

Assembly Bill No. 2865

Passed the Assembly August 22, 2002

Chief Clerk of the Assembly

Passed the Senate August 19, 2002

Secretary of the Senate

This bill was received by the Governor this _____ day of
_____, 2002, at _____ o'clock __M.

Private Secretary of the Governor



CHAPTER _____

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

LEGISLATIVE COUNSEL'S DIGEST

AB 2865, 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, or at his or her own discretion, a trial court judge may indicate in any interlocutory order a belief that 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. There would be no grounds for a writ or appeal from the decision of the trial judge in this regard.

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

SECTION 1. Section 166.1 is added to the Code of Civil Procedure, to read:

166.1. Upon the written request of any party or his or her counsel, or at the judge's discretion, a judge may indicate in any interlocutory order a belief that there is a controlling question of law as to which there are substantial grounds for difference of opinion, appellate resolution of which may materially advance the conclusion of the litigation. Neither the denial of a request for, nor the objection of another party or counsel to, such a commentary in the interlocutory order, may be grounds for a writ or appeal.



Approved _____, 2002

Governor

