

## **I. CALIFORNIA COURT STRUCTURE**

California's court system is the largest in the nation and serves a population of more than 39 million people — about 12 percent of the total U.S. population.

The history of California's court system goes back to the days when California was controlled by the Spanish. At the time, California was officially organized as a territory, the judicial power was vested in a superior court, inferior courts, and justices of the peace. When the state's first constitution was written, it gave judicial power to the Supreme Court and created several different types of trial courts. Over the years, California has had several different kinds and combinations of trial courts, including superior, municipal, and justices of the peace, police courts, and other courts established by the legislature.

Currently, California has a three-tier court system. Judicial power is vested in the Supreme Court, in courts of appeal, and in almost all counties a unified court system of trial courts is in each county. Prior to June 1998, California's trial courts consisted of a two-tiered system of superior and municipal courts, each with its own jurisdiction and number of judges fixed by the Legislature. In June 1998, California voters approved Proposition 220, a constitutional amendment that permitted the judges in each county to merge their superior and municipal courts into a "unified," or single, superior court. By 2001, all of California's 58 counties had voted to unify their trial courts.

In addition to the three levels of courts, the Judicial Council of California is the constitutionally created body that is responsible for overseeing the administration of the court system. The California Courts website can be found at [courts.ca.gov](http://courts.ca.gov). This is a good source for locating information about California's various courts, rules, and forms.

### **A. SUPREME COURT**

The Supreme Court of California is the state's highest court. Its decisions are binding on all other California state courts. The Supreme Court conducts regular sessions in San Francisco, Los Angeles, and Sacramento. It may also hold special sessions elsewhere.

The California Supreme Court consists of 1 Chief Justice and 6 associate justices appointed by the Governor and confirmed by the Commission on Judicial Appointments. The appointments are confirmed by the public at the next general election and appointees serve a 12-year term. At the end of their term, justices may be re-elected by the public at a general election. To be considered for appointment, a person must be an attorney admitted to practice in California or have served as a judge of a court of record in this state for 10 years immediately preceding appointment. (Cal. Const., art. VI, § 15)

The Supreme Court has original jurisdiction (the case can start in the Supreme Court) in proceedings for extraordinary relief in the nature of writ of mandamus (an order requiring another court to take action in a certain case), certiorari (an order granting review of another court's act), prohibition (an order prohibiting another court from taking a specific action), and

habeas corpus proceedings (cases in which a person is seeking release from custody). (Cal. Const., art. VI, § 10).

The Supreme Court has the authority to review decisions of the state Courts of Appeal (Cal. Const., art. VI, § 12(b)), and all cases in which a judgment of death has been pronounced by the trial court (Cal. Const., art. VI, § 11(a)). The court selects specific issues for review, or it may decide all the issues in a case. (Cal. Const., art. VI, § 12).

In addition, the Supreme Court reviews the recommendations of the Commission on Judicial Performance and The State Bar of California concerning the discipline of judges and attorneys for misconduct, as well as appeals from decisions of the Public Utilities Commission.

The California Supreme Court is headquartered in San Francisco and located in the Earl Warren Building at Civic Center Plaza, 350 McAllister Street, San Francisco, California 94102-4797. All filings for the entire state, including petitions for review, writs, and legal briefs, are made at this location. Fax filings are not permitted unless approved by the court in advance.

Oral argument will be held in San Francisco, Sacramento, and Los Angeles. In San Francisco, oral argument is heard in January, March, May, September, and November, at the Earl Warren Building at Civic Center Plaza, located at 350 McAllister Street, San Francisco, California 94102-4797. In Los Angeles, oral argument is heard in April, June and December, at the Ronald Reagan State Office Building, located at 300 South Spring Street, 3rd Floor, Los Angeles, California 90013. In Sacramento, oral argument is heard in February at the Stanley Mosk Library and Courts Building, located at 914 Capitol Mall, Sacramento, California 95814.

The Supreme Court allows the electronic filing through the court's electronic filing system (TrueFiling) for the following documents in civil and criminal proceedings and matters arising from a judgment of death. (California Rules of Court, Rule 8.70 and California Supreme Court Rules Regarding Electronic Filing). See Rule 3(a)(1)-(4), (b) of the California Supreme Court Rules Regarding Electronic Filing for documents that attorneys must file electronically.

Self-represented litigants may, but are not required to, register for electronic filing. Self-represented litigants must comply with the California Supreme Court Rules Regarding Electronic Filing and the requirements of TrueFiling if they choose to register.

