

**ASSEMBLY BILL**

**No. 2284**

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**Introduced by Assembly Member Evans**

February 18, 2010

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An act to add Section 631.01 to the Code of Civil Procedure, relating to civil actions.

LEGISLATIVE COUNSEL'S DIGEST

AB 2284, as introduced, Evans. Jury trial: rules of court.

Existing law establishes the right to a trial by jury, and provides that a jury may be waived in a civil case only pursuant to specified manners. Under existing law, a jury trial consists of 12 persons, except that in civil actions and cases of misdemeanor, it may consist of 12 or any number less than 12, upon which the parties may agree. Existing law provides for the review of a judgment or order in a civil action or proceeding by appeal, and requires the Judicial Council to prescribe rules for the practice and procedure on appeal consistent with state law. Existing law requires the Judicial Council to provide by rule the practice and procedure for coordination of civil actions in convenient courts, including provision for giving notice and presenting evidence. Existing law authorizes the Judicial Council to promulgate rules governing pretrial conferences, and the time, manner, and nature thereof, in civil cases at issue, or in one or more classes thereof, in the superior courts.

This bill would authorize the Judicial Council to adopt rules of court to establish procedures for conducting expedited jury trials in civil cases where the parties stipulate that those rules and procedures shall apply, including provision for a jury of fewer than 12 members.

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

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

1 SECTION 1. Section 631.01 is added to the Code of Civil  
2 Procedure, to read:  
3 631.01. The Judicial Council, consistent with its rulemaking  
4 authority, is specifically authorized to adopt rules of court to  
5 establish procedures for conducting expedited jury trials in civil  
6 cases where the parties stipulate that those rules and procedures  
7 shall apply, including provision for a jury of fewer than 12  
8 members pursuant to Section 220.

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