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Appeal from a Bench trial: Simplified statement-of-decision procedures coming soon

NEW LAW WILL REVISE CALIFORNIA RULE OF COURT 3.1590, PERHAPS THE MOST OPAQUE RULE EVER ISSUED BY THE JUDICIAL COUNCIL

In a bench trial, what is the difference between a tentative decision, a request for a statement of decision; responses to a request for a statement of decision; a proposed statement of decision; proposals for a statement of decision; objections to a proposed statement of decision; a final statement of decision; and a final judgment?

If you answered, “nobody knows,” you would be close to correct.

The roadmap to properly requesting, objecting to and issuing a proposed and final statement of decision and the deadlines, are bogged down in California Rule of Court 3.1590, perhaps the most opaque rule ever issued by the Judicial Council.

Help is on its way, however. Last October the governor signed into law Assembly Bill 515, which will replace current Code of Civil Procedure sections 632 and 664, providing a simplified and transparent statement-of-decision procedure, eliminating much of the clutter and confusion in Rule of Court 3.1590. The new law becomes effective on January 1, 2027, during which time the Judicial Council will revise Rule of Court 3.1590 to reflect the new statutory mandate.

Once the new law is in effect, gone will be different deadlines for requesting a statement of decision based on the length of the trial and perplexing distinctions between tentative decisions, proposed statements of decision, and proposals for a statement of decision. In its stead will be a streamlined statutory scheme that refers only to a statement of decision and a draft statement of decision, clarifies the process and deadlines for objections and ruling on those objections, and clarifies the deadline for filing the judgment based on whether a statement of decision has been requested.

Here, I summarize some provisions of AB 515. The full text of the bill can be found at: <https://www.leginfo.ca.gov>.

Eliminates different deadlines for requesting a statement of decision

Current law assigns different deadlines for requesting a statement of decision based on the length of the trial. See Rule of

Court 3.1590 subdivisions (d and n): The request must be made before the matter is submitted for decision in a trial lasting eight hours or less; or in a longer trial, within ten days of the court’s oral or written tentative decision. The new rule requires that the request be made in writing (or orally if there is an official record being made) before the submission of the matter for decision. (Code Civ. Proc., § 632, subd. (a), eff. 1/1/2027.)

Clarifies the trial court’s duties if no request is timely made

Current law does not clearly address the trial court’s duties if no timely request for a statement of decision is made. See the convoluted options set forth in Rule of Court 3.1590 subdivision (c.) The new law simply states that if no request is made, the court may announce its ruling without a statement of decision or issue a statement of decision even though it was not requested. (Code Civ. Proc., § 632, subd. (c), eff. 1/1/2027.)

Clarifies the procedures for objecting to the statement of decision

Current law provides for a hodge-podge of responses to a request for a statement of decision including proposals for the contents and objections to a proposed statement of decision. (See Rule 3.1590, subds. e, f, and g.)

The new law states that the trial court may prepare the statement of decision itself or direct a party to do so. Once that statement of decision issues, any party may file objections within 10 days. If no objections are filed, the statement of decision becomes final upon expiration of the deadline for objecting. And if objections are submitted, the court may rule on those objections with or without a hearing. (Code Civ. Proc., § 632, subd. (e), eff. 1/1/2027.)

Clarifies the procedures and deadlines for preparing a proposed judgment

Current law is ambiguous about the time within which a judgment may be entered. Current law sets forth convoluted procedures and deadlines for submitting a

proposed judgment depending on whether a timely request for statement of decision has been made. (Rule of Court 3.1590, subds. (f, h, I and j; see also Code Civ. Proc., § 664 [the clerk must enter a judgment from a bench trial “immediately” upon the filing of the “decision].”)

The new law states that the court may order or a party may file a proposed judgment before or after the statement of decision is final, and that the opposing party then has ten days to object to proposed judgment. (Code Civ. Proc., § 632, subd. (f), eff. 1/1/2027.) Code of Civil Procedure section 664 is amended to require the clerk to file the judgment within 30 days of the court’s decision if no statement of decision was requested, or within 30 days of issuing a final statement of decision. (Code Civ. Proc., § 664, subd. (b), eff. 1/1/2027.)

Why these amendments matter

The existing statement-of-decision procedures have long been a bane for judges (who often ignore the rules) and a headache for trial counsel (who often seek appellate advice for deadlines and contents.) Yet the importance of the document on appeal from a bench-trial judgment cannot be overstated. The statement of decision has been called the appellate court’s “touchstone to determine whether or not the trial court’s decision is supported by the facts and the law.” (*Slavin v. Borinstein* (1994) 25 Cal.App.4th 713, 718.) For that reason alone, appeals from bench trial often involve some dispute over the adequacy and effect of a statement of decision, or the effect of its absence. The new and streamlined procedures will hopefully reduce or eliminate those issues on appeal.

Herb Fox is a certified appellate law specialist with 39 years of experience in appellate courts throughout the state. His practice includes writs and appeals in a wide variety of civil cases, and contingency fee representation of plaintiffs defending judgments on appeal. More information about Herb can be found at FoxAppeals.com. Herb can be reached at HFox@FoxAppeals.com.