

Preface to 2026 Edition

The 2026 edition brings California solidly into the decade of the 2020s. Most readers have likely seen stories about lawyers getting in trouble with judges for submitting briefs generated by artificial intelligence, which cite to non-existent authorities. California saw its first published opinion addressing such a circumstance, which we note in Chapter 2 (Documents) and, of course, Chapter 3 on Sanctions. Sanctions also generated California Supreme Court activity in its finding that trial courts have general discretion to impose discovery sanctions even in the absence of a specific statutory authorization pertaining to a specific discovery device.

As usual, arbitration petitions saw significant activity at the state and federal level, most often regarding unconscionability and preemption. At the state court level, at least two published opinions added to the body of authority determining what level of litigation conduct will be deemed a waiver of the right to arbitrate.

Finally, the California legislature's enactment of the statutory increase in the limited civil jurisdiction cap from \$25,000 to \$35,000 generated a significant update to Chapter 21 on Motions to Reclassify.