

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

455 Golden Gate Avenue
San Francisco, California 94102-3688

Report Summary

TO: Members of the Judicial Council

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DATE: June 15, 2006

SUBJECT: Reorganization of the California Rules of Court (Action Required)

Issue Statement

The California Rules of Court and Standards of Judicial Administration, along with statutes enacted by the Legislature, provide the basic framework for court procedure, practice, and administration in California. The current rules and standards are not well organized and are difficult to use. The format of the rules and standards could be easier to read. Although the appellate rules have been substantially revised and improved in recent years, the trial court rules and the standards have not.

Recommendation

The Administrative Office of the Courts recommends¹ that the Judicial Council approve the reorganization, renumbering, reformatting, and amendment of the California Rules of Court, effective January 1, 2007.²

¹ Though the staff of the Administrative Office of the Courts is presenting this recommendation, the council's Rules and Projects Committee and various advisory committees have been extensively involved in this proposal to reorganize and revise the California Rules of Court, as explained in the report.

² In addition, it is separately recommending that the California Supreme Court approve the amendments to the rules adopted by that court that would be located in title 8, division 5, and in title 9 under the proposed reorganization.

The purpose of the reorganization is to make the California Rules of Court clearer, better organized, and easier to read. The reorganization is not intended to make substantive changes to the rules or standards, with limited exceptions.³

The text of the proposed reorganization of the California Rules of Court is submitted with this report.⁴ It is available online at <http://www.courtinfo.ca.gov/rules/reorg.htm>. The text contains all the rules and standards adopted by the Judicial Council or the Supreme Court through July 1, 2006. If the Council approves the reorganization, new and amended rules adopted in the fall of 2006 would be incorporated into the final version of the reorganized California Rules of Court that becomes effective January 1, 2007.

Rationale for Recommendation

This report recommends that the California Rules of Court be reorganized. The reorganization involves a major reordering and renumbering of the rules and standards. The rules will be reorganized into appropriate titles that generally follow the progress of cases from filing through trial and post-trial. The standards will be reorganized to correspond logically to the titles and rules to which they relate. The format of the rules and standards will be changed to make them easier to read and understand. Many of the rules and standards will be amended for clarity and consistency of style

The changes to the California Rules of Court recommended in this report are part of a larger, historic effort to make the law in California clearer and more accessible. In recent years, the Judicial Council has adopted civil and criminal jury instructions written in plain English. Many Judicial Council forms used extensively by self-represented litigants have been completely revised in a plain-language format. Courts have developed technology to assist members of the public to better understand legal processes, obtain access to the courts, and represent themselves. Like these other actions, the proposed reorganization of the California Rules of Court is intended to contribute to the clarification of the law and to improve public access to the judicial system.

The rules reorganization process

This is a major project. It is the result of many years of decisions and actions by the Judicial Council that have improved the rule-making process. In the endeavor, the council's Rules and Projects Committee has played a crucial role.⁵ It carefully reviewed the entire reorganization before it was circulated for public comment. After the rules were

³ The substantive changes are described in the report; the principal ones are in the juvenile rules in title 5. (See chart attached to the report at pages 41–46.)

⁴ The Council's Rules and Projects Committee approves this proposal for reorganization. At the same time, it recognizes that the appellate courts, which are presently changing to new case management systems, may encounter special challenges resulting from the reorganization and renumbering of the rules. Hence, the committee recommends that the Administrative Office of the Courts provide support, if needed, to assist the appellate courts in responding to the rule changes while simultaneously undergoing changes in their case management systems.

⁵ The members of the council's Rules and Projects Committee are Presiding Judge Suzanne N. Kingsbury (Chair), Judge Richard E. L. Strauss (Vice-Chair), Ms. Deena Fawcett, Supervising Judge Charles W. McCoy, Jr., Justice Eileen C. Moore, Presiding Judge Dennis E. Murray, Ms. Barbara J. Parker, and Ms. Sharol Strickland.

circulated, it reviewed all the comments and determined the appropriate responses. The Rules and Projects Committee has approved the reorganization presented in this report.

Judicial Council advisory committees and the staff of the Administrative Office of the Courts have also made major contributions to the reorganization process. Those contributions are described in the report.

The structure of the rules and standards

The proposed reorganization would organize the California Rules of Court into 10 titles, 3 other sections, and a set of appendixes. This organization, described in detail in the report, is as follows:

- Title 1. Rules Applicable to All Courts
- Title 2. Trial Court Rules
- Title 3. Civil Rules
- Title 4. Criminal Rules
- Title 5. Family and Juvenile Rules
- Title 6. [Reserved]
- Title 7. Probate Rules
- Title 8. Appellate Rules
- Title 9. Rules on Law Practice, Attorneys, and Judges
- Title 10. Judicial Administration Rules
- Standards of Judicial Administration
- Code of Judicial Ethics
- Ethics Standards for Neutral Arbitrators in Contractual Arbitrations
- Appendixes

The renumbering of the rules and the organization in the titles

The method of numbering the rules already used in several titles has been uniformly applied throughout the California Rules of Court.⁶ In this numbering system, each rule has a prefix number before a decimal point (such as 1., 3., or 10.) that indicates the title number. After the prefix, each rule has a number indicating the number of the rule within the title.

The rules in each title have been organized into divisions, chapters, and articles, in descending order. Rules on a general subject such as “Civil Case Management” have been organized into a division. Under that division, there are chapters such as “Differential Case Management,” “Management of Complex Cases,” and “Management of Class Actions.” Some lengthy chapters have been further organized by subject matter into articles.

⁶ Current titles 4, 6, and 7 and part of title 5 use the numbering system recommended in this report.

The standards have been reorganized and renumbered to fit into sets corresponding to the title to which they relate. The standards in each set begin with the same prefix as the corresponding title (such as 1., 3., or 10.). They are numbered within the set. Thus, corresponding to title 2, there are standards numbered 2.1 through 2.30. Under each title heading, the standards have been organized to correspond generally to the order of the related rules within the title.

Format of the rules

The new uniform format previously adopted by the Judicial Council for the appellate rules has been used throughout the rules. The new format is more open and spacious. Headings and subheadings in each rule have been separated by a space from the text that follows. Long paragraphs of text have been broken up. When several items are referred to in a rule, these items have generally been presented in the form of a numbered list rather than enumerated in paragraph form.

Stylistic changes

The rules have been reviewed, and many have been amended for consistency of style. To conform to contemporary usage, older rules still using “shall” have generally been modified to use “must”; the phrase “pursuant to” has been replaced by “under”; and the phrase “prior to” has been replaced by “before.” Other instances of archaic terminology or legalese have been changed. Some rules have been recast in the active voice instead of the passive voice. The stylistic changes to the rules are intended to result in greater clarity and make the rules of court easier to understand and use. They should facilitate research and the referencing of rule provisions. The stylistic changes are not intended to create substantive changes in the rules.

Comments From Interested Parties

The proposed reorganized California Rules of Court were circulated for public comment from January 26 to March 3, 2006. Comments were received from courts, judges, attorneys, bar associations, and others on the general reorganization, on specific titles, and on the standards. Almost all of the comments on the reorganization were favorable. However, some commentators suggested specific modifications to the rules. The public comments and the responses to the comments are presented in the report.⁷

Alternative Actions Considered

Some concerns have been expressed that publishers, courts, and others need sufficient time to implement the changes recommended in the report. Alternative effective dates for the rules reorganization were considered. To accommodate the needs of the courts and the public, the report recommends that the reorganization be adopted at the council’s June 30, 2006 meeting, but not become effective until January 1, 2007. This should provide courts and the public with sufficient time to respond to the rule changes.

⁷ Charts summarizing the comments and responses are attached to this report at pages 109–148.

Implementation Requirements and Costs

The reorganization, including in particular the renumbering of a substantial portion of the rules, will have an impact on the judicial branch, the courts, and the public. In response to the reorganization, all Judicial Council forms and local court forms that contain references to rules will need to be revised. Local rules that contain references to the California Rules of Court will have to be amended. Publications will need to be updated. Thus, the reorganization will require an expenditure of resources and impose costs.⁸

⁸ To make the transition to the new rules numbering system easier, conversion tables showing new and old rule numbers are being made available. Copies of the conversion tables are attached to the report at pages 47–108. Also, the Administrative Office of the Courts plans to review and revise all the Judicial Council forms to ensure that by January 1, 2007, they will refer to the amended rule numbers.

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Overview of the Reorganization

This report recommends that the California Rules of Court be reorganized. The reorganization involves a major reordering and renumbering of the rules and standards. The rules will be reorganized into appropriate titles that generally follow the progress of cases from filing through trial and post-trial. The standards will be reorganized to correspond logically to the titles and rules to which they relate. The format of the rules and standards will be changed to make them easier to read and understand. Many of the rules and standards will be amended for clarity and consistency of style. The

reorganization is not intended to make substantive changes to the rules and standards, with limited exceptions.⁹

The changes to the California Rules of Court recommended in this report are part of a larger, historic effort to make the law in California clearer and more accessible. In recent years, the Judicial Council has adopted civil and criminal jury instructions written in plain English. Many Judicial Council forms used extensively by self-represented litigants have been completely revised in a plain-language format. Courts have developed technology to assist members of the public to better understand legal processes, obtain access to the courts, and represent themselves. Like these other actions, the proposed reorganization of the California Rules of Court is intended to contribute to the clarification of the law and to improve public access to the judicial system.

The reorganization builds on previous efforts. The new numbering system that this report recommends be used throughout the rules is already used in three titles and part of a fourth. The new format is being used in the appellate rules. Contemporary stylistic conventions are used extensively in the rules, but not consistently. The present reorganization will extend the new numbering system, format, and stylistic conventions to all the rules in a comprehensive manner.

The reorganization of the rules of court not only reflects the cumulative rules reform efforts of the past, but it also provides an improved framework for future rule making. The new order, numbering, and formatting will create a structure for the development of rules and standards. In the future, rules and standards should be easier to locate, understand, and apply. So the reorganization is, in many respects, a new beginning.

This overview describes the main features of the reorganization: the new structure of the rules, the renumbering, the new format, and the stylistic changes. The individual titles, standards, code, and appendixes are discussed in subsequent sections of this report.

The Structure of the rules and standards

The California Rules of Court have been organized into 10 titles, 3 other sections, and a set of appendixes, as described below.

Title 1. Rules Applicable to All Courts¹⁰

This is a new title. It contains definitions, rules of construction, and rules of general application to all the later rules and standards in the California Rules of Court.

⁹ The substantive changes are described in this report; the principal ones are in the juvenile rules in title 5. (See chart attached at pages 41–46.)

¹⁰ Current title 1, which contains the appellate rules, has been relocated to title 8, after all the trial court rules.

Title 2. Trial Court Rules

This title brings together all the rules that apply generally to the trial courts in all types of cases, that is, in civil, criminal, family, juvenile, and other proceedings. These include the rules on the form and format of papers, filing and service, public access to court records, and jury instructions.

Title 3. Civil Rules

This title contains the rules applicable to civil proceedings in the trial courts. Most of the rules in current title 3 (“Miscellaneous Rules”) have been relocated to other titles, unless they belong in new title 3. The topics covered in title 3 include civil case management, alternative dispute resolution, discovery, law and motion, trials, post-trial costs and fees, and judgments.

Title 4. Criminal Rules

The rules applicable to criminal proceedings in the trial courts are located in title 4, which is their current location. Because the rules in title 4 already use the new numbering system and were recently reorganized, they have not been significantly changed, except for format. Two rules on traffic proceedings have been relocated from title 2 to this title.

Title 5. Family and Juvenile Rules

The name of this title has been changed from “Special Rules for Trial Courts” to “Family and Juvenile Rules.” Rules applicable to family and juvenile proceedings are located in title 5; rules not relating to these subjects have been moved elsewhere. The division of title 5 containing the Family Rules, which has already been renumbered, has been reformatted. The division containing the Juvenile Rules has been reformatted and renumbered to be consistent with the new format and rules numbering system. Some other changes have been made to the Juvenile Rules, including some substantive changes described below.

Title 6. [Reserved]

The rules on judicial administration, which are currently in title 6, have been moved to title 10, following the trial and appellate court rules. This is a more logical location than the present location in the middle of the trial and appellate court rules.

Title 7. Probate Rules

The probate rules already use the new numbering system and have not been changed except for format, the formalization of the title, and a few other amendments described below.

Title 8. Appellate Rules

The appellate rules, which are currently in title 1, have been moved to new title 8, renumbered, and reorganized. The rules adopted by the Supreme Court relating to

publication of appellate opinions have been moved from title 3 (“Miscellaneous Rules”) to the end of this title.

Title 9. Rules on Law Practice, Attorneys, and Judges

The rules adopted by the Supreme Court that are currently in title 3 (“Miscellaneous Rules”), except for those relating to the publication of appellate decisions, have been placed in new title 9. These rules have been organized under appropriate new division and chapter headings.

Title 10. Judicial Administration Rules

The rules on judicial administration, which are currently in title 6, have been moved to new title 10. This is a more logical location than in the middle of the rules concerning the trial and appellate courts. A number of rules from other titles that concern court administration have been relocated to this title. There has also been some internal reorganization of the rules in this title so that they are presented in a more logical manner.

Standards of Judicial Administration

The Standards of Judicial Administration have been relocated from the appendix to the California Rules of Court, after title 10. Currently, the sections of the standards are listed and designated in a manner that lacks coherence. Under the reorganization, each “section” of the standards has been redesignated a “standard.” The standards in their entirety have been reorganized into a logical order, with each standard organized to correspond to the specific title in the rules of court to which it applies.

Code of Judicial Ethics

The Code of Judicial Ethics, adopted by the Supreme Court, has been moved from the appendix into the rules of court. It will be part of the rules after the Standards of Judicial Administration.

Ethics Standards for Neutral Arbitrators

Ethics Standards for Neutral Arbitrators in Contractual Arbitration, adopted by the Judicial Council, has been moved from the appendix into the rules of court after the Code of Judicial Ethics.

Appendixes

The appendixes to the California Rules of Court will contain three items: (1) the Judicial Council Legal Forms List, (2) the Liability Limits of a Parent or Guardian Having Custody and Control of a Minor for the Torts of a Minor, and (3) Guidelines for the Operation of Family Law Information Centers and Family Law Facilitator Offices.

The Renumbering of the rules and the organization in the titles

The method of numbering the rules already used in several titles has been uniformly

applied throughout the California Rules of Court.¹¹ In this numbering system, each rule has a prefix number before a decimal point (such as 1., 3., or 10.) that indicates the title number. After the prefix, each rule has a number indicating the number of the rule within the title. Thus, the first rule in title 1 is rule 1.1, the first in title 2 is 2.1, and so forth. The numbering of the rules in each title is sequential, but, in anticipation of future additions to the rules, spaces have been left between some rules or sets of rules so that additional rules may be added later.

The rules in each title have been organized into divisions, chapters, and articles, in descending order. Rules on a general subject such as “Civil Case Management” have been organized into a division. Under that division, there are chapters such as “Differential Case Management,” “Management of Complex Cases,” and “Management of Class Actions.” Some lengthy chapters have been further organized by subject matter into articles.

The standards have been reorganized and renumbered to fit into sets corresponding to the title to which they relate. The standards in each set begin with the same prefix as the corresponding title (such as 1., 3., or 10.). They are numbered within the set. Thus, corresponding to title 2, there are standards numbered 2.1 through 2.30. Under each title heading, the standards have been organized to correspond generally to the order of the related rules within the title.

Headings

Substantial changes have been made to the headings in the rules and the standards. In entirely new or substantially new titles (such as titles 1, 2, 3, and 8), all the headings are new. In other titles (such as title 10, former title 6), many new headings have been added and some old headings changed; the rules text shows the additions and changes. Finally, in titles where the current version contains numerous headings that will no longer be used (such as in titles 2, 3, and 5), all the obsolete headings have been eliminated from the rules text. The old headings are not shown as struck out; all headings not shown would be deleted. As a result of these changes to the headings, the rules and standards should be easier to read, use, and understand.

Format of the rules

The new format for the rules previously adopted by the Judicial Council for the appellate rules has been used throughout the rules. This format has been widely considered to be an improvement in terms of readability and comprehensibility.

The new format is more open and spacious. Headings and subheadings in each rule have been separated by a space from the text that follows. Long paragraphs of text have been broken up. When several items are referred to in a rule, these items have generally been presented in the form of a numbered list rather than enumerated in paragraph form.

¹¹ Current titles 4, 6, 7, and parts of title 5 use the numbering system recommended in this report.

The brackets that currently enclose subdivision headings have been eliminated throughout the California Rules of Court. Because the brackets have been eliminated everywhere, they are not shown in the rules text as struck out in each separate instance.

Stylistic and structural changes

All of the rules have been reviewed, and many have been amended for consistency of style. To conform to contemporary usage, older rules still using “shall” have generally been modified to use “must”; the phrase “pursuant to” has been replaced by “under”; and the phrase “prior to” has been replaced by “before.” Other instances of archaic terminology or legalese have been changed. Some rules have been recast in the active voice instead of the passive voice.

Rules on particular subjects that have become exceptionally long and difficult to understand have been broken into two or more rules, or a series of separate rules organized into a new chapter or division. Examples of this are the new chapters on “Papers” (current rule 201) and “Ex Parte Applications” (current rule 379), and the new division on “Waiver of Fees and Costs” (current rule 985).

The stylistic and structural changes to the rules are intended to result in greater clarity and to make the rules of court easier to understand and use. They should facilitate research and the referencing of rule provisions. These changes are not intended to create substantive changes.

Comments on the overall reorganization

The proposed reorganized California Rules of Court were circulated for public comment from January 26 to March 3, 2006. Comments were received from courts, judges, attorneys, bar associations, and others on the general reorganization, on specific titles, and on the standards.¹²

The comments on the overall reorganization were generally favorable.¹³ The commentators thought that the reorganization would make the rules easier to use. For example, a presiding judge stated: “Reorganization of the rules is a welcome improvement that will greatly assist litigants and other members of the legal profession.” The Superior Court of Riverside County commented that “the proposed changes would make the California Rules of Court and Standards of Judicial Administration more logical and accessible. Revisions also add greater clarity and consistency.” Judge Steven E. Jahr of the Superior Court of Shasta County remarked that “this is an excellent development and a timely one.” The Executive Committee of the Family Law Section, State Bar of California, stated that the section “agrees with the proposed reorganization of the Rules and Standards.”

¹² Charts summarizing the comments and the responses to those comments are attached at pages 109-148.

¹³ A summary of the comments on the overall organization and the responses is attached at pages 109–115.

This view was not unanimous, however. One attorney commented, “I believe it would be unnecessarily confusing, and a complete waste of time, to renumber these rules.” But this critical perspective was not shared by most individuals and organizations that commented on the rules reorganization.

Some commentators on the overall organization of the rules raised specific questions. For instance, one expressed confusion about the elimination of words like “subdivision” and “paragraph” in the rules. This stylistic convention is not new. For a number of years, the term “subdivision” has not been used in new and amended rules to refer to another subdivision within the same rule.¹⁴ Instead, only the letter of the division referred to (for example, “(a)”) is mentioned. This convention has simplified the rules without causing any confusion. Under the reorganization, this convention has been applied throughout the rules.

Another commentator suggested that whenever the rules currently contain brackets around the headings for subdivisions, these should be shown as struck out to indicate the change. As indicated above, this is not necessary. The brackets that currently enclose subdivision headings have been eliminated throughout the entire California Rules of Court. Because the brackets would be eliminated everywhere, they do not need to be shown as struck out in each separate case.

Two commentators stressed the need for conversion tables or charts showing old and new rule numbers. Two tables have been prepared: one shows the new rule numbers and the corresponding old numbers, and the other is a reverse table showing the old rule and the corresponding new numbers. These tables should be very useful. They will be made available to the public for several years.¹⁵

Ms. Jody Patel, a former trial court executive and current AOC Regional Administrative Director, expressed agreement with the new rules structure; however, she observed that it will take a great deal of effort by the court and others to implement such a major change. She asked that consideration be given to allowing a suitable implementation period so that all courts can respond to the changes. Under the recommendations in this report, the rules reorganization to be considered by the council at its June 30, 2006 meeting, but if approved, will not become effective until January 1, 2007. This will give the courts and the public six months to respond to the rule changes. Ms. Patel is satisfied that this time period is sufficient.

