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Assembly California Legislature



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WATER, PARKS AND WILDLIFE

March 4, 2008

Honorable Ronald M. George
Chief Justice of California and Chairman of the Judicial Council
California Supreme Court
350 McAllister Street
San Francisco, CA 94102

Re: Prohibition on Citing Unpublished Appeal Court Opinions

Dear Chief Justice George:

I would like to follow up on Assemblymember Mervyn Dymally's May 8, 2007 letter to you regarding California Rule of Court 8.1115(a), the no-citation rule which forbids mention of unpublished opinions of the Court of Appeal. In his letter, Assemblymember Dymally stated the following:

"I am aware that in December 2006, the California Supreme Court Advisory Committee on Rules for Publication of Court of Appeals Opinions...issued its final report finding numerous publication problems, and promulgated new rules to correct them effective April 1, 2007. However, that report did not address the harm to the administration of justice posed by the no-citation rule. Your mandate to the Werdegard Committee restrained it from studying whether or not abolition of the rules that prohibit citation is necessary to protect federal and state constitutional free speech rights and fair policy."


It is my understanding that the California Supreme Court Advisory Committee on Rules for Publication of Court of Appeals Opinions recommended the formation of another committee to consider additional issues regarding the prohibition on citing unpublished appeal court opinions such as: allowing partial publication or de-publication of opinions; and expanding the situations in which parties can draw the attention of Courts of Appeal or the Supreme Court to unpublished decisions.

Please update me on any developments regarding:

1. The rules promulgated to address publication problems effective April 1, 2007.
2. The extent to which your mandate to the Advisory Committee restrained it from studying the impact of the citation prohibition.
3. The formation of the committee to address additional issues regarding the prohibition on citing unpublished appeal court opinions.

Thank you for your consideration of this request.

Sincerely,


JARED HUFFMAN
Assemblymember, 6th District