and indexed by computer-based legal research systems.

(b) The United States Supreme Court on December 1, 2006, promulgated Federal Rule of Appellate Procedure 32.1, which bans restrictions on citation of “judicial opinions, orders, judgments, or other written dispositions” that have been “designated as ‘unpublished,’ ‘not for publication,’ ‘non-precedential,’ ‘not precedent,’ or the like.”

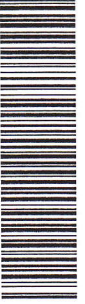
(c) While Rule 32.1 applies prospectively to federal opinions issued on or after January 1, 2007, this act includes past state opinions issued before its effective date. The California Constitution has always required state opinions to be “in writing with reasons stated.” The body of unpublished opinions contains significant legal reasoning. This act would substantially conform California court practice to that required of all federal courts by the United States Supreme Court pursuant to Rule 32.1, and to that overwhelmingly adopted by the federal Advisory Committee on Appellate Rules, as advocated by its then chairman, Samuel Alito, now United States Supreme Court Justice, and by its then member, John Roberts, now Chief Justice of the United States.

SEC. 2. Section 68906 is added to the Government Code, to read:



68906. All opinions of the Supreme Court, a Court of Appeal, an appellate department of a superior court, or a superior court may be cited to, or by, any court for any persuasive value they may have.

- 0 -



120061298940BILL

LEGISLATIVE COUNSEL'S DIGEST

Bill No.

as introduced, _____.

General Subject: Judicial opinions: citation.

The California Constitution requires the Legislature to provide for the prompt publication of those opinions of the Supreme Court and Courts of Appeal as the Supreme Court deems appropriate. Existing law provides that those opinions of the Supreme Court, the Courts of Appeal, and the appellate divisions of the superior courts, as the Supreme Court may deem expedient, shall be published in the official reports under the general supervision of the Supreme Court. The official reports are required to be published under contract, as specified, on the terms most advantageous to the state and the public.

This bill would provide that all opinions of the Supreme Court, a Court of Appeal, an appellate department of a superior court, or a superior court may be cited to, or by, any court for any persuasive value they may have.



98940

01/18/12 02:29 PM
RN 12 00612 PAGE 2

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local
program: no.



120061298940BILL