



Judicial Council of California

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INVITATION TO COMMENT

SP26-06

Rules and Forms: Amendment of Rule 2.900 (DRAFT)

Invitation to Comment Details

Proposed Rules, Forms, Standards, or Statutes

Amend Cal. Rules of Court, rule 2.900

Proposed by

Civil and Small Claims Advisory Committee
Hon. Samantha P. Jessner, Chair

Action Requested

Review and submit comments by
September 23, 2026, to
invitations@jud.ca.gov

Proposed Effective Date

January 1, 2027

Contact

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(This proposal has not been approved by the Judicial Council and is not intended to represent the views of the council, its Rules Committee, or its Legislation Committee. It is circulated for comment purposes only.)

Executive Summary and Origin

Assembly Bill 515 (Stats. 2025, ch. 559) amends the statute governing statements of decision. In a separate proposal, the Civil and Small Claims Advisory Committee and the Family and Juvenile Law Advisory Committee are recommending amendments to California Rules of Court, rule 3.1590 to implement AB 515, including deletion of the requirement to announce a tentative decision. The committee proposes amending rule 2.900 to implement AB 515 and conform with the recommended amendments to rule 3.1590 by replacing references to tentative decisions with references to statements of decision.

Background

Rule 2.900

Rule 2.900 was adopted effective January 1, 1989, and has not been substantively amended since. Rule 2.900 defines when a cause is deemed submitted and when a submitted cause is “pending and undetermined” for purposes of applying section 19 of article VI of the California Constitution, which prohibits judges from receiving a salary “while any cause before the judge remains pending and undetermined for 90 days after it has been submitted for decision.” Under rule 2.900(c), a submitted cause remains pending and undetermined until either (1) the court has announced its tentative decision, or (2) the cause is terminated. The rule also states that the time required to finalize a tentative decision is not time in which the cause is pending and undetermined.

Assembly Bill 515 and Rule 3.1590

Effective January 1, 2027, Assembly Bill 515 (Link A) amends Code of Civil Procedure section 632 to streamline the process for issuing a statement of decision in a civil case. Currently, section 632(a) requires a court that tries a question of fact to issue a statement of decision if a party makes a written request for one. The deadline to make this request varies depending on the length of the trial. If the trial does not conclude within one calendar day or in less than eight hours over more than one day, the party’s request must be made within ten days of the court’s announcement of its tentative decision; otherwise, the request must be made prior to the submission of the matter for decision. AB 515 changes this deadline and will require the request to be made prior to the submission of the matter for decision, regardless of the length of the trial. This change eliminates all references in section 632 to tentative decisions.

AB 515 also creates a statutory process for objecting to a statement of decision. In this process, described in section 632(e), a party may file written objections to the statement of decision and the court may hold a hearing on the objections, though it is not required to do so. If the court rules on the objections, the statement of decision becomes final upon issuance of the ruling, unless the court states otherwise. If the court does not rule on the objections, they are deemed overruled and the statement of decision becomes final on the timeline established in section 632(e)(5). Additionally, under new section 632(c), the court may issue a statement of decision even though one has not been requested by the parties.

Rule 3.1590 implements section 632 and elaborates on the process for issuing tentative decisions and statements of decision. In a separate proposal, this committee and the Family and Juvenile Law Advisory Committee are recommending amendments to rule 3.1590 to implement AB 515. These recommendations include deletion of subdivision (a), which requires a court that tries a question of fact to announce a tentative decision.¹ The committees have recommended that those amendments take effect on January 1, 2027.

¹ Judicial Council of Cal., Advisory Com. Rep., *Statement of Decision Rules and Forms to Implement Assembly Bill 515* (pending).

The Proposal

The Civil and Small Claims Advisory Committee proposes amending rule 2.900 to implement changes in law made by Assembly Bill 515 and conform with the recommended revisions to rule 3.1590. As a result of AB 515, tentative decisions will be eliminated from the process for issuing a statement of decision under section 632 and rule 3.1590. This change will effectively eliminate one of the two events identified in rule 2.900(c) that can determine a pending cause. To address this issue, the committee proposes amending the first sentence of rule 2.900(c) to replace “announced its tentative decision” with “issued a statement of decision under Code of Civil Procedure section 632(a) or (c).” The committee proposes revising the second sentence to explain that the time required to finalize a statement of decision is not time in which the cause is pending and undetermined and “begins when the court first issues a statement of decision under section 632(a) or (c) and ends when the statement of decision becomes final under section 632(e).” This statement is intended to clarify that the cause is determined as soon as the statement of decision is issued, even if a party later files objections and the court issues an amended statement of decision in response to those objections.

