

Rules and Forms: Enhancing Access to Justice and Court Efficiency

Hon. Carin T. Fujisaki, Court of Appeal, First Appellate District

Hon. Tamara L. Wood, Superior Court of Shasta County

Ms. Anne M. Ronan, Supervising Attorney, Legal Services

September 20, 2024



Constitutional Authority

- “To improve the administration of justice . . .”
- “[T]he council shall . . . adopt rules for court administration, practice and procedure . . .”
- “The rules adopted shall not be inconsistent with statute.”

What is the purpose of rules and forms?

- Create clear, standardized legally accurate processes and documents to assist:
 - Self-represented litigants
 - Attorneys
 - Judges
 - Court staff
 - Justice partners

Rules and Forms: By the Numbers

- Over 1,400 rules of court
- Over 1,500 Judicial Council Forms
- Over 1,000 translated forms
- All available free at courts.ca.gov

Advisory Committees: By the Numbers

- 24 advisory committees
- 442 members of advisory committees
- Staffed by 12 different Judicial Council staff offices

JUDICIAL COUNCIL INTERNAL COMMITTEE OVERSIGHT OF ADVISORY BODIES

JUDICIAL COUNCIL OF CALIFORNIA

EXECUTIVE AND PLANNING COMMITTEE

Administrative Presiding Justices Advisory Committee

Advisory Committee on Audits and Financial Accountability for the Judicial Branch

