



## JUDICIAL COUNCIL OF CALIFORNIA

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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on July 15, 2022

*Agenda Item 22-110*

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**Title**

Rules Committee Report to the Judicial Council

**Agenda Item Type**

Information Only

**Submitted by**

Rules Committee

Hon. Carin T. Fujisaki, Chair

Hon. Dalila Lyons, Vice Chair

**Date of Report**

July 6, 2022

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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. This report summarizes the committee's activities since the March 11, 2022, Judicial Council meeting—the last meeting at which there was a Rules Committee report—and its recommendations for the July 15 council meeting.

Since the last meeting of the council, the Rules Committee has met by videoconference twice and by email three times.

### Overview of Committee Meetings

**On March 30**, the Rules Committee met by videoconference to consider:

- Twenty-four proposed Invitations to Comment on rules and forms proposals, to be circulated for public comment in the spring cycle.
- One proposed Invitations to Comment, to be posted on a special shorten cycle so a final recommendation can go to the May council meeting: *Traffic: Repeal Outdated Rule on Remote Video Proceedings and Related Forms* (Repeal Cal. Rules of Court, rule 4.220; revoke forms TR-500-INFO, TR-505, and TR-510)

**Action:** The Rules Committee approved circulation of the 24 proposals for the regular spring cycle, which were posted for public comment following the meeting through May 10; and approved the one proposal that circulated on a special shortened cycle through April 10.

Following public comment and further review by the proponent committees and the Rules Committee, if final recommendations are made on the rules and forms proposals that have been circulated for comment on the regular cycle, they are expected to come before the council at the September 20 business meeting. (The proposal that circulated on the shortened cycle went before the council in May.)

**On April 6, 2022,** the Rules Committee met by videoconference to consider:

- Five proposed Invitations to Comment on rules and forms proposals, to be circulated for public comment in the spring cycle, which had been deferred from the March 30 Rules Committee meeting.
- Seven proposed reports to the Judicial Council with recommendations for new and revised rules and forms:
  - four of which had circulated during the winter public comment cycle,
  - one of which had circulated on a special cycle, and
  - two of which were for minor substantive changes not likely to create controversy and so were not subject to circulation.

**Action:** The Rules Committee approved circulation of the five proposals for public comment for the regular spring cycle, to be posted through May 20; and approved the recommendations in all seven reports to the council, to go on the consent agenda at the council's May 13 meeting.

At that same meeting, the Rules Committee took final action on three proposals for which the council has delegated authority to the Rules Committee to approve.

- *Appellate Advisory Committee: Addition of Project to Annual Agenda and Formation of New Ad Hoc Subcommittee to Carry Out this Project.*
- *Joint Request to Amend Annual Agendas to Reflect Assignments from Post Pandemic Working Group (P3 Working Group)*
- *Civil Jury Instructions: Instructions with Minor or Nonsubstantive Revisions (Release 41).*

**Action:** The rules committee approved all of the recommendations, the amendment of the annual agenda and the revisions to the jury instructions.

**On April 8, 2022,** the Rules Committee took action by email, due to the need to revise forms as the result of urgent legislation, to consider one report with recommendations to go to the council via circulating order: *Unlawful Detainer: Form Revisions to Implement Assembly Bill 2179 (Revise forms UD-101, UD-105, and UD-120)*

**Action:** The Rules Committee approved the recommendations in the report to go forward to the council's May 1 consent agenda.

**On April 26, 2022,** the Rules Committee took action by email due to urgent need to revise a rule and forms prior to the ending of the emergency rules of court, to consider one report with recommendations to go to the council: *Traffic: Remote Video Proceedings and Related Forms (Repeal Cal. Rules of Court, rule 4.220; revoke forms TR-500-INFO, TR-505, and TR-510)*

**Action:** The Rules Committee approved the recommendations in the report to go forward to the Judicial Council's May 13 meeting.

**On June 7, 2022,** the Rules Committee took action by email, due to need to reflect change in government-set dollar amounts as soon as possible, to consider one report with recommendation to go to the council: *Rules and Forms: Form Revision to Reflect Annual Cost of Living Adjustment (revise form EJ-156).*

**Action:** The Rules Committee approved the recommendations in the report to go forward to the Judicial Council's July 15 meeting.

**On July 5, 2022,** the Rules Committee took action by email, due to the need to revise forms to reflect change in law as of July 1, to consider one report with recommendations to go to the council: *Unlawful Detainer: Form Revisions Under Code of Civil Procedure, sections 1179.10 and 1179.11 (revise forms UD-101, UD-105, and UD-120).*

**Action:** The Rules Committee approved the recommendations in the report to go forward to the Judicial Council's July 15 meeting.

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

The Rules Committee recommends council approval of the recommendations in the two reports identified above as approved for the July 15 meeting, on the consent agenda as items 22-117 and 22-119.