

**2011 New Laws Workshop  
Tier 1 Bills**

**Civil**

**AB 433 (Lowenthal)**  
**Chapter 718, Statutes of 2011**  
**Birth certificates: issuance**

**Effective: 01/01/2012**

**Summary Description of New Law**

Allows a person who has undergone clinically appropriate treatment for the purpose of gender transition to file a petition in any superior court to recognize the change in gender and, additionally, if applicable, a name change and request for a new birth certificate. Makes the physician’s affidavit conclusive proof of gender change if it contains specified language. Prohibits objections from being filed and requires the court to grant the petition if the court determines that the affidavit shows that the petitioner has undergone clinically appropriate treatment for the purpose of gender transition. Allows a single petition to be used to change a petitioner’s name, recognize his or her change in gender and, if requested, order issuance of a new birth certificate.

	<b>Existing Law</b>	<b>New Law</b>	<b>Impact on Court</b>
<p><b>1 New birth certificates; petition for issuance; venue</b></p> <p>Provides that an individual born in this state who has undergone a sex change operation may obtain, by court order from the court in the county where the petitioner resides, a new birth certificate reflecting the change of sex and any name change.</p> <p>Health and Safety Code § 103425</p> <p>Provides, pursuant to case law, that</p>	<p><b>New birth certificates; petition for issuance; venue</b></p> <p>Provides that whenever a person has undergone clinically appropriate treatment for gender transition, that person may file a petition <i>in any superior court</i> seeking a judgment recognizing the change of gender.</p> <p>Health and Safety Code § 103425</p>	<p>Review and revise procedures for handling gender change petitions to make clear that the petition may be filed in any superior court, without regard to the petitioner’s current county of residence.</p>	

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Existing Law	New Law	Impact on Court
<p>California’s refusal to issue new birth certificates to individuals who underwent gender reassignment surgery and who, while born in California, now reside elsewhere, violates the Privileges and Immunities Clause of the United States Constitution.</p> <p><i>Somers v. Superior Court</i> (2009) 172 Cal.App.4th 1407</p>		
<p><b>2 Affidavit of physician</b></p> <p>Requires the petition for change of sex to be accompanied by an affidavit of a physician documenting the sex change.</p> <p>Health and Safety Code § 103430(a)</p>	<p><b>Affidavit of physician</b></p> <p>Requires the petition to be accompanied by an affidavit of a physician attesting that the petitioner has undergone clinically appropriate treatment for gender transition. Specifies that the physician’s affidavit must be accepted as conclusive proof of gender change provided it contains certain language and is signed as true and correct to the best of the physician’s knowledge.</p>	<p>Inform judges and judicial officers that a physician’s affidavit attesting that the petitioner has undergone clinically appropriate treatment for gender transition now constitutes conclusive proof of a gender change when offered in a proceeding for change of gender.</p> <p>Amend clerical screening requirements to provide that when a physician’s affidavit of change of gender is received, it shall be pointed</p>

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Existing Law	New Law	Impact on Court
	Health and Safety Code § 103430(a)	out to the judge or judicial officer and constitute conclusive proof of the gender change.
<p><b>3 Hearing and order; objections</b></p> <p>Provides that the petition must be heard at a time appointed by the court. Allows objections to be filed by any person who can show the court good reason not to change the birth certificate. Provides that the court may examine the petitioner on oath at the hearing and at the conclusion of the hearing make an order to issue a new birth certificate or dismiss the petition.</p> <p>Health and Safety Code § 103430(b)</p>	<p><b>Hearing and order</b></p> <p>Provides that the petition must be heard at a time appointed by the court. Deletes the provision that allowed individuals to object to the petition. Provides that, at the hearing, the court may examine on oath the petitioner <i>and any other person having knowledge of the facts relevant to the application</i>. Requires the court, at the conclusion of the hearing, to grant the petition if the court determines that the physician’s affidavit shows that the petitioner has undergone clinically appropriate treatment for the purpose of gender transition.</p> <p>Health and Safety Code § 103430(b)</p>	<p>Inform judges and judicial officers that no objection is allowed to be made by a third party to a gender change petition. The court’s review is limited to an examination of the papers filed in support of the petition and any questions the court may ask of the petitioner or any other person having knowledge of facts relevant to the matter before the court. The court is required to grant the petition if the physician’s affidavit shows the petitioner has undergone clinically appropriate treatment for the purpose of gender transition.</p>
<p><b>4 Filing of decree</b></p> <p>Provides that a certified copy of the</p>	<p><b>Filing of decree</b></p> <p>Provides that <i>if the judgment includes</i></p>	<p>Review and revise clerical</p>

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Existing Law	New Law	Impact on Court
<p>decree of the court ordering the new birth certificate shall, within 30 days from the date of the decree, be filed with the State Registrar.</p> <p>Health and Safety Code § 103430(c)</p>	<p><i>an order for a new birth certificate and the person was born in this state,</i> a certified copy of the decree of the court ordering the new birth certificate shall, within 30 days from the date of the decree, be filed with the State Registrar.</p> <p>Health and Safety Code § 103430(c)</p>	<p>procedures to provide a certified copy of a judgment related to a change of gender petition will only be required to be filed with the State Registrar when the judgment includes an order for a new birth certificate and the person whose gender is being changed was born in this state.</p>
<p><b>5 Form and contents of certificate</b></p> <p>Provides that the new birth certificate shall indicate the sex of the registrant as it has been surgically altered and shall reflect any change of name specified in the application if accompanied by a court order, as prescribed by Section 103425.</p> <p>Health and Safety Code § 103430(d)</p>	<p><b>Form and contents of certificate</b></p> <p>Provides that the new birth certificate shall indicate the sex of the registrant <i>as specified in the judgment of the court</i> and shall reflect any change of name specified in the application if accompanied by a court order, as prescribed by Section 103425.</p> <p>Health and Safety Code § 103430(d)</p>	<p>No operational impact on the court.</p>
<p><b>6 Petition for change of name and issuance of new birth certificate;</b></p>	<p><b>Petition for change of name and issuance of new birth certificate;</b></p>	

