

Highlights of the Fall 2026 Edition California Civil Practice—Procedure

The Fall 2026 Edition of Procedure (California Civil Practice) includes the latest caselaw, statutory changes and updated forms pertaining to civil procedure in California. Topics treated include, among many others:

- **Judge Shopping via Blanket § 170.6 Challenges—**The California Supreme Court held in *J.O. v. Superior Court* that where a party timely objects to a Code of Civil Procedure § 170.6 peremptory challenge and makes a prima facie showing that the challenge’s proponent is lodging bad-faith “blanket” challenges against a judge, a court may look beyond the affidavit or oral statement and inquire into the legitimacy of the party’s prejudice claims. This decision directly addresses systemic abuse of the peremptory challenge process by government entities and has far-reaching implications for judicial assignment practices statewide. See section 12:25.
- **FAA “Last Mile” Transportation Worker Exemption—**The United States Supreme Court held in *Flowers Foods, Inc. v. Brock*, that a transportation worker need not personally cross state lines to be “engaged in interstate commerce” for purposes of the FAA’s transportation-worker exemption; a worker who performs only the intrastate “last mile” of an interstate delivery is exempt from compulsory arbitration of employment disputes. This substantially expands the pool of workers who can avoid mandatory arbitration, with major implications for the logistics and delivery industries. See section 26:64.
- **Loss of Supplemental Jurisdiction After Voluntary Amendment—**The United States Supreme Court held in *Royal Canin U.S.A., Inc. v. Wullschleger*, that a plaintiff’s voluntary amendment eliminating the federal-law claims that enabled removal deprives the district court of federal-question jurisdiction and, with it, supplemental jurisdiction over remaining state-law

claims, requiring remand. This resolves a significant removal/remand strategy question affecting countless mixed federal-state actions. See sections 5:11, 5:22.

- **Overhaul of Settlement Notice and Dismissal Procedures**—California Rules of Court, rule 3.1385, has been substantially rewritten to clarify the procedures governing notice of settlement and conditional settlement, requiring prompt notice to the court, parties, and any ADR neutral, and a request for dismissal within 45 days of settlement (or a specified conditional-settlement dismissal date), subject to court-ordered dismissal for noncompliance absent good cause. This rule change affects the mechanics of virtually every settled civil case in California. See section 27:39.
- **Implied Right to Litigate Despite Signed Arbitration Agreements**—The California Supreme Court held in *Fuentes v. Empire Nissan, Inc.* (2026) that when an employee has signed two arbitration agreements and one does not specify arbitration, the agreements may impliedly permit the employee to litigate in court, while also holding that small, barely legible print did not alone render the agreement substantively unconscionable. This decision creates important new guidance on interpreting multiple, potentially conflicting arbitration agreements—a common scenario in employment litigation. See section 26:66.