¹⁴ However, when the reference to a subdivision is another rule, the term “subdivision” may be used for clarity.

¹⁵ Copies of the conversion tables are attached to this report at pages 47–108. Although these tables would not be a formal part of the California Rules of Court, the Administrative Office of the Courts intends to make the tables available with the rules as a reference and to update them to show changes to the rules.

Judge Steven E. Jahr, a former chair of the Judicial Council’s Rules and Projects Committee, commented that clear, effective rules can serve “visually, as the most powerful argument for gaining legislative delegation of primary, rather than subordinate, rule-making responsibility.” As Judge Jahr indicates, the rules reorganization is more than a mere technical project. Providing clear, more understandable rules serves larger public purposes. It will enable lawyers, litigants, and the public to better understand, apply, and follow the law. Clearer rules should increase public confidence in the California Rules of Court and should provide the groundwork for enhanced rule-making authority for the judicial branch of government.

Finally, one commentator had specific proposals concerning forms (for motions in civil cases) and pro bono legal services. Another had suggestions for standardizing forms, civil procedures, and filing requirements. Because these substantive suggestions are outside the scope of the rules reorganization project, they will be referred to the appropriate advisory committees for consideration.

Specific Titles and the Standards

The next eleven sections of this report describe the reorganization of each of the titles and of the standards in the California Rules of Court. They also summarize the comments received on the reorganization of each of the titles and standards, and the responses to these comments.

Title 1. Rules Applicable to All Courts

Contents of title 1

Title 1 is new.¹⁶ It contains “Rules Applicable to All Courts.”¹⁷ These rules apply to all the rules and standards that follow in the California Rules of Court. The Introductory Statement that currently precedes title 1 has been deleted, but significant portions of its contents have been incorporated into new title 1. This title includes provisions stating the authority for the California Rules of Court and the Standards of Judicial Administration and provisions clarifying the meaning and intent of rules, standards, and orders.

Title 1 begins with preliminary rules. These state the title of the rules, the authority for the rules, and the contents of the rules, including the appendixes. (See rules 1.1–1.4.)

Title 1 next contains a rule on the construction of rules and standards. (See rule 1.5.) Rule 1.5(a) contains a general rule of construction stating that “the rules and standards of the California Rules of Court must be liberally construed to ensure the just and speedy determination of the proceedings that they govern.” This provision is based on current rule 53(b), the rule of construction in the appellate rules. Rule 1.5(b) explains certain

¹⁶ Current title 1, which contains the appellate rules, has been relocated to title 8, after the trial court rules.

¹⁷ Each of the reorganized titles of the California Rules of Court begins with a rule indicating the name by which that title may be referred (such as “Civil Rules,” “Criminal Rules,” “Probate Rules,” and so forth). This provides a simple, shorthand method for persons to identify or refer to individual titles in the California Rules of Court.

important terminology used throughout the rules: “must” is mandatory, “may” is permissive, “may not” means “is not permitted to,” “should” expresses a preference or nonbinding recommendation, and “will” expresses a future contingency or predicts action by a court or person in the ordinary course of events. Rule 1.5(c) defines “standards” as guidelines or goals. Rule 1.5(d) provides for the construction of certain additional terms. The provisions in rule 1.5 are drawn from various sources, including the Introductory Statement and current rules 5.11, 7.2, 40(d), 53, and 200.2.

Definitions of terms that appear throughout the California Rules of Court have been incorporated into rule 1.6 (based on former rule 200.1), while definitions used only in specific titles would continue to be in those titles. The terms defined in rule 1.6 include “general civil case,” “criminal case,” “rule,” “local rule,” “person,” and “party.” The definition of “temporary judge” in rule 1.6 is from the Code of Judicial Ethics and current rule 243.10.

Rule 1.6 also explains the usage of certain terms often used in the rules. Thus, the term “presiding judge” includes “the acting presiding judge or the judicial officer designated by the presiding judge”; “sheriff” includes “marshal”; and “declaration” includes “affidavit.”

By placing a general rule of construction and a rule on definitions and the usage of terms in title 1, the problem under the current rules that these provisions must be repeated in each separate title or even in many individual rules would be eliminated. If rules 1.5 and 1.6 are adopted, the current rules or provisions of rules that repeat rules of construction or definitions included in rules 1.5 or 1.6 would be unnecessary. Repetitive rules and provisions would be repealed.

Title 1 contains other rules that apply to all trial and appellate courts. These include rules on the computation of time and court holidays. (See rules 1.10 and 1.11 (based on current rules 200.3 and 987).) The title includes rules on service and filing applicable to all cases. (See rules 1.20 and 1.21 (based on current rules 40, 40.1, and 200.1).) And it contains a rule on the use of recycled paper. (See rule 1.22 (based on rules 40(k) and 201(b)).)

The rules on Judicial Council forms have been relocated to title 1. (See rules 1.30–1.45.) As a result of the adoption of Judicial Council forms for use in the appellate courts, these rules now apply to official forms used in the appellate as well as the trial courts, so the location of the rules in title 1 is appropriate. The rule on mandatory forms (see rule 1.31(a)) has been modified to reflect the recent adoption by the Judicial Council of alternative mandatory forms for some matters.

Because the rule on accommodations for persons with disabilities applies to all courts, it has been located in title 1. (See rule 1.100.) Based on the comments, the rule on media in the courtroom has also been placed in title 1. (See rule 1.150.)

Comments on title 1

There were nine comments on this title.¹⁸ Several contained useful recommendations. The rules have been modified to reflect the suggested changes, as described below.

A commentator proposed moving current rule 980 on photographing, recording and broadcasting to title 1 from title 2, where it was located in the proposal that circulated for comment. This is a good idea because the rule applies to all courts, not just to trial courts; so the rule has been relocated to title 1 and given the new number rule 1.150.

Several comments were made concerning the definition of “party” in rule 1.6 (15). The Family and Juvenile Law Advisory Committee suggested that several types of parties mentioned in current rule 5.10(h) be added to rule 1.6 (15)—specifically “plaintiff,” “defendant,” “respondent,” and “other parent.” These terms have been added. Another commentator suggested that some criminal law terms be added to title 1. The definition of “party” in rule 1.6 (15) has been revised to include the “People of the State of California.”

Also, at the suggestion of the staff to the Criminal Law Advisory Committee, the term “criminal case” in rule 1.6 (7) has been modified to mean “a proceeding by which a party charged with a public offense is accused and prosecuted for the offense.” Rule 1.6 (3) has been revised to clarify that, as used in the rules, the term “civil case” does not include habeas corpus petitions.

Finally, a commentator suggested that, to enable users to find old rules, a reference marker should be placed wherever an old rule had been located. This would be very cumbersome and make the rules much more difficult to read. Instead, conversion tables and rule histories will be provided. These will make it easy for users to locate old rules and will be less confusing than including numerous references to old rules in the new and revised titles.

Title 2. Trial Court Rules

Contents of title 2

Title 2, formerly the “Pretrial and Trial Rules,” has been renamed the “Trial Court Rules.” This title has been significantly reorganized. The rules in this title are rules that apply to all types of cases in the trial courts, that is, civil, criminal, family, juvenile, and other proceedings. The current general rules relating to the trial courts from title 2 and elsewhere have been placed in this title. Rules that do not belong in this title (such as rules specifically for civil cases or on court administration) have been moved elsewhere. All

¹⁸ A chart summarizing the comments and the response to the comments is attached at pages 116–119.

the headings in the title are new. All previous headings in the title, though not explicitly shown as deleted, would be eliminated.

Division 1. General Provisions

The preliminary rules in division 1 of title 2 include rules on applications for extensions of time and on sanctions for violations of the rules. (See rules 2.20 and 2.30 (based on rules 235 and 227).)

Division 2. Papers and Forms to Be Filed

Rules on the form and format of papers to be filed in the trial courts are located in division 2. (See rules 2.100–2.119 (based on rule 201).) These rules preempt any local rules on the form and format of papers. (See rule 2.100 (based on rule 981.1).¹⁹) This division also contains general rules on forms (rules 2.130–2.134) based on provisions in the current rules on Judicial Council and local court forms. These provisions apply to all official forms.

Division 3. Filing and Service

The rules on the filing and service of papers are in division 3. These rules include the rule on notice of change of address (rule 2.200 (based on rule 385)); the rule on drop boxes (rule 2.210 (based on rule 201.6)); the rules on filing and service by electronic means (rules 2.250–2.261 (based on rules 2050–2061)); and the rules on filing and service by fax (rules 2.300–2.306 (based on rules 2002–2008)). Some stylistic changes have been made to these rules, but no substantive changes.

Division 4. Court Records

Court records are covered in division 4. The subjects of these rules include general provisions on records (rule 2.400 (based on rule 243)); rules on public access to electronic trial court records (rules 2.500–2.507 (based on rules 2070–2077)); rules on sealed records (rules 2.550 and 2.551 (based on rules 243.1 and 243.2)); and rules on records in False Claims Act Cases (rules 2.570–2.573 (based on rules 243.5–243.8)).

Division 5. Venue and Sessions

Current rule 245.5 on superior court sessions held at municipal and justice court locations would be repealed as obsolete. Division 5 would be reserved for future rules on venue and sessions

Division 6. Appointments by the Court or Agreement of the Parties

Rules on appointments by the trials courts and appointments by agreement of the parties are in division 6. These include the rules relating to temporary judges and court

¹⁹ The portions of current rule 981.1 concerning the preemption of local rules on the form and format of papers are included in rule 2.100; the provisions of rule 981.1 that provide for the preemption of local rules on pleadings, motions, discovery, and ex parte applications would be in rule 3.20 in title 3.

interpreters, as they affect the trial courts and the public.²⁰

Division 7. Proceedings

Rules concerning records of trial court proceedings and public access to these proceedings are in division 7. Rule 2.956, on court reporting in civil cases, consolidates current rules 890 and 891 into a single rule to reflect trial court unification. The consolidation is not intended to change the meaning of the rule.

Division 8. Trials

Rules on trial matters are in division 8. These include rules on jury service (rules 2.1002–2.1010 (based on rules 858–862)); communications from or to the jury (rule 2.1030 (based on rule 231)); electronic records used in evidence (rule 2.1040 (based on rule 243.9)); and jury instructions (rules 2.1050–2.1058 (based on rules 229, 855, and 989)). The provisions on the use of gender-neutral language in jury instructions from current rule 989(b) is contained in rule 2.1058. (The provisions requiring the use of gender-neutral language in local rules, forms, and documents from rule 989(a) has been placed in rule 10.612 in title 10.)

Division 9. Judgments

Division 9 concerns judgments. It contains the rule requiring the prevailing party to give notice when a statute or regulation is declared unconstitutional. (See rule 2.1100 (based on rule 826).)

Finally, a current rule in title 2 on trial setting by judges in the municipal or justice courts (rule 830) should be repealed as obsolete.

Comments on title 2

Six comments were received on title 2.²¹ Three were favorable, without any specific comments; no responses to these are required. Three commentators made specific recommendations.

First, a commentator suggested revising the rule on jury instructions to apply to criminal as well as civil cases. This change is not needed because current rule 855 was amended in August 2005, to apply to both civil and criminal cases. However, rule 2.1050 (former rule 855), as circulated for comment, inadvertently did not show the 2005 amendments to subdivision (c), which deleted the word “civil.” Rule 2.1050 has been revised to contain the latest version of the rule, which applies to both civil and criminal jury instructions.

Another commentator made several suggestions. For instance, she suggested that the references to type style in rules 2.105 and 2.150 should be consistent and both should

²⁰ The rules concerning administrative matters relating to temporary judges and interpreters would be in title 10, the Judicial Administration Rules.

²¹ A chart summarizing the comments and the responses to the comments is attached at pages 120–122.

refer to “Times New Roman.” This is a reasonable suggestion, and the rules have been revised accordingly.

The same commentator pointed out that, notwithstanding the definition in rule 1.6 (11) of “presiding judge” as including “the acting presiding judge or the judicial officer designated by the presiding judge,” some rules state that actions are the responsibility of the presiding judge “or other judicial officer designated by the presiding judge.” (See, for example, rule 2.893(b)(1)(A)). Although this additional language in the rules is not strictly necessary given the definition of “presiding judge” (and more generally, the authority of presiding judges under rule 10.603), it is useful to leave this language in some specific rules to clarify how the rules are to operate or be applied.

The commentator also suggested deleting subdivisions (d) and (e) of rule 2.1002 on the length of jury service as obsolete. This suggestion is appropriate as to subdivision (e), which should be deleted. Although subdivision (d) is also outdated, the five-year exemption it authorized is still subject to evaluation. Hence, that subdivision should be retained for the present for reference purposes, but should eventually be repealed.

Finally, the Superior Court of Los Angeles County recommended several amendments to the rules on the filing of papers, electronic filing, and fees to be set by the court. Because these rule proposals involve substantive matters, they are beyond the scope of the present rules reorganization. These recommendations will be referred to the appropriate advisory committees for consideration.

Title 3. Civil Rules

Contents of title 3

Title 3 contains the “Civil Rules.” This title has been significantly reorganized. The rules in this title are rules that apply to all types of civil cases in the trial courts, including general civil, family, juvenile, and probate cases. All of the rules in former title 3 (“Miscellaneous Rules”) that do not apply to civil cases have been relocated to other titles.

The civil rules in title 3 have been organized in a logical manner from prefiling matters to pretrial, trial, and post-trial matters. The title is divided into 21 divisions, which are often organized into chapters. All the headings in title 2 are new. All the old headings, though not explicitly shown as struck-out, would be deleted. Stylistic changes have been made to some of the rules to make them clearer and contain more contemporary language.

Division 1. General Provisions

This division contains general provisions applicable to all the civil rules, including a new rule prescribing the name of the title. (Rule 3.1.) This division also includes the important rule under which the Judicial Council has preempted all local court rules relating to

pleadings, demurrers, ex parte applications, motions, discovery, provisional remedies, and the form and format of papers. (See rule 3.20 (based on rule 981.1).)

Division 2. Waiver of Fees and Costs

This division contains rules on the waiver of fees and costs. (See rules 3.50–3.63.) These rules are based on current rule 985 (Permission to proceed without paying court fees and costs (in forma pauperis)). Because rule 985 is very long and covers so many different matters, it has been broken up to be easier to read and understand. The new rules are not intended to substantively change any of the provisions concerning the waiver of fees or costs, but only to present those provisions in a clearer manner.

Division 3. Filing and Service

This division contains rules on filing and service in civil cases. It includes a new rule indicating that a party may pay a filing fee by credit card or debit card if the court is authorized to accept payment by this method (rule 3.100)²²; a rule on the time for service of pleadings (rule 3.110 (based on rule 201.7)); a rule on papers to be served (rule 3.220 (based on rule 201.8)); a rule on limitations on the filing of papers (rule 3.250 (based on rule 201.5)); a rule on service of papers on the clerk when a party’s address is unknown (rule 3.252 (based on rule 202.5)); and a rule on the duty of plaintiffs to maintain and provide a service list (rule 3.254 (based on rule 202.7)).

Division 4. Parties and Actions

This division contains a rule on notice of related cases (rule 3.300 (based on rule 804)); a rule on consolidation of cases (rule 3.350 (based on rule 367)); rules on complex civil cases (rules 3.400–3.403 (based on rules (1800–1812))); and rules on the coordination of noncomplex and complex civil cases (rules 3.500–3.550 (based on rules 1500–1550)).

Division 5. Venue [Reserved]

This division is reserved for rules on venue. Rules on this subject may be adopted in the future.

Division 6. Proceedings

This division contains rules relating to proceedings, including a rule providing for notice of stay of proceedings (rule 3.650 (based on rule 224)) and a rule on telephone appearances at hearings and conferences (rule 3.670 (based on rule 298)).

Division 7. Civil Case Management

This division concerns the management of civil cases. It includes chapters on “Differential Case Management,” “Case Management,” “Management of Complex Cases,” and “Management of Class Actions.” The chapter on case management contains 11 rules (rules 3.720–3.730). These rules are based directly on current rule 212, which

²² Although the rule is new, it essentially provides a cross-reference to the rule in title 10 and the Government Code section that authorize courts to accept payments by credit and debit cards.

has become very lengthy. The chapter on the management of complex cases contains new rule 3.750, based on subdivisions (e) and (f) of section 19 of the Standards of Judicial Administration, which would be repealed.

Division 8. Alternative Dispute Resolution

This division concerns alternative dispute resolution. It includes a chapter on judicial arbitration (rules 3.810–3.830 (based on rules 1600–1618)) and two chapters on mediation (rules 3.850–3.877 (based on rules 1620–1638)). Current rule 1636 on the return of an unresolved case to “active status” would be repealed as obsolete under current case management rules and practices.

Division 9. References

This division concerns references. A set of revised rules (rules 3.900–3.927) would replace the two lengthy current rules (rules 244.1 and 244.2) on references in civil cases. The new reference rules are divided into two chapters, “Reference by Agreement of the Parties Under Code of Civil Procedure Section 638” and “Court–Ordered Reference Under Code of Civil Procedure Section 639.”

In division 9, chapter 1, rule 3.900 on the purposes of references by agreement provides that a court may not use the reference procedure under Code of Civil Procedure section 638 to appoint a person to conduct a mediation. This rule is based on the first sentence of current rule 243.1(b). Rules 3.901 and 3.902 concern the application and order for the appointment of a referee. In rule 3.901(b) paragraphs (2) and (3) and in rule 3.902 paragraphs (3) and (4) have been added to implement the provision in rule 3.909(a) (current rule 244.1(e)) that court staff and facilities may not be used in matters pending before a privately compensated referee, except on a finding that their use will further the interests of justice. Rule 3.910 on the request and order for an appropriate hearing site is based on current rule 244.1(f), modified to provide that the order on the request may be made by the court rather than the presiding or supervising judge and that the request must be served on all parties and the referee and filed with the court rather than mailed to each party, the referee, and the clerk for placement in the court’s file.

In division 9, chapter 2, rule 3.922 on the form and contents of orders appointing a referee is based on current rule 244.2(c), but instead of referring to certain matters in Code of Civil Procedure section 639, it includes them directly in the rule. Rule 3.924 on the certification and disclosure by a referee and rule 3.925 on objections to a referee are based on subdivisions (c), (e), and (f) of current rule 244.2, but the new rules modify the procedure for certification by the referee and specify the judge who must hear objections.

Division 10. Discovery

This division concerns civil discovery. It contains a rule on the format of discovery motions (rule 3.1020 (based on rule 335)); a rule on service of motion papers on a nonparty deponent (rule 3.1025 (based on rule 337)); and a rule on sanctions for failure to

provide discovery (rule 3.1030 (based on rule 341)). Sufficient space has been left in this division for additional rules on discovery to be adopted later.

Division 11. Law and Motion

This division contains the law and motion rules for civil cases. (See rules 3.1100–3.1370.) These rules are organized into chapters on “General Provisions,”²³ “Format of Motion Papers,” “Provisional and Injunctive Relief,” “Ex Parte Applications,”²⁴ “Noticed Motions,” “Particular Motions,” and “Other Civil Petitions.” The rules on particular motions are under several separate articles on (1) pleading and venue motions, (2) procedural motions, (3) motions to dismiss, (4) summary judgment motions, and (5) miscellaneous motions. The chapter on other civil petitions contains a rule on petitions for the emancipation of a minor.

Other Divisions

The remainder of title 3 includes divisions on settlement, dismissal of actions, pretrial, trial, post-trial, attorney’s fees and costs, judgments, and postjudgment and enforcement of judgments. The title also includes two final divisions containing rules on special proceedings: unlawful detainers and small claims actions.

In title 3, current rule 991 on implementing trial court coordination proceedings would be repealed as obsolete.

