



Judicial Council of California

455 Golden Gate Avenue · San Francisco, California 94102-3688

Telephone 415-865-4200 · Fax 415-865-4205

MEMORANDUM

Date

January 24, 2024

Action Requested

Please Review and Approve

To

JBSIS Subcommittee Members

Deadline

N/A

From

Paarth Malkan, Senior Analyst
Austin Hulbert, Senior Analyst
Office of Court Research

Contact

Paarth Malkan
415-865-7588 phone
paarth.malkan@jud.ca.gov

Subject

Civil Case Cover Sheet Amendments

Austin Hulbert
415-865-7429 phone
austin.hulbert@jud.ca.gov

Summary

The Office of Court Research recommends approving the addition of “Asbestos” and “Employment Development Department (EDD)” as case types to the Civil Case Cover Sheet (CM-010). Item 1 of the Civil Case Cover Sheet contains various civil case type categories that correspond to civil case types in the Judicial Branch Statistical Information System (JBSIS). To ensure that the upcoming JBSIS 4.0 can capture the new Asbestos and EDD case types, they must be added as new case types to Item 1 of the Civil Case Cover Sheet.

Context

At its July 15, 2022 meeting, the Judicial Council approved updates to data reporting standards for the upcoming Judicial Branch Statistical Information System (JBSIS) 4.0, with expected implementation in 2025. As part of the approved updates, new case types will be added to civil reports, specifically Asbestos and Employment Development Department (EDD) within the Civil

Limited and Unlimited reports. To facilitate these updates, corresponding changes are necessary in the Civil Case Cover Sheet.

The Civil Case Cover Sheet is a form used to initiate civil lawsuits that provides basic information about the case. Under Item 1 of the Civil Case Cover Sheet are various case type categories, which contain specific sub-case types to describe the nature of the lawsuit more accurately. Item 1 contains the following case type categories:

- Auto Tort
- Other PI/PD/WD
- Non-PI/PD/WD
- Employment
- Contract
- Real Property
- Unlawful Detainer
- Judicial Review
- Provisionally Complex Civil Litigation
- Enforcement of Judgement
- Miscellaneous Civil Complaint
- Miscellaneous Civil Petition.

In JBSIS, the case types in civil reports correspond to the broader case type categories in the Civil Case Cover Sheet. Thus, JBSIS reflects civil data at the level of case type categories and does not capture data at the sub-case type level.

Both asbestos and EDD cases are included, directly or indirectly, in the sub-case types of the Civil Case Cover Sheet. Asbestos is a sub-case type under the “Other PI/PD/WD Tort” case type category. EDD is captured indirectly under the “Other employment” sub-case type of the “Employment” case type category. Because JBSIS does not distinguish between sub-case types within case type categories, it cannot capture specific data points related to Asbestos or EDD litigation.

Given that there is no JBSIS mechanism to capture those specific data points, the Office of Court Research (OCR) manually collects this data directly from courts for the Resource Assessment Study (RAS). By including asbestos and EDD as case type categories in the Civil Case Cover Sheet, JBSIS 4.0 can collect these data points, eliminating the need for the manual data reporting by court staff.

Proposed Actions

To ensure alignment between the case type categories in the Civil Case Cover Sheet and the civil case types in JBSIS 4.0, OCR recommends that the JBSIS Subcommittee approve the additions of “Asbestos” and “Employment Development Department (EDD)” as case type categories to the

Members of the JBSIS Subcommittee

December 17, 2024

civil case cover sheet. If approved, the item would then go to the Court Executives Advisory Committee (CEAC) for approval.

Additionally, if approved, the new case type categories would require sub-case type checkboxes. OCR recommends naming the sub-case type “Asbestos” for the Asbestos case type category, and “Employment Development Department” for the EDD case type category. The precedent for a case type category and its sub-case type sharing the same name has been established by the “Enforcement of Judgement” case type category, which shares its name with its sub-case type.

A draft of the amended civil case cover sheet is provided on page 4.

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: TELEPHONE NO.: EMAIL ADDRESS: ATTORNEY FOR (name):	STATE BAR NUMBER: STATE: ZIP CODE: FAX NO.:	FOR COURT USE ONLY DRAFT Not approved by the Judicial Council 2024-12-18
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:		
CASE NAME:		
CIVIL CASE COVER SHEET <input type="checkbox"/> Unlimited (Amount demanded exceeds \$35,000) <input type="checkbox"/> Limited (Amount demanded is \$35,000 or less)		CASE NUMBER:
Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)		JUDGE: DEPT.:

Items 1–6 below must be completed (see instructions on page 2).

