



# Judicial Council of California

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## REPORT TO THE JUDICIAL COUNCIL

*Item No.: 24-015*  
For business meeting on May 17, 2024

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**Title**

Judicial Council: Rules Committee Report

**Agenda Item Type**

Information Only

**Submitted by**

Rules Committee

Hon. Carin T. Fujisaki, Chair

Hon. Michelle Williams Court, Vice-Chair

**Date of Report**

May 7, 2024

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### Executive Summary

The Rules Committee establishes and maintains the Judicial Council rule-making process and assists the council in making informed decisions about rules of court, forms, standards of judicial administration, and jury instructions. Among other actions, the committee “[r]ecommends whether the council should approve, modify, or reject each proposal.” (Cal. Rules of Court, rule 10.13(c)(1).)

This report describes the committee’s activities since the March 15, 2024, Judicial Council meeting. These activities include the committee’s consideration of spring cycle invitations to comment, to be circulated through May 3, concerning rules and forms modifications proposed by various advisory committees. They also include the committee’s recommendations for council approval of the rules, forms, and jury instructions proposals identified below, all but one of which are on the consent agenda for the May meeting. It is anticipated that one recommended proposal, *Civil Remote Proceedings: Standards for When a Judicial Officer May Preside Remotely*, will appear on the May discussion agenda.

### Overview of Committee Meetings

Since the council’s last meeting, the Rules Committee has met by videoconference three times.

On **March 28, 2024**, the Rules Committee met to consider 33 proposed invitations to comment on rules and forms proposals, to be posted in the spring cycle, from the Appellate Advisory

Committee, Civil and Small Claims Advisory Committee, Center for Judicial Education and Research Advisory Committee, Court Executives Advisory Committee, Court Interpreters Advisory Panel, Criminal Law Advisory Committee, Family and Juvenile Law Advisory Committee, Probate and Mental Health Advisory Committee, Traffic Advisory Committee, and Tribal Court–State Court Forum.

**Action:** The Rules Committee approved the circulation of the 33 proposals for the regular spring cycle, which were posted for public comment following the meeting through May 3.

On **April 4, 2024**, the Rules Committee met to consider:

- One proposed invitation to comment on a rules and forms proposal from the Probate and Mental Health Advisory Committee, to be posted in the spring cycle, which had been deferred from the March 28 Rules Committee meeting.
- Three proposed reports to the Judicial Council with recommendations for new and revised rules and forms, all of which had circulated during the winter public comment cycle:
  - *Criminal Procedure: Appointment of Counsel for Claims Filed Under Penal Code Section 1473(e)*
  - *Criminal Procedure: Racial Justice Act*
  - *Mental Health Law: CARE Act Rule Amendments and Form Revisions*
- One proposed report to the Judicial Council from the Center for Judicial Education and Research Advisory Committee recommending that the Judicial Council make a technical amendment to rule 10.603 of the California Rules of Court to replace outdated references with citations to the current judicial education requirements.
- Two jury instructions proposals from the Advisory Committee on Civil Jury Instructions:
  - A proposed report to the council to approve additions and revisions to civil jury instructions (Release 45) that circulated for public comment; and
  - A recommendation for final action by the Rules Committee for minor or nonsubstantive revisions, which the council has delegated authority to the Rules Committee to approve.

**Action:** The Rules Committee approved all the proposed reports and recommended that they go on the council’s consent agenda for the May 17 meeting, and took final action in approving the minor and nonsubstantive revisions to civil jury instructions. It also approved the proposed invitation to comment on rules and forms for the regular spring cycle, which was posted for public comment through May 3.

On **May 1, 2024**, the Rules Committee met to consider:

- One proposed report to the Judicial Council from the Trial Court Presiding Judges Advisory Committee for a new rule, which was circulated for public comment on a special cycle:
  - *Civil Remote Proceedings: Standards for When a Judicial Officer May Preside Remotely*
- One proposed report to the Judicial Council for a revised form not circulated for public comment because the particular form changes are either technical in nature and necessary to correct inadvertent omissions or incorrect references, or minor substantive changes that are noncontroversial:
  - *Rules and Forms: Order for Debtor's Examination in Small Claims Cases*

**Action:** The Rules Committee approved the two proposals and recommended that they go on the discussion and consent agendas, respectively, of the council's May 17 meeting.

### **Recommendation to the Judicial Council**

The Rules Committee recommends Judicial Council approval of the recommendations in the council reports on rules, forms, and jury instructions identified above.