Comments on title 3

Eight comments were submitted on title 3.²⁵ The comments were generally favorable, though several commentators suggested modifications. Most of the suggestions were nonsubstantive and technical.

A commentator observed that some headings and divisions in current title 3 were not shown as being repealed. Because title 3 has been completely reorganized, all the headings in the title are new. Accordingly, it is not necessary to show each of the former headings in this title as struck out. All the former headings have been deleted.

A second commentator queried whether the proposed changes to some of the rules regarding the time of service (rules 3.513, 3.521, 3.523, 3.525, and 3.526) are intended to make the rules consistent with the recent legislation amending Code of Civil Procedure

²³ In this chapter, the general rule on the assignment of judges to hear law and motions matters (current rule 307) should be repealed because it is unnecessary in courts with master calendar systems and is inconsistent with the procedures in courts where civil cases are assigned to a single judge.

²⁴ The changes to the ex parte rule are intended to improve the format and style of the rule. Because current rule 379 is long and complicated, it has been placed in a new chapter and been broken into 8 separate rules (rules 3.1200–3.1207) to make the requirements for ex parte applications clearer and more comprehensive.

²⁵ A chart summarizing the comments and the responses to these comments is attached at pages 123–128.

section 1005 (Assem. Bill 3078). The answer is affirmative: these rules are being amended to refer to “court” days consistent with that legislation.²⁶

A third commentator proposed that rule 3.110(i) on the time for serving and filing papers in response to an order to show cause should be changed from 5 “calendar” to 5 “court” days before the hearing. This is a substantive change, which has not yet been circulated for comment. The proposal will be referred to the Civil and Small Claims Advisory Committee for its consideration.

The State Bar’s Committee on Alternative Dispute Resolution recommended several amendments to the ADR rules, including adding a definition of “arbitration” and inserting the word “confidential” in the definition of mediation. Because these proposals are substantive, they are beyond the scope of the rules reorganization. They have been referred to the Civil and Small Claims Advisory Committee for its consideration.

Finally, the council’s Rules and Projects Committee agreed with staff’s recommendation to relocate and renumber a rule on the subjects to be considered at the case management conference (rule 3.727, circulated as rule 3.724). It is more logical for this rule concerning the subjects to be covered at the conference (based on current rule 212(e)) to be located after the provisions on meeting and conferring, the case management statement, and the stipulation to ADR rather than before them.

Title 4. Criminal Rules

Changes to title 4

Title 4 contains the “Criminal Rules.” It has not been significantly changed. The rules in this title have not been renumbered because they were renumbered in 2001 using the new numbering system. However, as part of the reorganization, the format of the rules in this title has been changed to be consistent with the rest of the California Rules of Court.

The name of title 4 has been changed to “Criminal Rules.” (Rule 4.1.) This parallels title 3, which has been named “Civil Rules.” To specify the scope of title 4, a new rule has been added, which provides: “The Criminal Rules apply to all criminal cases in the superior courts unless otherwise provided by a statute or rule in the California Rules of Court.” (Rule 4.2.)²⁷

A new division 1 (“General Provisions”) has been added at the beginning of title 4. The new rules on the title and scope of title 4 are in this division. Additional rules of a general nature may be located in this division in the future. Current divisions 1–5 of title 4 have been renumbered as divisions 2–6. Within renumbered division 6 (“Postconviction and

²⁶ A invitation to comment on the proposed substantive changes regarding timing in the current version of these rules (that is, rules 1512, 1521, 1523, 1525, and 1526) was circulated in the spring of 2006. The rules and the comments on them will be considered this fall, before the amended rules become effective.

²⁷ A similar rule on the scope of the civil rules has been added at the beginning of title 3, “Civil Rules.” (See rule 3.2.)

Writs”), separate chapter headings have been added. New division 7 (“Miscellaneous”) has been added at the end of the title; and current rule 4.601 has been placed in this division.

Two rules have been relocated to title 4 from former title 3 (“Miscellaneous Rules”). These are rules on traffic court matters (rule 4.104 (based on rule 851) and rule 4.210 (based on rule 828.)) The current rule on construction of terms in title 4 (rule 4.407) has been repealed because it is no longer accurate and the new general rule on construction in title 1 makes this specific rule unnecessary.

Finally, some stylistic changes have been made to the rules in title 4 so that they will be consistent with the contemporary style used in other titles. Also, a few minor technical changes have been made. These amendments are not intended to change the meaning of any of the criminal rules.

Comments on title 4

Five comments were received on the reorganization of title 4.²⁸ The comments were generally positive. Four commentators provided no specific comments; and a fifth pointed out that a reference in a rule to an article in the California Constitution should be to article “VI” rather than article “6.” The suggested correction has been made.

Title 5. Family and Juvenile Rules

Reorganization of title 5

Title 5 contains “Family and Juvenile Rules.” This title was previously called “Special Rules for Trial Courts.” It contained many rules relating to different types of civil proceedings. However, all the rules that do not relate to family or juvenile matters have been moved elsewhere. Also, all the headings that do not relate to family or juvenile matters, though not explicitly shown as struck-out, would be deleted.

Division 1. Family Rules

This division contains the Family Rules, which were renumbered and reordered effective January 1, 2003. These rules have been reformatted to be consistent with the remainder of the rules, but they were not circulated for comment because no substantive changes were contemplated. After the comment period, the Family and Juvenile Law Advisory Committee reviewed these rules and recommended a few minor revisions to the family rules to promote clarity and stylistic consistency. These revisions are shown in the rules text.

Division 2. Rules Applicable in Family and Juvenile Proceedings

This new division replaces division 1a, chapter 8 (“Miscellaneous Rules”). Rule 5.400, rule 5.450 (current rule 5.500), and rule 5.475 are in this division.

²⁸ A chart summarizing the comments and the responses is attached at page 129.

Division 3. Juvenile Rules

This new division contains the Juvenile Rules. (Rules 5.500–5.830.) Division 3 has been reorganized to start with the general rules applicable in all juvenile proceedings, then provide rules specific to dependency, followed by rules specific to delinquency.

All of the juvenile rules have been renumbered to start with “5.” to reflect the new numbering system that begins with the title number. The majority of the juvenile rules remain in the current order, but some have been grouped into new chapters. A few rules have been relocated to relate more logically to the chronology of the proceedings or the relationship of the issues.

In division 3, chapters 1–11 contain rules applicable to all juvenile proceedings. Although most of these rules are still in the current order, additional headings and groupings have been used to assist readers. The chapter headings are as follows:

- Chapter 1. Preliminary Provisions—Title and Definitions
- Chapter 2. Commencement of Juvenile Court Proceedings
- Chapter 3. General Conduct of Juvenile Court Proceedings
- Chapter 4. Subsequent Petitions and Modifications
- Chapter 5. Appeals and Writs
- Chapter 6. Emancipation
- Chapter 7. Intercounty Transfers
- Chapter 8. General Court Authority
- Chapter 9. Parentage
- Chapter 10. Medication, Mental Health, and Education
- Chapter 11. Advocates for Parties

In these chapters, some rules have been relocated. For example, rule 5.590 (current rule 251) has been moved into new chapter 5 from title 2, division 1. The rules relating to children’s educational needs have been moved to chapter 10 from chapter 11. All the rules relating to advocates for parties in juvenile proceedings—Court Appointed Special Advocates, guardians ad litem, and attorneys—have been grouped together in new chapter 11.

Chapter 12 contains rule 5.664 (current rule 1439) relating to the Indian Child Welfare Act.

Chapter 13 contains the rules specific to dependency. This chapter has been separated into four articles relating to specific hearings, organized in chronological order: initial hearing, jurisdiction, disposition, and reviews and permanent planning.

Chapter 14 contains the rules specific to delinquency. This chapter has been separated into five articles corresponding to the chronological order of a delinquency case: initial appearance, fitness hearings, jurisdiction, disposition, and review hearings and sealing.

Substantive and technical changes to title 5

In new division 3 (“Juvenile Rules”), minor substantive and technical changes have been made to the rules.²⁹ These changes are intended to update the rules to conform them to statutory changes, case law, and technological advances, as well as to clarify existing provisions. For instance, the California Domestic Partner Rights and Responsibilities Act of 2003 (Assem. Bill 205) contains many provisions designed to provide domestic partners with the same rights and responsibilities as spouses. Accordingly, the juvenile rules have been revised to include a definition of “domestic partner” and to include references to “spouse or domestic partner” in instances where the text currently refers to “spouse.”

References to “social worker” have been added to some rules where the language of the rules had not been revised to reflect the development of the role of the social worker and the fact that the terms “social worker” and “probation officer” are now recognized as interchangeable. (*In re Ashley M.* (2004) 114 Cal.App.4th 1.) Also, references have been added to include “peace officer” where appropriate.

Finally, some of the text of the Juvenile Rules has been revised for clarity or to more accurately reflect the law. For example, rule 5.772(h) has been amended to describe more precisely the process for setting a fitness hearing.

Comments to title 5

Six comments were received on the reorganization of, and the substantive changes to, title 5.³⁰ Besides general agreement, this proposal received only two comments. One commentator stated that the recommended amendments would produce a more logical organization of the rules and that substantive changes should be made to allow the rules to conform to statutory guidelines, where appropriate. Another recommended some substantive changes outside the scope of the reorganization.

Title 6. [Reserved]

Changes to title 6

All of the judicial administration rules located in title 6 under the current rules have been moved to title 10 and renumbered. New title 10 is a more logical place for the court administration rules, after the trial and appellate court rules rather than in the middle of them. Title 6 is reserved for future use.

²⁹ A chart summarizing the substantive changes to the juvenile rules is attached to this report at pages 41–46.

³⁰ A comment chart summarizing the comments and the responses is attached at pages 130–131.

Title 7. Probate Rules

Changes to title 7

Title 7 contains the “Probate Rules.” It is not significantly changed by the reorganization. This title has been using the new numbering system since its inception in 2000. However, the current rules are in the old rules format. As part of the reorganization, all the rules in this title have been reformatted.

Besides formatting, some changes have been made in chapter 1, which contains rules of general application to all proceedings under the Probate Code and all the rules in the title. New rule 7.1 authorizes title 7 to be referred to as the “Probate Rules.” This new rule parallels introductory rules in new titles 1, 8, and 10 and revised titles 2–5 of the reorganized California Rules of Court. These introductory rules provide each title with a convenient short subject-matter reference that should facilitate navigation in the reorganized rules.

Current rule 7.1, renumbered as rule 7.2, has been amended by eliminating the portion of subdivision (b) that states the authority for adoption of the rules in title 7. The repealed provision is stated in more general terms in new rule 1.3 that applies to all the California Rules of Court and does not need to be repeated.

Current rule 7.2, renumbered as rule 7.3, has been amended by eliminating subdivision (b), which now contains constructions of three terms used in the rules. This portion of rule 7.2 is unnecessary in the reorganized rules because it duplicates language in new rule 1.5 that applies to all of the rules, including those in title 7.

The title of chapter 7 has been amended to read “Spousal or Domestic Partner Property Petitions” and current rule 7.301 has been amended to include the phrase “or domestic partner” to reflect the recent legislation extending to a surviving registered domestic partner the right of a surviving spouse to transfer the deceased spouse’s separate property or interest in marital property to the survivor without administration.³¹

Finally, the title of chapter 20 has been amended to read “Claims of Minors and Persons with Disabilities” and rules 7.950–7.955 have been revised to refer to “persons with a disability” rather than “incompetent persons.” This change conforms the rules to the amendments to Probate Code sections 3600–3612 by Assembly Bill 1851, effective January 1, 2005.

Comments on title 7

Five comments were received on title 7. All were favorable, and none made any specific recommendations.³²

³¹ See Family Code section 297.5(c), enacted effective January 1, 2005, by the California Domestic Partner Rights and Responsibilities Act of 2003 (Assem. Bill 205), §§ 2, 4, 14.

³² A chart summarizing the comments and responses is attached at page 133.

Title 8. Appellate Rules

Contents of title 8

Title 8 contains the “Appellate Rules,” which were previously in title 1. This new location, after the trial court rules, is more logical. Title 8 is divided into five divisions. It has been significantly reorganized in some respects, as described below.

Division 1. Rules Relating to the Supreme Court and Courts of Appeal

Chapter 1 (rules 8.1–8.68) contains the general provisions applicable to most appeals, including the rules on service and filing, substitution of parties and attorneys, form and number of filed documents, applications, motions, and extensions of time.

Chapter 2 concerns Civil Appeals. Articles 1 and 2 (rules 8.100–8.163) contain the rules on civil appeals, including the rules on the contents of and time to file the notice of appeal, the petition for writ of supersedeas, the clerk’s and reporter’s transcripts and their substitutes, the form of the record, sanctions for failure to procure the record, augmenting and correcting the record, and sealed records. Article 3 (rules 8.200–8.224) contains the rules on preparing, serving, and filing briefs in the Court of Appeal, including the rules on their contents and form, sanctions for failure to timely file, and transmitting exhibits to the reviewing court. Article 4 (rules 8.240–8.276) contains the rules on hearing and decision in the Court of Appeal, including the rules on calendar preference, settlement and voluntary dismissal of appeals, prehearing conferences, judicial notice, oral argument and submission, finality and modification of decisions, rehearing, remittitur, and costs and sanctions.

Chapter 3 concerns Criminal Appeals. Article 1 (rules 8.300–8.316) includes the rules on appointment of appellate counsel, the contents of and time to file the notice of appeal, and stay of execution and bail. Article 2 (rules 8.320–8.346) contains the rules on the record in criminal appeals, including the rules on the contents of the normal record, sealed records, preparing and sending the record, and augmenting or correcting the record in the reviewing court. Article 3 (rules 8.360–8.368) contains the rules on briefs and on hearing and decision in the Court of Appeal and the Supreme Court.

Chapter 4 contains the rules on appeals and writs in habeas corpus cases. (Rules 8.380–8.388.)

Chapter 5 contains the rules on appeals and writs in juvenile cases. Article 1 (rules 8.400–8.416) contains the rules on appeals, including the rules on the contents of and time to file the notice of appeal; the contents and form of the record; preparing, sending, and correcting the record; briefs; and appeals from termination of parental rights. Article 2 (rules 8.450–8.456) contains the rules on writs to review certain statutory orders in juvenile cases, including orders setting a hearing under Welfare and Institutions Code

section 366.26. Article 3 (rules 8.470–8.474) contains the rules on hearing and decision of appeals and writs.

Chapter 6 contains the rules on miscellaneous appeals relating to conservatorships. (Rules 8.480–8.482.)

Chapter 7 contains the rules on writs of mandate, certiorari and prohibition, and writs to review decisions of statewide administrative agencies such as the Workers' Compensation Appeals Board and the California Public Utilities Commission. (Rules 8.490–8.498.)

Chapter 8 concerns proceedings in the Supreme Court. It includes rules on petitions for review, briefs, oral argument, disposition, rehearing, remittitur, costs, and sanctions. (Rules 8.500–8.552.)

Chapter 9 concerns appeals from judgments of death. Article 1 (rules 8.600 and 8.605) includes the rule on the qualifications of court-appointed counsel in death penalty appeals and habeas corpus proceedings. Article 2 (rules 8.610–8.625) contains the rules on the record in death penalty appeals, including the rules on the contents and form of the record, preparing and certifying the record in pretrial proceedings, and preparing and certifying the trial record for completeness and accuracy. Article 3 (rules 8.630–8.642) includes the rules on briefs, transmitting exhibits, oral argument, and the filing and finality of decisions.

Division 2. Rules on Appeal to the Superior Court

This division contains the rules relating to appeals to the superior court appellate division. (Rules 8.700–8.793.) A proposal to substantially revise these rules is currently being developed. It had been hoped that this proposal would be circulated for comment in the spring of 2006 and that these new rules would be ready for adoption effective January 1, 2007, so that they would be integrated into the reorganized rules by that date. Hence, they were not included in the rule reorganization that was circulated for comment. However, the revision of the appellate division rules is taking longer than anticipated. Accordingly, the rules in reorganized title 8 will consist of the current appellate division rules revised only to reflect the new numbering system and format; otherwise, no changes are being made at this time. When the proposed substantial revision of the appellate division rules is completed, the rules will be circulated for public comment and submitted to the Judicial Council.

Division 3. Trial of Small Claims Cases on Appeal

This division contains the rules on review of small claims cases by trial de novo in the superior court. (Rules 8.900–8.916.)

Division 4. Transfer of Appellate Division Cases to the Court of Appeal

This division contains the rules on transfer of superior court appellate division cases to the Court of Appeal. (Rules 8.1000–8.1018.)

Division 5. Publication of Appellate Opinions

This division contains the rules on publication of appellate opinions. (Rules 8.1100–8.1125.) Unlike the other rules in title 8 that were adopted by the Judicial Council, these rules were adopted by the California Supreme Court. Under the proposed reorganization, these rules would be renumbered and cross-references in the comments would be updated.³³

Other Rules

Nine rules in current title 1, which primarily concern matters of appellate court administration, have been relocated to new title 10, division 5 (“Appellate Court Administration”). These rules (rules 47, 47.1, 70, 71, 75, 76.1, 77, 78, and 80(b)–(c)) relate to matters such as the duties of the administrative presiding justice, supervising the progress of appeals, and local rules of the Courts of Appeal.

An obsolete rule in current title 1 on substitute trial judges (rule 51) and a redundant rule on recycled paper (rule 40.2)³⁴ would be repealed.

Comments on title 8

Nine comments were received on new title 8.³⁵ The commentators included the California Appellate Court Clerks’ Association, two superior courts, court administrators, an appellate attorney, and the appellate court committee of a local bar association. The comments were generally favorable; however, the commentators made a number of specific suggestions for modifications. The comments were reviewed by the Appellate Advisory Committee.

The most significant recommendation from the California Appellate Court Clerks’ Association was to place the rules on Supreme Court proceedings in a separate chapter in title 8. In the version of this title that was circulated, the Supreme Court rules were located in article 5 of chapter 2 (“Civil Appeals”) of division 1. Instead, the association recommended that these rules be placed in a new chapter 8 (“Proceedings in the Supreme Court”). The Appellate Advisory Committee supported this change and the council’s Rules and Projects Committee agreed. Thus, all the rules on proceedings in the Supreme Court would be placed in a new chapter.

³³ The proposed changes to the rules in this division are being submitted to the California Supreme Court for its consideration and action.

³⁴ Rule 40.2 is unnecessary because new rule 1.22 in title 1, requiring the use of recycled paper, applies to all courts.

³⁵ A comment chart summarizing the comments and the responses is attached at pages 134–144.

In addition, a new chapter would be established for the rules on habeas corpus matters. The proposed reorganization circulated for comment recommended that these rules be placed in a separate chapter. The California Appellate Court Clerk's Association agreed with the establishment of a new chapter. The Appellate Advisory Committee was divided on the location, with a majority supporting placing these rules in the chapter on criminal appeals and a minority supporting placing them in a separate chapter. The council's Rules and Projects Committee recommends that the habeas corpus rules be in a separate chapter located after the chapter on criminal appeals.

Another suggestion from the California Appellate Court Clerks' Association was to place the rules relating to the transfer of appellate division cases to the court of appeal in a separate new division. These rules are currently located in a chapter in division 1, "Rules Relating to the Supreme Court and Courts of Appeal." The Appellate Advisory Committee thought the rules relating to transfer could be left in this division. The council's Rules and Projects Committee recommends that the rules be placed in a new division 4, located after the divisions containing the rules relating to the appellate division and the rules relating to small claims appeals.

The Appellate Advisory Committee recommended changing the title of chapter 6 from "Miscellaneous Appeals" to "Conservatorship Appeals" because both of the rules in this chapter concern conservatorships. This is reasonable because the chapter currently only contains rules on conservatorship appeals.

A commentator pointed out that the current rule on the time for filing a criminal appeal (rule 30.1) should be included in the rules. The Appellate Advisory Committee and the Rules and Projects Committee agreed. Rule 30.1, which had inadvertently been omitted in the rules that were circulated for comment, has been reinstated in title 8 as rule 8.308.

