



JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on March 11, 2022

Agenda Item 22-089

Title

Rules Committee Chair's Report to the
Judicial Council

Agenda Item Type

Information Only

Submitted by

Hon. Carin T. Fujisaki, Chair
Rules Committee

Date of Report

March 11, 2022

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. This report summarizes the committee's activities since the January 21, 2022, Judicial Council meeting—the last meeting at which there was a Rules Committee report—and its recommendations for the March 11 council meeting.

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

Overview of Committee Meetings

On February 5, 2022, the Rules Committee met by videoconference to consider:

- Three reports with recommendations to go to the council:
 - *Jury Instructions: Revisions and Additions to the Criminal Jury Instructions*
 - *Rules and Forms: Miscellaneous Technical Changes* (amend rules 4.200 and 4.530; revise forms CR-251 and CR-402)

- *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)
- Three proposed Invitations to Comment, to be posted on a special cycle, with the first to be on a shortened cycle so a final recommendation can go to March council meeting:
 - *Criminal Law: Felony Sentencing* (amend 4.405, 4.406, 4.408, 4.411.5, 4.414, 4.420, 4.421, 4.423, 4.424, 4.425, 4.427, 4.428, 4.437, 4.447; repeal rules 4.300 and 4.453).
 - *Criminal Procedure: Mental Competency Proceedings* (amend rule 4.130).
 - *Criminal Procedure: Motion and Order to Vacate Conviction or Sentence* (revise forms CR-187 and CR-188)

Action: The Rules Committee approved the recommendations in the three reports, to go forward to the council’s consent agenda, and approved posting the three Invitations to Comment.

On February 28, 2022, the Rules Committee met by videoconference to consider five reports with recommendations to go to the council:

- *Judicial Branch Administration: Data Analytics Advisory Committee* (adopt rule 10.68 and repeal rule 10.66).
- *CEQA Actions: New Projects and Fees for Expedited Review* (adopt rule 3.2240; amend rules 3.2200, 3.2220, 3.2221, 3.2222, 3.2223, 8.700, 8.702, 8.703, and 8.705)
- *Criminal Law: Felony Sentencing* (amend rules 4.405, 4.406, 4.408, 4.411.5, 4.414, 4.420, 4.421, 4.423, 4.424, 4.425, 4.427, 4.428, 4.437, 4.447; repeal rules 4.300 and 4.453)
- *Rules and Forms: Small Estate Disposition* (adopt form DE-300; revise forms DE-305, DE-310, and DE-315)
- *Civil Practice and Procedure: Adjustments to Dollar Amounts of Exemptions* (adopt form EJ-186 and revise form EJ-156)

Action: The Rules Committee approved the recommendations in all five reports to go forward to the council’s consent agenda.

On March 3, 2022, the Rules Committee took action by email, to consider one report with recommendations to go to the council:

- *Judicial Branch Administration: Sunset Emergency Rules in Response to the COVID-19 Pandemic* (Amend Cal. Rules of Court, emergency rules 3, 5, 6, 7, 8, 9, 10, and 13).

Action: The Rules Committee approved the recommendations in the report to go forward to the council.

Recommendation

The Rules Committee recommends council approval of the recommendations in the nine reports identified above. As indicated, the committee considered these matters on February 5 and 28, and March 3, and they appear on the council's agenda for the March 11, 2022, meeting as items 22-010, 22-028, 22-038, 22-071, 22-079, 22-080, 22-081, 22- 085, and 22-093.