The committee notes that it is unclear whether the term “tentative decision” in rule 2.900(c) is limited to tentative decisions issued under rule 3.1590 or includes all tentative rulings. The report recommending adoption of rule 2.900 does not address this question,² and the committee is not aware of any case law or other authorities on the subject. The committee is concerned that deleting “tentative decision” may therefore unintentionally remove tentative rulings from the list of events that determine a cause. The committee requests specific comments on whether rule 2.900(c) should be amended to include tentative rulings, to read as follows: “A submitted cause is pending and undetermined unless the court has announced its tentative ruling, issued a statement of decision under Code of Civil Procedure section 632(a), or the cause is terminated.”

Alternatives Considered

The committee did not consider the alternative of taking no action because rule amendments are needed to conform with AB 515 and the recommended amendments to rule 3.1590. The committee considered amending the rule to clarify the meaning of “cause” in subdivision (a) and “terminated” in subdivision (c). For example, the committee considered proposing an advisory committee comment stating that for purposes of the rule, “cause” is synonymous with both “matter” and “case.” However, the committee ultimately decided not to propose amendments defining these terms because it was concerned that the amendments could be interpreted as substantive changes to the rule’s scope, rather than as purely explanatory material.

When developing the proposed amendments, the committee noted that the statement of decision is not fully equivalent to the tentative decision because unlike tentative decisions, statements of decision are not mandatory and are required only if requested by a party. The committee therefore considered amending subdivision (c) to include an additional event to rule 2.900(c), but

² Judicial Council of Cal., Advisory Com. Rep., *Report and Recommendations of the Judicial Council Advisory Committee on Judicial Performance Procedures* (Oct. 3, 1988).

ultimately determined that termination of the cause should be sufficient as a trigger to stop the 90-day clock for any cause for which a statement of decision is not issued.

Fiscal and Operational Impacts

Government Code section 68210 requires judges to execute an affidavit regarding their compliance with section 19 of article VI of the California Constitution before they can receive their salary. Because rule 2.900 is used to determine compliance with the 90-day deadline in section 19, the proposed rule amendments may require training for judicial officers and court staff and may also require changes to court processes and procedures.

Request for Specific Comments

In addition to comments on the proposal as a whole, the advisory committee is interested in comments on the following:

- Does the proposal appropriately address the stated purpose?
- Is “tentative decision” in rule 2.900(c) limited to tentative decisions issued under rule 3.1590, or does it include all tentative rulings? If the latter, should rule 2.900(c) be amended to include tentative rulings, reading as follows: “A submitted cause is pending and undetermined unless the court has announced its tentative ruling, issued a statement of decision under Code of Civil Procedure section 632(a), or the cause is terminated.”

The advisory committee also seeks comments from courts on the following cost and implementation matters:

- Would the proposal provide cost savings? If so, please quantify.
- What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems?
- Would one month from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?
- How well would this proposal work in courts of different sizes?

Attachments and Links

1. Cal. Rules of Court, rule 2.900, at page 5
2. Link A: [Assem. Bill 515](#)

Rule 2.900 of the California Rules of Court would be amended, effective January 1, 2027, to read:

Rule 2.900. Submission of a cause in a trial court

(a) Submission

A cause is deemed submitted in a trial court when either of the following first occurs:

- (1) The date the court orders the matter submitted; or
- (2) The date the final paper is required to be filed or the date argument is heard, whichever is later.

(b) Vacating submission

The court may vacate submission only by issuing an order served on the parties stating reasons constituting good cause and providing for resubmission.

(c) Pendency of a submitted cause

- (1) A submitted cause is pending and undetermined unless the court has ~~announced its tentative decision~~ issued a statement of decision under Code of Civil Procedure section 632(a) or (c), or the cause is terminated. The time required to finalize a tentative decision is not time in which the cause is pending and undetermined. The time required to finalize a statement of decision, which begins when the court first issues a statement of decision under section 632(a) or (c) and ends when the statement of decision becomes final under section 632(e), is not time in which the cause is pending and undetermined. This time period includes any steps, such as hearing objections under section 632(e), that occur before the statement of decision becomes final.
- (2) For purposes of this rule only, a motion that has the effect of vacating, reconsidering, or rehearing the cause will be considered a separate and new cause and will be deemed submitted as provided in (a).