



JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

Item No.: 20-207

For business meeting on: November 13, 2020

Title

Rules Committee Chair's Report to the
Judicial Council

Agenda Item Type

Information only

Date of Report

November 5, 2020

Submitted by

Rules Committee
Hon. Harry E. Hull, Jr., 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 September 25, 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 three times and acted by email once.

Overview of Committee Meetings

On September 30, 2020, the Rules Committee met by telephone to consider a proposal from the Civil and Small Claims Advisory Committee for three new forms (which had circulated for public comment) and one revised form for unlawful detainer actions, to facilitate implementation of Assembly Bill 3088, which became effective August 31, 2020. The committee approved the proposal, which was provided to the council by a circulating order memorandum that same day.

On October 6, 2020, the Rules Committee met by telephone to consider the following proposals:

- A proposal from the Committee on Judicial Education and Research for a temporary extension and reduction of judicial branch education requirements in light of the COVID-19 pandemic, which had circulated for public comment;

- A proposal recommending additions and revisions to Civil Jury Instructions, which had circulated for public comment; and
- A proposal to make corrections to various Rules of Court and Judicial Council forms resulting from typographical errors and changes resulting from legislation, previous rule amendments, and form revisions.

The Rules Committee approved both rules and forms proposals, and the jury instructions proposal. These proposals are on the agenda of the November 13 council meeting.

On October 8, 2020, the Rules Committee acted by email between meetings to consider a proposal by the Civil and Small Claims Advisory Committee that the revised *Answer-Unlawful Detainer* (form UD-105), which had been approved by the council without having been circulated for comment, circulate for public comment post-approval. The Rules Committee recommended a brief circulation of the revised form, to October 23. After review of the public comments by the Civil and Small Claims Advisory Committee and further review by the Rules Committee, if further revisions are appropriate to this form, it is expected to come before the council at the end of November by circulating order.

On November 2, 2020, the Rules Committee met by telephone to consider the proposed annual agendas for the 2020–2021 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, and
- Traffic 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 the two rules and forms proposals and the Criminal Jury Instructions that it considered on October 6 and which are on the council’s consent agenda for November 13.