

## **LITIGATION BY THE NUMBERS - FOURTH EDITION**

### **January 2011 Update**

Enclosed is the 39-page January 2011 Update to ***Litigation By The Numbers® - Fourth Edition***. Changes reflect: (1) changes to the CA Courts website, (2) revisions to the C.C.P., C.R.C., and one revised form (non-substantive change to MC-012), and (3) author's tweaks and improvements. The changes are described in more detail below.

- **California Courts website changes** - *[Affects the Disclaimers page and website addresses throughout the book.]* The California Courts website is being redesigned; the address is changing from "courtainfo.ca.gov" to "**courts.ca.gov**." We were able to get the new web addresses for specific pages which will stay the same, e.g., "/forms, /rules," but no one yet knows the addresses for the "deeper" pages. The old links are supposed to work for a while, or at the least redirect to the new home page.
- **Calendaring in general** - *[Affects Chapters 2, 6, Glossary, Index.]*
  - ✓ Goodbye "furlough days" and hello "**limited service days**" (upon which courts might close one or more courtrooms or reduce the hours of one or more of its clerks' offices, or both). Courts may designate limited service days upon 60 days notice; the Judicial Council posts the notices on their website. So far, Lassen, San Francisco, San Mateo, and Santa Cruz counties have given notice. Be sure to watch for those affecting you!
  - ✓ **New C.C.P. § 12c** requires hearing-related deadlines to be calculated by counting backward from the hearing date, starting with the statutory deadline (e.g., 16 court days), and then continuing backward to add the extensions based on service method. **Be sure to heed our warning about the effect of this change on selecting hearing dates!** (See §2.10 for more information, and read Julie's article on this issue at [www.litigationbythenumbers.com/CCP12c.html](http://www.litigationbythenumbers.com/CCP12c.html).)
- **Electronic service** - *[Affects Chapter 2, Glossary, Index.]*
  - ✓ Electronic service now includes "**electronic transmission**" and "**electronic notification**," the former meaning emailing the document as an attachment, the latter meaning emailing a hyperlink where the document can be opened and downloaded. C.R.C., Rule 2.251 (formerly 2.260) imposes various obligations on a party serving by electronic notification to maintain the hyperlink and integrity of the document.
  - ✓ The Judicial Council POS forms for electronic service change references from "electronic notification address" to "**electronic service address**," but they missed the multi-purpose form we use. It will be revised in July. Suggestion: If you have an in-house form for POS by electronic service, change it to refer to "electronic service address."
- **Proposed Orders** - *[These changes affect Chapter 6.]*
  - ✓ **You can no longer mail a Proposed Order to the opposing party.** C.R.C., Rule 3.1312(a) requires that it be served "**in a manner reasonably calculated to ensure delivery by the close of the next business day.**" (See §6.3.12)
  - ✓ There are new rules on **electronically submitting proposed orders to the court** (C.R.C., Rule 3.1312(c)). Two versions must be submitted along with a new **mandatory Judicial Council form**. (See §6.3.12)

- **Expedited Jury Trial Act** -[Affects Introduction, Chapters 7, 9, Appendix A, Glossary, Index.] C.C.P. §§ 630.01-630.10 establishes the **Expedited Jury Trial Act**; C.R.C., 3.1545-3.1552 set forth procedures for litigating under the Act. Parties waive rights to appeal and to bring certain post trial motions; the jury is smaller; the case has to be tried in one day; time for *voir dire* and putting on a case is limited; it has its own deadlines; it allows "high/low agreements," . . . (More in new §7.6!)
- **Miscellaneous Changes**
  - ✓ **Demurrers:** C.R.C., Rule 3.1320(j) clarifies that defendant has 10 days to answer or otherwise plead upon expiration of the time to amend if the demurrer was sustained with leave to amend. (See §6.5.11)
  - ✓ **Appendix F** - Fee Schedule (increases to appearance fees; fee for MSJ went from \$200 to \$500!)
- **Author's Tweaks and Improvements**
  - ✓ Rearranged the Disclaimer page, to highlight and supplement resource references.
  - ✓ Added references in Chapter 2 to §437c re extensions of time; new chart showing sources of extensions; more detail on extensions for mail.
  - ✓ Emphasized unique method of service applicable to oppositions and replies.

Here's how to replace the pages:

Pages to discard	# pp. to discard	# pp. to insert	Pages to discard	# pp. to discard	# pp. to insert
Title page-viii	4	same as discard	7-1 to 7-4	2	same as discard
2-1 to 2-12	6	"	7-25 to 7-30	2	3
2-23 to 2-32	5	"	9-3 to 9-4	1	same as discard
6-1 to 6-2	1	"	9-51 to 9-52	1	"
6-7 to 6-8	1	"	Appendix title page to A-2	2	1
6-21 to 6-24	2	"	Appendix E	1	same as discard
6-29 to 6-30	1	"	Appendix F	1	"
6-45 to 6-46	1	"	Glossary 3-8	3	"
6-53 to 6-54	1	"	Index	3	"
6-57 to 6-58	1	"	//////////	/////	//////////

Thank you for subscribing to the Update Service! As always, should you have any questions, comments or suggestions about the book or the updates, please give us a call or send an email. We truly appreciate hearing from our subscribers, and often make changes as a result!

Best wishes for the NEW YEAR!!

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Lawdable Press