



JUDICIAL COUNCIL OF CALIFORNIA

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

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on September 25, 2020

Title

Rules Committee Chair's Report to the
Judicial Council

Agenda Item Type

Information Only

Date of Report

September 16, 2020

Submitted by

Rules Committee
Justice Harry E. Hull, Jr., 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 July 24, 2020, Judicial Council meeting—the last meeting at which there was a Rules Committee report. Since that time, the Rules Committee has met by telephone two times and acted by email once.

Overview of Committee Meetings

On August 20, 2020, the Rules Committee met by telephone to consider the following:

- 31 rules and forms proposals that circulated for public comment during the spring comment cycle,
- A proposal recommending additions and revisions to Criminal Jury Instructions that circulated for public comment, and
- A proposal from the Criminal Law Advisory Committee to circulate for comment new forms to implement a new statutory process for terminating sex offense registrations.

The Rules Committee approved all rules and forms proposals, and the criminal jury instructions proposal, that had been circulated for comment. These are proposals are on the agenda of the September 24 council meeting. The committee also approved the circulation of the new criminal law forms, which are posted for public comment through October 21. Following public comment and review by the Criminal Law Advisory Committee and the Rules Committee, the proposals are expected to come before the council early next year, with a July 1, 2021, effective date.

The Rules Committee met by telephone on August 26, 2020, to consider and approve technical revisions to form EJ-130. The revisions were approved the next day by the Executive and Planning Committee acting on behalf of the council and went into effect September 1, 2020. At that meeting, the committee also approved circulation for public comment of a proposal from the Committee on Judicial Education and Research for amendment to rules relating to judicial branch education requirements, to reflect the impact of the COVID-19 pandemic on those rules. The proposal will circulate from August 27 until September 16 and, after further review by the CJER Advisory Committee and the Rules Committee, is expected to come before the council at its November meeting.

On September 14, 2020, the Rules Committee acted by email between meetings to consider a proposal by the Civil and Small Claims Advisory Committee for three new forms for unlawful detainer actions, to comply with Assembly Bill 3088, which became effective August 31, 2020. The Rules Committee recommended a brief circulation for public comment on this proposal, from September 14 to September 17. After review of the public comments by the Civil and Small Claims Advisory Committee and further review by the Rules Committee, this proposal is expected to come before the council at the end of September by circulating order.

Recommendation

The Rules Committee recommends approval of the 31 rules and forms proposals and the Criminal Jury Instructions that circulated for comment, which it considered on August 20 and which are on the council's consent agenda for September 24.