CONCURRENCE IN SENATE AMENDMENTS
AB 515 (Pacheco)
As Amended September 2, 2025
Majority vote

SUMMARY

Makes several changes to the process by which a party may request a statement of decision from a superior court.

Major Provisions

1) Requires a request for a statement of decision in superior court trials, where the court is the trier of fact, to be made before the matter is submitted for decision.

2) Authorizes a court to issue a written statement of decision without a request from a party, and would also authorize the court to order a party to prepare a draft statement of decision.

3) Permits a party to make objections to a statement of decision within a specified timeline.

4) Requires the Judicial Council to adopt or amend all rules of court necessary to implement the provisions above, *and to prepare a form that a party may use to request a statement of decision and an accompanying information sheet, as specified.*

5) Extends that deadline for the court clerk to enter judgment to within 30 days after the filing of the court's decision, or, if a statement of decision was requested, within 30 days after the statement of decision becomes final.

6) Provide that the provisions of this bill become operative on January 1, 2027.

Senate Amendments
Specify that the provisions of this bill become operative on January 1, 2027.

COMMENTS

Bench trials and the statement of decision. In most civil cases, parties can choose to have a jury trial or they can choose to have a "bench trial," in which the court, rather than a jury, decides questions of fact, as well as law. When a California trial court serves as the "trier of fact," it is not required to provide written findings of fact or conclusions of law, unless a party requests a "statement of decision" in the time and manner prescribed by law. Before rendering its final decision, the trial court must announce its "tentative decision" by an oral statement, entered into the minutes, or by a written statement filed with the clerk. The tentative decision not only states the court's proposed or preliminary decision, but may also indicate that the court will prepare a statement of decision, or alternatively that it may order a party to prepare (or propose) a statement of decision for the court to adopt. An existing statute, and a more detailed Rule of Court implementing that statute, sets forth a complex process for parties to request a statement of decision, based in part upon how long the trial lasts. The process for requesting a statement of decision has been described as so "byzantine" that lawyers sometimes fail to request the statement in the manner and timeframe required. Yet failure to obtain a statement of decision can be detrimental if the decision of the court is appealed. As one practicing attorney

straightforwardly put it, "for the respondent who is defending the judgment, the Statement of Decision can demonstrate how the trial court got the facts and law right. For the appellant attacking the judgment, it shows where the trial court went off-course." (Herb Fox, "The Statement of Decision: Don't Leave a Trial Court Without it," *Advocate Magazine* December, 2014.)

One of the more arcane features of existing law – which this bill would correct – sets a different time for requesting the statement of decision depending upon the length of the trial. For trials that last longer than a day, for example, the request must be made within ten days after the announcement of the tentative decision. However, if the trial last less than a day – or less than eight hours over multiple days – then the request for a statement of decision must be made before the matter is submitted for a final decision. As illustrated in a 2022 opinion by the California Court of Appeal, not only lawyers, but sometimes even some judges, are confused about how to exactly calculate whether a trial lasted more than eight hours over multiple days. The question in one appellate court case was whether the "trial time" was limited to the amount of time spent in court hearings, or if "trial time" included time the trial court spent reviewing an administrative record. While the appellate court ultimately ruled that trial time did not include time that the court spent reviewing the administrative record – because it would require "sheer speculation" by the party trying to determine when to make a request – the case nonetheless illustrates the kinds of questions that might arise due to the lack of a uniform rule on making requests. (*Atlantic Richfield Co. v California Regional Water Quality Control Board* (2022) 85 Cal. App. 5th 338.)

This bill would, among other things, require a party to request for a statement of decision in all trials, *regardless of length*, before the matter is submitted for decision. By creating a uniform time for making the request, the bill would relieve a party of the burden of knowing and calculating what exactly constituted "trial time." Moreover, at the beginning of the trial, and even up to the time of the tentative decision, the parties do not know how long the trial may last. Under this bill, all parties would know, no matter how long the trial may last, that the request must be made before the matter is submitted for decision.

In addition, this bill would codify, and in some ways recast, many of the steps related to the statement of decision set forth in California Rule of Court 3.1590. For example, consistent with this Rule, the bill would do the following: require the statement of decision to be served on all parties; authorize a court to issue a written statement without a request, or to order a party to prepare a draft statement of decision; and set forth procedures and a timeline for a party to object to a statement of decision, and the consequences of objecting or not objecting. The bill would require the Judicial Council to adopt or amend all rules of court necessary to implement the bill's provisions. However, other than requiring a party to request the statement of decision before the matter is submitted for decision regardless of the length of the trial, the other provisions of the bill for the most part mirror the existing Rule of Court; thus it is unclear how much adopting or amending will be required by the Judicial Council.

Finally, this bill would also extend the deadline by which the clerk of the court must enter the judgement of the court following a bench trial. Under existing law, in a jury trial, the clerk must enter a judgment in conformity with the jury verdict within 24 hours after the verdict is rendered. In a bench trial, the judgement must be entered "immediately upon the filing of the decision." In short, the decision is filed and the judgment entered at more or less the same time. (Code of Civil Procedure Section 664.) This bill would instead require the clerk to enter the judgment within 30 days after the filing of the court's decision, if no statement of decision is requested, or within 30

days after the statement of decision becomes final, if a statement of decision is requested. This extension apparently mirrors the 30 days that a party (presumably the losing party) has to object to the statement of decision.

According to the Author

Assembly Bill 515 simplifies California's statement of decision process by providing clear procedures and timeframes. The bill establishes consistent rules for when and how parties may request a trial court's statement of decision. These clear, consistent procedures will reduce errors by both attorneys and trial courts, resulting in fewer appellate issues and more efficient resolution of appeals.

Arguments in Support

According to the California Judges Association (CJA), the sponsor of this bill, the "existing process for obtaining a statement of decision (SOD) is unduly complicated, causing attorneys and trial courts to make mistakes." CJA contends that neither judicial officers nor lawyers "have a clear idea how the rule and statute are supposed to operate." AB 515, CJA concludes, will "provide clarity and consistency in the SOD process, thereby avoiding errors and issues."

Arguments in Opposition

None on file

FISCAL COMMENTS

According to the Senate Appropriations Committee, pursuant to Senate Rule 28.8, negligible state costs.

VOTES:

ASM JUDICIARY: 12-0-0
YES: Kalra, Dixon, Wicks, Bryan, Connolly, Harabedian, Pacheco, Papan, Sanchez, Stefani, Zbur, Tangipa

ASM APPROPRIATIONS: 15-0-0
YES: Wicks, Sanchez, Arambula, Calderon, Caloza, Dixon, Elhawary, Fong, Mark González, Hart, Pacheco, Pellerin, Solache, Ta, Tangipa

ASSEMBLY FLOOR: 76-0-3
YES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Castillo, Connolly, Davies, DeMaio, Dixon, Elhawary, Ellis, Flora, Fong, Gabriel, Gallagher, Garcia, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Kalra, Krell, Lackey, Lee, Lowenthal, Macedo, Muratsuchi, Nguyen, Ortega, Pacheco, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Celeste Rodriguez, Michelle Rodriguez, Rogers, Blanca Rubio, Sanchez, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Ta, Tangipa, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas
ABS, ABST OR NV: Chen, McKinnor, Papan

UPDATED

VERSION: July 3, 2025

CONSULTANT: Tom Clark / JUD. / (916) 319-2334 FN: 0001718