A couple of commentators recommended retaining the advisory committee comments, or parts of the comments, to rules 8.613, 8.619, and 8.1120. For the reasons explained in the comment charts, it makes sense to retain these comments or the parts of them identified by the commentators. The Appellate Advisory Committee supported the retention of the comments and proposed some slightly revised text. The council's Rules and Projects Committee agreed. It also recommends that the comments to rules 8.1115 and 8.1125 be retained. The rules on the publication of appellate opinions in division 5 were adopted by the Supreme Court under its authority; hence, that court should determine whether any changes should be made to the rules or the related comments.

The California Appellate Court Clerks' Association recommended extending the effective date of all the reorganized rules until July 1, 2007, especially in light of the fact that appellate courts will be implementing new case management systems this fall. The Appellate Advisory Committee supported the July 1, 2007 effective date. Extending the

effective date would give courts and others additional time to revise local rules, publications, other documents, and Web sites.

Though there are arguments for further delaying the effective date of the reorganization, the council's Rules and Projects Committee, after carefully considering this issue, concluded that the rules reorganization should be approved effective January 1, 2007, as proposed. The balance of relevant factors favors retaining the January 1, 2007 effective date. When the rules reorganization was circulated for public comment, the effective date of January 1, 2007 was proposed. The invitation to comment indicated that this would give six months for implementation of the new rules. Only one commentator besides the California Appellate Court Clerks' Association expressed concerns about the timing of the effective date of the reorganized rules. That commentator is satisfied that the courts can implement the rule changes by the January 1, 2007. Informal communications with legal publishers have indicated that the January 1, 2007 date is workable.

The postponement of the effective date until July 2007 would create problems. It would delay implementation through two rule cycles and would result in a major mid-year change. Most attorneys and the public expect any major rule change to occur on January 1 rather than July 1. Publications and legal training are geared to changes at that time. A change in mid-year could catch many persons unaware and cause significant difficulties for attorneys, litigants, and the courts.

At the same time, the Rules and Projects Committee recognized that the rules reorganization may pose difficulties for some. The appellate courts, in particular, may encounter challenges from the reorganization and the renumbering of the rules because they are currently in the process of instituting new case management systems. The committee recommends that the Administrative Office of the Courts provide support to the appellate courts, if they need it, to assist them in responding to the rules reorganization while they are simultaneously changing their case management systems.

Finally, commentators recommended substantive changes to some of the appellate rules (rules 8.10, 8.490, and 8.613). These suggestions will be referred to the Appellate Advisory Committee for its consideration. Similarly, a proposal for an amendment to rule 8.1125 (current rule 979) to require that a request for depublication include a copy of the court of appeal opinion will be referred to the Supreme Court.

Title 9. Rules on Law Practice, Attorneys, and Judges

Contents of title 9

The California Rules of Court contain a number of rules adopted by the California Supreme Court. Most of these rules concern law practice, attorneys, and judges. They are

currently in title 3 (“Miscellaneous Rules”).³⁶ In their present location, these rules on law practice, attorneys, and judges are difficult to find; moreover, it is unclear that they were adopted by the California Supreme Court. Under the proposed rules reorganization, these rules would be moved to a separate, new title 9 that will make them easier to find. The rules would be clearly identified as rules adopted by the Supreme Court. They would be reformatted and some stylistic changes would be made consistent with the changes in the California Rules of Court. New division and chapter headings would be added to make the rules easier to identify and understand. No substantive changes would be made to these rules.³⁷

Division 1. General Provisions

This division would contain a new rule specifying the name of the title 9 as “Rules on Law Practice, Attorneys, and Judges.” This division would also contain a new rule stating: “The rules in this title were adopted by the California Supreme Court under its inherent authority over the admission and discipline of attorneys and under subdivisions (d) and (f) of Article VI of the Constitution of the State of California.” (See rule 9.2.) This would clarify how these rules are different from most other rules in the California Rules of Court.

Division 2. Attorney Admission and Disciplinary Proceedings and Review of State Bar Proceedings

This division would consist of 17 rules relocated to title 9 from current title 3. These rules would be separated into three chapters. The first chapter would contain general provisions, including definitions (rule 9.5 (based on rule 950)) and a rule on the roll of attorneys admitted to practice (rule 9.6 (based on rule 950.5)). The second chapter of division 2 would be entitled “Attorney Disciplinary Proceedings.” It would contain a rule on the authority of the State Bar Court (rule 9.10 (based on current rule 951)); a rule on State Bar Court judges (rule 9.11 (based on rule 961)); a standard of review for the State Bar Court Review Department (rule 9.12 (based on rule 951.5)); a rule on State Bar Court decisions (rule 9.13 (based on rule 952)); a rule on petitions for review by the Chief Trial Counsel (rule 9.14 (based on rule 952.5)); a rule on petitions for review by the Committee of Bar Examiners (rule 9.15 (based on rule 952.6)); a rule on the grounds for review of State Bar Court decisions in the Supreme Court (rule 9.16 (based on rule 954)); and other rules concerning disciplinary proceedings and related matters. The third chapter of division 2 would contain two rules on legal education (rules 9.30 and 9.31 (based on rules 957 and 958)).

³⁶ Current title 3 also contains some other rules adopted by the Supreme Court that concern the publication of appellate decisions. The publications rules are in a different division of title 3. They would be relocated to new title 8 (“Appellate Rules”) because they concern appellate matters.

³⁷ The proposed changes to these rules in new title 9, recommended as part of the rules reorganization, are being submitted to the California Supreme Court for its consideration and action.

Division 3. Legal Specialists

This division would contain the rule on certified legal specialists (rule 9.35 (based on rule 983.5)).

Division 4. Appearances and Practice by Individuals Who Are Not Members of the State Bar of California

This division would contain a rule on appearances *pro hac vice* (rule 9.40 (based on rule 983)); a rule on appearances by military counsel (rule 9.41 (based on rule 983.1)); a rule on certified law students (rule 9.42 (based on rule 983.2)); a rule on out-of-state attorney arbitration counsel (rule 9.43 (based on rule 983.4)); a rule on registered foreign legal consultants (rule 9.44 (based on rule 988)); and the recently adopted rules on multi-jurisdictional practice (rule 9.45–9.48 (based on rules 964–967)).

Division 5. Censure, Removal, Retirement, or Private Admonishment of Judges

This division would contain a rule on review of determinations by the Commission on Judicial Performance (rule 9.60 (based on rule 935)) and a rule on proceedings involving public or private admonishment, censure, removal, or retirement of a judge of the Supreme Court (rule 9.61 (based on rule 936)).

Finally, a rule previously adopted by the Supreme Court and currently in title 3—rule 963 providing for an emergency interim special regulatory fee on attorney discipline due by February 1, 1999—is obsolete. It should be repealed.

Comments on title 9

Six comments were received on new title 9.³⁸ Five of these were favorable, without any specific comments. The sixth expressed some concerns about the format of the rules and made a substantive suggestion. The comments on the format are addressed in the comment chart. On the substantive issue, a commentator suggested that rule 9.30(b)(6)(B) (current rule 957(b)(6)(ii)), which requires law school libraries to maintain a digest or encyclopedia of California law, should be reviewed. This substantive suggestion will be referred to the Supreme Court which adopted the rule.

Title 10. Judicial Administration Rules

Contents of title 10

Title 10 contains the “Judicial Administration Rules.” These rules have been (1) moved from title 6 to new title 10 and renumbered; (2) reformatted in the new, more open Judicial Council rules format; and (3) use a more consistent, contemporary style. Although most of the current headings in the title have been retained, some have been modified and new headings have been added. Also, some rules have been internally relocated to be in a more logical place.

³⁸ A chart summarizing the comments and the responses is attached at pages 145–146.

The principal changes made to the judicial administration rules are described below for each of the five divisions in this title.

Division 1. Judicial Council

In division 1, the rule on council membership and terms (rule 10.2(a) (based on current rule 6.2(a))) has been revised to reflect the changes in the membership of the council that resulted from the amendment of article VI, section 6 of the California Constitution with the approval of Proposition 48, effective November 6, 2002. At the recommendation of the council's Rules and Projects Committee, the rule has also been revised to add trial court presiding judges to the list of those exempted from the provision that council members may not concurrently serve on the council and on an advisory committee. (See rule 10.2(e)(2).)

Division 2. Administration of the Judicial Branch

In division 2, new chapter headings have been added on "Court Security" before rules 10.170 and 10.171 (formerly rules 6.170 and 6.171) and on "Ethics Training" before rule 10.301 (formerly rule 6.301). Additional chapter headings have been added on "Management of Human Resources" before rule 10.350 (formerly rule 6.302) and on "Court Technology, Information, and Automation" before rule 10.400 (formerly rule 996).

Division 3. Judicial Administration Rules Applicable to All Courts

Division 3 is new.³⁹ This division includes rule 10.501 (based on current rule 970) that concerns judicial education for all trial and appellate judicial officers. The rule on the judicial sabbatical pilot program (rule 10.502 (based on rule 6.151)) has been moved to this division. Other rules that have been placed in division 3 include the rule on the use of recycled paper by all courts (rule 10.530 (based on rule 989.1)), the rule on smoking policy for all courts (rule 10.504 (based on rule 989.5)), and the rule on judicial robes (rule 10.505 (based on rule 299)).

Division 4. Trial Court Administration

There is some reorganization of, and additions to, division 4. Chapter 1 of this division (the "General Rules on Trial Court Management") has been expanded to include the rule on non-discrimination on court appointments (rule 10.611 (based on rule 989.2)), the rule on the use of gender-neutral language by the courts (rule 10.612 (based on rule 989(a))) and the rules on local rules and forms (rules 10.613 and 10.614 (based on rules 981 and 201.3)). A rule on reciprocal assignment orders has been moved to chapter 1 of this division from title 2. (See rule 10.630 (based on rule 813).) This rule has been amended

³⁹ The previous title of division 3 was "Appellate Court Administration," but this division was reserved. A new division on "Appellate Court Administration" has been added at the end of title 10, a more logical location, and rules on appellate court administration have been placed there.

to eliminate a reference to a repealed code section, provide a definition of “reciprocal assignment order,” and require courts to report assignment orders on a monthly basis.

The Court Employee Labor Relations Rules (rules 2201– 2209) have been moved from title 3 (“Miscellaneous Rules”) to chapter 2 (“Trial Court Management of Human Resources”) of this division. Current rule 2210, on the effective date of rules 2201–2209, should be repealed because the legislation on which these rules were contingent has been enacted.

In division 4, new chapter headings have been added on “Subordinate Judicial Officers,” “Referees,” “Temporary Judges,” “Court Interpreters,” and “Alternative Dispute Resolution Programs.” The judicial administration rules concerning these court-appointed persons and programs have been moved into these new chapters from elsewhere in this and other titles.

The chapter on “Trial Court Budget and Fiscal Management” has been renumbered as chapter 8. The rules within it have been renumbered as rules 10.800 through 10.830. Current rule 810 has been renumbered as rule 10.810, but is otherwise completely unchanged. To make this explicit, an advisory committee comment has been added stating: “Rule 10.810 is identical to rule 810, except for the rule number. All references in statutes or rules to rule 810 apply to this rule.”

Finally, separate chapters have been established in division 4 for the rules on “Trial Court Records Management,” “Trial Court Automation,” “Trial Court Management of Civil Cases,” and “Trial Court Management of Criminal Cases.” Various current administrative rules have been gathered together under these chapter headings.

Division 5. Appellate Court Administration

The division on “Appellate Court Administration,” which previously contained no rules, has been relocated to division 5 at the end of this title. Nine rules on appellate court administration have been moved to this division from current title 1 (rules 10.1000–10.1030 (based on rules 47, 47.1, 70, 71, 75, 76.1, 77, 78, and 80(b)–(c))).

Comments on title 10

Four comments were received on title 10.⁴⁰ Three of these agreed with the changes, without any specific comments; no response to these is required. One commentator recommended that rule 6.50 be amended to include a fairness training component and that rule 989 or some other rule be amended to address use of an appropriate gender pronoun for transgender persons using the court. Because these recommendations involve substantive rule changes, they are beyond the scope of the rules reorganization project. They will be referred to an appropriate advisory committee or committees for consideration.

⁴⁰ A chart summarizing the comments and the responses to those comments is attached at page 147.

Standards of Judicial Administration

Changes to the Standards

The current organization of the Standards of Judicial Administration is quite unsatisfactory. The sections of the standards have been adopted, placed in the standards, and numbered in a manner that is partly chronological and sometimes locates related sections together, but generally lacks coherence. There is no overall logic or scheme to the standards. As a result, the sections of the standards are difficult to access or to understand.

To improve the Standards of Judicial Administration, all of the “sections” have been redesignated as “standards.” This comports to the common sense and accurate understanding of the sections (that they are standards) and is consistent with the characterization of rules (that is, there are “rules” and “standards”).

There are currently no headings in the Standards of Judicial Administration. To facilitate accessibility and understanding, headings have been added that correspond to each title of the California Rules of Court—for example, “Title 3. Standards for Civil Cases” and “Title 4. Standards for Criminal Cases.” Under each heading, the standards have been organized to correspond to the place within the title where rules similar to the standards are located.

Renumbering

Under each heading, the standards have been renumbered to be directly connected to the title to which they relate. For example, current section 2 (a general statement of principles on case management and trial delay reduction) would become standard 2.1 under the heading “Title 2. Standards for Proceedings in the Trial Courts”; current section 40 (on minors’ compromises) would become standard 7.10 under the heading “Title 7. Standards for Probate Proceedings”; and current section 39 (on the role of the judiciary in the community) would become standard 10.5 under “Title 10. Standards of Judicial Administration.”

This renumbering and reorganization not only should make it easier in the immediate future to identify the standards that relate to specific current titles and rules, but also should provide a comprehensive framework in the long term for numbering and locating new standards so that they will be more accessible and comprehensible. In this regard, it should be noted that new titles 1 and 9 currently have no standards that relate to them, but are designated as reserved. If standards are adopted in the future that fit within the subject matter of these titles, they could be located there and given appropriate numbers.

Formatting and Style

Each of the standards in the Standards of Judicial Administration has been reformatted in the same manner that has been used throughout the California Rules of Court. This

should result in more readable standards, with more space, additional subheadings, and a clearer listing of items.

Some stylistic changes have been made so that the standards will be consistent with the contemporary style used in the California Rules of Court. For example, the term “set forth” has been revised to be “state” or “specify”; headings have been added to subdivisions; and series of items enumerated in a paragraph have been placed into lists.

Repeal and Amendment of Sections

Several sections of the Standards of Judicial Administration should be repealed or amended. Specifically, sections 1.2, 1.6, 11, 11.5, 16.5, 22, 28, and 29 should be repealed because they are obsolete, have been superseded, or have been incorporated into rules. Standard 4.40 (current section 10.5) should be amended to eliminate obsolete references to municipal and justice courts.

Comments on the Standards

Four comments were received on the changes to the Standards of Judicial Administration.⁴¹ All agreed with the changes, without any specific comments.

Code of Judicial Ethics

The Code of Judicial Ethics, adopted by the Supreme Court and currently in an appendix to the California Rules of Court, has been moved. Under the reorganization, it will be a separate section of the California Rules of Court like titles 1–10 and the Standards of Judicial Administration. The code includes all the recent amendments to canon 6D relating to temporary judges.

Ethics Standards for Neutral Arbitrators in Contractual Arbitrations

Ethics Standards for Neutral Arbitrators in Contractual Arbitration, adopted by the Judicial Council under the authority of Code of Civil Procedure section 1281.85, is currently in an appendix in the California Rules of Court. Under the reorganization, it will be a separate section of the California Rules of Court.

The Appendixes

Under the reorganization, the number of appendixes has been reduced. The appendixes would consist of: (1) the Judicial Council’s Legal Forms List, (2) Liability Limits of a Parent or Child Having Custody and Control of a Minor for the Torts of a Minor, and (3) Guidelines for the Operation of Family Law Information Centers and Family Law Facilitators’ Offices.⁴² To provide information promptly to the public in an efficient manner, the Administrative Office of the Courts should be authorized to update the forms

⁴¹ A chart summarizing the comments and the responses is attached at page 148.

⁴² The Guidelines for the Commission on Judicial Appointments is not included in the revised appendix. Publishers, of course, may continue to provide these Guidelines with the other supplemental materials that they provide in their rules volumes.

list and adjust the liability limits in the appendixes periodically without requiring that these technical changes be adopted by the Judicial Council.

The Rules Reorganization Process

The reorganization of the California Rules of Court is a major project. It is the result of many years of decisions and actions by the Judicial Council that have improved the rule-making process. In this endeavor, the council's Rules and Projects Committee has played a crucial role.⁴³ Advisory committees, other entities, and AOC staff have also made major contributions. This section acknowledges those contributions.

The role of advisory committees and other entities

Advisory committees and other similar entities have played a very important role in the improvement of the California Rules of Court. In the rules reorganization process, they have made major contributions.

The history of this endeavor must first acknowledge the role of the Appellate Rules Project Task Force, chaired by Peter Belton, which developed many of the fundamental principles of format and style on which the entire reorganization is based. The task force's work laid the groundwork for the efforts that followed.

Advisory committees with subject matter expertise also played a crucial role in the rules reorganization. For instance, the chair of the Civil and Small Claims Advisory Committee and a selected working group of its members devoted extensive time and effort to considering the reorganization of titles 2 and 3, the creation of title 1, and the review of title 10 and the Standards of Judicial Administration.⁴⁴

The Family and Juvenile Advisory Committee reviewed, commented on, and recommended revisions to title 5. The Appellate Advisory Committee reviewed, commented on, and recommended changes to title 8. Both of these advisory committees' recommendations have had a significant impact on the final rules reorganization. Other advisory committees, subcommittees, or their staffs reviewed the titles relating to criminal law, traffic, probate, and court administration. Thus, advisory committees and their staffs have carefully considered all the relevant aspects of the rules reorganization proposed in this report.

The role of Administrative Office of the Courts staff

This project has required a substantial amount of staff work. Attorneys from the Office of the General Counsel and the Center for Families, Children & the Courts have worked

⁴³ The current members of the council's Rules and Projects Committee are Presiding Judge Suzanne N. Kingsbury (Chair), Judge Richard E. L. Strauss (Vice-Chair), Ms. Deena Fawcett, Supervising Judge Charles W. McCoy, Jr., Justice Eileen C. Moore, Presiding Judge Dennis E. Murray, Ms. Barbara J. Parker, Ms. Sharol Strickland. Staff are Ms. Deborah C. Brown, Ms. Susan Goins, and Ms. Romunda Price.

⁴⁴ The members of this working group were Judge Elihu M. Berle (Chair), Ms. Patricia Egan Daehnke, Judge Curtis E. A. Karnow, Judge Lee Smalley Edmon, and Judge Brian R. Van Camp.

extensively on this project for a number of years.⁴⁵ In addition, the administrative and secretarial staff of the Office of the General Counsel has contributed an exceptional amount of effort to this project.⁴⁶

Finally, the AOC's Editing and Graphics Group has been indispensable on this project. The careful, dedicated work of the members of this group has ensured that the final rules reorganization is a success.⁴⁷

The role of the Judicial Council's Rules and Projects Committee

In the rules reorganization, the council's Rules and Projects Committee has played a fundamental role. This is the Judicial Council committee charged with reviewing and recommending new and amended rules in the California Rules of Court. It has been responsible over the years for the innovations in numbering, format, and style that are the foundations of the present rules reorganization.

The council's current Rules and Projects Committee, chaired by Judge Suzanne Kingsbury, has been very active in the rules reorganization project. It carefully reviewed the entire reorganization before it was circulated for public comment in the spring of 2006. After the rules were circulated, it reviewed the comments and determined what responses were appropriate. Based on its review, the committee has approved the reorganization presented in this report.

Alternative Actions Considered

Some concerns have been expressed that publishers, courts, and others need sufficient time to implement the changes recommended in this report. Alternative effective dates for the rules reorganization were considered. To accommodate the needs of the courts and the public, the report recommends that the reorganization be adopted at the Judicial Council's June 30, 2006 meeting, but not become effective until January 1, 2007. This should provide sufficient time for the courts and the public to respond to and implement the proposed rule changes.

