

AMENDED IN SENATE JUNE 28, 2002

AMENDED IN ASSEMBLY MAY 2, 2002

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 2865

Introduced by Assembly Member Koretz

February 25, 2002

~~An act to amend Section 166 of the Code of Civil Procedure, An act to add Section 166.1 to the Code of Civil Procedure, relating to appeals.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 2865, as amended, Koretz. Appellate issues: judges.

Existing law sets forth the matters that trial court judges may decide in chambers, as specified.

This bill would add thereto that, upon the written request of any party or his or her counsel, a trial court judge may indicate in the order that the judge believes there is a controlling question of law as to which there are substantial grounds for a difference of opinion, appellate resolution of which may materially advance the conclusion of the litigation. ~~The bill would also make a technical nonsubstantive change.~~

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

The people of the State of California do enact as follows:

- 1 ~~SECTION 1. Section 166 of the Code of Civil Procedure is~~
- 2 *SECTION 1. Section 166.1 is added to the Code of Civil*
- 3 *Procedure, to read:*

1 166.1. Upon the written request of any party or his or her
2 counsel, a judge, in his or her discretion, may indicate in the
3 court's order that the judge believes there is a controlling question
4 of law as to which there are substantial grounds for difference of
5 opinion, appellate resolution of which may materially advance the
6 conclusion of the litigation.

7 ~~amended to read:~~

8 166. — (a) The judge or judges of the superior courts may, in
9 chambers, in the matters within the jurisdiction of their respective
10 courts:

11 (1) ~~Grant all orders and writs that are usually granted in the first~~
12 ~~instance upon an ex parte application, and hear and dispose of~~
13 ~~those orders and writs, appoint referees, require and receive~~
14 ~~inventories and accounts to be filed, order notice of settlement of~~
15 ~~supplemental accounts, suspend the powers of personal~~
16 ~~representatives, guardians, or conservators in the cases allowed by~~
17 ~~law, appoint special administrators, grant letters of temporary~~
18 ~~guardianship or conservatorship, approve or reject claims, and~~
19 ~~direct the issuance from the court of all writs and process necessary~~
20 ~~in the exercise of their powers in matters of probate.~~

21 (2) ~~Hear and determine all motions made pursuant to Section~~
22 ~~657 or 663.~~

23 (3) ~~Hear and determine all uncontested actions, proceedings,~~
24 ~~demurrers, motions, petitions, applications, and other matters~~
25 ~~pending before the court other than actions for dissolution of~~
26 ~~marriage, for legal separation, or for a judgment of nullity of the~~
27 ~~marriage, and except also applications for confirmation of sale of~~
28 ~~real property in probate proceedings.~~

29 (4) ~~Hear and determine motions to tax costs of enforcing a~~
30 ~~judgment.~~

31 (5) ~~Approve bonds and undertakings.~~

32 (6) ~~Upon the written request of any party or his or her counsel,~~
33 ~~indicate in the court's order that the judge believes there is a~~
34 ~~controlling question of law as to which there are substantial~~
35 ~~grounds for a difference of opinion, appellate resolution of which~~
36 ~~may materially advance the conclusion of the litigation.~~

37 (b) ~~A judge may, out of court, anywhere in the state, exercise~~
38 ~~all the powers and perform all the functions and duties conferred~~



1 ~~upon a judge as contrasted distinguished from the court, or that a judge~~
2 ~~may exercise or perform in chambers.~~

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