



Judicial Council of California

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REPORT TO THE JUDICIAL COUNCIL

Item No.: 25-085

For business meeting on April 25, 2025

Title

Civil Practice and Procedure: Termination of Complex Coordination Proceedings and Actions

Report Type

Action Required

Effective Date

July 1, 2025

Rules, Forms, Standards, or Statutes Affected

Adopt Cal. Rules of Court, rule 3.546; amend rule 3.545

Date of Report

March 28, 2025

Recommended by

Civil and Small Claims Advisory Committee
Hon. Donald J. Proietti, Chair

Contact

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Executive Summary

The Civil and Small Claims Advisory Committee proposes amending California Rules of Court, rule 3.545 and adopting rule 3.546 to adjust court procedures for coordinated actions and coordination proceedings. The recommended rule amendment and new rule aim to address concerns that the existing rules on these matters are overly burdensome for courts and do not contain a process to terminate coordination proceedings.

Recommendation

The Civil and Small Claims Advisory Committee recommends that the Judicial Council, effective July 1, 2025:

1. Adopt California Rules of Court, rule 3.546 to specify procedures for terminating coordination proceedings; and
2. Amend California Rules of Court, rule 3.545 to modify the procedures courts must follow when terminating coordinated actions.

The text of the proposed amended rule and new rule is attached at pages 5–6.

Relevant Previous Council Action

The Judicial Council adopted numerous rules effective January 1, 1974, to govern the practice and procedure of coordination of civil actions pending in different trial courts that share a common question of fact or law, as required by recently enacted laws. Those rules contained rule 1545, which is now numbered 3.545. The council has amended the provisions of rule 3.545 once since adoption—in 2004—to require notice of dismissal or termination of a coordinated action to be served on the Chair of the Judicial Council and to make other minor formatting and style changes.

Analysis/Rationale

Under sections 404 through 404.9 of the Code of Civil Procedure and rules 3.500 through 3.550 of the California Rules of Court, multiple cases with shared questions of law or fact may be joined and adjudicated as a Judicial Council coordination proceeding (JCCP) assigned to a coordination trial judge in a single superior court. This proposal aims to address two shortcomings that have been identified in the rules for coordination proceedings.

First, there is no rule that expressly states how, if ever, a JCCP is closed.¹ The committee recommends adoption of proposed rule 3.546 to provide a clear process by which a JCCP can be terminated with appropriate notice to both the Chair of the Judicial Council² and the courts where the underlying actions originated. Additionally, the proposed rule would require the court to provide notice of intent to terminate the coordination proceeding to all parties to pending cases in the coordinated proceeding and would give those parties an opportunity to object to the termination.

Second, the current service requirements in rule 3.545 are burdensome to court staff providing administrative support for the coordination proceeding. Specifically, subdivision (b) of the rule requires the coordination trial judge, for each terminated or dismissed action, to provide a certified copy of a judgment or other similar order to the court from which any given case was transferred into the JCCP. The committee thus recommends rule amendments to modify this procedure.

Under the proposed amendments, the prevailing party in the action, and not the coordination court, is required to provide the originating court with copies of judgments and orders dismissing or terminating actions within the JCCP. To facilitate this procedure, the rule would also be

¹ Rule 3.511(a)(12) requires that, among other things, a copy of an “[o]rder terminating a coordination proceeding in whole or in part” “must be submitted to the Chair of the Judicial Council.” However, no other procedures for terminating a coordination proceeding are specified in the rules of court.

² Notice to the Judicial Council is necessary because rule 3.550 requires Judicial Council staff to maintain records on all coordination proceedings. Some of these records are available for public inspection.

amended to require that the originating superior court be listed on a judgment for any action within the JCCP.³

Policy implications

The key policy implications in this proposal concern court efficiency and clarity. The recommended rule amendment and new rule aim to increase court efficiency by reducing ministerial tasks and promote clarity by retaining the existing notice requirements and allowing courts to close proceedings as appropriate. This proposal is therefore consistent with *The Strategic Plan for California's Judicial Branch*, specifically the goals of Modernization of Management and Administration (Goal III) and Quality of Justice and Service to the Public (Goal IV).

Comments

The committee solicited public comments on this proposal from December 6, 2024, to January 6, 2025, as part of the council's regular winter 2025 invitation-to-comment cycle. The proposal received five comments: three were from courts, one was from a county bar association, and one was from the Joint Rules Subcommittee of the Trial Court Presiding Judges Advisory Committee and the Court Executives Advisory Committee.

All the commenters agreed with the proposal or agreed if modified, and none of the commenters offered substantive changes to the rule amendment or new rule. A couple of commenters suggested that the proposal could result in cost savings given the reduced burden on court staff.