Implementation Requirements and Costs

The reorganization, including in particular the renumbering of a substantial portion of the rules, will have an impact on the judicial branch, the courts, and the public. In response to the reorganization, all Judicial Council forms and local court forms that contain

⁴⁵ The attorneys who worked on the rules reorganization include Patrick O'Donnell (the lead staff on the project), Audrey Fancy (title 5), Heather Anderson (title 8), and Douglas C. Miller (title 7 and Standards of Judicial Administration); other attorneys who worked on this project include Alan Weiner (title 3) and Joshua Weinstein and Courtney Tucker (title 4). Peter Belton, before his retirement, worked extensively on title 8.

⁴⁶ Donna Randolph has been responsible for preparing the text of the reorganization throughout all of its enumerable revisions. Lisa Gotch provided the technical expertise and supervised the staff of the Office of the General Counsel (OGC) who assisted on this project. Other OGC staff who contributed include Romunda Price and Lisa Graves.

⁴⁷ The manager of The Editing and Graphics Group is Carolyn McGovern. The lead copy editor on the rules reorganization project was Lura Dymond. Other copy editors who have contributed to this project were Fran Haselsteiner, Christine Miklas, Mary Nelson, Judy Weiss, and Mark Woodworth.

references to rules will need to be revised. Local rules that contain references to the California Rules of Court will have to be amended. Publications will need to be updated. Thus, the reorganization will require an expenditure of resources and impose costs.⁴⁸

Recommendation

The Administrative Office of the Courts recommends⁴⁹ that the Judicial Council approve the reorganization, renumbering, reformatting, and amendment of the California Rules of Court, effective January 1, 2007.⁵⁰ The purpose of the reorganization is to make the California Rules of Court clearer, better organized, and easier to read. The reorganization is not intended to make substantive changes to the rules, with limited exceptions described in this report.

The text of the proposed reorganization of the California Rules of Court is submitted with the report.⁵¹ It is available online at <http://www.courtinfo.ca.gov/rules/reorg.htm>. The text contains all the rules and standards adopted by the Judicial Council or the Supreme Court through July 1, 2006. If the Council approves the reorganization, new and amended rules adopted in the fall of 2006 would be incorporated into the final version of the reorganized California Rules of Court that becomes effective January 1, 2007.

Attachments

⁴⁸ To make the transition to the new rules numbering system easier, conversion titles showing new and old rule numbers have been prepared and are being made available. Copies of the conversion tables are attached to this report at pages 47–108. The Administrative Office of the Courts plans to review and revise all the Judicial Council forms to ensure that by January 1, 2007, they will refer to accurate rule numbers.

⁴⁹ Though the staff of the Administrative Office of the Courts is presenting this recommendation, the council's Rules and Projects Committee and various advisory committees have been extensively involved in this proposal to reorganize and revise the California Rules of Court, as explained above.

⁵⁰ In addition, it is separately recommending that the California Supreme Court approve the amendments to the rules adopted by that court that would be located in title 8, division 5, and in title 9 under the proposed reorganization.

⁵¹ The council's Rules and Projects Committee approves this proposal for reorganization. At the same time, the committee recognizes that the appellate courts, which are presently changing to new case management systems, may encounter special challenges resulting from the reorganization and renumbering of the rules. Hence, it recommends that the Administrative Office of the Courts provide support, if needed, to assist the appellate courts in responding to the rule changes while simultaneously undergoing changes in their case management systems.

**Title 5: Family and Juvenile Law Rules
Substantive Changes**

Proposed rule and subdivision number	Page	Text of proposed change*	Rationale for proposed change
5.400(a)(2)	78	The spouse <u>or domestic partner</u> of any of the persons described in subdivision (a)(1) even if the marriage <u>or domestic partnership</u> was terminated by dissolution or the death of the spouse related to the child.	Under Assembly Bill 205 (Stats. 2003, ch. 421), all references to spouse must also apply to domestic partners.
5.501(b)	86	<u>social workers,</u>	Social workers were excluded from list of participants in juvenile court.
5.502(12)	88	<u>“Domestic partner” means two adults who have chosen to share one another’s lives in an intimate and committed relationship of mutual caring as described in Family Code section 297.</u>	Consistent with AB 205, added definition of domestic partner.
5.502(17)	89	<u>or a peace officer</u>	Clarifies that peace officer is authorized to remove the child and often is the official who does so.
5.502(25)	89	<u>offered or</u>	Clarifies that services are offered or provided by the child welfare agency or other appropriate agencies.
5.502(26)	90	<u>or domestic partner</u>	Under AB 205, all references to spouse must also apply to domestic partners.
5.502(29)	90	<u>by blood, adoption, or affinity through a common legal or biological parent</u>	Update definition of sibling group to conform to statutory language in Welf. & Inst. Code, § 361.5.
5.502(31)	90	<u>“Social worker,” in section 300 proceedings, means an employee of the county child welfare agency and includes a probation officer performing the child welfare duties;</u>	Defined social worker as an employee of the county child welfare agency. This was the drafters’ intent but the term could now be misinterpreted due to the recent practice of others in the juvenile justice system, including defense attorneys, to hire social workers.
5.510(c)(2)	92	<u>Once a petition has been filed under section 601 or 602, the juvenile court has exclusive jurisdiction to hear an</u>	Update to conform to Welf. & Inst. Code, § 726.4.

*Text is excerpted, with changes shown. Insertions are underlined and deletions are struck through.

Proposed rule and subdivision number	Page	Text of proposed change*	Rationale for proposed change
		<u>action filed under Family Code section 7630 or 7631.</u>	
5.514(d)	96	may <u>must</u>	Welf. & Inst. Code, § 653.5(c) directs that a probation officer shall refer a case to the prosecuting attorney within 48 hours if the criteria in (d)(1) are met, thus the permissive “may” in this rule is incorrect.
5.550(b)(4)	133	<u>If the child is represented by counsel, failure of counsel or the child to object to an order continuing a hearing beyond the time limit is deemed a consent to the continuance.</u>	Update to conform to Welf. & Inst. Code, §§ 352 and 682.
5.570(a)	141	and, to the extent known to the petitioner,	Clarify language relating to allegations in the petition.
5.570(b)	142	<u>or that the requested modification would promote the best interest of the child.</u>	Update to conform to Welf. & Inst. Code, §§ 388 and 778 and case law.
5.610(a)(4)	153	<u>For the purposes of transfer of wardship,</u>	Clarify that this subdivision applies only to wardship.
5.610(b)	153	<u>social worker or</u>	Old language not revised since legislation defining responsibilities of social workers instead of probation officers.
5.614	156	county welfare agency or probation officer department with the consent of the agency or probation officer’s consent department. The court in the county ordering placement shall <u>will</u> retain jurisdiction over the child.	Old language not revised since legislation defining responsibilities of social workers instead of probation officers.
5.635(a)	167	<u>Once a petition has been filed to declare a child a dependent or ward, and until the petition is dismissed or dependency or wardship is terminated, the juvenile court with jurisdiction of the action has exclusive jurisdiction to hear an action filed under Family Code section 7630 or 7631.</u>	Update to conform to Welf. & Inst. Code, §§ 316.2 and 726.4.
5.635(c)	168	<u>A man is presumed to be the father of the child under Family Code section 7611 if the voluntary declaration has been properly executed and filed.</u>	Update to conform to appellate court decisions.
5.635(e)	169	may <u>must</u> take appropriate steps to	Welf. And Inst. Code, §

Proposed rule and subdivision number	Page	Text of proposed change*	Rationale for proposed change
			726.4(a) mandates that when foster care placement for a minor is ordered pursuant to 727(a) the court must inquire as to the identity of the father of the child. The possible steps to be taken in the inquiry are listed in 726.4(a)(1)-(6). The court has discretion as to which steps are used to make the determination, but the requirement of determining parentage is mandatory, thus the permissive "may" in this rule is incorrect.
5.635(e)(1)	169	<u>The alleged father and his counsel must complete and submit Statement Regarding Paternity (Juvenile Dependency) (form JV-505). Form JV-505 must be made available in the courtroom.</u>	Update to conform to Judicial Council forms and case law requiring compliance and to Welf. & Inst. Code, § 316.2.
5.645(b)(2)(B)	174	<u>treatment facility in which the child is placed</u>	Clarifies that reference is to treatment facility and for the purpose of this section only.
5.645(b)(2)(B)	174	detrimental to the well-being of the child,	Clarifies language and eliminates extraneous wording.
5.664(k)(6)	205	<u>absent good cause,</u>	Clarifies standard consistent with Indian Child Welfare Act and case interpretations.
5.676(b)(2)	214	<u>or safety plans</u>	Conforms to federal mandates and Welf. & Inst. Code, § 319.
5.676(b)(4)	214	<u>or guardian</u>	Conforms to statutes.
5.682(b)(3)	218	Called to testify against the parent or guardian;	To make it clear that the right to cross examine extends to all witnesses, not merely those who testify against a parent or guardian.
5.682(e)	218–219	<u>Waiver of Rights (Juvenile Dependency) (form JV-190) may be completed by the parent or guardian and counsel and submitted to the court.</u>	Urge use of this form as suggested by case law.
5.684(e)	220	<u>or domestic partner,</u>	Under AB 205, all references to spouse must also apply to domestic partners.
5.686(b)	222	<u>or guardian</u>	To conform to all statutory references that include parent

Proposed rule and subdivision number	Page	Text of proposed change*	Rationale for proposed change
			and guardian.
5.695(b)(1)(B)	224	<u>(B) The parent has executed and submitted Waiver of Reunification Services (Juvenile Dependency) (form JV-195); and</u>	Consistent with Welf. & Inst. Code, § 360 and to conform to Welf. & Inst. Code, § 361.5(b)(14).
5.695(c)(3)	226	Rule 4499 5.650 to make educational decisions for the child. Any limitation on the right of a parent or guardian to make education decisions for the child must be specified in the court order.	Deleted language appears in California Rules of Court and references procedures including use of JV-535, a mandatory form.
5.695(f)(1)	227	<u>the child's legal</u> guardian	To make it clear that the status as "guardian" means one appointed by a court.
5.695(f)(4)	227	. <u>Visits are to</u>	Better phrasing.
5.695(f)(5)	227	, <u>or if the court has appointed a guardian under section 360.</u>	Clarifies that a guardian appointed under the relevant statute is not entitled to services.
5.695(f)(5)(K)	229	of that child from the parent.	To eliminate a redundancy.
5.695(f)(12)	230	<u>whose paternity has been declared by the juvenile court or another court of competent jurisdiction,</u>	Emphasizes that the court may exercise its discretion to deny or order services to a man identified as an alleged father only if there has been a declaration of paternity.
5.695(h)	232	Review of the status of every dependent child must be performed no more than within six 6 months after the date of the original disposition order, but and no later than six 6 months after the date the child is determined to have entered foster care; <u>the review and</u> must be scheduled on the appearance calendar. The court must advise the dependent child <u>of the child's right to petition for modifications of court orders as required in</u> under section 353.1.	Clarifies legislative intent and makes the wording clearer. Includes new advisement requirement of Welf. & Inst. Code, § 353.1.
5.715(c)(1)	242	If the child has been removed from the custody of the parent or guardian,	The 12-month review applies only to children who have been removed, so this phrase is unnecessary.
5.720(c)(1)	247	If the child has been removed from the custody of the parent or guardian,	The 18 month review applies only to children who have been removed, so this phrase is

Proposed rule and subdivision number	Page	Text of proposed change*	Rationale for proposed change
			unnecessary.
5.720(c)(11)	250	present, and by first class mail for parties not present, that if the party wishes to preserve any right to review on appeal of the order setting the hearing under section 366.26, the party is required to seek an extraordinary writ by filing;	This clarifies the responsibilities of the court; the clerk must mail the order, the advisement, and the form to any party who is not present at the hearing.
5.752(a)	271	<u>or notice of probation violation concerning the child should be filed, the petition or notice</u>	Conforms to Proposition 21, which created the separate “notice” of a probation violation, rather than the former petition form.
5.752(b)	271	<u>or notice of probation violation has been filed either within that time or prior to before</u>	Conforms to Proposition 21, which created the separate “notice” of a probation violation, rather than the former petition form.
5.752(f)	272	<u>or notice of probation violation has been filed, if:</u>	Conforms to Proposition 21, which created the separate “notice” of a probation violation, rather than the former petition form.
5.760(a)	275	(a) <u>Conduct of detention hearing (§§ 635, 636)</u> <u>The court must consider the written report of the probation officer and any other evidence and may examine the child, any parent or guardian, or any other person with relevant knowledge of the child.</u>	Conforms to Welf. & Inst. Code, §§ 635 and 636.
5.760(c) (3)–(5)	276	(3) <u>The child is likely to flee the jurisdiction of the court;</u> (4) <u>It is a matter of immediate and urgent necessity for the protection of the child; or</u> (5) <u>It is reasonably necessary for the protection of the person or property of another.</u>	Add necessary statutory language under Welf. & Inst. Code, § 635.
5.772(h)	288	indicates informs the court orally or in writing that an intention to seek review of a finding of fitness will be sought and requests a continuance of the jurisdiction hearing, the court, on	To more precisely describe the process for setting a fitness hearing.

Proposed rule and subdivision number	Page	Text of proposed change*	Rationale for proposed change
		request of the petitioner,	
5.776(a)	289	shall <u>may</u>	Making this a "may" conforms this rule to the same provision in Rule 5.550(b) which was amended in 2002. Welf. & Inst. Code, § 682 provides the framework for requesting continuances and gives the court discretion to continue a 602 matter if good cause is found - it is not mandatory for the court to do so. (See In re Maurice E. (2005) 132 Cal. App. 4th 474, 480-481).
5.790(c)	297	(c) <u>Custody and visitation (§ 726.5)</u> <u>At any time while the child is a ward of the juvenile court or at the time wardship is terminated, the court may issue an order determining custody of, or visitation with, the child as described in rule 5.700.</u>	Conforms to Welf. & Inst. Code, § 725.5.
5.795(a)	300	<u>If any offense may be found to be either a felony or a misdemeanor, the court must consider which description applies and expressly declare on the record that it has made such consideration and must state its determination as to whether the offense is a misdemeanor or a felony.</u>	This is required under case law.
5.810(a)(3)(C)	306	under rule 1499 to make educational decisions for the child. Any <u>limitation on the right of a parent of guardian to make educational decisions for the child must be specified in the court order. The court must follow the procedures set forth in rule 5.650.</u>	Conforms to Welf. & Inst. Code, § 727.2.

California Rules of Court Reorganization
(From new number to former number)

Title 1. Rules Applicable to All Courts

New Rule Number	Old Rule Number	Rule Title
Repealed		<u>Introductory Statement</u> (came before title 1)
		Chapter 1. Preliminary Rules
1.1	New	<u>The California Rules of Court</u>
1.2	New	<u>Title</u>
1.3	New	<u>Authority</u>
1.4	New	<u>Contents of the rules</u>
1.5	New; (a) based on 53(b)	<u>Construction of rules and standards</u>
1.6	200.1	<u>Definitions and use of terms</u>
		Chapter 2. Timing and Holidays
1.10	200.3	<u>Time for actions</u>
1.11	987	<u>Holiday falling on a Saturday or Sunday</u>
		Chapter 3. Service and Filing
1.20	New	<u>Filing</u>
1.21	New	<u>Service</u>
1.22	New	<u>Recycled paper</u>
		Chapter 4. Judicial Council Forms
1.30	201.1	<u>Judicial Council forms</u>
1.31	New; based on 201.1(b)	<u>Mandatory forms</u>
1.35	New; based on 201.1(c)	<u>Optional forms</u>
1.40	New; based on 201.1(d)	<u>Statutory references on forms</u>
1.41	New; based on 201.1(e)	<u>Proofs of service on forms</u>
1.42	New; based on 201.1(f)	<u>Forms not to be rejected</u>
1.43	New; based on 201.1(h)	<u>Legibility</u>
1.44	New; based on 201.1(i)	<u>Electronically produced forms</u>
1.45	201.2	<u>Judicial Council pleading forms</u>
		Chapter 5. Accommodations
1.100	989.3	<u>Requests for accommodations by persons with disabilities</u>
		Chapter 6. Public Access to Court Proceedings
1.150	980	<u>Photographing, recording, and broadcasting in court</u>

Title 2. Trial Court Rules

New Rule Number	Old Rule Number	Rule Title
		Division 1. General Provisions
		Chapter 1. Title and Application
2.1	New	<u>Title</u>
2.2	200	<u>Application</u>
		Chapter 2. Definitions and Scope of Rules
2.3	New	<u>Definitions</u>
Repealed	200.2	Construction of terms
2.10	New	<u>Scope of rules [Reserved]</u>
Repealed	233	Family law rules
		Chapter 3. Timing
2.20	235	<u>Application for an orders extending time</u>
		Chapter 4. Sanctions
2.30	227	Sanctions in respect to rules <u>for rules violations in civil cases</u>
		Division 2. Papers and Forms to Be Filed
		Chapter 1. Papers
2.100	201; based on 981.1	<u>Form and format of papers presented for filing in the trial courts</u>
2.101	New; based on 201(b)	<u>Use of recycled paper; certification by attorney or party</u>
2.102	New; based on 201(d)	<u>One-sided paper</u>
2.103	New; based on 201(c)	<u>Quality, color, and size of paper</u>
2.104	New; based on 201(c)	<u>Printing; type size</u>
2.105	New; based on 201(c)	<u>Type style</u>
2.106	New; based on 201(c)	<u>Color of print</u>
2.107	New; based on 201(d)	<u>Margins</u>
2.108	New; based on 201(d)	<u>Spacing and numbering of items</u>
2.109	New; based on 201(e)	<u>Page numbering</u>
2.110	New; based on 201(g)	<u>Footer</u>
2.111	New; based on 201(f)	<u>Format of first page</u>
2.112	New; based on 201(i), 312(g)	<u>Separate causes of action, counts, and defenses</u>
2.113	New; based on 201(e)	<u>Binding</u>
2.114	New; based on 201(e)	<u>Exhibits</u>
2.115	New; based on	<u>Hole punching</u>

New Rule Number	Old Rule Number	Rule Title
	201(e)	
2.116	New; based on 201(h)	<u>Changes on face of paper</u>
2.117	New; based on 201(h)	<u>Conformed copies of papers</u>
2.118	New; based on 201(j)	<u>Acceptance of papers for filing</u>
2.119	New; based on 201(k)	<u>Exceptions for forms</u>
		Chapter 2. General Rules on Forms
2.130	New	<u>Application</u>
2.131	New; based on 201.1(k), 201.3(7)	<u>Recycled paper</u>
2.132	New; based on 201.1(j)	<u>True copy certified</u>
2.133	New; based on 201.1(l), 201.3(8)	<u>Hole punching</u>
2.134	New; based on 201.1(g), 201.3(9)	<u>Forms longer than one page</u>
2.135	201.4	<u>Filing of handwritten or hand-printed forms</u>
2.140	New	<u>Judicial Council forms</u>
2.141	New	<u>Local court forms</u>
		Chapter 3. Other Forms
2.150	982.9	<u>Authorization for computer-generated or typewritten forms for proof of service of summons and complaint</u>
		Division 3. Filing and Service
		Chapter 1. General Provisions
2.200	385	Service and filing of notice of change of address
2.210	201.6	Drop box for filing documents
		Chapter 2. Filing and Service by Electronic Means
2.250	2050	Definitions
Repealed	2051	Authority and purpose
2.252	2052	Documents that may be filed electronically
2.253	2053	Court order requiring electronic filing and service
2.254	2054	Responsibilities of court
2.255	2055	Contracts with electronic filing service providers
2.256	2056	Responsibilities of electronic filer
2.257	2057	Requirements for signatures on documents
2.258	2058	Payment of filing fees
2.259	2059	Actions by court on receipt of electronic filing
2.260	2060	Electronic service
2.261	2061	Authorization for courts to continue modifying forms for the purpose of electronic filing and forms generation
		Chapter 3. Filing and Service by Fax
Repealed	2001	Authority