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<b>Existing Law</b>	<b>New Law</b>	<b>Impact on Court</b>
<p><b>procedure</b></p> <p>Provides that in lieu of separate proceedings, a single petition for a name change and new birth certificate reflecting the change of gender may be filed with the superior court. Specifies that with respect to such a petition, the court shall follow the general procedures governing name changes set forth in Code of Civil Procedure section 1275 et seq. (including the order to show cause procedure in section 1277).</p> <p>Health and Safety Code § 103435</p>	<p><b>procedure</b></p> <p>Authorizes a single petition to be filed with the superior court for the name change and recognition of the petitioner’s gender change, and if requested to order that a new birth certificate be issued. Creates an exception to the general procedures governing name changes by providing that the order to show cause in such cases shall not include the petition to recognize the change of gender.</p> <p>Health and Safety Code § 103435</p>	<p>Advise judges and judicial officers and revise clerical screening requirements to provide the Order to Show Cause in combined name change and change of gender proceedings need not include the change of gender portion of the petition. The order to show cause requirements set forth in the name change statutes do not apply to gender change petitions.</p>

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**AB 1403 (Committee on Judiciary)  
Chapter 409, Statutes of 2011  
Civil actions**

**Effective: 01/01/2012**

**Summary Description of New Law**

Makes various changes to the law governing voir dire in civil trials, including: (1) providing that the trial judge should allow a brief opening statement by counsel for each party prior to the commencement of the oral questioning phase of the voir dire process; (2) prohibiting a blanket policy of time limits for voir dire; (3) providing that the parties should be given reasonable time to evaluate the responses to any written questionnaires, if used, before oral questioning commences; and (4) providing that the judge in civil trials should provide the parties with both the alphabetical list and the list of prospective jurors in the order in which they will be called. Amends the statute governing additur and remittitur to: (1) provide that if a deadline is not set forth in the conditional order, the deadline for acceptance or rejection of the addition or reduction of damages is 30 days from the date the conditional order granting a new trial is issued; (2) provide that failure to respond to the order shall be deemed a rejection of the addition or reduction of damages, and a new trial limited to the issue of damages shall be granted automatically; and (3) require a party serving an acceptance of a conditionally ordered addition or reduction of damages to prepare an amended judgment reflecting the modified judgment amount as well as any other uncontested judgment awards. Provides that a prevailing party can recover costs for court interpreter fees for a qualified court interpreter, authorized by the court for an indigent person, as specified.

	Existing Law	New Law	Impact on Court
1	<p><b>Voir dire</b> Sets forth procedures governing voir dire in civil trials. Code of Civil Procedure § 222.5 Does not address the use of brief</p>	<p><b>Voir dire</b> Makes various changes to the law governing voir dire in civil trials, including: Specifying that the trial judge <i>should</i></p>	<p>No operational impact.  Inform judges and judicial officers of</p>

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Existing Law	New Law	Impact on Court
opening statements by counsel.	allow a brief opening statement by counsel for each party prior to the commencement of the oral questioning phase of the voir dire process;	the statutory preference for allowing each party the chance to briefly address a jury panel prior to the questioning phase of voir dire.
Provides that specific unreasonable or arbitrary time limits shall not be imposed.	Clarifying that the bar on imposing unreasonable or arbitrary time limits applies in all civil cases, and reinforcing this point by providing that the trial judge shall not establish a blanket policy of a time limit for voir dire;	Inform judges and judicial officers of the prohibition on imposing a blanket policy of time limits on voir dire.
Provides that a court <i>should</i> not arbitrarily or unreasonably refuse to submit reasonable written questionnaires, the contents of which are determined by the court in its sound discretion, when requested by counsel.	Providing that a court <i>shall</i> not arbitrarily or unreasonably refuse to submit reasonable written questionnaires, the contents of which are determined by the court in its sound discretion, when requested by counsel.	Inform judges and judicial officers of the prohibition against unreasonably or arbitrarily refusing to allow the use of a written jury questionnaires.
Does not address the time to be	Providing that <i>if a questionnaire is utilized</i> , the parties <i>should</i> be given	Inform judges and judicial officers of the statutory changes to the

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Existing Law	New Law	Impact on Court
<p>provided to counsel to evaluate the responses to questionnaires following the court's approval of their use.</p> <p>Does not address the provision of juror lists to counsel.</p>	<p><i>reasonable</i> time to evaluate the responses to any written questionnaires before oral questioning commences; and</p> <p>Specifying that to help facilitate the jury selection process, the judge in civil trials <i>should</i> provide the parties with both the alphabetical list and the list of prospective jurors in the order in which they will be called.</p> <p>Code of Civil Procedure § 222.5</p>	<p>preference for allowing counsel a reasonable amount of time to evaluate the responses to written jury questionnaires, when utilized, prior to commencement of oral questioning.</p> <p>Inform judges and judicial officers of the statutory preference for providing counsel with both an alphabetical list of the prospective jurors and a list setting forth the order in which they will be called.</p>
<p><b>2 Additur/remittitur</b></p> <p>Permits a party to move for a new trial on the issue of damages where he or she believes the jury award was either inadequate or excessive. Provides that when a new trial limited to the issue of damages would be proper, a judge may in his</p>	<p><b>Additur/remittitur</b></p> <p>Amends the statute governing additur and remittitur to:</p> <p>Provide that if a deadline is not set forth in the conditional order, the deadline for acceptance or rejection of the addition or reduction of damages is 30 days from the date the</p>	<p>Inform judges and judicial officers of the statutory changes to the additur/remittitur process.</p> <p>Clerks should revise their procedures to establish a calendaring system for tracking the 30 day time period within which the change in</p>