The Superior Court of San Bernardino County noted that a three-month period for implementation of this proposal "should be" enough time. Although the committee acknowledges that additional time may be helpful to courts, the committee recommends an effective date for the amended rules that provides only two months following Judicial Council approval because the rule changes are urgently needed to address identified concerns. The Superior Court of San Bernardino County also posed a procedural question about the termination of coordination proceedings. The committee notes that any procedural issues beyond those covered in the proposed rule are designed to be determined by the coordination trial judge as circumstances demand.

A chart of comments and the committees' responses is attached at pages 7–11.

Alternatives considered

The committee considered taking no action but concluded that the amended rule is appropriate given the burdens rule 3.545 places on courts administering JCCPs. The committee also concluded that courts and litigants would benefit from a specific procedure for courts to terminate JCCPs.

³ The committee also recommends changing "shall" to "must" in the amended rule to comport with the council's style for drafting rules.

The committee also considered eliminating subdivision (b) of rule 3.545 altogether but concluded that not providing notice of resolved actions to the originating courts could result in confusion and inaccurate dockets. In addition, the committee considered not including an opportunity for parties to object to a JCCP termination but concluded that an opportunity to raise concerns would be beneficial.

Fiscal and Operational Impacts

The committee anticipates that this proposal would require courts to train court staff and judicial officers on the amended rule, particularly those court staff and judicial officers that handle JCCPs. There would also be costs associated with updating case management systems. There is a potential for cost savings as amended rule 3.545 eliminates some administrative requirements of court staff.

Attachments and Links

1. Cal. Rules of Court, rules 3.545 and 3.546, at pages 5–6
2. Chart of comments, at pages 7–11

Rule 3.545 of the California Rules of Court is amended and rule 3.546 is adopted, effective July 1, 2025, to read:

Rule 3.545. Termination of coordinated action

(a) Coordination trial judge may terminate action

The coordination trial judge may terminate any coordinated action by settlement or final dismissal, summary judgment, or judgment, or may transfer the action so that it may be dismissed or otherwise terminated in the court where it was pending when coordination was ordered.

(b) Copies of order dismissing or terminating action and judgment

A certified copy of the order dismissing or terminating the action and of any judgment must be transmitted by the prevailing party (or by plaintiff in the case of a settlement or if there is no prevailing party) to:

- (1) The clerk of the court in which the action was pending when coordination was ordered, who ~~shall~~ must promptly enter any judgment and serve notice of entry of the judgment on all parties to the action and on the Chair of the Judicial Council; and
- (2) The appropriate clerks for filing in each pending coordinated action.

(c) Judgment in coordinated action

The judgment entered in each coordinated action must bear the title and case number assigned to the action at the time it was filed and also identify, in the caption, the superior court in which the action was originally filed.

(d) Proceedings in trial court after judgment

Until the judgment in a coordinated action becomes final or until a coordinated action is remanded, all further proceedings in that action to be determined by the trial court must be determined by the coordination trial judge. Thereafter, unless otherwise ordered by the coordination trial judge, all such proceedings must be conducted in the court where the action was pending when coordination was ordered. The coordination trial judge must also specify the court in which any ancillary proceedings will be heard and determined. For purposes of this rule, a judgment is final when it is no longer subject to appeal.

1 **Rule 3.546. Termination of coordination proceeding**

2
3 **(a) Coordination trial judge may terminate proceeding**

4
5 (1) The coordination trial judge may terminate any coordination proceeding
6 when it appears that the intended benefits of coordination have been obtained
7 by settlement of most or all coordinated actions, by remand of certain
8 coordinated actions under rule 3.542, by transfer of certain coordinated
9 actions to other trial courts under rule 3.543, or otherwise.

10
11 (2) Notice of intent to make an order terminating the coordination proceeding
12 must be given to all parties to pending coordinated actions in the coordination
13 proceeding, if any, at least 16 court days before issuing the order.

14
15 (3) Any party to a pending coordinated action in the coordination proceeding
16 may object to the proposed termination by a written filing submitted within
17 10 court days after the notice is sent.

18
19 **(b) Copies of order terminating coordination proceeding**

20
21 If the coordination trial judge issues an order terminating the coordination
22 proceeding, the clerk of the coordination trial judge's court must transmit a
23 certified copy of the order to:

24
25 (1) The clerk of the court in which any coordinated action was pending when
26 first filed; and

27
28 (2) The Chair of the Judicial Council.
29

W25-03

Civil Practice and Procedure: Termination of Complex Coordination Proceedings and Actions (Adopt Cal. Rules of Court, rule 3.546; amend rule 3.545)

All comments are verbatim unless indicated by an asterisk (*).