Advisory Committee on Providing Access and Fairness

Center for Judicial Education and Research (CJER) Advisory Committee

Collaborative Justice Courts Advisory Committee

Court Executives Advisory Committee

Court Facilities Advisory Committee

Court Interpreters Advisory Panel

Court Security Advisory Committee

Data Analytics Advisory Committee

Trial Court Facility Modification Advisory Committee

Trial Court Presiding Judges Advisory Committee

Tribal Court–State Court Forum

RULES COMMITTEE

Advisory Committee on Civil Jury Instructions

Advisory Committee on Criminal Jury Instructions

Appellate Advisory Committee

Civil and Small Claims Advisory Committee

Criminal Law Advisory Committee

Family and Juvenile Law Advisory Committee

Probate and Mental Health Advisory Committee

Traffic Advisory Committee

TECHNOLOGY COMMITTEE

Information Technology Advisory Committee

LITIGATION MANAGEMENT COMMITTEE

Judicial Branch Workers' Compensation Program Advisory Committee

JUDICIAL BRANCH BUDGET COMMITTEE

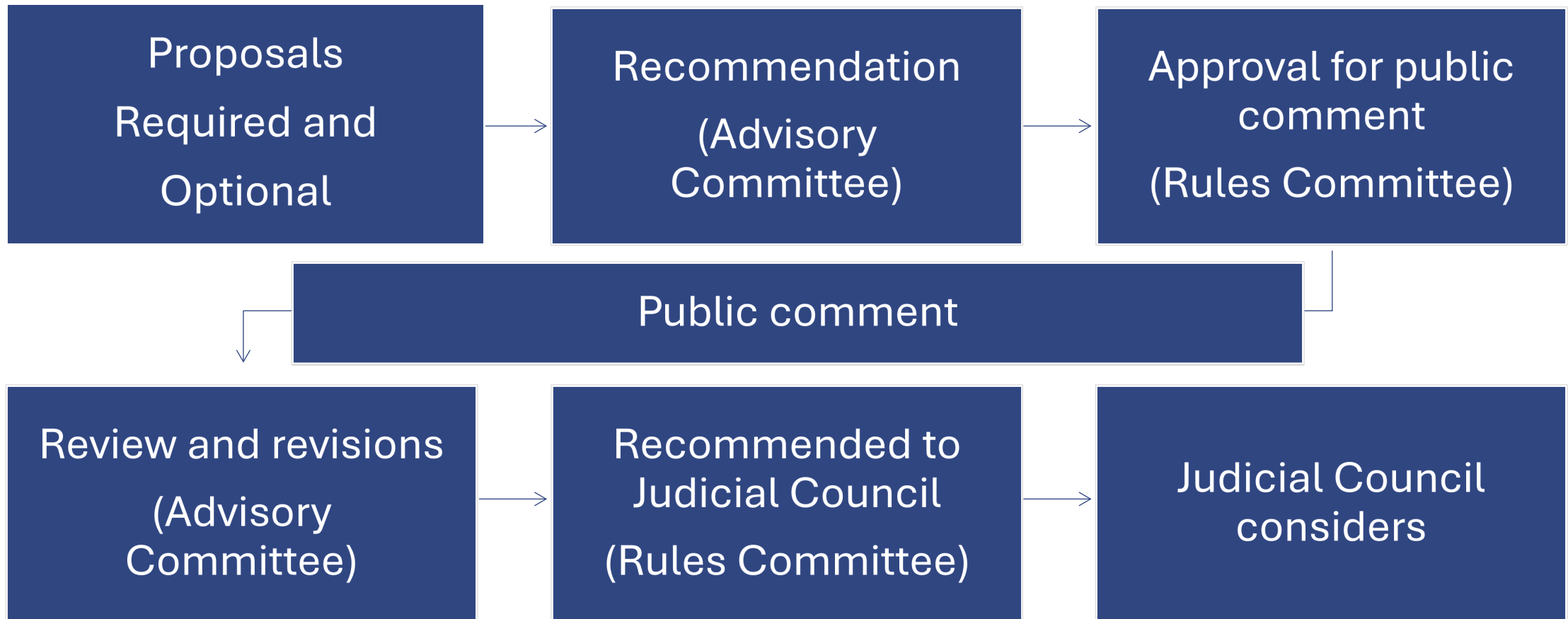
Trial Court Budget Advisory Committee

LEGISLATION COMMITTEE

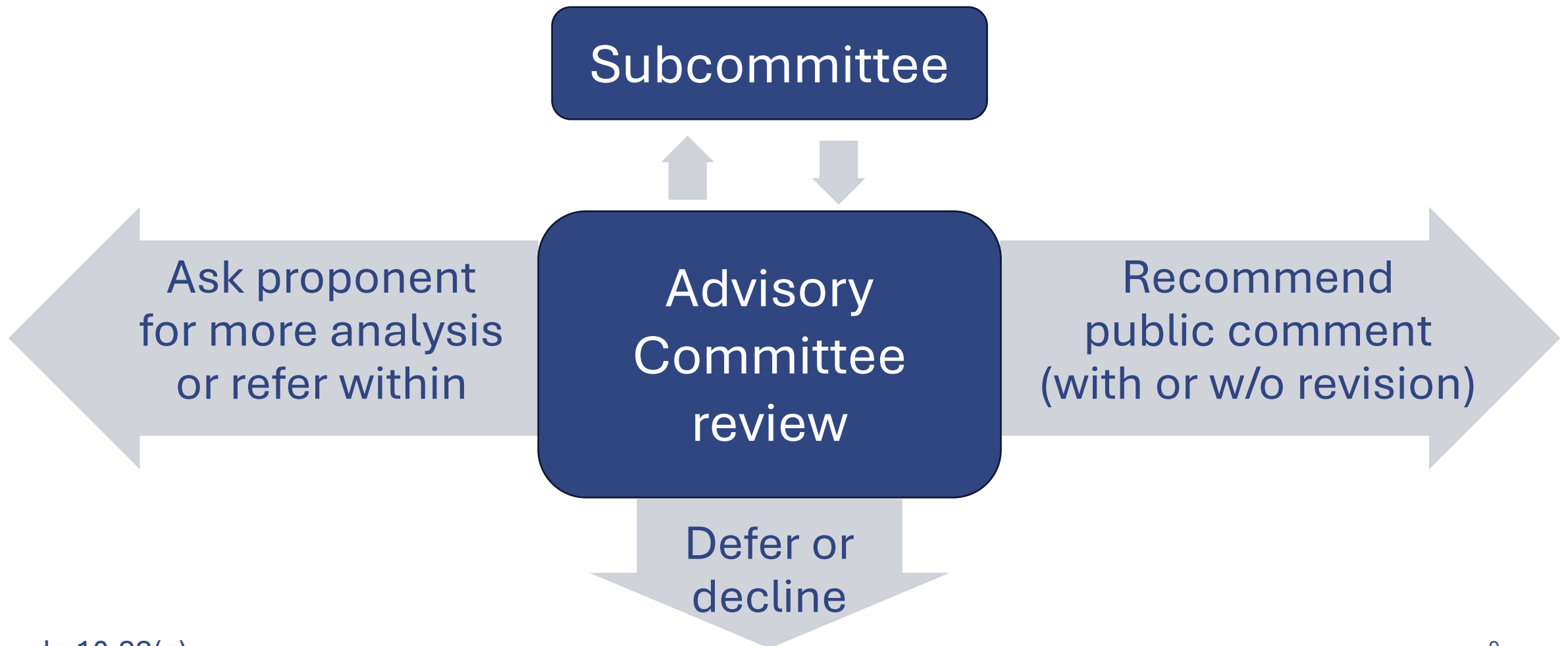
The Rules Committee: By the Numbers

- The committee will meet at least 15 times in 2024 (all remote)
- The committee reviewed about 45 proposals in 2024, many of them twice—once for an ITC and then again for a recommendation to the council
- Successful proposals include the adoption or revision of over 45 rules of court and adoption or revision of about 280 Judicial Council forms

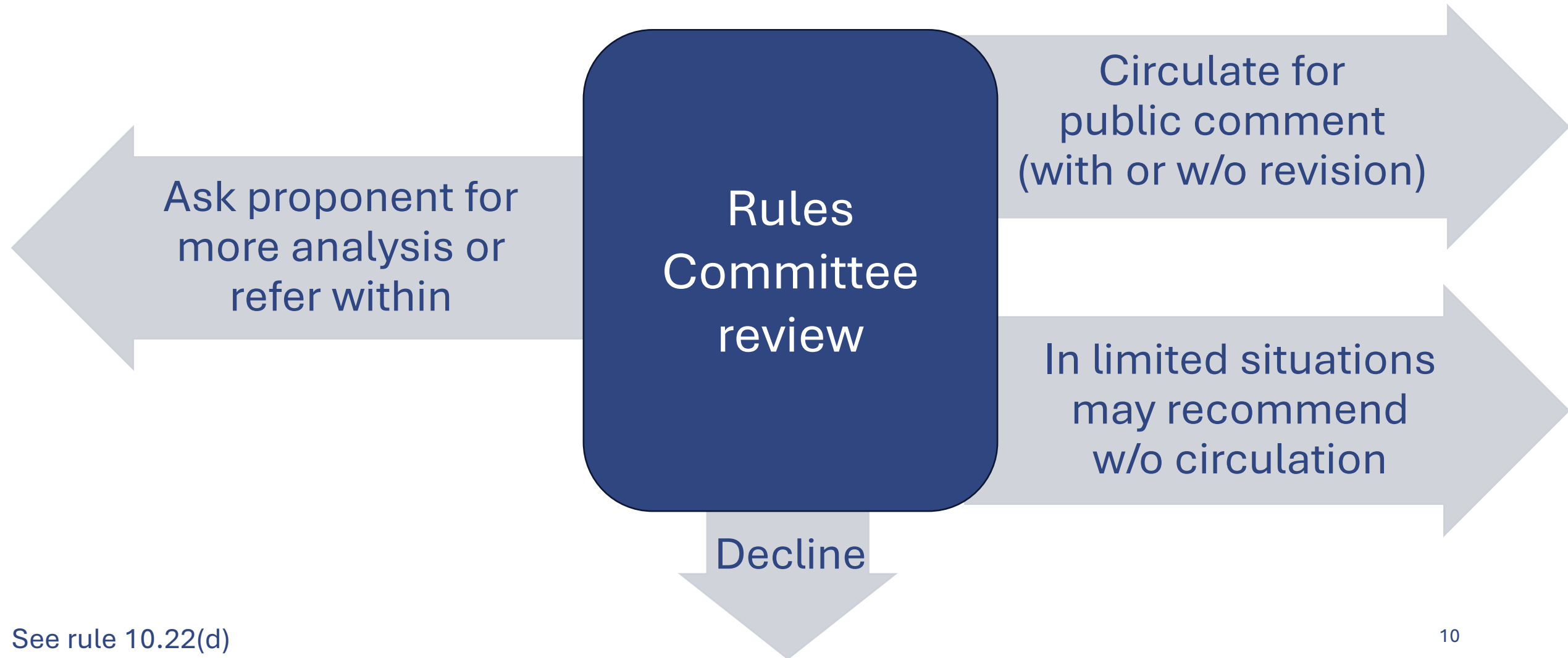
The Rule-Making Process (Overview)