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Existing Law	New Law	Impact on Court
<p>or her discretion, make an order granting the new trial, subject to the condition that the motion for new trial is denied if the party against whom the verdict has been rendered consents to an addition to the award (known as “additur”), or if the party for whom the judgment was awarded consents to a reduction to the award (known as “remittitur”), in an amount that the court, in its independent judgment, determines from the evidence to be fair and reasonable.</p> <p>Code of Civil Procedure § 662.5</p>	<p>conditional order granting a new trial is issued.</p> <p>Code of Civil Procedure § 662.5(b)</p> <p>Provide that failure to respond to the order shall be deemed a rejection of the addition or reduction of damages, and a new trial limited to the issue of damages shall be granted automatically.</p> <p>Code Civil Procedure § 662.5(b)</p> <p>Require a party serving an acceptance of a conditionally ordered addition or reduction of damages to prepare an amended judgment reflecting the modified judgment amount as well as any other uncontested judgment awards.</p> <p>Code of Civil Procedure § 662.5(c)</p>	<p>damages must be accepted or new trial granted. This would include establishing a procedure for the court to automatically grant a new trial if there is no response to the addition or reduction in the amount of the judgment.</p> <p>Clerks need to set up an additional tracking system to make sure, if accepted, the judgment is amended as specified in the order.</p>
<p><b>3 Recoverable costs</b></p> <p>Provides that a prevailing party is generally entitled to recover specified costs in an action or</p>	<p><b>Recoverable costs</b></p> <p>Adds court interpreter fees for a qualified court interpreter to the list of those costs that may be recovered</p>	<p>No operational change.</p> <p>Inform judges and judicial officers that the costs for qualified court</p>

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<b>Existing Law</b>	<b>New Law</b>	<b>Impact on Court</b>
proceeding and lists the items that are recoverable costs. Code of Civil Procedure § 1033.5	when the court has authorized a court interpreter for an indigent person represented by a qualified legal services project, as defined. Code of Civil Procedure § 1033.5(a)(12)	interpreters are now recoverable as specified.

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**SB 221 (Simitian)**  
**Chapter 64, Statutes of 2011**  
**Small claims court: jurisdiction**

**Effective: 01/01/2012**

**Summary Description of New Law**

Increases small claims court jurisdiction for actions brought by natural persons from \$7,500 to \$10,000. Delays operation of this increase until January 1, 2015, only for bodily injury claims resulting from vehicle accidents in cases where a defendant is covered by an automobile insurance policy that includes a duty to defend.

Existing Law	New Law	Impact on Court
<p>1 <b>Small claims jurisdiction</b> Provides that small claims courts have jurisdiction in an action brought by a natural person, if the amount of the demand does not exceed \$7,500. Code of Civil Procedure § 116.221</p>	<p><b>Small claims jurisdiction</b> Increases small claims court jurisdiction for actions brought by natural persons from \$7,500 to \$10,000. Code of Civil Procedure § 116.221</p>	<p>Inform judges and judicial officers and clerical staff of increase to \$10,000 for claims brought by natural persons, except for personal injury claims arising from an automobile accident where the defendant is covered by an insurance policy that includes a duty to defend.</p> <p>When hearing claims in excess of \$7,500 for damages for bodily injuries resulting from an automobile accident, judges and judicial officers may wish to inquire whether a defendant is covered by an automobile insurance policy that includes a duty to defend. If so, the</p>

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Existing Law	New Law	Impact on Court
		<p>judge or judicial officer may wish to give the plaintiff the opportunity to file the claim in the superior court or reduce the claim to \$7,500.</p> <p>Statewide Civil Fee Schedule may need to be updated to reflect changes.</p> <p>SC-100 and SC-100-INFO Judicial Council forms to be updated to reflect changes.</p>
<p><b>2 Exemption</b></p> <p>Does not create exemptions for actions brought in small claims court pertaining to bodily injury claims resulting from vehicle accidents.</p>	<p><b>Exemption</b></p> <p>Delays operation of the above increase until January 1, 2015, only for bodily injury claims resulting from vehicle accidents in cases where a defendant is covered by an automobile insurance policy that includes a duty to defend.</p> <p>Code of Civil Procedure § 116.224</p>	<p>See above.</p>
<p><b>3 Technical changes</b></p> <p>Contains duplicate provisions that established the \$7,500 jurisdictional</p>	<p><b>Technical changes</b></p> <p>Makes a technical change by deleting this duplicate provision.</p>	<p>No operational impact.</p>

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Existing Law	New Law	Impact on Court
limit for actions brought by natural persons.  Code of Civil Procedure § 116.221, as added by Section 2 of Chapter 618 of the Statutes of 2005	Stats. 2011, ch. 64, § 2	

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**SB 384 (Evans)**  
**Chapter 419, Statutes of 2011**  
**Civil actions**

**Effective: 01/01/2012**

**Summary Description of New Law**

Requires the payment of a single complex case fee on behalf of all plaintiffs, as specified, and provides that these changes are declaratory of existing law. Authorizes, until January 1, 2015, a party to move for summary adjudication of a legal issue or claim for damages other than punitive damages that does not completely dispose of a cause of action, an affirmative defense, or an issue of duty according to specified procedures. Clarifies that a demand for money served by an attorney to a building owner or tenant containing a construction-related accessibility claim, which must under existing law include a written advisory of the owner’s or tenant’s rights and obligations, is defined as such whether or not the attorney intends to file a complaint and whether or not the attorney eventually files a complaint in state or federal court. Provides that a violation of an attorney’s obligation to include a written advisory of rights and obligations to a defendant regarding a construction-related accessibility claim constitutes cause for the imposition of discipline against the attorney.

Existing Law	New Law	Impact on Court
<p><b>1 Complex fees</b></p> <p>Provides that, in addition to the first appearance fee, a complex case fee shall be paid to the clerk at the time of the filing of the first paper if the case is designated as complex pursuant to the California Rules of Court. Provides that the total complex fees collected from all plaintiffs appearing in a complex</p>	<p><b>Complex fees</b></p> <p>Provides that, in addition to the first paper filing fee required by Section 70611 or 70613, a <i>single</i> complex case fee shall be paid to the clerk <i>on behalf of all plaintiffs, whether filing separately or jointly</i>, either at the time of the filing of the first paper if the case is designated as complex pursuant to the California Rules of</p>	<p>Revise court business office operational procedures and inform all judges and judicial officers that only a single complex case fee is to be charged on behalf of all plaintiffs to ensure uniform compliance with Section 70616.</p>