New Rule Number	Old Rule Number	Rule Title
2.300	2002	Applicability
2.301	2003	Definitions
2.302	2004	Compliance with the rules 201 and 501 on the form and format of papers
2.303	2005	Filing through fax filing agency
2.304	2006	Direct filing
2.305	2007	Requirements for signatures on documents
2.306	2008	Service of papers by facsimile fax transmission
Repealed	2009	Facsimile Transmission Cover Sheet
		Division 4. Court Records
		Chapter 1. General Provisions
2.400	243	Court records
		Chapter 2. Public Access to Electronic Trial Court Records
2.500	2070	Statement of purpose
2.501	2071	Authority and applicability Application and scope
2.502	2072	Definitions
2.503	2073	Public access
2.504	2074	Limitations and conditions
2.505	2075	Contracts with vendors
2.506	2076	Fees for electronic access
2.507	2077	Electronic access to court calendars, indexes, and registers of actions
		Chapter 3. Sealed Records
2.550	243.1	Sealed records
2.551	243.2	Procedures for filing records under seal
		Chapter 4. Records in False Claims Act Cases
2.570	243.5	Filing False Claims Act records under seal
2.571	243.6	Procedures for filing records under seal in a False Claims Act cases under seal
2.572	243.7	Motion Ex parte application for an extension of time
2.573	243.8	Unsealing of records and management of False Claims Act cases
		Chapter 5. Other Sealed or Closed Records
2.580	243.3	Request for delayed public disclosure
2.585	243.4	Confidential in-camera proceedings
		Division 5. Venue and Sessions
		Chapter 1. Venue [Reserved]
2.700	New	Intracounty venue [Reserved]
		Chapter 2. Sessions [Reserved]
Repealed	245.5	Superior court sessions held at municipal and justice court locations under Government Code section 69753
		Division 6. Appointments by the Court or Agreement of the Parties
Repealed	243.10	Definition of temporary judge
		Chapter 1. Court-Appointed Temporary Judges
2.810	243.11	Temporary judges appointed by the trial courts
2.811	243.12	Court appointment of temporary judges
2.812	243.13	Requirements for court appointment of an attorney to serve as a temporary judge

New Rule Number	Old Rule Number	Rule Title
2.813	243.14	Contents of training programs
2.814	243.15	Appointment of temporary judge
2.815	243.17	Continuing education
2.816	243.18	Stipulation to court-appointed temporary judge
2.817	243.19	Disclosures to the parties
2.818	243.20	Disqualifications and limitations
2.819	243.21	Continuing duty to disclose and disqualify
Repealed	1726	Temporary judges in small claims cases
		Chapter 2. Temporary Judges Requested by the Parties
2.830	243.30	Temporary judges requested by the parties
2.831	243.31	Temporary judge—stipulation, order, oath, assignment, disclosure, and disqualification
2.832	243.32	Compensation
2.833	243.33	Notices, use of court facilities, and order for hearing site
2.834	243.34	Motions or applications to be heard by the court
		Chapter 3. Referees [Reserved]
		Chapter 4. Court Interpreters
2.890	984.4	Professional conduct for interpreters
2.891	984	Periodic review of court interpreter skills and professional conduct
2.892	984.1	Guidelines for approval of certification programs for interpreters for deaf and hard-of-hearing persons
2.893	984.2	Appointment of noncertified interpreters in criminal cases and juvenile delinquency proceedings
2.894	984.3	Reports on appointments of certified and registered interpreters and noncertified and nonregistered interpreters in courts
		Division 7. Proceedings
		Chapter 1. General Provisions
2.900	825	Submission of a cause in a trial court
		Chapter 2. Records of Proceedings
2.950	980.4	Sequential list of reporters
2.952	980.5	Electronic recording as official record of proceedings
2.954	980.6	Specifications for electronic recording equipment
2.956	891	Court reporting services in civil cases— superior court departments generally
Repealed	890	Court reporting services in civil cases—municipal and justice courts
2.958	892	Assessing fee for official reporter
		Division 8. Trials
		Chapter 1. Jury Service
2.1000	New	<u>Jury service</u> [Reserved]
2.1002	861	Length of juror service
2.1004	858	Scheduling accommodations for jurors
2.1006	859	Deferral of jury service
2.1008	860	Granting Excuses from jury service
2.1010	862	Juror motion to set aside sanctions imposed by default
		Chapter 2. Conduct of Trial
2.1030	231	Communications from or with jury
		Chapter 3. Testimony and Evidence
2.1040	243.9	Electronic recordings offered in evidence— transcripts

New Rule Number	Old Rule Number	Rule Title
		Chapter 4. Jury Instructions
2.1050	855	Judicial Council jury instructions
2.1055	229	Proposed jury instructions
2.1058	989	Use of gender-neutral language <u>in jury instructions</u>
		Division 9. Judgments
2.1100	826	Notice when statute or regulation declared unconstitutional
Repealed	830	<u>Trial settings</u>

Title 3. Civil Rules

New Rule Number	Old Rule Number	Rule Title
		Division 1. General Provisions
		Chapter 1. Preliminary Rules
3.1	New	<u>Title</u>
		Chapter 2. Scope of the Civil Rules
3.10	New	<u>Application</u>
3.20	981.1	Preemption of local rules
		Division 2. Waiver of Fees and Costs
Repealed	985; divided into 3.50–3.63	Permission to proceed without paying court fees and costs (in forma pauperis)
3.50	New; based on 985	<u>Application</u>
3.51	New; based on 985(a)	<u>Method of application and filing of papers</u>
3.52	New; based on 985(b)	<u>Eligibility</u>
3.53	New; based on 985(b)	<u>Verification of financial condition</u>
3.54	New; based on 985(b)	<u>Determination without regard to pleading or paper submitted for filing</u>
3.55	New; based on 985(c)	<u>Effect of denial of application; time for payment of fees</u>
3.56	New; based on 985(d)	<u>Procedure for determining application</u>
3.57	New; based on 985(e)	<u>Application granted unless acted on by the court</u>
3.58	New; based on 985(f)	<u>Hearing on application</u>
3.59	New; based on 985(g)	<u>Changed circumstances</u>
3.60	New; based on 985(h)	<u>Confidentiality</u>
3.61	New; based on 985(i)	<u>Court fees and costs waived by initial application</u>
3.62	New; based on 985(j)	<u>Additional court fees and costs waived</u>
3.63	New; based on	<u>Posting notice</u>

New Rule Number	Old Rule Number	Rule Title
	985(k)	
		Division 3. Filing and Service
		Chapter 1. Filing
3.100	New	<u>Payment of filing fees by credit or debit card</u>
		Chapter 2. Time for Service
3.110	201.7	Time for service of complaint, cross-complaint, and response
		Chapter 3. Papers to Be Served
3.220	201.8	Case cover sheet required
3.221	201.9	Information <u>about alternative dispute resolutions</u>
3.222	202	Papers to be served on cross-defendants
		Chapter 4. Miscellaneous
3.250	201.5	Limitations on the filing of papers
3.252	202.5	Service of papers on the clerk when a party's address is unknown
3.254	202.7	List of parties
		Division 4. Parties and Actions
		Chapter 1. [Reserved]
		Chapter 2. Joinder of Parties [Reserved]
		Chapter 3. Related Cases
3.300	804	Notice of related case
		Chapter 4. Consolidated Cases
3.350	367	Consolidation of cases
		Chapter 5. Complex Cases
3.400	1800	Definition
3.401	1810	Complex case designation
3.402	1811	Complex case counterdesignations
3.403	1812	Action by court
		Chapter 6. Coordination of Noncomplex Actions
3.500	1500	Transfer and consolidation of noncomplex common-issue actions filed in different courts
		Chapter 7. Coordination of Complex Actions
		Article 1. General Provisions
3.501	1501	Definitions
3.502	1502	Complex case—determination
3.503	1503	Requests for extensions of time or to shorten time
3.504	1504	General law applicable
3.505	1505	Appellate review
3.506	1506	Liaison counsel
		Article 2. Procedural Rules Applicable to All Complex Coordination Proceedings
3.510	1510	Service of papers
3.511	1511	Papers to be submitted to the Chairman of the Judicial Council
3.512	1511.5	Electronic submission of documents to <u>the</u> Chair of <u>the</u> Judicial Council
3.513	1512	Service of memorandums and declarations
3.514	1513	Evidence presented at court hearings
3.515	1514	Motions and orders for a stay
3.516	1515	Motions under Code of Civil Procedure section 170.6
		Article 3. Petitions and Proceedings for Coordination of

New Rule Number	Old Rule Number	Rule Title
		Complex Actions
3.520	1520	Motions filed in the trial court
3.521	1521	Petition for coordination
3.522	1522	Notice of submission of petition for coordination
3.523	1523	Service of notice of submission on party
3.524	1524	Order assigning coordination motion judge
3.525	1525	Response in opposition to petition for coordination
3.526	1526	Response in support of petition for coordination
3.527	1527	Notice of hearing on petition for coordination
3.528	1528	Separate hearing on certain coordination issues
3.529	1529	Order granting or denying coordination
3.530	1530	Site of coordination proceedings
3.531	1531	Potential add-on case
3.532	1532	Petition for coordination when cases already ordered coordinated
		Article 4. Pretrial and Trial Rules for Complex Coordinated Actions
3.540	1540	Order assigning coordination trial judge
3.541	1541	Duties of the coordination trial judge
3.542	1542	Remand of action or claim
3.543	1543	Transfer of action or claim
3.544	1544	Add-on cases
3.545	1545	Termination of coordinated action
		Article 5. Administration of Coordinated Complex Actions
3.550	1550	General administration by the Administrative Office of the Courts
		Division 5. Venue [Reserved]
		Division 6. Proceedings
		Chapter 1. General Provisions [Reserved]
		Chapter 2. Stay of Proceedings
3.650	224	Duty to notify court and others of stay
		Chapter 3. Hearings and Conferences
3.670	298	Telephone appearance
		Division 7. Civil Case Management
		Chapter 1. General Provisions
3.700	204	Scope and purpose of the case management rules
		Chapter 2. Differential Case Management
3.710	205	Authority
3.711	206	Local court rules
3.712	207	Application; <u>and</u> exceptions
3.713	208	Delay reduction goals
3.714	209	Differentiation of cases to achieve goals
3.715	210	Case evaluation factors
		Chapter 3. Case Management
Repealed	212; divided into 3.720–3.730	Case management conference; meet and confer requirement; and case management order
3.720	New; based on 212	<u>Application</u>
3.721	New; based on	<u>Case management review</u>

New Rule Number	Old Rule Number	Rule Title
	212(a)	
3.722	New; based on 212(b)	<u>Case management conference</u>
3.723	New; based on 212(c)	<u>Additional case management conferences</u>
3.724	New; based on 212(f)	<u>Duty to meet and confer</u>
3.725	New; based on 212(g)	<u>Case management statement</u>
3.726	New; based on 212(h)	<u>Stipulation to alternative dispute resolution</u>
3.727	New; based on 212(e)	<u>Subjects to be considered at the case management conference</u>
3.728	New; based on 212(i)	<u>Case management order</u>
3.729	New; based on 212(j)	<u>Setting the trial date</u>
3.730	New; based on 212(k)	<u>Case management order controls</u>
3.734	213	Assignment to one judge for all or limited purposes
3.735	214	Management of short cause cases
		Chapter 4. Management of Complex Cases
3.750	New	<u>Initial case management conference</u>
3.751	1830	Electronic service
		Chapter 5. Management of Class Actions
3.760	1850	<u>Applicability</u>
3.761	1851	Form of complaint
3.762	1852	Case conference
3.763	1853	Conference order
3.764	1854	Motion to certify or decertify a class or amend or modify an order certifying a class
3.765	1855	Class action order
3.766	1856	Notice to class members
3.767	1857	Orders in the conduct of class actions
3.768	1858	Discovery from unnamed class members
3.769	1859	Settlement of class actions
3.770	1860	Dismissal of class actions
3.771	1861	Judgment
		Division 8. Alternative Dispute Resolution
		Chapter 1. General Provisions
3.800	1580	Definitions
		Chapter 2. Judicial Arbitration
3.810	1600	<u>Applicability of rules</u>
3.811	1601	Cases subject to and exempt from arbitration
3.812	1602	Assignment to arbitration
3.813	1603	Arbitration program administration
3.814	1604	Panels of arbitrators
3.815	1605	Selection of the arbitrator

New Rule Number	Old Rule Number	Rule Title
3.816	1606	Disqualification for conflict of interest
3.817	1607	<u>Arbitration hearings; notice; when and where held</u>
3.818	1608	Continuances
3.819	1609	Arbitrator's fees
3.820	1610	Communication with the arbitrator
3.821	1611	Representation by counsel; proceedings when party absent
3.822	1612	Discovery
3.823	1613	Rules of evidence at <u>arbitration hearing</u>
3.824	1614	Conduct of the hearing
3.825	1615	The award; entry as judgment; motion to vacate
3.826	1616	Trial after arbitration
3.827	New	<u>Entry of award as judgment</u>
3.828	New	<u>Vacating judgment on award</u>
3.829	1618	Settlement of case
3.830	1617	Arbitration not pursuant to rules
		Chapter 3. General Rules Relating to Mediation of Civil Cases
		Article 1. [Reserved]
		Article 2. Rules of Conduct for Mediators in Court-Connected Mediation Programs for Civil Cases
3.850	1620	Purpose and function
3.851	1620.1	Application
3.852	1620.2	Definitions
3.853	1620.3	Voluntary participation and self-determination
3.854	1620.4	Confidentiality
3.855	1620.5	Impartiality, conflicts of interest, disclosure, and withdrawal
3.856	1620.6	Competence
3.857	1620.7	Quality of mediation process
3.858	1620.8	Marketing
3.859	1620.9	Compensation and gifts
3.860	1621	Attendance sheet and agreement to disclose
3.865	1622	Complaint procedure required
3.866	1622.1	Designation of person to receive inquires and complaints
3.867	1622.2	Confidentiality of complaint procedures, information, and records
3.868	1622.3	Disqualification from subsequently serving as an adjudicator
		Chapter 4. Civil Action Mediation Program Rules
3.870	1630	<u>Applicability</u>
3.871	1631	Actions subject to mediation
3.872	1632	Panels of mediators
3.873	1633	Selection of mediators
3.874	1634	Appearance at mediation sessions
3.875	1635	Filing of statement by mediator
Repealed	1636	Return of unresolved case to active status
3.876	1637	Coordination with Trial Court Delay Reduction Act
3.877	1638	Statistical information
3.878	1639	Educational material
		Division 9. References
		Chapter 1. Reference by Agreement of the Parties Under Code

New Rule Number	Old Rule Number	Rule Title
		of Civil Procedure Section 638
Repealed	244.1; divided into 3.900–3.910	Referencee by agreement
3.900	New; based on 244.1(b)	<u>Purposes of reference</u>
3.901	New; based on 244.1(a), (e), (f)	<u>Application for order appointing referee</u>
3.902	New; based on Code Civ. Proc., § 638	<u>Order appointing referee</u>
3.903	New; based on 244.1(a)	<u>Selection and qualifications of referee</u>
3.904	New; based on 244.1(a), (c)	<u>Certification and disclosure by referee</u>
3.905	New; based on 244.1(d)	<u>Objections to the appointment</u>
3.906	New; based on 244.1(g)	<u>Motion to withdraw stipulation</u>
3.907	New; based on 244.1(g)	<u>Motion or application to seal records</u>
3.908	New; based on 244.1(g)	<u>Motion for leave to file complaint for intervention</u>
3.909	New; based on 244.1(e)	<u>Proceedings before privately compensated referees</u>
3.910	New; based on 244.1(f)	<u>Request and order for appropriate and accessible hearing site</u>
		Chapter 2. Court-Ordered Reference Under Code of Civil Procedure Section 639
Repealed	244.2; divided into 3.920–3.927	Referencee by order
3.920	New; based on 244.2(b)	<u>Purposes and conditions for appointment of referee</u>
3.921	New; based on 244.2(a)	<u>Motion for appointment of a referee</u>
3.922	New; based on 244.2(a), (c), (g), (h); Code Civ. Proc., § 639	<u>Form and contents of order appointing referee</u>
3.923	New; based on 244.2(d)	<u>Selection and qualification of referee</u>
3.924	New; based on 244.2(c), (e)	<u>Certification and disclosure by referee</u>
3.925	New; based on 244.2(f)	<u>Objection to reference</u>
3.926	New; based on	<u>Use of court facilities</u>

New Rule Number	Old Rule Number	Rule Title
	244.2(g)	
3.927	New; based on 244.2(c)	<u>Circumstances required for appointment of discovery referee</u>
		Division 10. Discovery
		Chapter 1. Format of Discovery
3.1000	331	Format of supplemental and further discovery
		Chapter 2. Conduct of Discovery
3.1010	333	Oral depositions by telephone, videoconference, or other remote electronic means
		Chapter 3. Discovery Motions
3.1020	335	Format of discovery motions
3.1025	337	Service of <u>motion</u> papers on nonparty deponent
3.1030	341	Sanctions for failure to provide discovery
		Division 11. Law and Motion
		Chapter 1. General Provisions
3.1100	301	<u>Applicability</u>
3.1103	303	Definitions and construction
Repealed	307	<u>Assignment of matters</u>
3.1109	309	Notice of determination of submitted matters
		Chapter 2. Format of Motion Papers
3.1110	311	General format
3.1112	312	Motions, demurrers , and other pleadings
3.1113	313	<u>Memorandum of points and authorities</u>
3.1114	314	Applications, motions, and petitions not requiring a <u>supporting</u> memorandum
3.1115	315	<u>Miscellaneous papers</u> <u>Declarations</u>
3.1116	316	Deposition testimony as an exhibit
		Chapter 3. Provisional and Injunctive Relief
		Article 1. General Provisions
3.1130	381	Bonds and undertakings
		Article 2. Administrative Mandate
3.1140	347	Lodging of record in administrative mandate cases
Repealed	354	<u>Receivership rules</u>
3.1142	355	Stay of driving license suspension
		Article 3. Injunctions
3.1150	359	Preliminary injunctions and bonds
3.1151	361	Requirements for injunction in certain cases
3.1152	363	Civil harassment and workplace violence
3.1153	364	Minors <u>may</u> appear without counsel to <u>seeking</u> <u>specified</u> restraining orders
		Article 4. Receiverships
3.1175	1900	Ex parte <u>application for</u> appointment of receiver
3.1176	1901	Confirmation of ex parte appointment of receiver
3.1177	1902	Nomination of receivers
3.1178	1902.5	Amount of undertakings
3.1179	1903	The receiver
3.1180	1904	Employment of attorney
3.1181	1905	Receiver's inventory

New Rule Number	Old Rule Number	Rule Title
3.1182	1906	Monthly reports
3.1183	1907	Interim fees and objections
3.1184	1908	Receiver's final account and report
		Chapter 4. Ex Parte Applications
Repealed	379; divided into 3.1200–3.1207	Ex parte applications and orders
3.1200	New; based on 379	<u>Application</u>
3.1201	New; based on 379(f)	<u>Required documents</u>
3.1202	New; based on 379(d), (g)	<u>Contents of application</u>
3.1203	New; based on 379(b)	<u>Time of notice to other parties</u>
3.1204	New; based on 379(e)	<u>Contents of notice and declaration regarding notice</u>
3.1205	New; based on 379(c)	<u>Filing and presentation of the ex parte application</u>
3.1206	New; based on 379(h)	<u>Service of papers</u>
3.1207	New; based on 379(i)	<u>Personal appearance requirements</u>
		Chapter 5. Noticed Motions
3.1300	317	Time for filing and service of motion papers
3.1302	319	Place and manner of filing
3.1304	321	Time of hearing
3.1306	323	Evidence at hearing
3.1308	324	Tentative rulings
3.1310	324.5	Report of proceedings on motions
3.1312	391	Preparation of order
		Chapter 6. Particular Motions
		Article 1. Pleading and Venue Motions
3.1320	325	Demurrers
3.1322	329	Motions to strike
3.1324	327	Amended pleadings and amendments to pleadings
3.1326	326	Motions for change of venue
		Article 2. Procedural Motions
3.1330	371	Motion concerning arbitration
3.1332	375	Motion or application for continuance of trial
3.1335	375.1	Motion or application to advance, specially set, or reset trial date
		Article 3. Motions to Dismiss
3.1340	372	Motion for discretionary dismissal after two years for delay in prosecution
3.1342	373	Motion to dismiss for delay in prosecution
Repealed	820	Motion to dismiss
		Article 4. Summary Judgment Motions
3.1350	342	Motion for summary judgment or summary adjudication

