

**JUDICIAL COUNCIL OF CALIFORNIA
ADMINISTRATIVE OFFICE OF THE COURTS**
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Report

TO: Members of the Judicial Council

FROM: Rules and Projects Committee
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SUBJECT: RUPRO's Delegation of Authority to Advisory Committees on Jury
Instructions: (Information Only)

Background

At the October 20, 2006, Judicial Council meeting, the Rules and Projects Committee (RUPRO) recommended and the Judicial Council approved authority for RUPRO to:

1. Review and approve nonsubstantive technical changes and corrections and minor substantive changes unlikely to create controversy to Judicial Council of *California Civil Jury Instructions (CACI)* and *Criminal Jury Instructions (CALCRIM)*; and
2. Delegate to the Advisory Committee on Civil Jury Instructions and the Advisory Committee on Criminal Jury Instructions the authority to review and approve nonsubstantive grammatical and typographical corrections to the jury instructions and other similar changes deemed appropriate by RUPRO.

The council also approved RUPRO's recommendation to periodically report to the council on the changes approved that are described in 1 and 2 above.

Discussion

RUPRO provides this informational report on guidelines RUPRO adopted for approval of various changes. RUPRO staff consulted with staff for the advisory committees on jury instructions to determine the types of changes and corrections that are likely to be proposed within the two categories for which the council delegated approval authority to RUPRO. Examples of different types of corrections and changes in each category of RUPRO approval authority are provided in the guidelines below, which RUPRO has approved. These guidelines apply to corrections and changes to the instructions at any stage of the jury instruction revision process. The corrections and changes will be approved by RUPRO or the advisory committees, depending on the category, without circulation for comment. The guidelines have been provided to chairs and staff of the advisory committees on jury instructions.

Guidelines

1. *RUPRO authority (category 1 of council delegation)*. Examples of nonsubstantive technical changes and corrections and minor substantive changes unlikely to create controversy include the following revisions:
 - a. Addition of cases and statutes in Sources and Authority.
 - b. Changes to statutory language quoted in Sources and Authority that are required by legislative amendments, provided that the amendment does not affect the text of the instruction itself.
 - c. Additions or changes to the Directions for Use.
 - d. Changes to instruction text that are nonsubstantive and unlikely to create controversy. A nonsubstantive change is one that does not affect or alter any fundamental legal basis of the instruction.
 - e. Changes to instruction text required by subsequent developments (such as new cases or legislative amendments), provided that the change, though substantive, is both necessary and unlikely to create controversy.
 - f. Revocation of instructions for which any fundamental legal basis of the instruction is no longer valid due to statutory amendment or case law.
2. *Advisory committee authority (category 2 of council delegation)*. Examples of nonsubstantive grammatical and typographical corrections to the jury instructions and other similar changes that RUPRO may deem appropriate include the following revisions:

- a. Changes to instruction text that maintain format consistency throughout the series or group of instructions. Format consistency involves such things as use of pronouns, identifiers for parties, the options presented in variable material, and the like.
- b. Updates of any table or other incorporated outside material from the issuing source (e.g., the Life Expectancy Tables).
- c. Corrections to case citations to conform to the *California Style Manual* so that each citation has the correct case name, year, volume, court, edition, first page, point pages, punctuation, parallel citations, and format.
- d. Corrections to statutory, rule, and regulatory citations to conform to the *California Style Manual*.
- e. Correction of punctuation, capitalization, and spelling errors.
- f. Changes to the visual format of the instructions to conform to publication standards. “Visual format” includes margins, tabs, indents, bulleted lists, numbered and lettered lists, bold, italics, underscore, fonts, type size, spacing, and the like.
- g. Corrections made to the location of variable indicators to ensure that all variables are properly indicated according to standards. “Variable indicators” are brackets, parentheses, underscores, forward slashes, and delimiters when used to surround or indicate variable content.
- h. Corrections and updates to secondary source references such as Witkin, Continuing Education of the Bar, Matthew Bender, and other publisher treatises, to ensure that editions, volumes, sections, and page numbers reflect the most current version of the publication.
- i. Corrections to improperly quoted primary and secondary source language in the Sources and Authority.
- j. Corrections to cross-references to other *CACI* and *CALCRIM* instructions in the Directions for Use.
- k. Corrections or updates to URL references (to ensure correct and most recent Internet addresses are provided).