

CALIFORNIA LAW REVISION COMMISSION

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## Writ Jurisdiction in a Small Claims Case

### Request for Public Comment

On occasion, a proceeding for an extraordinary writ may be needed to obtain relief from an incorrect ruling in a small claims case. Due to the trial court restructuring that occurred in the past decade, however, it is presently unclear where a person should file a writ proceeding relating to a small claims case.

The Law Revision Commission recommends that the proper jurisdiction for such a writ proceeding be made clear. The Commission tentatively recommends that the proper jurisdiction depend on the stage of the small claims case (initial hearing, small claims appeal, or postjudgment enforcement) at the time of the act that is challenged in the writ petition. This approach would closely mirror the pre-unification situation.

By providing clear guidance to small claims litigants and court personnel, the proposed legislation would prevent confusion and disputes.

The tentative recommendation is available from the California Law Revision Commission, 4000 Middlefield Road, Room D-2, Palo Alto, CA 94303-4739. The tentative recommendation is also available on the Commission's website at <[www.clrc.ca.gov/J1452.html](http://www.clrc.ca.gov/J1452.html)>.

The Commission often substantially revises its recommendations as a result of public comment. To receive timely consideration, comments should be submitted by **January 16, 2011**.

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