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Existing Law	New Law	Impact on Court
<p>case shall not exceed \$10,000. Government Code § 70616(a)</p>	<p>Court, or, if no such designation was made, in each case in which a court determines that the case is a complex case pursuant to the California Rules of Court, within 10 calendar days of the filing of the court's order.</p> <p>Government Code § 70616(a)</p> <p>Provides that the above clarifying amendments do not constitute a change in, but are declaratory of, existing law.</p> <p>Government Code § 70616(h)</p>	
<p>2 <b>Partial summary adjudication</b></p> <p>Provides that a party may move for summary adjudication in any action or proceeding if it is contended that the action has no merit or that there is no defense to the action or proceeding.</p> <p>Code of Civil Procedure § 437c(f)(1)</p> <p>Provides that a motion for summary adjudication shall be granted only if it completely disposes of a cause of</p>	<p><b>Partial summary adjudication</b></p> <p>Authorizes, until January 1, 2015, a party to move for summary adjudication of a legal issue or claim for damages other than punitive damages that does not completely dispose of a cause of action, an affirmative defense, or an issue of duty, as specified below.</p> <p>Code of Civil Procedure § 437c(s)(1), (u)</p>	<p>Inform judges, judicial officers, legal support staff, and courtroom staff of the procedural provisions and time frames related to the newly authorized motion for partial summary adjudication.</p>

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Existing Law	New Law	Impact on Court
<p>action, an affirmative defense, a claim for damages, or an issue of duty.</p> <p>Code of Civil Procedure § 437c(f)(1)</p>	<p>Provides that a partial summary adjudication motion may be brought only upon the stipulation of the parties whose claims or defenses are put at issue by the motion and a <i>prior determination and order by the court</i> that the motion will further the interests of judicial economy, by reducing the time to be consumed in trial, or significantly increase the ability of the parties to resolve the case by settlement.</p> <p>Code of Civil Procedure § 437c(s)(2)</p> <p>Specifies that before such a motion may be filed, the parties shall submit to the court a joint stipulation clearly setting forth the issue or issues to be adjudicated, with a declaration from each stipulating party demonstrating that a ruling on the motion will further the interests of judicial economy by reducing the time to be consumed in trial or significantly increasing the probability of</p>	

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Existing Law	New Law	Impact on Court
	<p>settlement.</p> <p>Code of Civil Procedure § 437c(s)(3) Provides that within 15 days of the court’s receipt of the stipulation and declarations, unless the court has good cause for extending the time in which to make the determination, the court shall notify the submitting parties as to whether the motion may be filed.</p> <p>Code of Civil Procedure § 437c(s)(3) Provides that if the court elects not to allow the filing of the motion, the stipulating parties may request, and upon that request the court shall conduct, an informal conference with the stipulating parties to permit further evaluation of the proposed stipulation; but no further papers may be filed by the parties in support of the proposed motion.</p> <p>Code of Civil Procedure § 437c(s)(3)</p>	<p>Courts must develop operational procedures to track the filing of these stipulations to make sure they are acted upon by the court within 15 days of receipt.</p> <p>Court should establish procedures for scheduling informal conferences for parties seeking leave to file motions for partial summary adjudication pursuant to Code of Civil Procedure section 437c(s)(3).</p>

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Existing Law	New Law	Impact on Court
	<p>Specifies that any motion for partial summary adjudication shall contain the following language, or its substantial equivalent, in the notice of motion:</p> <p>“This motion is made pursuant to subdivision (s) of Section 437c of the Code of Civil Procedure. The parties to this motion stipulate that the court shall hear the motion and that the resolution of this motion will either further the interests of judicial economy by reducing the time to be consumed in trial or significantly increase the ability of the parties to resolve the case by settlement.”</p> <p>Code of Civil Procedure § 437c(s)(4)</p> <p>Provides that the notice of motion shall be signed by counsel for all parties, and by those parties in propria persona, to the motion.</p> <p>Code of Civil Procedure § 437c(s)(5)</p> <p>Provides that the joint stipulation shall be served on all parties, as</p>	<p>Inform judges and judicial officers of the new notice requirements that must be met for motions for partial summary adjudication pursuant to Code of Civil Procedure section 437c(s).</p>

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Existing Law	New Law	Impact on Court
	<p>specified.</p> <p>Code of Civil Procedure § 437c(s)(6) Provides that if, within 10 days of the submission of the stipulation, any non-stipulating party files an objection to the determination of the issue, the court may consider the objection in determining whether or not to allow the partial summary adjudication motion to be filed.</p> <p>Code of Civil Procedure § 437c(s)(6) Provides that a motion for partial summary adjudication may be made by itself or as an alternative to a motion for summary judgment and shall proceed in all procedural respects as a motion for summary judgment.</p> <p>Code of Civil Procedure § 437c(s)(7)</p>	
<p><b>3 Attorney advisory obligations in construction-related accessibility cases</b></p> <p>Requires an attorney to provide a</p>	<p><b>Attorney advisory obligations in construction-related accessibility cases</b></p> <p>Clarifies that the requirement to</p>	<p>No court impact.</p>

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<b>Existing Law</b>	<b>New Law</b>	<b>Impact on Court</b>
<p>written advisory to a building owner or tenant with each demand for money or complaint for specified construction-related accessibility claims.</p> <p>Civil Code § 55.3</p> <p>Provides for the imposition of discipline against an attorney for specified wrongs.</p> <p>Business and Professions Code § 6016 et seq.</p>	<p>provide the written advisory applies whether or not the attorney intends to file a complaint or eventually files a complaint in state or federal court.</p> <p>Civil Code § 55.3(a)(2)</p> <p>Provides that a violation of the above requirements may also subject the attorney to disciplinary action.</p> <p>Business and Professions Code § 6016.2</p>	

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**Civil**

**SB 731 (Committee on Judiciary)  
Chapter 49, Statutes of 2011  
Civil actions**

**Effective: 01/01/2012**

**Summary Description of New Law**

Improves the handling of judicial arbitration awards, and streamlines the procedures governing vexatious litigants. In the judicial arbitration area: (1) provides that a party need not file a request for a trial de novo to stop entry of the arbitrator's award as the judgment in the case but instead could file a request for dismissal; and (2) gives parties up to 60 days after the filing of the arbitrator's award to file either of the requests. In the vexatious litigants area: (1) clarifies that the vexatious litigant statute applies to matters in the Courts of Appeal, as well as the trial courts, and that a presiding justice or judge may delegate authority to make the pre-filing determination that an individual is a vexatious litigant or is permitted to file an action; (2) authorizes the presiding justice or presiding judge to order that notice be given of a vexatious litigant's status if the clerk mistakenly files litigation without a pre-filing order; and (3) provides procedures for an application to vacate a pre-filing order and remove a litigant's name from the Judicial Council's list of vexatious litigants, along with guidance for the courts in deciding the application.