## **B. COURTS OF APPEAL**

The California Courts of Appeal were established by constitutional amendment in 1904. The Courts of Appeal are the intermediate courts of review in California, which has 6 appellate districts (three of which have multiple divisions), 19 divisions, and a total of 106 justices. District headquarters for each Court of Appeal are located in:

First District: San Francisco (5 divisions with 20 justices and serving 12 counties: Alameda, Contra Costa, Del Norte, Humboldt, Lake, Marin, Mendocino, Napa, San Francisco, San Mateo, Solano, and Sonoma).

- Second District: Los Angeles and Ventura (8 divisions with 32 justices and serving 4 counties: Los Angeles, Ventura, Santa Barbara and San Luis Obispo).
- Third District: Sacramento (1 division with 10 justices and serving 23 counties: Alpine, Amador, Butte, Calaveras, Colusa, El Dorado, Glenn, Lassen, Modoc, Mono, Nevada, Placer, Plumas, Sacramento, San Joaquin, Shasta, Sierra, Siskiyou, Sutter, Tehama, Trinity, Yolo and Yuba). The court does not have a division in Ventura.
- Fourth District: San Diego, Riverside and Santa Ana (3 divisions with 26 justices and serving 6 counties: Imperial, Inyo, Orange, Riverside, San Bernardino, and San Diego).
- Fifth District: Fresno (1 division with 10 justices and serving 9 counties: Fresno, Kern, Kings, Madera, Mariposa, Merced, Stanislaus, Tulare, and Tuolumne).
- Sixth District: San Jose (1 division with 7 justices and serving 4 counties: Monterey, San Benito, Santa Clara, and Santa Cruz).

The primary role of the Courts of Appeal is to hear appeals from cases in the superior court. Its role is not to retry a case heard in the superior court but rather to determine if legal errors were made.

Cases are decided by three-judge panels. Decisions of the panels, known as opinions, are published in the California Appellate Reports if those opinions meet certain criteria for publication. In general, the opinion is published if it establishes a new rule of law, involves a legal issue of continuing public interest, criticizes existing law, or makes a significant contribution to legal literature (Cal. Const., art. VI, § 14; Cal. Rules of Court, rule 8.1105(c)).

Courts of Appeal have appellate jurisdiction when superior courts have original jurisdiction, and in certain other cases prescribed by statute. Like the Supreme Court, they have original jurisdiction in habeas corpus, mandamus, certiorari, and prohibition proceedings (Cal. Const., art. VI, § 10).

Pursuant to California Rules of Court, Rule 8.70 and Rule 8.71, all filings in Civil, Criminal, Juvenile and Original proceedings must be made through the Court's electronic filing system (TrueFiling). Self-represented parties may, but are not required to register for electronic filing, but must comply with this rule and the requirements of TrueFiling if they elect to register.

Electronic documents must be text searchable Portable Document Format (pdf), properly paginated, and contain bookmarks. For Civil cases, filing documents through e-filing will satisfy the requirements for service on the Supreme Court under Cal. Rules of Court, rule 8.212(c)(2)(A).

Notwithstanding the requirements set forth in California Rules of Court, Rule 8.500(f)(1), submission of a petition for review through TrueFiling that is accepted for filing by the Supreme Court constitutes service of the petition on the Court of Appeal.

Users of the court's electronic filing system should be aware that although parties may submit documents electronically 24 hours a day, telephone or online assistance may not be available outside of normal Court business hours, and requests for immediate relief made after the close of the Court's normal business hours may not be addressed until the next court day.

**NOTE:** Check your local District Court of Appeal's Local Rules for specific E-filing information and instructions.

### C. SUPERIOR COURTS

The superior courts are the trial courts in each county in California. They have jurisdiction over all civil and criminal matters except those specifically reserved to the Supreme Court or the Courts of Appeal. In California, the superior court is divided into three divisions: General Jurisdiction, Limited Civil, and Small Claims.

#### 1. General Jurisdiction.

Original Jurisdiction: Jurisdiction includes all felony cases and all general civil cases involving disputes valued over \$35,000. These courts also serve as probate courts, juvenile courts, and family courts. There are 58 superior courts in California, one in each county. All counties have at least one judge; most have more than one, each of whom presides over a department.

Rules of Court: State rules for the operation of the superior court are adopted by the Judicial Council of the state of California. Local court rules for the internal organization of the superior court of each county are adopted by its judges.

#### a. Departments.

(1) Unlimited Civil. Jurisdiction includes civil suits over \$35,000, probate matters, domestic relations, and actions affecting title to real property.

