



# Judicial Council of California

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## REPORT TO THE JUDICIAL COUNCIL

*Item No.: 23-085*

For business meeting on: May 12, 2023

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**Title**

Judicial Council: Rules Committee Report

**Agenda Item Type**

Information Only

**Submitted by**

Hon. Carin T. Fujisaki, Chair  
Hon. Kevin C. Brazile, Vice-Chair  
Rules Committee

**Date of Report**

May 3, 2023

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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 March 24, 2023, Judicial Council meeting—the last meeting at which there was a written Rules Committee report. As described in more detail below, these activities include the committee’s consideration of spring cycle invitations to comment, to be circulated for public comment through May 12, concerning rules and forms modifications proposed by various advisory committees. It also includes the committee’s recommendation that the council approve the rules, forms, and jury instruction proposals identified below that are on the council’s agenda for the May meeting.

### Overview of Committee Meetings

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

On **March 29, 2023**, the Rules Committee met to consider:

- Thirty-two proposed invitations to comment on rules and forms proposals, to be posted in the spring cycle.

**Action:** The Rules Committee approved circulation of the 32 proposals for the regular spring cycle, which were posted for public comment following the meeting through May 12.

On **April 5, 2023**, the Rules Committee met to consider:

- One proposed invitation to comment on a rules and forms proposal, to be posted in the spring cycle, which had been deferred from the March 29 Rules Committee meeting:
  - Probate Conservatorship: Less Restrictive Alternatives
- Seven proposed reports to the Judicial Council with recommendations for new and revised rules and forms, all of which had circulated during the winter public comment cycle:
  - Appellate Procedure: Costs on Appeal
  - Appellate Procedure: Reporters' Transcripts
  - Criminal Procedure: Mental Competency Proceedings
  - Criminal Procedure: Defendant's Financial Statement
  - Juvenile Law: New Disposition for Serious Offenses
  - Juvenile Law: Sex Offender Registration Termination
  - Juvenile Law: Transfer of Jurisdiction to Criminal Court
- Two proposed reports to the Judicial Council for revised rules and forms not circulated for public comment because the particular rule and form changes are either technical in nature and necessary to correct inadvertent omissions or incorrect references, or minor substantive changes that are noncontroversial:
  - Rules and Forms: Technical Revisions to Wage Garnishment Forms
  - Rules and Forms: Miscellaneous Technical Changes
- 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 43) 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 May 12 meeting, and took final action in approving the minor and nonsubstantive revisions to civil jury instructions. It also approved the proposed invitation to comment on rules and forms for the regular spring cycle, which was posted for public comment through May 12.

On **April 13, 2023**, the Rules Committee met to consider:

- One proposed report to the Judicial Council from the Probate and Mental Health Advisory Committee, recommending new and amended rules and forms to implement requirements in the Community Assistance, Recovery, and Empowerment (CARE) Act (Stats. 2022, ch. 319).

**Action:** The Rules Committee approved the proposal to go forward to the council's discussion agenda for the May 12 meeting.

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

The Rules Committee recommends council approval of the recommendations in the reports to the council on rules, forms, and jury instructions identified above. All of the proposals are on the council's consent agenda for the May 2023 meeting, except for the rules and forms proposal regarding the CARE Act, which is on the discussion agenda.