



JUDICIAL COUNCIL OF CALIFORNIA

455 Golden Gate Avenue . San Francisco, California 94102-3688

www.courts.ca.gov

REPORT TO THE JUDICIAL COUNCIL

Item No.: 21-083

For business meeting on March 12, 2021

Title

Rules Committee Chair's Report to the
Judicial Council

Agenda Item Type

Information Only

Date of Report

March 5, 2021

Submitted by

Rules Committee
Hon. Harry E. Hull, Jr., Chair

Contact

Anne M. Ronan, 415-865-8933
anne.ronan@jud.ca.gov

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. This report summarizes the committee's activities since the January 22, 2021, Judicial Council meeting—the last meeting at which there was a Rules Committee report. Since that time, the Rules Committee has met by telephone once and acted by email twice.

Overview of Committee Meetings

On February 3, 2021, the Rules Committee met by telephone to consider two rules and forms proposals and jury instructions that circulated for comment and one technical amendment report to revise four Judicial Council forms containing figures based on the federal poverty guidelines to reflect the changes in those guidelines recently published by the federal government. This proposal was not circulated for public comment because it is noncontroversial, involve technical revisions, and are therefore within the Judicial Council's purview to adopt without circulation.

- *Jury Instructions: Revisions, Additions, and Revocations to Criminal Jury Instructions: Judicial Council of California Criminal Jury Instructions (CALCRIM)* recommended by the Advisory Committee on Criminal Jury Instructions;

- *Criminal Forms: Sex Offender Registration Termination (adopt forms CR-415, CR-417, and CR-418; approve forms CR-415-INFO and CR-416) recommended by the Criminal Law Advisory Committee;*
- *Rules and Forms: Technical Form Changes to Reflect Federal Poverty Guidelines (revise forms FW-001, FW-001-GC, APP 015/FW-015-INFO, and JV-132) recommended by the Judicial Council staff; and*
- *Rules and Forms: Technical Change to Elder Abuse Form (revise form EA-120) recommended by the Civil and Small Claims Advisory Committee.*

The Rules Committee approved all three rules and forms proposals, and the jury instructions proposal. These proposals are items 21-029, 21-068, 21-074, and 21-071 on today's consent agenda.

On February 8, 2021, the Rules Committee acted by email between meetings to consider a proposal by the Civil and Small Claims Advisory Committee recommending that the Judicial Council revise two unlawful detainer forms and adopt a third in order to implement the new provisions enacted in Senate Bill 91, which went into effect on January 29, 2021. Because the changes in law are already in effect, the committee recommended the council act as soon as possible, by circulating order, with the forms sent out for public comment after the council acts.

The Rules Committee recommended approval of this proposal, which the council approved by Circulating Order Number CO-21-01 on February 11, 2021.

The Rules Committee also acted by email on February 16, when the Rules Committee approved that the new and revised unlawful detainer forms that had been sent to the council via circulating order be circulated for comment after approval by the council. The Civil and Small Claims Advisory Committee requested, and the Rules Committee's approved, a two-week circulation period for the recently adopted forms. The invitation to comment has been posted for public comment through March 5, 2021, and the forms will be considered again if further revisions are appropriate in light of the comments received.

Recommendation

The Rules Committee recommends approval of the two rules and forms proposals and the Criminal Jury Instructions that circulated for comment and the one technical amendment report, which it considered on February 3 and which are on the council's consent agenda for the March 12, 2021 meeting.