Existing Law	New Law	Impact on Court
<p><b>1 Judicial arbitration</b></p> <p>Provides that specified arbitration awards are final unless a request for a de novo trial is filed within 30 days after the date the arbitrator files the award with the court.</p> <p>Code of Civil Procedure § 1141.20(a)</p>	<p><b>Judicial arbitration</b></p> <p>Provides that a party need not file a request for a trial de novo to stop the arbitrator's award from becoming final but instead could file a request for dismissal.</p> <p>Code of Civil Procedure § 1141.20(a)</p> <p>Extends from 30 to 60 days after the</p>	<p>Inform judges, judicial officers, and courtroom staff of the additional option of filing a request for dismissal to preclude entry of judgment pursuant to an arbitration award. Inform judges, judicial officers, and courtroom staff of the extended time frame for entering a</p>

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Existing Law	New Law	Impact on Court
<p>Requires the arbitration award to be in writing, signed by the arbitrator and filed in the court in which the action is pending. Provides that if there is no request for a de novo trial and the award is not vacated, then the award shall be entered in the judgment book in the amount of the award and have the same force and effect as a final judgment in any civil action or proceeding, except that it is not subject to appeal nor may be set aside except as specified under limited circumstances.</p> <p>Code of Civil Procedure § 1141.23</p>	<p>filing of the arbitrator’s award the timeline for a party to file either the request for dismissal or for a new trial.</p> <p>Code of Civil Procedure § 1141.20(a)</p> <p>Makes corresponding change to this provision by specifying that if there is no request for a de novo trial <i>or a request for dismissal in the form required by the Judicial Council</i> and the award is not vacated, the award shall be entered in the judgment book in the amount of the award.</p> <p>Code of Civil Procedure § 1141.23</p>	<p>judgment in the absence of a request for trial de novo or for dismissal.</p>
<p><b>2 Vexatious litigants</b></p> <p>Sets forth statutory scheme governing vexatious litigants,</p>	<p><b>Vexatious litigants</b></p> <p>Clarifies that the statute governing vexatious litigants applies to matters</p>	<p>Inform justices, judges, and judicial officers of the presiding justice’s or</p>

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**Civil**

Existing Law	New Law	Impact on Court
<p>including authorizing a court to enter a pre-filing order that prohibits a vexatious litigant from filing any new litigation in pro per without first obtaining permission of the presiding judge of the court where the litigation is proposed to be filed.</p> <p>Code of Civil Procedure § 391.7</p>	<p>in the Courts of Appeal, as well as the trial courts, and that a presiding justice or judge may delegate the authority to make the pre-filing determination that an individual is a vexatious litigant or is permitted to file an action.</p> <p>Code of Civil Procedure § 391.7</p> <p>Authorizes the presiding justice or presiding judge to order that notice be given of a vexatious litigant's status if the clerk mistakenly files litigation without a pre-filing order.</p> <p>Code of Civil Procedure § 391.7</p> <p>Establishes the following procedure for a vexatious litigant to file an application to vacate a pre-filing order and remove his or her name from the Judicial Council's list of vexatious litigants:</p> <ul style="list-style-type: none"> <li>▪ Application must be filed with the court that entered the pre-filing order.</li> </ul>	<p>presiding judge's authority to delegate the authority to make a pre-filing determination to another justice or judge.</p> <p>Inform justices, judges, judicial officers, and court staff of the authority of the presiding justice or presiding judge or his or her designee to direct the clerk to file and serve on the parties a notice stating that the plaintiff is subject to a pre-filing order if the clerk mistakenly files litigation by a vexatious litigant without a judicial order permitting the filing.</p> <p>Inform justices, judges, judicial officers, and court staff of the new process for a vexatious litigant to</p>

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**Civil**

Existing Law	New Law	Impact on Court
	<p>Code of Civil Procedure § 391.8(a)</p> <ul style="list-style-type: none"> <li>▪ Application must be made before the presiding justice or judge who originally declared the plaintiff to be a vexatious litigant, if the justice or judge is available.</li> </ul>	<p>apply for and obtain a court order vacating a pre-filing order and ordering removal of the litigant’s name from the Judicial Council’s list of vexatious litigants.</p>
	<p>Code of Civil Procedure § 391.8(a)</p> <ul style="list-style-type: none"> <li>▪ If the presiding justice or judge is not available, the application may be made before his or her designee.</li> </ul>	
	<p>Code of Civil Procedure § 391.8(a)</p> <ul style="list-style-type: none"> <li>▪ Authorizes the court to vacate a pre-filing order and remove the plaintiff’s name from the list of vexatious litigants upon a showing of a material change in the facts upon which the order was granted and that the ends of justice</li> </ul>	

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Existing Law	New Law	Impact on Court
	<p>would be served.</p> <p>Code of Civil Procedure § 391.8(b)</p> <p>Limits a vexatious litigant to one application per twelve-month period following the denial of a previous application.</p> <p>Code of Civil Procedure § 391.8(c)</p>	

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**Civil and Criminal**

**AB 141 (Fuentes)**  
**Chapter 181, Statutes of 2011**  
**Jurors: electronic communications**

**Effective: 01/01/2012**

**Summary Description of New Law**

Updates the law regarding prohibited juror communications to reflect the growing availability of electronic information and the increasing use of social media.