	Commenter	Position	Comment	Committee Response
1.	Orange County Bar Association by Mei Tsang, President Newport Beach	A	[No written comment provided.]	No response needed.
2.	Superior Court of Los Angeles County by Robert Oftring, Chief Communications and External Affairs Officer	A	<p>The following comments are representative of the Superior Court of California, County of Los Angeles, and do not represent or promote the viewpoint of any particular judicial officer or employee.</p> <p>In response to the Judicial Council of California's proposal titled "ITC W25-03: Civil Practice and Procedure: Termination of Complex Coordination Proceedings and Actions," the Superior Court of California, County of Los Angeles (Court), concurs that the proposal addresses its intended purpose.</p> <p>The Court finds that the proposal aims to simplify and clarify the process for closing JCCPs, making the process less burdensome and more systematic.</p> <p>There could be potential cost savings because the proposal transfers the responsibility for notifying the originating court of the termination (judgment or dismissal) of individual actions from court staff to the prevailing party or plaintiff.</p> <p>To implement the changes outlined in the proposal, the Court would need to train its staff and update its case management system.</p>	The committee appreciates the information provided.

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated

W25-03

Civil Practice and Procedure: Termination of Complex Coordination Proceedings and Actions (Adopt Cal. Rules of Court, rule 3.546; amend rule 3.545)

All comments are verbatim unless indicated by an asterisk (*).

	Commenter	Position	Comment	Committee Response
			Judicial assistants, court assistants, and court services assistants would each need one hour of training. The Court would need to create a new Disposition Code (JCCP Terminated) and create a new Event Code (Re: Notice of Intent to Terminate JCCP) in its case management system. Two months would be adequate time to implement the proposal. Additionally, the Court believes this proposal would work across courts of different sizes and would provide a unified process for the termination of JCCPs.	
3.	Superior Court of California, County of San Bernardino by Brenda Martin Del Campo	A	Process and procedures would need to be updated to include the court terminating the proceedings. Would this be done through a hearing/minute order? Updated the procedures would require the most time. Once, procedures have been updated, training would be required. Training would not require many hours. Brief review of the updated procedures and any questions/concerns to be discussed. Less than 1 day of training. 3 months from Judicial Council approval of this proposal until its effective date should be enough time for implementation.	The committee notes that recommended rule 3.546 does not require a court to hold a hearing to terminate a coordination proceeding. Nor does the rule prohibit a court from holding a hearing. A hearing may be appropriate in certain circumstances, such as when a party objects to termination of the proceeding. A minute order may be sufficient to order termination in other circumstances. The committee further notes that it is recommending that amended rule 3.545 and new rule 3.546 become effective 2 months from Judicial Council approval.
4.	Superior Court of California, County of San Diego by Mike Roddy, Executive Officer	A	Q: Does the proposal appropriately address the stated purpose? A: Yes. Q: Would the proposal provide cost savings? If so, please quantify.	The committee appreciates the information provided.

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W25-03

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	Commenter	Position	Comment	Committee Response
			<p>A: No.</p> <p>Q: What would the implementation requirements be for courts for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems?</p> <p>A: Updating procedures, training staff, and notifying judicial officers.</p> <p>Q: Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?</p> <p>A: Yes.</p> <p>Q: How well would this proposal work in courts of different sizes?</p> <p>A: It appears that the proposal would work for courts of all sizes.</p>	
5.	Trial Court Presiding Judges Advisory Committee (TCPJAC) and the Court Executives Advisory Committee (CEAC) (TCPJAC/CEAC Joint Rules Subcommittee)	A	<p>The JRS notes that the proposal is intended to provide significant cost savings or efficiencies. The JRS also notes the following impact to court operations:</p> <p>Impact on existing automated systems. The Court would need to create a new Disposition Code (JCCP Terminated) and create a new Event Code (Re: Notice of Intent to Terminate JCCP) in its case management system.</p>	The committee appreciates the information provided.

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	Commenter	Position	Comment	Committee Response
			<p>Results in additional training, which requires the commitment of staff time and court resources.</p> <p>To implement the changes outlined in the proposal, the Court would need to train its staff and update its case management system. Judicial assistants, court assistants, and court services assistants would each need one hour of training.</p> <p>1. Does the proposal appropriately address the stated purpose?</p> <p>a. The proposal addresses its intended purpose. The proposal aims to simplify and clarify the process for closing JCCPs, making the process less burdensome and more systematic.</p> <p>2. Would the proposal provide cost savings? If so, please quantify.</p> <p>a. There could be potential cost savings because the proposal transfers the responsibility for notifying the originating court of the termination (judgment or dismissal) of individual actions from court staff to the prevailing party or plaintiff.</p> <p>3. What would the implementation requirements be for courts?</p> <p>a. To implement the changes outlined in the proposal, courts would need to train staff and update case management system. Judicial assistants, court assistants, and court services assistants would each need one hour of training.</p>	

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	Commenter	Position	Comment	Committee Response
			<p>The Court would need to create a new Disposition Code (JCCP Terminated) and create a new Event Code (Re: Notice of Intent to Terminate JCCP) in its case management system.</p> <p>4. Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?</p> <p>a. Two months would be adequate time to implement the proposal.</p> <p>5. How well would this proposal work in courts of different sizes?</p> <p>a. We believe this proposal would work across courts of different sizes and would provide a unified process for the termination of JCCPs.</p>	

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