



**IN WRITING**

**WITH REASONS STATED:**

**The Reporter of**

**Decisions**

**and the**

**CALIFORNIA OFFICIAL**

**REPORTS**

“The Legislature shall provide for the prompt publication of such opinions of the Supreme Court and courts of appeal as the Supreme Court deems appropriate, and those opinions shall be available for publication by any person. Decisions of the Supreme Court and courts of appeal that determine causes shall be *in writing with reasons stated.*”

*California Constitution,*  
*(Art. VI, §14.)*

*"... In Writing With Reasons Stated..."*

Under California law, all state appellate judicial decisions must be issued in written form. This requirement is a byproduct of the common law rule of *stare decisis*, which means that a point of law settled by appellate decision becomes a precedent to be followed in later cases. Requiring courts to record their legal reasoning in writing promotes reliability, consistency, and continuity in state decisional law, and provides needed guidance for judges, lawyers, and litigants in every new case. Equal access to justice in a democracy requires that written judicial decisions be reported reliably and made available to all.

The position of Reporter of Decisions was deemed so central to the orderly development of early California law and governance that provision was made in the state's first Constitution in 1849 for the appointment of a Reporter. The first Reporter's duties were to provide for speedy publication of all decisions of the Supreme Court. When the Courts of Appeal were established in 1904, the Reporter's responsibility expanded to include publication of their decisions as well.

Today the Reporter of Decisions supervises the editing and publication of the *Official Reports*, comprised of the *California Reports*—the set of bound volumes containing all Supreme Court opinions—and the *California Appellate Reports*—the volumes containing all published decisions of the Courts of Appeal and the trial courts' appellate divisions. Now in their fourth series, these bound volumes are a familiar sight on bookshelves in every California court, county law libraries, and many law offices and law schools. With the advent of the Internet, every Court of Appeal and Supreme Court opinion is also posted on the California Courts Web site, [www.courtinfo.ca.gov](http://www.courtinfo.ca.gov), within minutes of being received in the Reporter of Decisions office. Opinions are not protected by copyright, and the Constitution permits publication of opinions "by any person," so various other noncommercial and commercial print and online services may print, publish, or post them as well.

Although all appellate decisions must be written, the law does not require that they must all be published. As the Supreme Court is California's court of last resort, whose decisions are binding on all the lower courts of the state,

every one of its opinions is published by the Reporter of Decisions and is citable as precedent. The high court issues over 100 opinions, filling over 3,000 pages, every year.

By contrast, most intermediate appellate court decisions involve ordinary disputes and do not settle new points of law, for the simple reason that every California litigant may appeal as of right to the Court of Appeal. So, under court rules adopted in 1964, the Reporter publishes only those intermediate appellate decisions that resolve a conflict in the law, establish a new rule of law, apply an established rule to a novel set of facts, or make a significant contribution to the legal literature in some other way. This limitation on publication is fortunate for the state's lawyers and judges, because the intermediate courts issue a total of over 12,000 written decisions a year. Even so, the number of opinions published is still large—about one-tenth of the total filed—and fills close to 13,000 bound volume pages annually. And the Reporter of Decisions office posts every opinion, whether published or unpublished, to the California Courts Web site.

In 1942, noted legal scholar Bernard E. Witkin, then the Reporter of Decisions, issued the first *California Style Manual*, which set out rules for the preparation, format, and publication of judicial opinions, in order to meet what he viewed as the "imperative need for standardization of these practices." The fourth edition of the *Style Manual*, issued in 2000 by current Reporter of Decisions Edward W. Jessen, contains updated rules for citation of legal authorities, proper format of case titles, capitalization, and other style mechanics. Adherence to the style manual's standards assures textual clarity and citational uniformity in published opinions, contributing to their clarity and reliability as a primary source of California law.

Availability, access and reliability are hallmarks of *California Official Reports*. The essential and enduring work of the office of the Reporter of Decisions assures that California judicial decision-making can move forward, secure in its foundations, confident in its future, and grounded in its finest legal traditions.

**For a listing of California's Reporters of Decisions, please see the following page.**

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