



Judicial Council of California

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Subject Text

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File #: 17-055, Version: 1

Title

Appellate Procedure: Expedited Review of Certain Orders Denying Motions to Compel Arbitration (Action Required)

Summary

Recent legislation requires the Court of Appeal to issue its decision in cases involving the review of certain orders denying motions to compel arbitration no later than 100 days after the notice of appeal is filed. The legislation also requires the Judicial Council to adopt rules to implement this requirement and to establish a shortened notice of appeal period in these cases. The rules proposed by the Appellate Advisory Committee in this report are intended to fulfill this legislative obligation.

Recommendation

The Appellate Advisory Committee recommends that the Judicial Council, effective July 1, 2017:

1. Adopt new rules 8.710-8.717 of the California Rules of Court to establish the procedures for expedited appellate review of superior court orders dismissing or denying a petition to compel arbitration involving a claim under the Elder Abuse and Dependent Adult Civil Protection Act in which a party has been granted a preference under Code of Civil Procedure section 36;
2. Amend rule 8.104 of the California Rules of Court to add a cross-reference to proposed new rule 8.712; and
3. Amend the advisory committee comment to rule 8.104 to include information about the cases governed by rule 8.712 and the other rules that create exceptions to the normal notice of appeal period.