



Judicial Council of California

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REPORT TO THE JUDICIAL COUNCIL

Item No.: 23-183

For business meeting on November 17, 2023

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

October 25, 2023

Contact

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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 September 19, 2023, Judicial Council meeting. These activities include the committee’s recommendations that the council approve the rules, forms, and jury instructions proposals identified below, all of which are on the council’s agenda for the November meeting.

Overview of Committee Meetings

Since the council’s last meeting, the Rules Committee has met twice by videoconference and once by email.

On **October 11, 2023**, the Rules Committee met by videoconference to consider:

- One proposed report to the Judicial Council from the Civil and Small Claims Advisory Committee and the Appellate Advisory Committee with recommendations for revised rules, titled: *CEQA Actions: New Projects and Fees for Expedited Review*. This proposal

had not been circulated for public comment because the proposed rule changes are minor noncontroversial revisions to directly implement changes in law, and those changes are therefore recommended without circulation under rule 10.22(d)(2).

- 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 44) 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 to go forward to the council’s consent agenda for the November 17 meeting and took final action in approving the minor and nonsubstantive revisions to civil jury instructions.

On **October 13, 2023**, the Rules Committee acted by email to review one proposed report to the Judicial Council from the Civil and Small Claims Advisory Committee and the Family and Juvenile Law Advisory Committee recommending adoption of two new forms *Request for Sheriff to Serve Court Papers* (form SER-001) and an attachment to that form, *Special Instructions for Writs and Levies—Attachment* (form SER-001A), which was circulated on a special comment cycle through September 5.

Action: The Rules Committee approved the proposal to go forward to the council’s agenda for the November 17 meeting.

On **October 26, 2023**, the Rules Committee met by videoconference to consider the proposed annual agendas for the 2023–2024 rules cycle for each of the eight committees that it oversees:

- Appellate Advisory Committee;
- Civil and Small Claims Advisory Committee;
- Civil Jury Instructions Advisory Committee;
- Criminal Jury Instructions Advisory Committee;
- Criminal Law Advisory Committee;
- Family and Juvenile Law Advisory Committee;
- Probate and Mental Health Advisory Committee; and
- Traffic Advisory Committee.

Action: Following discussion with the chairs or vice-chairs of each advisory committee, an annual agenda for each committee was approved, and they will be available on each advisory committee's page on the judicial branch webpage and at the page listing all annual agendas for Judicial Council advisory bodies at www.courts.ca.gov/32214.htm.

Recommendation to the Judicial Council

The Rules Committee recommends council approval of the rules, forms, and jury instructions recommendations in the reports approved by the committee. All of these proposals are on the council's agenda for the November meeting.