New Rule Number	Old Rule Number	Rule Title
3.1352	343	Objections to evidence
3.1354	345	Form of Written objections to evidence
		Article 5. Miscellaneous Motions
3.1360	369	Motion to grant lien on cause of action
3.1362	376	Motion to be relieved as counsel
		Chapter 7. Other Civil Petitions
3.1370	270	Emancipation of minors
		Division 12. Settlement
3.1380	222	Mandatory settlement conferences
3.1382	330	Good faith settlement and dismissal
3.1384	378	Petition for approval of the compromise of a claim of a minor or incompetent person; order for deposit of funds; and petition for withdrawal
3.1385	225	Duty to notify court and others of settlement of entire case
		Division 13. Dismissal of Actions
3.1390	383	Service and filing of notice of entry of dismissal
		Division 14. Pretrial [Reserved]
		Division 15. Trial
		Chapter 1. General Provisions [Reserved]
		Chapter 2. Consolidation or Bifurcation of Cases for Trial [Reserved]
		Chapter 3. Nonjury Trials [Reserved]
		Chapter 4. Jury Trials
3.1540	228	Examination of prospective jurors in civil cases
		Chapter 5. Testimony and Evidence [Reserved]
		Chapter 6. Expert Witness Testimony [Reserved]
		Chapter 7. Jury Instructions
3.1560	New	<u>Application</u>
		Chapter 8. Special Verdicts
3.1580	230	Request for special findings by jury
		Chapter 9. Statement of Decision
3.1590	232	Announcement of tentative decision, statement of decision, and judgment
3.1591	232.5	Statement of decision, judgment, and motion for new trial following bifurcated trial
		Division 16. Post-trial
3.1600	236.5	Notice of intention to move for new trial— time for service and filing of memorandum
3.1602	236	Hearing of motion to vacate judgment
		Division 17. Attorney Fees and Costs
3.1700	870	Prejudgment costs
3.1702	870.2	Claiming attorney fees
		Division 18. Judgments
3.1800	388	Default judgments
3.1802	875	Inclusion of interest in judgment
3.1804	389	Periodic payment of judgments against public entities
3.1806	234	Notation of written instrument of rendition of judgment
		Division 19. Postjudgment and Enforcement of Judgments

New Rule Number	Old Rule Number	Rule Title
3.1900	986	Notice of renewal of judgment
		Division 20. Unlawful Detainers
3.2000	870.4	Unlawful detainer—supplemental costs
		Division 21. Rules for Small Claims Actions
		Chapter 1. Trial Rules
3.2100	1701	Compliance with fictitious business name laws
3.2102	1702	Substituted service
3.2104	1703	Defendant's claim
3.2106	1704	Venue challenge
3.2108	1705	Form of judgment
3.2110	1706	Role of clerk in assisting <u>small claims</u> litigants
		Chapter 2. Small Claims Advisors
3.2120	1725	Advisor assistance
Repealed	991	Trial court coordination implementation

Title 4. Criminal Rules

New Rule Number	Old Rule Number	Rule Title
		Division 1. General Provisions
4.1	New	<u>Title</u>
4.2	New	<u>Application</u>
		Division 2. Pretrial
		Chapter 1. Pretrial Proceedings
4.100	4.100	Arraignments
4.101	4.101	Bail in criminal cases
4.102	4.102	Uniform bail and penalty schedules—traffic, boating, fish and game, forestry, public utilities, parks and recreation, business licensing
4.103	4.103	Notice to appear forms
4.104	851	Procedures and eligibility criteria for attending traffic violator school
4.110	4.110	Time limits for criminal proceedings on information or indictment
4.111	4.111	Pretrial motions in criminal cases
4.112	4.112	Readiness conference
4.113	4.113	Motions and grounds for continuance of criminal case set for trial
4.114	4.114	Certification pursuant to <u>under</u> Penal Code section 859a
4.115	4.115	Criminal case assignment
4.116	4.116	Certification to juvenile court
4.117	4.117	Qualifications for appointed trial counsel in capital cases
		Chapter 2. Change of Venue
4.150	4.150	Change of venue; application and general provisions
4.151	4.151	Motion for change of venue
4.152	4.152	Selection of court and trial judge
4.153	4.153	Order on change of venue
4.154	4.154	Proceedings in the receiving court
4.155	4.155	Guidelines for reimbursement of costs in change of venue cases—criminal cases

New Rule Number	Old Rule Number	Rule Title
		Division 3. Trials
4.200	4.200	Pre-voir dire conference in criminal cases
4.201	4.201	Voir dire in criminal cases
4.210	828	Traffic court—trial by written declaration
		Division 4. Sentencing
4.300	4.300	Commitments to nonpenal institutions
4.305	4.305	Notification of appeal rights in felony cases
4.306	4.306	Notification of appeal rights in misdemeanor and infraction cases
4.310	4.310	Determination of presentence custody time credit
4.315	4.315	Setting date for execution of death sentence
4.320	4.320	Records of criminal convictions (Gov. Code, §§ 69844.5, 71280.5)
4.325	4.325	Ignition interlock installation orders; “interest of justice” exceptions
		Division 5. Sentencing—Determinate Sentencing Law
4.401	4.401	Authority
4.403	4.403	Applicability Application
4.405	4.405	Definitions
4.406	4.406	Reasons
Repealed	4.407	Rules of construction
4.408	4.408	Criteria not exclusive; sequence not significant
4.409	4.409	Consideration of criteria
4.410	4.410	General objectives in sentencing
4.411	4.411	Presentence investigations and reports
4.411.5	4.411.5	Probation officer’s presentence investigation report
4.412	4.412	Reasons.—agreement to punishment as <u>an adequate</u> reason and as abandonment of certain claims
4.413	4.413	Probation eligibility when probation is limited
4.414	4.414	Criteria affecting probation
4.420	4.420	Selection of base term of imprisonment
4.421	4.421	Circumstances in aggravation
4.423	4.423	Circumstances in mitigation
4.424	4.424	Consideration of applicability of section 654
4.425	4.425	Criteria affecting concurrent or consecutive sentences
4.426	4.426	Violent sex crimes
4.428	4.428	Criteria affecting imposition of enhancements
4.431	4.431	Proceedings at sentencing to be reported
4.433	4.433	Matters to be considered at time set for sentencing
4.435	4.435	Sentencing upon revocation of probation
4.437	4.437	Statements in aggravation and mitigation
4.447	4.447	Limitations on enhancements
4.451	4.451	Sentence consecutive to indeterminate term or to term in other jurisdiction
4.452	4.452	Determinate sentence consecutive to prior determinate sentence
4.453	4.453	Commitments to nonpenal institutions
4.470	4.470	Notification of appeal rights in felony cases
4.472	4.472	Determination of presentence custody time credit
4.480	4.480	Judge’s statement under section 1203.01
		Division 6. Postconviction and Writs
		Chapter 1. Postconviction

New Rule Number	Old Rule Number	Rule Title
4.510	4.510	Reverse remand
		Chapter 2. Habeas Corpus
4.550	4.550	Habeas corpus application and definitions
4.551	4.551	Habeas corpus proceedings
4.552	4.552	Habeas corpus jurisdiction
		Division 7. Miscellaneous
4.601	4.601	Judicial determination of factual innocence form

Title 5. Family and Juvenile Rules

New Rule Number	Old Rule Number	Rule Title
5.1	New	<u>Title</u>
		Division 1. Family Rules
		Chapter 1. General Provisions
5.5	New	<u>Division title</u>
5.10	5.10	Definitions <u>and use of terms</u>
Repealed	5.11	Construction of terms
5.15	5.15	Extensions of time
Repealed	5.16	Holidays
5.20	5.20	Applicability of rules
5.21	5.21	General law applicable
5.22	5.22	Other proceedings
5.25	5.25	Status of family law and domestic violence forms
5.26	5.26	Use of forms in nonfamily law proceedings
5.27	5.27	Use of interstate forms
5.28	5.28	Domestic partnerships
5.30	5.30	Judicial education for family court judicial officers
5.35	5.35	Minimum standards for the Office of the Family Law Facilitator
5.70	5.70	Nondisclosure of attorney assistance in preparation of court documents
5.71	5.71	Application to be relieved as counsel upon completion of limited scope representation
		Chapter 2. Procedural Rules
5.100	5.100	Designation of parties
5.102	5.102	Parties to proceeding
5.104	5.104	Other causes of action
5.106	5.106	Injunctive relief and reservation of jurisdiction
5.108	5.108	Pleadings
5.110	5.110	Summons; restraining order
5.112	5.112	Continuing jurisdiction
5.114	5.114	Alternative relief
5.116	5.116	Stipulation for judgment
5.118	5.118	Application for court order
5.120	5.120	Appearance
5.121	5.121	Motion to quash proceeding or responsive relief
5.122	5.122	Default
5.124	5.124	Request for default

New Rule Number	Old Rule Number	Rule Title
5.126	5.126	Alternate date of valuation
5.128	5.128	Financial declaration
5.130	5.130	Summary dissolution
5.134	5.134	Notice of entry of judgment
5.136	5.136	Completion of notice of entry of judgment
5.140	5.140	Implied procedures
		Chapter 3. Joinder of Parties
5.150	5.150	Joinder of persons claiming interest
5.152	5.152	“Claimant” defined
5.154	5.154	Persons who may seek joinder
5.156	5.156	Form of joinder application
5.158	5.158	Determination on joinder
5.160	5.160	Pleading rules applicable
5.162	5.162	Joinder of employee pension benefit plan
		Chapter 4. Bifurcation and Appeals
5.175	5.175	Bifurcation of issues
5.180	5.180	Interlocutory appeals
		Chapter 5. Child Custody
5.210	5.210	Court-connected child custody mediation
5.215	5.215	Domestic violence protocol for Family Court Services
5.220	5.220	Court-ordered child custody evaluations
5.225	5.225	Education, training, and experience standards for court-appointed child custody investigators and evaluators
5.230	5.230	Domestic violence training standards for court-appointed child custody investigators and evaluators
5.235	5.235	Ex parte communication in child custody proceedings
		Chapter 6. Child and Spousal Support
5.275	5.275	Standards for computer software to assist in determining support
		Chapter 7. Rules for Title IV-D Support Actions
5.300	5.300	Purpose, authority, and definitions
5.305	5.305	Hearing of matters by a judge under Family Code sections 4251(a) and 4252(b)(7)
5.310	5.310	Use of existing family law forms
5.311	5.311	Implementation of new and revised governmental forms by local child support agencies
5.315	5.315	Memorandum of points and authorities
5.320	5.320	Attorney of record in support actions under title IV-D of the Social Security Act
5.324	5.324	Telephone appearance in title IV-D hearings and conferences
5.325	5.325	Procedures for clerk’s handling of combined summons and complaint
5.330	5.330	Procedures for child support case registry form
5.335	5.335	Procedures for hearings on interstate income withholding orders
5.340	5.340	Judicial education for child support commissioners
5.350	5.350	Procedures for hearings to set aside voluntary declarations of paternity when no previous action has been filed
5.355	5.355	Minimum standards of training for court clerk staff whose assignment includes title IV-D child support cases

New Rule Number	Old Rule Number	Rule Title
5.360	5.360	Appearance by local child support agency
5.365	5.365	Procedure for consolidation of child support orders
5.370	5.370	Party designation in interstate and intrastate orders
5.375	5.375	Procedure for a support obligor to file a motion regarding mistaken identity
		Division 2. Rules Applicable in Family and Juvenile Proceedings
5.400	5.400	Contact after adoption agreement
5.450	5.500	Court communication protocol for domestic violence and child custody orders
5.475	5.475	Custody and visitation orders following termination of a juvenile court proceeding or probate court guardianship proceeding (Fam. Code, § 3105; Welf. & Inst. Code, § 364.4; Prob. Code, § 1602)
		Division 3. Juvenile Rules
		Chapter 1. Preliminary Provisions—Title and Definitions
5.500	New	Division title
5.501	1400	Preliminary provisions
5.502	1401	Definitions <u>and use of terms</u> ; construction of terms
5.504	1402	Judicial Council forms
		Chapter 2. Commencement of Juvenile Court Proceedings
5.510	1403	Proper court; determination of child's residence; exclusive jurisdiction
5.512	1403.5	Joint assessment procedure
5.514	1404	Intake; guidelines
5.516	1405	Factors to consider
5.518	1405.5	Court-connected <u>child protection/dependency</u> mediation
5.520	1406	Filing the petition; application for petition
5.522	1406.5	Fax filing
5.524	1407	Form of petition; notice of hearing
5.526	1408	Citation to appear; warrants of arrest; subpoenas
		Chapter 3. General Conduct of Juvenile Court Proceedings
5.530	1410	Persons present
5.532	1411	Court reporter; transcripts
5.534	1412	General provisions— <u>all</u> proceedings
5.536	1415	General provisions—proceedings held before referees
5.538	1416	Conduct of proceedings held before a referee not acting as a temporary judge
5.540	1417	Orders of referees not acting as temporary judges
5.542	1418	Rehearing of proceedings before referees
5.544	1419	Prehearing motions (§ 700.1)
5.546	1420	Prehearing discovery
5.548	1421	Granting immunity to witnesses
5.550	1422	Continuances
5.552	1423	Confidentiality of records (§§ 827, 828)
		Chapter 4. Subsequent Petitions and Modifications
5.560	1430	General provisions
5.565	1431	Hearing on subsequent and supplemental petitions (§§ 342, 364,

New Rule Number	Old Rule Number	Rule Title
		386, 387)
5.570	1432	Petition for modification
5.575	1434	Joinder
5.580	1433	Hearing on violation of probation (§ 777)
		Chapter 5. Appeals and Writs
5.585	1435	Review by appeal
5.590	251	Notification of appeal rights in juvenile cases
5.595	1436	Review by extraordinary writ—section 300 proceedings
5.600	1436.5	Writ petition after orders setting hearing under section 366.26; appeal
		Chapter 6. Emancipation
5.605	1437	Emancipation of minors
		Chapter 7. Intercounty Transfers
5.610	1425	Transfer-out hearing
5.612	1426	Transfer-in hearing
5.614	1427	Courtesy supervision (§§ 380, 755)
5.616	1428	Interstate Compact on the Placement of Children
		Chapter 8. General Court Authority
5.620	1429.1	Orders after filing under section 300
5.625	1429.3	Orders after filing of petition under section 601 or 602
5.630	1429.5	Restraining orders
		Chapter 9. Parentage
5.635	1413	Parentage
		Chapter 10. Medication, Mental Health, and Education
5.640	1432.5	Psychotropic medications
5.645	1498	Mental health or condition of child; court procedures
5.650	1499	Appointment of responsible adult as educational representative
5.652	1499.5	Access to pupil records for truancy purposes
		Chapter 11. Advocates for Parties
5.655	1424	Program requirements for Court Appointed Special Advocate programs
5.660	1438	Attorneys for parties (§§ 317, 317.6, 16010.6, 366.26)
5.662	1448	Child Abuse Prevention and Treatment Act (CAPTA) guardian ad litem for a child subject to a juvenile dependency petition
5.663	1479	Responsibilities of children’s counsel in delinquency proceedings (Welf. & Inst. Code, §§ 202, 265, 633, 634, 634.6, 679, 700)
		Chapter 12. Indian Child Welfare Act
5.664	1439	Indian Child Welfare Act (25 U.S.C. § 1901 et seq.)
		Chapter 13. Cases Petitioned Under Section 300
		Article 1. Initial Hearing
5.667	1440	Service and notice
5.668	1441	Commencement of hearing—explanation of proceedings (§§ 316, 316.2)
5.670	1442	Initial hearing; detention hearings; time limit on custody; setting jurisdiction hearing; visitation
5.672	1443	Continuances
5.674	1444	Conduct of hearing; admission, no contest, submission
5.676	1445	Requirements for detention

New Rule Number	Old Rule Number	Rule Title
5.678	1446	Findings in support of detention; factors to consider; reasonable efforts; detention alternatives
5.680	1447	Detention rehearings; prima facie hearings
		Article 2. Jurisdiction
5.682	1449	Commencement of jurisdiction hearing— advice <u>advisement</u> of trial rights; admission; no contest; submission
5.684	1450	Contested hearing on petition
5.686	1451	Continuance pending disposition hearing
5.688	1452	Failure to cooperate with services (§ 360(b))
		Article 3. Disposition
5.690	1455	General conduct of disposition hearing
5.695	1456	Orders of the court
5.700	1457	Order determining custody (§§ 304, 361.2, 362.4)
5.705	1459	Setting a hearing under section 366.26
		Article 4. Reviews, Permanent Planning
5.710	1460	Six-month review hearing
5.715	1461	Twelve-month review hearing
5.720	1462	Eighteen-month review hearing
5.725	1463	Selection of permanent plan (§ 366.26)
5.726	1463.1	Prospective adoptive parent designation (§ 366.26(n))
5.727	1463.3	Proposed removal (§ 366.26(n))
5.728	1463.5	Emergency removal (§ 366.26(n))
5.730	1464	Adoption
5.735	1465	Legal guardianship
5.740	1466	Hearings subsequent to a permanent plan (§§ 366.26, 366.3, 391)
		Chapter 14. Cases Petitioned Under Sections 601 and 602
		Article 1. Initial Appearance
5.752	1471	Initial hearing; detention hearings; time limit on custody; setting jurisdiction hearing
5.754	1472	Commencement of initial hearing— advice <u>advisement</u> , admission
5.756	1473	Conduct of detention hearing
5.758	1474	Requirements for detention; prima facie case
5.760	1475	Detention <u>hearing</u> ; report; grounds; determinations; findings; orders; factors to consider for detention; restraining orders
5.762	1476	Detention rehearings; prima facie hearings
5.764	New	<u>Prima facie hearings</u>
		Article 2. Fitness Hearings
5.766	1480	General provisions
5.768	1481	Report of probation officer
5.770	1482	Conduct of fitness hearing under section 707(a)(1)
5.772	1483	Conduct of fitness hearing under sections 707(a)(2) and 707(c)
		Article 3. Jurisdiction
5.774	1485	Setting petition for hearing—detained and nondetained cases; waiver of hearing
5.776	1486	Grounds for continuance of jurisdiction hearing
5.778	1487	Commencement of hearing on section 601 or section 602 petition; right to counsel; advice <u>advisement</u> of trial rights; admission, no

New Rule Number	Old Rule Number	Rule Title
		contest
5.780	1488	Contested hearing on section 601 or section 602 petition
5.782	1489	Continuance pending disposition hearing
		Article 4. Disposition
5.785	1492	General conduct of hearing
5.790	1493	Orders of the court
5.795	1494	Required determinations
5.800	1495	Deferred entry of judgment
5.805	1494.5	California Department of Corrections and Rehabilitation, Division of Juvenile Justice, commitments
		Article 5. Reviews and Sealing
5.810	1496	Reviews, <u>hearings</u> , and permanency planning <u>hearings</u>
5.815	1496.2	Appointment of legal guardians for wards of the juvenile court; modification or termination of guardianship
5.820	1496.3	Termination of parental rights for child in foster care for 15 of the last 22 months
5.825	1496.5	Freeing wards for adoption
5.830	1497	Sealing records