Existing Law	New Law	Impact on Court
<p><b>1 Instructions to jury</b></p> <p>Requires the court to give prescribed admonishments to the jury, including a prohibition against conversing with any person on any subject of the trial.</p> <p>Requires the officer in charge of a deliberating jury not to permit any communication by the jury except as ordered by the court.</p> <p>Specifies actions that constitute a contempt of court.</p> <p>Code of Civil Procedure §§ 611, 613, and 1209; Penal Code §§ 166 and 1122</p>	<p><b>Instructions to jury</b></p> <p>Requires the court, when admonishing the jury against conversing about a trial, to clearly explain, as part of the admonishment, that the prohibition applies to all forms of communication, research, and dissemination of information, including electronic and wireless devices. Provides that violation of this admonishment constitutes criminal and civil contempt of court. Clarifies that prohibited communication by a deliberating jury includes any form of electronic or wireless communication.</p>	<p>Inform judges and judicial officers of change in the law to ensure that the required statutory admonishments are incorporated into instructions given to the jury. Monitor revisions to criminal jury instructions and advise judges and judicial officers when they become effective.</p>

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**Civil and Criminal**

Existing Law	New Law	Impact on Court
	Code of Civil Procedure §§ 611, 613, and 1209; Penal Code §§ 166 and 1122	

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**Civil**

**AB 588 (V. Manuel Pérez)**  
**Chapter 76, Statutes of 2011**  
**Tenancy: victims of domestic violence**

**Effective: 01/01/2012**

**Summary Description of New Law**

Amends the recently enacted law governing termination of tenancies based on incidents of domestic violence against tenants by providing that a notice to terminate the tenancy brought by the victim must be given within 180 days (rather than 60 days) of the date the temporary restraining order or emergency protective order against the perpetrator was issued or the report by a police officer was made.

	Existing Law	New Law	Impact on Court
1	<p><b>Tenancy: victims of domestic violence</b></p> <p>Allows a victim of domestic violence 60 days to notify the landlord in writing that he or she is a victim of domestic violence and intends to terminate the tenancy for that reason.</p> <p>Code of Civil Procedure § 1946.7</p>	<p><b>Tenancy: victims of domestic violence</b></p> <p>Allows a tenant who is a victim of domestic violence 180 days to notify the landlord of the intent to terminate the tenancy based upon domestic violence.</p> <p>Code of Civil Procedure § 1946.7</p>	<p>No operational impact.</p> <p>Alert judges and judicial officers that the victim now has 180 days to notify the landlord after a report of domestic violence that the tenant plans on terminating the tenancy.</p>

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Civil, Juvenile, and Probate

SB 647 (Committee on Judiciary)  
Chapter 308, Statutes of 2011  
Civil law: omnibus bill

Effective: 01/01/2012

Summary Description of New Law

Among other things, amends the law governing the process for obtaining a subpoena in connection with an out-of-state proceeding by requiring the first page of the pleading to state whether or not the person filing the document is a party to the out-of-state case. Makes clarifying amendments to recently enacted legislation (AB 131[Evans], Stats. 2009, ch. 413) to allow courts to collect the costs of providing court appointed counsel in dependency cases from those parents who have the ability to pay. Requires the Judicial Council to adopt policies and procedures allowing a court to recover from the money collected the costs associated with implementing the reimbursements program. Makes technical changes to provisions in the Small Claims Act by deleting erroneous cross-references.

	Existing Law	New Law	Impact on Court
1	<b>Interstate and International Depositions and Discovery Act</b> Provides that if an initial petition has been filed, or another dispute arises in the same out-of-state proceeding, under the Interstate and International Depositions and Discovery Act, different fees are imposed for a party to the proceeding than to a petitioner that is not a party to the proceeding, and the petition must contain all of the	<b>Interstate and International Depositions and Discovery Act</b> Requires that any petition filed under the Interstate and International Depositions and Discovery Act in an out-of-state proceeding include whether or not the person filing the document is a party to the out-of-state case on the first page. Further provides that if such petition has been filed and another dispute arises in the same	Review and revise procedures for filing petitions under the Interstate and International Depositions and Discovery Act to have clerks review the first page of the petition to determine the party status in the out-of-state proceeding in order to charge the filing party the proper fee.

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Existing Law	New Law	Impact on Court
<p>following: (a) the caption and case number of the out-of-state case; (b) on the first page, the name of the court in which the document is filed; and (c) on the first page, the case number assigned by the court.</p> <p>Code of Civil Procedure §§ 2029.610 and 2029.620</p>	<p>out-of-state proceeding, then any document filed in the case must include on its first page whether or not the person filing the document is a party to the out-of-state case.</p> <p>Code of Civil Procedure §§ 2029.610 and 2029.620</p>	
<p><b>2 Juvenile: collection of fees and costs for appointed counsel in dependency proceedings</b></p> <p>Authorizes the Franchise Tax Board to collect specified court-ordered debt imposed by a superior court, totaling no less than one hundred dollars.</p> <p>Revenue and Taxation Code § 19280</p> <p>Authorizes the Judicial Council to establish a program to collect reimbursements for costs of counsel appointed to represent parents and minors in dependency proceedings, and allows courts to adopt policies</p>	<p><b>Juvenile: collection of fees and costs for appointed counsel in dependency proceedings</b></p> <p>Authorizes the Franchise Tax Board to collect fees associated with the costs incurred by the county or court for the appointment of counsel to represent parents or minors in dependency proceedings. Deletes a reference to “delinquent reimbursements” and instead would allow courts to recover costs associated with implementing the program for cost reimbursement of counsel appointed to represent parents and minors in dependency</p>	<p>Courts will need to develop a process to recover, from the money collected to reimburse for the costs of appointed counsel, the costs associated with implementing the reimbursement program as a whole, including the costs of assessing a parent’s ability to pay for court-appointed counsel.</p>

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Existing Law	New Law	Impact on Court
<p>and procedures to recover costs associated with collecting delinquent reimbursements.</p> <p>Welfare and Institutions Code Section 903.47</p>	<p>proceedings.</p> <p>Revenue and Taxation Code § 19280; Welfare and Institutions Code Section 903.47</p>	
<p><b>3 Small claims appeal judgments</b></p> <p>Provides that a small claims court shall give the final judgment after a judgment rendered by the superior court after a hearing on appeal except, for good cause and where necessary to achieve substantial justice between the parties, the superior court may award an appealing party with attorney’s fees and costs, as specified, and actual loss of earnings and expenses, as specified.</p> <p>Code of Civil Procedure § 116.780</p> <p>Provides that a judgment of the superior court after a hearing on appeal, and after transfer to the small claims court, may be enforced like</p>	<p><b>Small claims appeal judgments</b></p> <p>Deletes obsolete cross-references in Code of Civil Procedure sections 116.780 and 116.820, relating to rules applicable to a judgment that is entered on a small claims appeal.</p> <p>Code of Civil Procedure §§ 116.780(b) and 116.820(a)</p>	<p>No operational impact.</p>