(2) Criminal. Felonies - criminal offenses punishable by death or by imprisonment in the state prison.

(3) Equity. Special matters, such as an injunction proceeding, administration of trusts, and foreclosures of mortgages.

(4) Prerogative Writs. Mandamus, procedendo, prohibition, quo warranto, habeas corpus, and certiorari.

b. Specialized Departments.

(1) Appellate Department. Appeals of limited civil cases. This is normally the last word except for review by the United States Supreme Court. The cases are heard by a three-judge panel of the appellate department of each county. Cases may be transferred to the Court of Appeal for hearing and decision; however, they are transferred only on certification of the superior court or order of the Court of Appeal when necessary to secure uniformity of decision or to decide important questions of law. Death penalty cases, however, are appealed directly to the California Supreme Court. (Cal. Rules of Court, rules 8.1002 through 8.1018 and rule 8.552)

(2) Probate. Wills and trust administration, guardianships, conservatorships (utilized only if the proposed conservatee is unable to properly care for himself/herself or his/her property).

(3) Domestic Relations. Including dissolution of marriage, legal separation, declarations of nullity of marriage, reciprocal enforcement of support, paternity actions, as well as conciliation court (in some counties).

(4) Juvenile. Correction and protection of delinquent and uncared-for minors.

(5) Adoption. Of minors and adults. Proceedings and files are confidential to protect the child and the adopting parents. Payment of the fee may be deferred, reduced, or waived in case of economic hardship. Petition must be filed in the county in which the petitioner resides.

(6) Psychiatric. Protection and custody of the mentally ill.

(7) Criminal Proceeding. Misdemeanor arraignments, bail setting or reduction, motions, pretrial conference, entrance of plea-sentencing and/or probation referral if necessary, trial sentencing and probation. Also felony arraignments, bail setting or reduction, guilty or not guilty pleas set for preliminary hearing, preliminary hearing - disposition (court may dismiss the case and release the defendant, or it may hold defendant to answer).

2. Limited Civil.

Except as otherwise provided by statute, the superior court has original jurisdiction in a limited civil case. (Code Civ. Proc., § 85)

a. Limited Civil Cases. The following civil cases and proceedings are limited civil cases (Code Civ. Proc., § 86):

(1) A limited civil case is one where the amount in controversy is \$35,000 or less. (The designation "Limited Civil Case" must appear in the caption of every pleading. (Code Civ. Proc., § 422.30(b))

(2) In actions for dissolution of partnership where the total assets of the partnership do not exceed \$35,000; in actions of interpleader where the amount of money or the value of the property involved does not exceed \$35,000.

(3) In actions to cancel or rescind a contract when the relief is sought in connection with an action to recover money not exceeding \$35,000 or property of a value not exceeding \$35,000, paid or delivered under, or in consideration of, the contract; in actions to revise a contract where the relief is sought in an action upon the contract if the action otherwise is a limited case.

(4) In all proceedings in forcible entry or forcible or unlawful detainer where the whole amount of damages claimed is \$35,000 or less.

(5) In all actions to enforce and foreclose liens on personal property where the amount of the lien is \$35,000 or less.

(6) In all actions to enforce and foreclose liens of mechanics, materialmen, artisans, laborers, and of all other persons to whom liens are given under the provisions of Civil Code section 8400 et seq., or to enforce and foreclose an assessment lien on a common interest development as defined in Civil Code section 4100 or 6534, where the amount of the lien is \$35,000 or less. However, where an action to enforce the lien is pending in a court of limited jurisdiction, and affects property which is also affected by a similar action pending in a superior court, or where the total aggregate amount of the liens sought to be foreclosed against the same property (amounts totaling in excess of \$35,000) by action or actions in a court of limited jurisdiction of any interested party, the action is not a limited civil case. After this is ordered, the same proceedings shall be taken as provided by section 399 of the Code of Civil Procedure regarding the change of place of trial.

(7) In actions for declaratory relief when brought pursuant to either of the following:

(a) By way of cross-complaint as to a right of indemnity with respect to the relief demanded in the complaint or a cross-complaint in an action or proceeding that is otherwise a limited civil case.

(b) To conduct a trial after a nonbinding fee arbitration between an attorney and client, pursuant to Article 13 (commencing with section 6200) of Chapter 4 of Division 3 of the Business and Professions Code, where the amount in controversy is \$35,000 or less.

