Judicial Council of California

Subject Details (With Text)

Please visit
courts website:
www.courts.ca.gov
to view live meeting on
May 17, 2024

Meeting materials
are available through

| | | | | | |
|---|---|---|---|---|---|
| **File #:** | 15-438 | **Version:** | 1 | | |
| **Type:** | Other Proposal | | **Status:** | Passed | |
| **File created:** | 11/6/2015 | | **In control:** | Judicial Council | |
| **On agenda:** | 12/11/2015 | | **Final action:** | 12/11/2015 | |
| **Title:** | Civil Forms: Disability Access Litigation (Action Required) | | | | |
| **Sponsors:** | | | | | |
| **Indexes:** | | | | | |
| **Code sections:** | | | | | |
| **Attachments:** | 1. 15-438 | | | | |

| Date | Ver. | Action By | Action | Result |
|---|---|---|---|---|
| 12/11/2015 | 1 | Judicial Council | approved | Pass |

## Title

## Civil Forms: Disability Access Litigation (Action Required)

### Summary

The Civil and Small Claims Advisory Committee recommends that the Judicial Council revise the statutorily mandated Disability Access Litigation forms used for parties to apply for and the court to grant stays and mandatory evaluation conferences in construction-related accessibility claims, and the related proof of service form. The forms must be changed to reflect the amendments to the Civil Code made by Assembly Bill 1521 (Assembly Judiciary Committee; Stats. 2015, ch.755), enacted on October 10, 2015, as urgency legislation (and thus operative on enactment) to add a new category of defendants that may request a stay and early evaluation and another procedure that may be requested at the same time. The proof of service form for construction-related accessibility claims should be revised to reflect the new names of the forms used to apply for and grant stays and mandatory evaluation conferences.

### Recommendation

The Civil and Small Claims Advisory Committee recommends that that the Judicial Council revise *Defendant's Application for Stay and Early Evaluation Conference Pursuant to Civil Code Section 55.54* (form DAL-005), and *Notice of Stay of Proceedings and Early Evaluation Conference* (form DAL-010), and *Proof of Service- Disability Access Litigation* (form DAL- 012). The Civil and Small Claims Advisory committee will recommend to the Rules and Projects Committee that the revised forms be circulated for comment during the winter 2016 comment cycle.