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Existing Law	New Law	Impact on Court
<p>other judgments of the small claims court.</p> <p>Code of Civil Procedure § 116.820.</p>		
<p>4 <b>Bank levies</b></p> <p>Provides that a deposit account or safe-deposit box standing in the name of a person other than the judgment debtor is not subject to levy unless authorized by a court order. Further provides that a court order is not required as a prerequisite to levy on a deposit account or safe-deposit box standing in the name of: (1) the judgment debtor; (2) the judgment debtor's spouse; (3) a fictitious business name, as specified; and (4) the additional name of a defendant judgment debtor listed on a writ of execution, as specified.</p> <p>Code of Civil Procedure § 700.160</p>	<p>Bank levies</p> <p>Clarifies an erroneous reference to a "defendant" in Code of Civil Procedure section 700.160, relating to levying of safe-deposit accounts, referring instead to the "judgment debtor."</p> <p>Code of Civil Procedure § 700.160(b)(3)</p>	<p>No operational impact.</p>

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	<b>Existing Law</b>	<b>New Law</b>	<b>Impact on Court</b>
5	<p><b>Petition to appoint humane officer</b></p> <p>Requires a humane society or a society for the prevention of cruelty to animals that seeks confirmation of a humane officer’s appointment to comply with the following: (1) prior to filing a Petition for Order Confirming Appointment of a Humane Officer, submit fingerprints and related information of all humane officer applicants to the Department of Justice; (2) prior to filing a petition, serve a copy of the petition on specified individuals; and (3) file the petition in superior court, as specified. Provides that any party served with a copy of the petition may file an opposition to the petition.</p> <p>Corporations Code § 14502</p>	<p><b>Petition to appoint humane officer</b></p> <p>Provides that a humane society or a society for the prevention of cruelty to animals that seeks confirmation of a humane officer’s appointment must serve the Petition for Order Confirming Appointment of a Humane Officer upon the local animal control agency, provided, however, that if the sheriff’s department or police department entitled to notice provides animal control services for the city, no separate notice is required. Clarifies that service of the petition upon all entities required to be served occurs when (but not before) the petition is filed with the court, and fixes a previous drafting error.</p> <p>Corporations Code § 14502</p>	<p>No operational impact. Judicial information only.</p>
6	<p><b>California Tort Claims Act</b></p> <p>Requires an aggrieved person, pursuant to the California Tort</p>	<p><b>California Tort Claims Act</b></p> <p>Clarifies that service of notice of denial of a claim by mail does not</p>	<p>No operational impact. Judicial information only.</p>

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Existing Law	New Law	Impact on Court
<p>Claims Act, to present claims for money or damages to a local public entity prior to filing an action in court, and requires any suit against a public entity to be commenced within six months after written notice of rejection of the claim is personally delivered or deposited in the mail.</p> <p>Government Code § 945.6</p> <p>Provides that any period of notice and any duty of a public entity to respond after receipt of service of a claim, amendment, application, or notice is extended five days upon service of mail, as specified.</p> <p>Government Code § 915.2</p>	<p>extend by five days the statute of limitations for a person to file a complaint against a public agency pursuant to the California Tort Claims Act.</p> <p>Government Code § 915.2</p>	
<p><b>7 Probate: disposition of remains</b></p> <p>Specifies the list of the person or persons who, in an order of priority, have the right to control and duty of disposition of the remains of a</p>	<p><b>Probate: disposition of remains</b></p> <p>Adds the conservator of the person and conservator of the estate, with priority below all persons who are in any degree of kinship with the</p>	<p>No operational impact. Inform judges and judicial officers and probate examiners of the change in the law.</p>

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Existing Law	New Law	Impact on Court
<p>deceased person if other directions have not been given by the decedent. Health and Safety Code § 7100</p>	<p>deceased person and only above that of the public administrator, to the list of persons who have the right to control and the duty of disposition of the decedent's remains. Health and Safety Code § 7100</p>	
<p><b>8 Probate: financial abuse</b> Provides that any person found to have been liable by clear and convincing evidence of fiduciary abuse of a decedent shall not receive any property, damages, or costs that are awarded to the decedent's estate. Probate Code § 259(a)(1) Further provides that, when determining whether to authorize or require a conservator to take a proposed action, the court may consider whether a beneficiary has committed fiduciary abuse against the conservatee. Probate Code § 2583(m)</p>	<p><b>Probate: financial abuse</b> Replaces the term “fiduciary abuse” with the correct term of “financial abuse” and provides the appropriate cross-reference for the proper issuance of a summons in three sections of the Probate Code, as specified. Probate Code §§ 259(a)(1), (d)(4), and 2583(m).</p>	<p>No operational impact. Inform judges and judicial officers and probate examiners of the change in the law.</p>

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New Law	Why New Law is Significant to Trial Courts / Actions to Consider
<p><b>AB 320 (Hill)</b> Effective: 01/01/2012</p> <p><b>Chapter 570, Statutes of 2011</b></p> <p><b><u>Environmental quality: California Environmental Quality Act (CEQA): determination: dispute</u></b></p> <p>Among other things, requires the petitioner or plaintiff in specified CEQA cases to name, as real party in interest, the person or persons (rather than recipients of approval) identified in the public agency’s notice of determination (NOD) or notice of exemption (NOE) or, if no notice is filed, the person or persons referenced in the definition of “project,” as reflected in the agency’s record of proceedings. Clarifies that failure to name potential “persons” (rather than “parties”), other than those real parties in interest identified above, is not grounds for dismissal. Provides that the above provisions do not apply to a proceeding for judicial review filed pursuant to certain CEQA requirements and pending on or before December 31, 2011, or to an action for which a NOD or NOE was filed on or before December 31, 2011, and that the applicable law in effect on that date continues to apply to that proceeding.</p>	<p>Inform judges and judicial officers and, as applicable, legal support staff, of clarifying amendments regarding who must be named as real parties in interest in specified CEQA proceedings to preclude dismissal pursuant to Code of Civil Procedure section 389.</p>