(8) To issue temporary restraining orders and preliminary injunctions, and to take accounts, where necessary to preserve the property or rights of any party to a limited civil case; to make any order or perform any act, pursuant to Code of Civil Procedure section 680.010 et seq. in a limited civil case; to appoint a receiver pursuant to section 564 in a limited civil case; to determine title to personal property seized in a limited civil case.

(9) In all actions under Code of Civil Procedure section 708.210 et seq. for the recovery of an interest in personal property or to enforce the liability of the debtor of a judgment where the interest claimed adversely is of a value not exceeding \$35,000 or the debt denied does not exceed \$35,000.

(10) In all arbitration related petitions filed pursuant to either of the following:

(a) Code of Civil Procedure section 1292 et seq., except for uninsured motorist arbitration proceedings in accordance with section 11580.2 of the Insurance Code, if the petition is based on the subject matter of a pending action properly filed in the court of limited jurisdiction.

(b) To confirm, correct, or vacate a fee arbitration award between an attorney and client that is binding or has become binding, pursuant to Business and Professions Code, Article 13 (commencing with section 6200) of Chapter 4 of Division 3, where the arbitration award is \$35,000 or less.

b. Limited Civil Cases in Equity. The following cases in equity are limited civil cases:

(1) In all cases to try title to personal property when the amount involved is not more than \$35,000.

(2) In all cases when equity is pleaded as a defensive matter in any case that is otherwise a limited civil case.

(3) In all cases to vacate a judgment or order of the court obtained in a limited civil case through extrinsic fraud, mistake, inadvertence, or excusable neglect.

c. Original Jurisdiction. In addition to the jurisdiction conferred on courts of limited civil cases by Code of Civil Procedure section 86, each court has original jurisdiction of civil cases and proceedings in actions brought pursuant to the Long-Term Care, Health, Safety, and Security Act of 1973 (Chapter 2.4 commencing with section 1417 of Division 2 of the Health & Safety Code) if civil penalties are not sought or amount to \$35,000 or less. These actions may be transferred to the superior court for consolidation with any other citation enforcement action pending in that court, on the motion of either party. (Code Civ. Proc., § 86.1)

### 3. Small Claims Court.

In each superior court there shall be a small claims division. (Code Civ. Proc., §§ 116.210 through 116.270). The small claims division may be known as the small claims court.

a. Jurisdiction. The small claims court has jurisdiction in the following actions (Code Civ. Proc., § 116.220):

(1) Recovery of Money. Except as otherwise provided, for recovery of money, if the amount of the demand does not exceed \$6,250 (Code Civ. Proc. § 116.220(a)(1));

(2) Payment of Delinquent Taxes. Except as otherwise provided, to enforce payment of delinquent unsecured personal property taxes in an amount not to exceed \$6,250, if the legality of the tax is not contested by defendant (Code Civ. Proc. § 116.220(a)(2));

(3) Writ of Possession. Writ of possession pursuant to Civil Code sections 1861.5 (innkeepers) and 1861.10 (possession of property) where the demand does not exceed \$6,250 (Code Civ. Proc. § 116.220(a)(3));

(4) Fee Arbitration Award. To confirm, correct, or vacate a fee arbitration award not exceeding \$6,250 between an attorney and client that is binding or has become binding, or to conduct a hearing de novo between an attorney and client after non-binding arbitration of a fee dispute involving no more than \$6,250 is in controversy. (Code Civ. Proc. § 116.220(a)(4)).

b. Equitable Relief. The court may grant equitable relief in the form of rescission, restitution, reformation, and specific performance, in lieu of, or in addition to, money damages; the court may issue a conditional judgment; and the court will retain full equitable jurisdiction until full payment and performance is achieved in the outcome of the matter. (Code Civ. Proc. § 116.220(b))

c. Jurisdiction Over Defendant Guarantor. The small claims court has jurisdiction over a defendant guarantor, if the demand does not exceed (1) \$12,500, for action brought by a natural person against the Registrar of the Contractors' State License Board as the defendant guarantor; (2) \$3,125, for action against defendant guarantor who does not charge a fee for its guarantor or surety services; (3) \$8,125, for action brought by natural person against defendant guarantor who charges a fee for its guarantor or surety services; and (4) \$5,000, for action brought by an entity other than a natural person against a defendant guarantor that charges a fee for its guarantor or surety services or against the Registrar of the Contractors State License Board as the defendant guarantor. (Code Civ. Proc. §§ 116.220(c)(1-4), 116.221)

d. Additional Jurisdiction. In addition to the jurisdiction conferred by Code of Civil Procedure Section 116.220, the small claims court has jurisdiction in an action brought by a natural person, if the amount of the demand does not exceed \$12,500, except for actions otherwise prohibited by Code Civ. Proc., §§ 116.220(c), 116.221, 116.231(c).