1. Check **one** box below for the case type that best describes this case:

Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) Asbestos <input type="checkbox"/> Asbestos (04) Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23) Non-PI/PD/WD (Other) Tort <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35) Employment <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	Employment Development Department <input type="checkbox"/> Employment Development Department (48) Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) Real Property <input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400–3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20) Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
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2. Is this case complex under rule 3.400 of the California Rules of Court? Yes No

If the case is complex, mark the factors requiring exceptional judicial management:

a. <input type="checkbox"/> Large number of separately represented parties	d. <input type="checkbox"/> Large number of witnesses
b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve	e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
c. <input type="checkbox"/> Substantial amount of documentary evidence	f. <input type="checkbox"/> Substantial postjudgment judicial supervision

3. Remedies sought (check all that apply):

- a. monetary
- b. nonmonetary; declaratory or injunctive relief
- c. punitive

4. Number of causes of action (specify):

5. is this case a class action suit? Yes No

6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date:

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you **must** complete and file, along with your first paper, the Civil Case Cover Sheet contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check **one** box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the **primary** cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the Civil Case Cover Sheet to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

CASE TYPES AND EXAMPLES

Auto Tort

- Auto (22)–Personal Injury/Property Damage/
Wrongful Death
- Uninsured Motorist (46) *(if the case involves
an uninsured motorist claim subject to
arbitration, check this item instead of Auto)*

Asbestos

- Asbestos (04)
 - Asbestos Property Damage
 - Asbestos Personal Injury/Wrongful Death

**Other PI/PD/WD (Personal Injury/
Property Damage/Wrongful Death) Tort**

- Product Liability *(not asbestos or toxic/
environmental)* (24)
- Medical Malpractice (45)
 - Medical Malpractice–Physicians &
Surgeons
 - Other Professional Health Care
Malpractice
- Other PI/PD/WD (23)
 - Premises Liability (e.g., slip and fall)
 - Intentional Bodily Injury/PD/WD (e.g.,
assault, vandalism)
 - Intentional Infliction of Emotional Distress
 - Negligent Infliction of Emotional Distress
 - Other PI/PD/WD

Non-PI/PD/WD (Other) Tort

- Business Tort/Unfair Business Practice (07)
- Civil Rights (e.g., discrimination, false arrest)
(not civil harassment) (08)
- Defamation (e.g., slander, libel) (13)
- Fraud (16)
- Intellectual Property (19)
- Professional Negligence (25)
 - Legal Malpractice
 - Other Professional Malpractice *(not
medical or legal)*
- Other Non-PI/PD/WD Tort (35)

Employment

- Wrongful Termination (36)
- Other Employment (15)

Employment Development Department

- Employment Development Department (48) *(if
the case involves an Employment
Development Department decision, check
this item instead of Wrongful Termination or
Other Employment)*

Contract

- Breach of Contract/Warranty (06)
 - Breach of Rental/Lease Contract *(not
unlawful detainer or wrongful eviction)*
 - Contract/Warranty Breach–Seller Plaintiff
(not fraud or negligence)
 - Negligent Breach of Contract/Warranty
 - Other Breach of Contract/Warranty
- Collections (e.g., money owed, open book
accounts) (09)
 - Collection Case–Seller Plaintiff
- Other Promissory Note/Collections Case
- Insurance Coverage *(not provisionally
complex)* (18)
 - Auto Subrogation
 - Other Coverage
- Other Contract (37)
 - Contractual Fraud
 - Other Contract Dispute

Real Property

- Eminent Domain/Inverse Condemnation (14)
- Wrongful Eviction (33)
- Other Real Property (e.g., quiet title) (26)
 - Writ of Possession of Real Property
 - Mortgage Foreclosure
 - Quiet Title
 - Other Real Property *(not eminent
domain, landlord/tenant, or
foreclosure)*

Unlawful Detainer

- Commercial (31)
- Residential (32)
- Drugs (38) *(if the case involves illegal drugs,
check this item; otherwise, report as
Commercial or Residential)*

Judicial Review

- Asset Forfeiture (05)
- Petition Re: Arbitration Award (11)
- Writ of Mandate (02)
 - Writ–Administrative Mandamus
 - Writ–Mandamus on Limited Court Case
Matter
 - Writ–Other Limited Court Case Review
- Other Judicial Review (39)
 - Review of Health Officer Order
 - Notice of Appeal–Labor Commissioner
Appeals

Provisionally Complex Civil Litigation (Cal.

- Rules of Court Rules 3.400–3.403)**
 - Antitrust/Trade Regulation (03)
 - Construction Defect (10)
 - Claims Involving Mass Tort (40)
 - Securities Litigation (28)
 - Environmental/Toxic Tort (30)
 - Insurance Coverage Claims
*(arising from provisionally complex
case type listed above)* (41)

Enforcement of Judgment

- Enforcement of Judgment (20)
 - Abstract of Judgment (Out of County)
 - Confession of Judgment *(non-domestic
relations)*
 - Sister State Judgment
 - Administrative Agency Award *(not unpaid
taxes)*
 - Petition/Certification of Entry of Judgment
on Unpaid Taxes
 - Other Enforcement of Judgment Case

Miscellaneous Civil Complaint

- RICO (27)
- Other Complaint *(not specified above)* (42)
- Declaratory Relief Only Injunctive Relief
Only *(non-harassment)*
- Mechanics Lien
- Other Commercial Complaint Case *(non-
tort/non-complex)*
- Other Civil Complaint *(non-tort/non-
complex)*

Miscellaneous Civil Petition

- Partnership and Corporate Governance (21)
- Other Petition *(not specified above)* (43)
 - Civil Harassment
 - Workplace Violence
 - Elder/Dependent Adult Abuse
 - Election Contest
 - Petition for Name Change
 - Petition for Relief From Late Claim
 - Other Civil Petition

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