

**CALIFORNIA
ACADEMY OF
APPELLATE
LAWYERS**

May 18, 2026

Via E-mail: invitations@jud.ca.gov

President

Benjamin G. Shatz
Duane Morris LLP
865 S. Figueroa St., Suite 3100
Los Angeles, CA 90017

Vice President

Judith E. Posner
Benedon & Serlin, LLP
22708 Mariano St.
Woodland Hills, CA 91367

Treasurer

Nathaniel P. Garrett
Jones Day
555 California St., 26th Floor
San Francisco, CA 94104

Secretary

Todd E. Lundell
Sheppard, Mullin, Richter
& Hampton LLP
650 Town Center Dr., 10th Floor
Costa Mesa, CA 92626

EXECUTIVE COMMITTEE

Raymond A. Cardozo
Michael G. Colantuono
Nathaniel P. Garrett
Laurie J. Hepler
Kirk C. Jenkins
Todd E. Lundell
Joseph P. Mascovich
Steven L. Mayer
Judith E. Posner
Sean M. SeLegue
Benjamin G. Shatz
John A. Taylor, Jr.

WWW.CALAPPELLATE.ORG

Judicial Council of California
455 Golden Gate Avenue
San Francisco, CA 94102-3688

Re: Comments on SPR26-14

Dear Judicial Council of California,

The California Academy of Appellate Lawyers (calappellate.org), referred to herein as the Academy, one of the nation's first bar organizations devoted to appellate practice, provides comments to the Judicial Council's proposed revisions to the rules addressing statements of decision. As set forth below, the Academy is generally opposed to new proposed rule 3.1590 as it is superfluous, merely duplicates a detailed statute that takes effect on January 1, 2027, and creates confusion and extra material for lawyers and courts to read and digest.

The new proposed rule reads somewhat like a practice guide, but the Academy does not believe the rules of court are to function as a practice guide. Rather, they should fill holes or add requirements that statutes do not already impose. While the deadlines set forth in the proposed rule are arguably new, they are also unnecessary because the statute provides that a court can change them for any time and for any reason.

Cal. R. Ct. 3.1590

(a) Request for statement of decision

A request for a statement of decision must satisfy the requirements of Code of Civil Procedure section 632(a). Request for Statement of Decision (form CIV-175) may be used for making a request.

This provision appears superfluous and passive. The Academy does not believe the purpose of the rules of court should be to flag the existence of optional forms, which is what this proposed rule does.

(b) Preparation and service of statement of decision

(1) If a party requests a statement of decision under Code of Civil Procedure section 632(a), the court must, within 90 days of the submission of the matter for decision, prepare and serve a statement of decision on all parties that appeared at the trial, unless the court has ordered a party to prepare a draft statement of decision.

(2) Unless the court has specified a different time period, a party that has been ordered to prepare a draft statement of decision must file and serve the draft within 30 days after the submission of the matter for decision.

(A) If the draft statement of decision is not filed and served within that time, the court may prepare and serve a statement of decision, order another party to prepare a draft statement of decision, or, if the party who failed to prepare the draft was the only party who timely requested a statement of decision, order that the statement of decision is deemed waived.

(B) If the draft statement of decision is filed and served within that time, the court must thereafter issue and serve a statement of decision on the parties.

The Academy recommends deleting subsection (b)(1) and (2). Code of Civil Procedure section 632, subdivision (d), already provides that the

court may order the parties to prepare the statement of decision. We do not think the deadlines are necessary or helpful. There is no need to specify that a party who fails to comply with a court order directing the party to prepare a statement of decision has waived something. The court can simply issue a short statement of decision. There also is no need for a default deadline of 30 days, which the court can alter if it wants. The proposed changes complicate the statement of decision process without reason, as the statute says the court can change any of the proposed deadlines.

(c) Preparation and service of proposed judgment

The court may prepare and serve a proposed judgment on all parties that appeared at the trial or the court may order a party to, within the time specified by the court, prepare, serve, and lodge the proposed judgment as provided in Code of Civil Procedure section 632(f).

We recommend deleting this provision as it simply duplicates the statutory language.

(d) Objection to statement of decision or proposed judgment

Any party may object to a statement of decision or proposed judgment as provided in Code of Civil Procedure section 632(e) and (f). *Objection to Statement of Decision* (form CIV-176) may be used for objecting to a statement of decision. *Objection to Proposed Judgment* (form CIV-177) may be used for objecting to a proposed judgment.

We recommend deleting this provision for the same reasons stated in relation to subdivision (a) above, as it merely duplicates the statute and flags the existence of an optional form. We already know that Judicial Council forms may be used for the purpose that the Judicial Council specified.

(e) Signing and filing of judgment

Upon resolution of the procedures specified in Code of Civil Procedure section 632 and this rule for preparing and finalizing a statement of decision and for preparing and resolving objections, if any, to a proposed judgment, the court must thereafter sign and file the judgment to enable the clerk to timely enter judgment under Code of Civil Procedure section 664(b). An electronic signature by the court is as effective as an original signature.

We recommend deleting this provision. The statute provides that a party may file objections within 10 days after service of the proposed judgment. (New section 632(f)(2).) Also, judgment must be entered within 30 days after the statement of decision becomes final. (New section 644(b).) Further, we are unclear of any difference between filing the judgment and entering the judgment as referenced in the proposal.

(m) (f) Extension of time; relief from noncompliance; shortening time

- (1) The court may, by written order, extend any of the times prescribed by this rule and.
- (2) At any time before the entry of judgment, the court may, for good cause shown and on such terms as may be just, excuse a noncompliance with the time limits prescribed for doing any act required by this rule.
- (3) In any action under the Family Code, the court may, by written order and upon a finding of good cause, shorten any of the times prescribed by this rule.

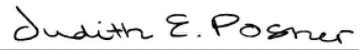
Judicial Council of California

May 18, 2026

Page 5

We recommend deleting these proposed changes, which just duplicate the statute.

Respectfully Submitted,



Judith E. Posner

Academy Vice President

Scott M. Reddie – Chair

David Carpenter

Blaine Evanson

Rex Heinke

James C. Nielsen

Brian A. Sutherland

Rules Commentary &

Legislative Suggestions Committee