e. Lack of Jurisdiction. In any case in which the lack of jurisdiction is due solely to an excess in the amount of the demand, the excess may be waived, but any waiver is not operative until judgment. (Code Civ. Proc., §§ 116.220(d))

f. Plaintiff Incarcerated in Prison. Any action by a plaintiff incarcerated in prison or California Youth Authority if the plaintiff has alleged in their complaint that all administrative remedies against that department have been exhausted. (Code Civ. Proc., §§ 116.220(e); Gov. Code §§ 905.2, 905.4)

g. Limitation on Number of Filings. Except for a public entity, no person may file more than two small claims actions in any calendar year in which the amount demanded exceeds \$2,500. (Code Civ. Proc., § 116.231)

h. Personal Appearance. The parties must appear without counsel. (Code Civ. Proc., §§ 116.530 and 116.540)

i. Advice to Litigants. Each county must make advice available to small claims litigants without charge. (Code Civ. Proc., § 116.260)

j. Informal Hearing. There are no jury trials. (Code Civ. Proc., § 116.510.) The parties have a right to offer evidence by witnesses at the hearing or at such other time as the court permits. If the defendant fails to appear, the court will still require the plaintiff to present evidence to prove his or her claim. (Code Civ. Proc., § 116.520(a)(b))

k. Appeal. Only the defendant has the right of appeal. However, plaintiff may appeal a claim of defendant. An insurer may appeal plaintiff's claim if the judgment exceeds \$2,500. (Code Civ. Proc., § 116.710(c)) Neither plaintiff nor defendant has the right to appeal if either fails to appear at the hearing. However, either may move to vacate the judgment. (Code Civ. Proc., §§ 116.710, 116.720, 116.730, 116.740).

Many of the Superior Courts have implemented mandatory eFiling using third party vendors in various districts. Check your local court rules before filing your document to ensure your document is not rejected due to this mandatory requirement.

#### **D. JUDICIAL COUNCIL OF CALIFORNIA**

Unlike many states where the Supreme Court is in charge of the overall administration of the state's courts, California vests this role to the Judicial Council of California. The Judicial Council is a constitutionally mandated body responsible for improving the administration of justice in California. It is responsible for ensuring the consistent, independent, impartial, and accessible administration of justice.

The Judicial Council consists of the following:

Chief Justice of the Supreme Court  
1 other judge of the Supreme Court  
3 judges of the Courts of Appeal  
10 judges of the superior courts

4 attorney members appointed by the State Bar  
2 members of each house of the Legislature

There are also two non-voting members who are court administrators. The Administrative Director is a non-voting member who serves as Secretary, and the Chief Justice can also appoint further advisory (non-voting) members. (Cal. Const., art. VI, § 6)

Under the leadership of the Chief Justice and in accordance with the California Constitution, the Judicial Council is the policy setting body for the state court system. It conducts studies, and strategically plans and adopts policies and rules of court that govern the operation of the Courts of Appeal and the superior courts in the state.

## **II. DEFINITIONS AND SOURCES OF LAW**

### **A. LAW**

The collection of legislation, judicial precedents, and accepted legal principles; the body of authoritative grounds of judicial and administrative action; especially the body of rules, standards, and principles that the courts of a particular jurisdiction apply in deciding controversies brought before them. The set of rules or principles dealing with a specific area of a legal system. (Black's Law Dictionary (12th ed. 2024).)

Law is a solemn expression of the will of the supreme power of the State. (Civ. Code, § 22)

The will of the supreme power is expressed (Civ. Code, § 22.1):

- (a) By the Constitution.
- (b) By statutes.

The common law of England, so far as it is not repugnant to or inconsistent with the Constitution of the United States, or the Constitution or laws of this State, is the rule of decision in all the courts of this State. (Civ. Code, § 22.2).

### **B. SOURCES OF LAW**

1. Primary. Our legal system consists of three branches of the government which generate the rules that are considered the law. These rules of law are referred to as *primary authority*. Sometimes the publications that contain these rules are referred to as primary authority.

The legislature, the judiciary, and the executive branch through administrative agencies are the three branches of government that create primary authority. Each of these entities exists at the federal, state, and local levels. Thus, primary authority is created at each of these levels.