



Judicial Council of California

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Subject Details (With Text)

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File #: 19-058 **Version:** 1

Type: Rule/Form Proposal **Status:** Passed

File created: 2/27/2019 **In control:** Judicial Council

On agenda: 3/15/2019 **Final action:** 3/15/2019

Title: Rules and Forms: Technical Form Changes to Correct Inadvertent Errors (Action Required)

Sponsors:

Indexes:

Code sections:

Attachments: 1. 20190315-19-058

Date	Ver.	Action By	Action	Result
3/15/2019	1	Judicial Council	approved	Pass

Title

Rules and Forms: Technical Form Changes to Correct Inadvertent Errors (Action Required)

Summary

Judicial Council staff have identified errors that are technical in nature in six Judicial Council forms related to preparation of the record for automatic appeals in capital cases. Specifically, the six forms that are to be signed and submitted by the primary counsel for each defendant and the prosecution include signature blocks that require identification of the defendant represented. This creates an ambiguity about whether the prosecution is required to sign and submit the forms. Staff recommend the signature blocks be revised to require the attorney to instead identify the party represented.

Recommendation

Judicial Council staff recommend that the Judicial Council, effective April 25, 2019:

1. Revise the following six forms by removing from the text of the signature block the phrase “NAME OF DEFENDANT” and replacing it with the word “PARTY” in order to clarify that primary counsel for each defendant and the prosecution in a capital trial must sign and submit each of the forms:

- *Capital Case Attorney Pretrial Checklist* (form CR-600)
- *Capital Case Attorney List of Appearances* (form CR-601)
- *Capital Case Attorney List of Exhibits* (form CR-602)
- *Capital Case Attorney List of Motions* (form CR-603)
- *Capital Case Attorney List of Jury Instructions* (form CR-604)
- *Capital Case Attorney Trial Checklist* (form CR-605)

2. Revise forms CR-602 and CR-603 to remove the words “on behalf of your client” in the instructions section of the two forms.