



JUDICIAL COUNCIL OF CALIFORNIA

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

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REPORT TO THE JUDICIAL COUNCIL

Item No.: 22-067

For business meeting on: January 21, 2022

Title

Rules Committee Chair's Report to the
Judicial Council

Agenda Item Type

Information Only

Date of Report

January 13, 2022

Submitted by

Rules Committee
Hon. Carin Fujisaki, 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 November 19, 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, by videoconference once and by email once.

Overview of Committee Meetings

On December 9, 2021, the Rules Committee met by videoconference to consider.

- Four Invitations to Comment on rules and form proposals recommended by advisory committees to circulate for comment during the winter comment cycle.
- Two Circulating Orders:
 - Civil Practice and Procedure: Adjustment of Maximum Amount of Imputed Liability of Parent or Guardian for Tort of a Minor, Circulating Order Number CO-21-03.

- Uniform Bail and Penalty Schedules: 2022 Edition, which the Rules Committee recommended, Circulating Order Number CO-21-02.

Action: The Rules Committee approved the four rules and forms proposals for circulation, and they were posted for public comment through January 21. Following public comment and review by the proponent committees and the Rules Committee, the proposals are expected to come before the council at the May 13 business meeting. The committee also gave final approval to the Civil Practice and Procedure and Uniform Bail Schedule proposals, which the council approved by circulating order on December 16.

On December 20, 2021, the Rules Committee met by phone to consider:

- Two Invitations to Comment, to be heard on a shortened cycle.
 - The Appellate Advisory Committee and Civil and Small Claims Advisory Committee proposal to implement legislation requiring that the Judicial Council amend rules of court regarding streamlined review of cases under the California Environmental Quality Act.
 - The Executive and Planning Committee and the Technology Committee recommendation of new rule 10.68 to establish a data and information governance advisory committee. Also, the committees' proposal to repeal rule 10.66 because the duties and responsibilities of the new proposed advisory body will include those of the Workload Assessment Advisory Committee established by that rule.
- One Circulating Order Memorandum, in which the Ad Hoc Committee on Civil Remote Appearances Rules recommended the adoption of rules of court and forms to implement new Code of Civil Procedure section 367.75, Circulating Order Number CO-21-05. The material for this memorandum was posted with short notice, due to time constraints in getting the recommendation finalized following enactment of the legislation and the need to have the new rules and forms in effect by January 1, 2022.

Action: The Rules Committee approved the two Invitations to Comment on rules and forms proposals, which were posted for public comment through January 14. Following public comment and review by the proponent committees and the Rules Committee, the proposals are expected to come before the council at the March council meeting. The committee also gave final approval to the Civil Remote Appearance proposal, which the council approved by circulating order on December 28, effective January 1, 2022.

On January 6, 2022, the Rules Committee met by email to consider two reports with final recommendations to the council to amend several rules of court, including emergency rules 6 and 7, to conform the rules to recent changes in the law regarding remote appearances at civil

proceedings that went into effect on January 1, 2022. The meeting was held between regularly scheduled meetings because of the need to have the recommended amendments go to the January council meeting and go into effect as soon as possible.

Action: The Rules Committee approved the two rules proposals for the council's consent agenda.

Recommendation

The Rules Committee recommends approval of the two rules and forms proposals that came before it with final recommendations on January 6, 2022, and which are items 22-072 and 22-074 on the council's consent agenda at the January 21, 2022 meeting.