Step 2: Advisory Committee Review



Step 3: Rules Committee Review for Circulation for Public Comment



Step 4: Circulation for Public Comment

- Proposed rule or form posted publicly
- Posted with written explanation of proposal—an invitation to comment (ITC)
- **Anyone** can submit comments by email or electronic form



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Public comments

Please note that comments received will become part of the public record. You may submit comments online, or e-mail them as specified beneath each proposal below.

Submitting Comments

It is preferred that you submit comments using the online form under each proposal below.

You may instead use the e-mail link under each proposal.

Proposals Open for Public Comment by Topic

[+ expand all](#) [- collapse all](#)[Civil Jury Instructions \(CACI\)](#)[Civil Jury Instructions \(CACI\)](#) (PDF, 1523 KB)

Item Number: CACI 24-02

Comments must be submitted by September 5, 2024 (Pacific)

[Comment by email](#)

Step 5: Advisory Committee Reviews Public Comment



SPR24-11**CEQA Actions: Initial Case Management Conferences** (amend Cal. Rules of Court, rule 3.2226)

All comments are verbatim unless indicated by an asterisk (*).

	Commenter	Position	Comment	Committee Response
1.	Orange County Bar Association by Christina Zabat-Fran President	AM	This proposed amendment to Cal. Rules of Court, rule 3.2226 accomplishes its purpose to conform the rule to the statutory language in Public Resources Code section 21167.6(b)(1)(B) by making the timing of the initial conference mandatory and by adding as required by the statute that the parties discuss “the scope, timing, and cost of the record of proceedings.” However, we would propose changing “must” to “shall”, which is more in line with mandatory language typically used by the Legislature to convey a mandate.	The committee does not recommend revisions based on this suggestion as the Judicial Council’s practice is to use “must” to convey mandates. See California Rules of Court, rule 1.5(b).
2.	Superior Court of Los Angeles County by Bryan Borys Director of Research and Data Management	AM	The following comments are representative of the Superior Court of California, County of Los Angeles (Court), and do not represent or promote the viewpoint of any particular judicial officer or employee. The Court agrees with the proposal in SPR24-11, “CEQA Actions: Initial Case Management Conferences,” if modified, as some trial courts may need 90 days if they choose to implement this change through automatically scheduled hearings.	The committee does not recommend revisions based on this suggestion because the Judicial Council will vote on the proposed amendment in September 2024 and, if approved, it would not take effect until January 1, 2025, which provides courts with more than 90 days to implement this change.
3.	Superior Court of Riverside County by Sarah Hodgson Chief Deputy of Legal Services / General Counsel	NI	No additional comments nor suggestions. Does the proposal appropriately address the stated purpose? <ul style="list-style-type: none"> • Yes, it addresses the stated purpose 	The committee appreciates the information provided. The committee appreciates the information provided.

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated.

Step 6: Rules Committee Review and Recommendation to the Council



Step 7: Judicial Council Considers Proposals

- The council may:
 - Adopt the proposal as submitted
 - Adopt the proposal with changes
 - Disapprove the proposal

Limitations: Not inconsistent with statute

- “The rules adopted shall not be inconsistent with statute.” (Cal. Const., art VI, § 6(d).)
- Cannot conflict with statute’s language or intent
- But going beyond statute’s text or filling a gap may be possible

Thank you

Thanks to all who help make the Judicial Council's efforts on rules and forms successful:

- Members of advisory committees
 - Judicial Council staff who support the advisory committees
 - Courts, justice partners, stakeholders, and members of the public who review proposals and submit comments
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