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New Law	Why New Law is Significant to Trial Courts / Actions to Consider
<p><b>AB 456 (Wagner)</b> Effective: 01/01/2012 <b>Chapter 673, Statutes of 2011</b> <b><u>Mechanics liens</u></b> Clarifies that mechanics lien claimants in construction disputes shall specify in the affidavit regarding service of the notice of mechanics lien that the notice was served on the owner or reputed owner of the property.</p>	<p>Inform judges and judicial officers and, as applicable, legal support staff, of clarifying amendments regarding who must be identified as the served parties in a proof-of-service affidavit to enforce a lien.</p>
<p><b>AB 1067 (Huber)</b> Effective: 01/01/2012 <b>Chapter 78, Statutes of 2011</b> <b><u>Civil procedure: orders</u></b> Provides that an order denying a motion for reconsideration made pursuant Code of Civil Procedure section 1008(a) is not separately appealable. Provides further, however, that if the order that was the subject of the motion for reconsideration is appealable, the denial of the motion for reconsideration is reviewable as part of an appeal from that order.</p>	<p>Inform judges and judicial officers that a motion for reconsideration is not separately appealable, but can be reviewable as part of the appeal to the original order.</p>

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New Law	Why New Law is Significant to Trial Courts / Actions to Consider
<p><b>AB 1074 (Fuentes)</b> Effective: 01/01/2012 <b>Chapter 297, Statutes of 2011</b> <b>Personal liability immunity:</b> <b><u>telecommunications service providers</u></b></p> <p>Makes a provider of telecommunications service, or other service, involved in providing 9-1-1 service, as defined, not liable for any civil claim, damage, or loss caused by an act or omission of the company, and other individuals, in the design, development, maintenance, or provision of 9-1-1 service, unless the act or omission that proximately caused the claim, damage, or loss constituted gross negligence, wanton or willful misconduct, or intentional misconduct.</p>	<p>Inform judges and judicial officers of the change in the law regarding immunity for telecommunication service providers.</p>
<p><b>AB 1388 (Wieckowski)</b> Effective: 01/01/2012 <b>Chapter 694, Statutes of 2011</b> <b><u>Earnings withholding orders</u></b></p> <p>Allows the court to grant a judgment debtor's claim of exemption from wage garnishment in cases where the underlying debt was incurred for medical care or hospital services rendered to the judgment debtor or his or her family.</p>	<p>Inform judges and judicial officers that they may grant a debtor's claim of exemption from wage garnishment when the debt was incurred for medical services for either the debtor or his or her family.</p>

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New Law	Why New Law is Significant to Trial Courts / Actions to Consider
<p>Specifically, the bill: (1) deletes a statutory exception for “common necessities of life,” thereby making the portion of the judgment debtor’s earnings that he or she proves is necessary to support himself or herself and his or her family exempt from wage garnishment if the underlying debt was incurred for medical care or hospital services rendered to the judgment debtor or his or her family; (2) codifies an exception for specified orders or awards for attorney’s fees in certain family law proceedings, thereby preserving existing authority, pursuant to case law, to garnish a judgment debtor’s wages pursuant to such an order or award in cases relating to divorce, child custody, and child and spousal support; and (3) clarifies that a statutory reference to “common necessities of life” in the Government Code shall be interpreted consistently with the use of that term as it read in Code of Civil Procedure section 706.051 prior to January 1, 2012.</p>	
<p><b>SB 33 (Simitian)</b> <b>Chapter 372, Statutes of 2011</b> <b><u>Elder and dependent adult abuse</u></b></p>	<p>Effective: 01/01/2012 Inform judges and judicial officers of repeal of the sunset provisions.</p>

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New Law	Why New Law is Significant to Trial Courts / Actions to Consider
<p>Deletes the January 1, 2013, sunset date on the Elder and Dependent Adult Financial Abuse Reporting Act, which extends the operation of the act indefinitely.</p>	
<p><b>SB 328 (Kehoe)</b> Effective: 01/01/2012 <b>Chapter 589, Statutes of 2011</b> <b><u>Eminent Domain Law: conservation easement</u></b> Revises the Eminent Domain Law to establish requirements for acquisition of property subject to a conservation easement. Among other things, establishes that defendants in such cases have all the same rights and obligations as any other defendant in eminent domain proceedings.</p>	<p>Inform judges and judicial officers of the new requirements that must met in eminent domain cases that involve real property that is subject to a conservation easement.</p>
<p><b>SB 337 (Kehoe)</b> Effective: 01/01/2012 <b>Chapter 383, Statutes of 2011</b> <b><u>Tenancy: political signs</u></b> Bars a landlord from prohibiting a tenant from posting or displaying political signs relating to an election or legislative vote, the initiative, referendum, or recall process, or issues</p>	<p>Inform judges and judicial officer that tenants are allowed to post political signs that comply with established time periods and local ordinances.</p>



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New Law	Why New Law is Significant to Trial Courts / Actions to Consider
<p>mortgages or deeds of trust that are secured by the property. Clarifies that the bill's provisions do not impact multiple collateral loans.</p>	
<p><b>SB 474 (Evans)</b> Effective: 01/01/2012 <b>Chapter 707, Statutes of 2011</b> <b><u>Commercial construction contracts: indemnity</u></b> Provides, for non-residential construction contracts executed on and after January 1, 2012 that any term in a contract purporting to indemnify, hold harmless, or defend another person against actual or claimed liability, damage, or expense arising, in whole or in part, from the negligence, willful misconduct, defective design, violation of law, or other fault of that person or that persons agents, employees, independent contractors, subcontractors, or representatives is against public policy and is void and unenforceable. Requires that California law be applied to these contracts regardless of any choice-of-law rules that might otherwise apply. Exempts certain contractual provisions and types of insurance from the bill's provisions, and provides that waiver of these provisions is contrary to public policy, void, and</p>	<p>Inform judges and judicial officers of this change in the law.</p>



