



JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

Item No.: 21-181

For business meeting on November 19, 2021

Title

Rules Committee Chair's Report to the
Judicial Council

Agenda Item Type

Information Only

Date of Report

November 16, 2021

Submitted by

Rules Committee
Hon. Carin T. Fujisaki, Chair

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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 October 1, 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 by videoconference once.

Overview of Committee Meetings

On October 8, 2021, the Rules Committee met by telephone to consider:

- A recommendation from the Work Group to Enhance Administrative Standards Addressing Bias that the council amend standard 10.20 of the California Standards of Judicial Administration.
- Final recommendations on two sets of changes to civil jury instructions.

Action:

The Rules Committee approved the recommended standard and one of the civil jury instructions proposal, both of which had circulated for comment and are on the agenda of the

council's November 19 meeting. The committee also gave final approval to the other civil jury instruction proposal containing minor revisions and nonsubstantive technical changes.

On November 2, 2021, the Rules Committee met by videoconference to consider:

- Circulation of an invitation to comment, Civil Practice and Procedure: Remote Appearances rules. The Rules Committee approved posting the invitation to comment from November 2 through November 15, 2021.
- Two recommendations to the Judicial Council to amend rules, both of which the committee approved, and which are on the consent agenda of the council's November 19 meeting. One of these proposals, Judicial Branch Administration: Emergency Rule on Use of Technology for Remote Appearances, was considered on shortened notice under Cal. Rules of Court, rule 10.75(e)(2), due to urgent circumstances requiring prompt action.
- The proposed annual agendas for the 2021–2022 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

Traffic Advisory Committee.

Following discussion with the chairs of each advisory committee, the annual agenda for each committee was approved, and they are now available on each advisory committee's page on the judicial branch webpage at courts.ca.gov.

Recommendation

The Rules Committee recommends approval of each of the four rules, standards, and jury instruction proposals that came before it over the past two months with a final recommendation for the council, all of which are on the council's agenda at the November 19, 2021 meeting.