Title 7. Probate Rules

New Rule Number	Old Rule Number	Rule Title
		Chapter 1. General Provisions
7.1	New	<u>Probate rules</u>
7.2	7.1	Preliminary provisions
7.3	7.2	Definitions <u>and use of terms</u> ; construction of terms
7.4	7.3	Waiver of rules in probate proceedings
		Chapter 2. Notices, Publication, and Service
7.50	7.50	Description of pleading in notice of hearing
7.51	7.51	Service of notice of hearing
7.52	7.52	Service of notice when recipient's address unknown
7.53	7.53	Notice of hearing of amended or supplemented pleadings
7.54	7.54	Publication of <i>Notice of Petition to Administer Estate</i>
7.55	7.55	Ex parte application for order
		Chapter 3. Pleadings
7.101	7.101	Use of Judicial Council forms
7.102	7.102	Titles of pleadings and orders
7.103	7.103	Signature and verification of pleadings
7.104	7.104	Execution and verification of amended pleadings, amendments to pleadings, and supplements to pleadings; use of Judicial Council forms
		Chapter 4. Appointment of Executors and Administrators
7.150	7.150	Acknowledgment of receipt of statement of duties and liabilities of personal representative
7.151	7.151	Reimbursement of graduated filing fee by successful subsequent petitioner
		Chapter 5. Bonding of Personal Representatives,

New Rule Number	Old Rule Number	Rule Title
		Guardians, Conservators, and Trustees
7.201	7.201	Waiver of bond in will
7.202	7.202	Two or more personal representatives
7.203	7.203	Separate bonds for individuals
7.204	7.204	Duty to apply for order increasing bond
7.205	7.205	Independent power to sell real property
7.206	7.206	Bond upon sale of real property
		Chapter 6. Independent Administration of Estates
7.250	7.250	Report of actions taken under the Independent Administration of Estates Act
		Chapter 7. Spousal or Domestic Partner Property Petitions
7.301	7.301	Spousal or domestic partner property petition filed with petition for probate
		Chapter 8. Petitions for Instructions [Reserved]
		Chapter 9. Creditors' Claims
7.401	7.401	Personal representative's action on the claim
7.402	7.402	Court's action on the claim
7.403	7.403	Listing all claims in the final report
		Chapter 10. Sales of Real and Personal Property
7.451	7.451	Refusal to show property to prospective buyers
7.452	7.452	Petitioner or attorney required at hearing
7.453	7.453	Petition for exclusive listing
7.454	7.454	Ex parte application for order authorizing sale of securities or other personal property
		Chapter 11. Inventory and Appraisal
7.501	7.501	Inventory and appraisal to show sufficiency of bond
		Chapter 12. Accounts and Reports of Executors and Administrators
7.550	7.550	Effect of waiver of account
7.551	7.551	Final accounts or reports in estates with nonresident beneficiaries
7.552	7.552	Graduated filing fee adjustments
		Chapter 13. Taxes [Reserved]
		Chapter 14. Preliminary and Final Distributions
7.650	7.650	Decree of distribution establishing testamentary trusts
7.651	7.651	Description of property in petition for distribution
7.652	7.652	Allegations in petition for distribution concerning character of property
		Chapter 15. Compensation of Personal Representatives and Attorneys
7.700	7.700	Compensation paid in advance
7.701	7.701	Allowance on account of statutory compensation
7.702	7.702	Petition for extraordinary compensation
7.703	7.703	Extraordinary compensation
7.704	7.704	Apportionment of statutory compensation
7.705	7.705	Calculation of statutory compensation
7.706	7.706	Compensation when personal representative is an attorney
7.707	7.707	Application of compensation provisions

New Rule Number	Old Rule Number	Rule Title
		Chapter 16. Compensation in All Matters Other Than Decedents' Estates
7.750	7.750	Application of rules to guardianships and conservatorships
7.751	7.751	Petitions for orders allowing compensation for guardians or conservators and their attorneys
7.752	7.752	Court may order accounting before allowing compensation
7.753	7.753	Contingency fee agreements in guardianships and conservatorships
7.754	7.754	Use of paralegals in the performance of legal services for the guardian or conservator
7.755	7.755	Advance payments and periodic payments to guardians, conservators, and to their attorneys on account for future services
7.756	7.756	Compensation of trustees
		Chapter 17. Contested Hearings and Trials
7.801	7.801	Objections and responses
		Chapter 18. Discovery [Reserved]
		Chapter 19. Trusts
7.901	7.901	Trustee's accounts
7.902	7.902	Beneficiaries to be listed in petitions and accounts
7.903	7.903	Trusts funded by court order
		Chapter 20. Claims of Minors and Persons With Disabilities
7.950	7.950	Petition for the approval of the compromise of a claim
7.951	7.951	Disclosure of the attorney's interest in a petition to compromise a claim
7.952	7.952	Attendance at hearing on the petition to compromise a claim
7.953	7.953	Order for the deposit of funds of a minor or an incompetent <u>a person with a disability</u>
7.954	7.954	Petition for the withdrawal of funds deposited for a minor or an incompetent <u>a person with a disability</u>
7.955	7.955	Attorney fees for services to <u>a minors and incompetent</u> or a persons with a disability
		Chapter 21. Guardianships
7.1001	7.1001	Guardian screening form
7.1002	7.1002	Acknowledgment of receipt of <i>Duties of Guardian</i>
7.1003	7.1003	Confidential guardianship status report form
7.1004	7.1004	Termination of guardianship
7.1005	7.1005	Service of copy of final account or report after resignation or removal of guardian
7.1006	7.1006	Service of copy of final account on termination of guardianship
7.1007	7.1007	Settlement of accounts and release by former minor
7.1008	7.1008	Visitation by former guardian after termination of guardianship
7.1010	7.1010	Qualifications and continuing education requirements for private professional guardians
		Chapter 22. Conservatorships
7.1050	7.1050	Conservator forms
7.1051	7.1051	Acknowledgment of receipt of <i>Duties of Conservator</i>
7.1052	7.1052	Termination of conservatorship
7.1053	7.1053	Service of final account of removed or resigned conservator

New Rule Number	Old Rule Number	Rule Title
7.1054	7.1054	Service of final account after termination of conservatorship
7.1060	7.1060	Qualifications and continuing education requirements for private professional conservators

Title 8. Appellate Rules

New Rule Number	Old Rule Number	Rule Title
		Division 1. Rules Relating to the Supreme Court and Courts of Appeal
		Chapter 1. General Provisions
		Article 1. In General
8.1	New	<u>Title</u>
8.4	53(a)	<u>Application of division and construction of rules</u>
8.7	New	<u>Construction</u>
8.10	40	<u>Definitions and use of terms</u>
8.13	54	<u>Amendments to rules</u>
8.16	New; based on 53(c)	<u>Amendments to statutes</u>
8.18	46	Documents violating rules not to be filed
8.20	80(a)	<u>Local California Rules of Courts of Appeal prevail</u>
8.23	46.5	Sanctions to compel compliance
		Article 2. Service, Filing, Form, and Number of Documents
8.25	40.1	Service and filing
8.29	44.5	Service on <u>nonparty</u> public officer or agency
8.32	40.5	Notice of change of address or telephone number
8.36	48	Substituting parties; substituting or withdrawing attorneys
8.40	44	<u>Form, number, and cover of documents filed in the reviewing court of filed documents</u>
8.44	New	<u>Number of copies of filed documents</u>
		Article 3. Applications and Motions; Extending and Shortening Time
8.50	43	<u>Applications in the reviewing court</u>
8.54	41	<u>Motions in the reviewing court</u>
8.57	42	Motions before the record is filed
8.60	45	<u>Extending and shortening time</u>
8.63	45.5	Policies and factors governing extensions of time
8.66	45.1	<u>Appellate emergencies</u> <u>Extending time because of public emergency</u>
8.68	New	<u>Shortening time</u>
		Chapter 2. Civil Appeals
		Article 1. Taking the Appeal
8.100	1	<u>Taking Filing the appeal</u>
8.104	2	Time to appeal
8.108	3	<u>Extensions of</u> <u>Extending the time to appeal</u>
8.112	49	<u>Petition for writ of supersedeas</u>
8.116	49.5	Request for writ of supersedeas or temporary stay
		Article 2. Record on Appeal
8.120	5	Clerk's transcript

New Rule Number	Old Rule Number	Rule Title
8.124	5.1	Appendixes instead of clerk's transcript
8.128	5.2	Superior court file instead of clerk's transcript
8.130	4	Reporter's transcript
8.134	6	Agreed statement
8.137	7	Settled statement
8.140	8	Failure to procure the record
8.144	9	Form of the record
8.147	10	Record in multiple or later appeals in same case
8.150	11	Filing and lending the record
8.153	New	Lending the record
8.155	12	Augmenting and correcting the record
8.160	12.5	Sealed records
8.163	52	Presumption from <u>the</u> record
		Article 3. Briefs in the Court of Appeal
8.200	13	Briefs by parties and amici curiae
8.204	14	Contents and form of briefs
8.208	14.5	Certificate of Interested Entities or Persons
8.212	15	Service and filing of briefs
8.216	16	Appeals in which a party is both appellant and respondent
8.220	17	Failure to file a brief
8.224	18	Transmitting exhibits
		Article 4. Hearing and Decision in the Court of Appeal
8.240	19	Calendar preference
8.244	20	Settlement, abandonment, voluntary dismissal, and compromise
8.248	21	Prehearing conference
8.252	22	Judicial notice; findings and evidence on appeal
8.256	23	Oral argument and submission of the cause
8.260	New	<u>Opinions</u> [Reserved]
8.264	24	Filing, finality, and modification of decision
8.268	25	Rehearing
8.272	26	Remittitur
8.276	27	Costs and sanctions
		Chapter 3. Criminal Appeals
		Article 1. Taking the Appeal
8.300	76.5	Appointment of appellate counsel <u>by the Court of Appeal</u>
8.304	30	Taking <u>Filing</u> the appeal; certificate of probable cause
8.308	30.1	Time to appeal
8.312	30.2	Stay of execution and release on appeal
8.316	30.3	Abandoning the appeal
		Article 2. Record on Appeal
8.320	31	Normal record; <u>exhibits</u>
8.324	31.1	Application in superior court for addition to normal record
8.328	31.2	Sealed records
8.332	31.3	Juror-identifying information
8.336	32	Preparing, certifying, and sending the record
8.340	32.1	Augmenting or correcting the record in the Court of Appeal
8.344	32.2	Agreed statement

New Rule Number	Old Rule Number	Rule Title
8.346	32.3	Settled statement
		Article 3. Briefs, Hearing, and Decision
8.360	33	Briefs <u>by parties and amici curiae</u>
8.366	33.1	Hearing and decision in the Court of Appeal
8.368	33.2	Hearing and decision in the Supreme Court
		Chapter 4. Habeas Corpus Appeals and Writs
8.380	60	Petition for writ of habeas corpus filed by petitioner not represented by an attorney
8.384	60.5	Petition for writ of habeas corpus filed by an attorney for a party
8.388	39.2	Appeal from order granting relief by writ of habeas corpus
		Chapter 5. Juvenile Appeals and Writs
		Article 1. Appeals
8.400	37	Appeals in juvenile cases generally
8.404	37.1	Record on appeal
8.408	37.2	Preparing, sending, augmenting, and correcting the record
8.412	37.3	Briefs <u>by parties and amici curiae</u>
8.416	37.4	Appeals from all terminations of parental rights; dependency appeals in Orange, Imperial, and San Diego Counties
		Article 2. Writs
8.450	38	Notice of intent to file writ petition to review order setting hearing under Welfare and Institutions Code section 366.26
8.452	38.1	Writ petition to review order setting hearing under Welfare and Institutions Code section 366.26 and rule 1436.55.600
8.454	38.2	Notice of intent to file writ petition under Welfare and Institutions Code section 366.28 to review order designating specific placement of a dependent child after termination of parental rights
8.456	38.3	Writ petition under Welfare and Institutions Code section 366.28 and rule 1436.55.600 to review order designating specific placement of a dependent child after termination of parental rights
		Article 3. Hearing and Decision
8.470	38.4	Hearing and decision in the Court of Appeal
8.472	38.5	Hearing and decision in the Supreme Court
8.474	38.6	Procedures and data
		Chapter 6. Conservatorship Appeals
8.480	39	Appeal from order establishing conservatorship
8.482	39.1	Appeal from judgment authorizing conservator to consent to sterilization of conservatee
		Chapter 7. Miscellaneous Writs
8.490	56	Original proceedings <u>Petitions for writ of mandate, certiorari, or prohibition</u>
8.494	57	Review of Workers' Compensation Appeals Board cases
8.496	58	Review of Public Utilities Commission cases
8.498	59	Review of Agricultural Labor Relations Board and Public Employment Relations Board cases
		Chapter 8. Proceedings in the Supreme Court
8.500	28	Petition for review
8.504	28.1	Form and contents of petition, answer, and reply
8.508	33.3	Petition for review to exhaust state remedies

New Rule Number	Old Rule Number	Rule Title
8.512	28.2	Ordering review
8.516	29	Issues on review
8.520	29.1	Briefs by parties and amici curiae; judicial notice
8.524	29.2	Oral argument and submission of the cause
8.528	29.3	Disposition of causes
8.532	29.4	Filing, finality, and modification of decision
8.536	29.5	Rehearing
8.540	29.6	Remittitur
8.544	29.7	Costs and sanction
8.548	29.8	Decision on request of a court of another jurisdiction
8.552	29.9	Transfer for decision
		Chapter 9. Appeals From Judgments of Death
		Article 1. General Provisions
8.600	34	In general
8.605	76.6	Qualifications of counsel in death penalty appeals and habeas corpus proceedings
		Article 2. Record on Appeal
8.610	34.1	Contents and form of the record
8.613	34.2	Preparing and certifying the record of preliminary proceedings
8.616	35	Preparing the trial record
8.619	35.1	Certifying the trial record for completeness
8.622	35.2	Certifying the trial record for accuracy
8.625	35.3	Certifying the record in pre-1997 trials
		Article 3. Briefs, Hearing, and Decision
8.630	36	Briefs by parties and amici curiae
8.634	36.1	Transmitting exhibits; augmenting the record in the Supreme Court
8.638	36.2	Oral argument and submission of the cause
8.642	36.3	Filing, finality, and modification of decision; rehearing; remittitur
		Division 2. Rules on Appeal to the Superior Court
		Chapter 1. Appellate Division Rules
8.700	100	Appellate rules
8.701	100.5	Appellate division assignments
8.702	101	Sessions
8.703	102	Powers of presiding judge
8.704	103	Calendars and notice of hearing
8.705	104	Motions
8.706	105	Briefs and records
8.707	106	Decisions
8.708	107	Finality, modification, and rehearing
8.709	108	Consent to modification
		Chapter 2. Appeals to the Appellate Division in Limited Civil Cases
8.750	121	Filing notice of appeal
8.751	122	Time of filing notice of appeal
8.752	123	Extension of time and cross-appeal
8.753	124	Reporter's transcript
8.754	125	Clerk's transcript and original papers
8.755	126	Agreed statement

New Rule Number	Old Rule Number	Rule Title
8.756	127	Settled statement
8.757	128	Correction and certification of record
8.758	129	Form of record
8.759	130	Transmission and filing of record
8.760	131	Record on cross-appeal
8.761	132	Augmentation and correction of record
8.726	133	Abandonment and dismissal
8.763	134	Hearing
8.764	135	Costs on appeal
8.765	136	Definitions
8.766	137	Applications on routine matters
8.767	138	Extension and shortening of time
8.768	139	Substitution of parties and attorneys
8.769	140	Writ of supersedeas
8.770	141	Substitute judge where trial judge unavailable
8.771	142	Presumption where record not complete
8.772	143	Scope and construction
8.773	144	Remittitur
		Chapter 3. Appeals to the Appellate Division in Criminal Cases
8.780	180	Applicability to felonies, misdemeanors, infractions
8.781	181	Definitions
8.782	182	Notice of appeal
8.783	183	Record on appeal
8.784	184	Statement or transcript
8.785	185	Amendments to statement or transcript
8.786	185.5	Counsel on appeal
8.787	186	Extensions of time and relief from default
8.788	187	Settlement of statement or transcript
8.789	187.5	Experimental rule on use of recordings to facilitate settlement of statements
8.790	188	Abandonment of appeal
8.791	189	Additions to record
8.792	190	Hearings and dismissals
8.793	191	Remittiturs
		Division 3. Trial of Small Claims Cases on Appeal
8.900	151	Scope Application
8.902	156	Definitions
8.904	152	Filing notice of the appeal
8.907	153	Record on appeal
8.910	154	Continuances
8.913	155	Abandonment, dismissal, and judgment for failure to bring to trial
8.916	157	Examination of <u>witnesses</u>
		Division 4. Transfer of Appellate Division Cases to the Court of Appeal
8.1000	61	Scope of rules Application
8.1002	62	Transfer authority
8.1005	63	Certification

New Rule Number	Old Rule Number	Rule Title
8.1008	64	Transfer
8.1010	65	Record on transfer
8.1012	66	Briefs
8.1014	67	Proceedings in the appellate division after certification
8.1016	68	Disposition of transferred case
8.1018	69	Remittitur
		Division 5. Publication of Appellate Opinions
8.1100	New	<u>Authority</u>
8.1105	976	Publication of appellate opinions
8.1110	976.1	Partial publication
8.1115	977	Citation of opinions
8.1120	978	Requesting publication of unpublished opinions
8.1125	979	Requesting depublication of published opinions
Repealed	40.2	Recycled paper
Repealed	51	Substitute trial judge

Title 9. Rules on Law Practice, Attorneys, and Judges

New Rule Number	Old Rule Number	Rule Title
		Division 1. General Provisions
9.1	New	<u>Title</u>
9.2	New	<u>Source</u>
		Division 2. Attorney Admission and Disciplinary Proceedings and Review of State Bar Proceedings
		Chapter 1. General Provisions
9.5	950	Definitions
9.6	950.5	Roll of attorneys of persons admitted to practice
		Chapter 2. Attorney Disciplinary Proceedings
9.10	951	Authority of the State Bar Court
9.11	961	State Bar Court judges
9.12	951.5	Standard of review for State Bar Court Review Department
9.13	952	Review of State Bar Court decisions
9.14	952.5	Petitions for review by <u>the</u> Chief Trial Counsel
9.15	952.6	Petitions for review by <u>the</u> Committee of Bar Examiners; grounds for review; confidentiality
9.16	954	Grounds for review of State Bar Court decisions in <u>the</u> Supreme Court
9.17	953.5	Remand with instructions
9.18	953	Effective date of disciplinary orders and decisions
9.19	956	Conditions attached to reprovals
9.20	955	Duties of disbarred, <u>resigned</u> , or suspended attorneys
9.21	960	Resignations of members of the State Bar with disciplinary charges pending
9.22	962	Suspension of members of the State Bar for failure to comply with judgment or order for child or family support
		Chapter 3. Legal Education
9.30	957	Law school study in schools other than those accredited by the

New Rule Number	Old Rule Number	Rule Title
		examining committee
9.31	958	Minimum continuing legal education
		Division 3. Legal Specialists
9.35	983.5	California Rules of Court [Certifying Certified legal specialists]
		Division 4. Appearances and Practice by Individuals Who Are Not Members of the State Bar of California
9.40	983	Counsel <i>pro hac vice</i>
9.41	983.1	Appearances by military counsel
9.42	983.2	Certified law students
9.43	983.4	Out-of-state attorney arbitration counsel
9.44	988	Registered foreign legal consultant
9.45	964	Registered legal services attorneys
9.46	965	Registered in-house counsel
9.47	966	Attorneys practicing law temporarily in California as part of litigation
9.48	967	Non-litigating Nonlitigating attorneys temporarily in California to provide legal services
		Division 5. Censure, Removal, Retirement, or Private Admonishment of Judges
9.60	935	Review of determinations by <u>the</u> Commission on Judicial Performance
9.61	936	Proceedings involving public or private admonishment, censure, removal, or retirement of a judge of the Supreme Court
Repealed	963	Interim Special Regulatory Fee for Attorney Discipline

Title 10. Judicial Administration Rules

New Rule Number	Old Rule Number	Rule Title
		Division 1. Judicial Council
		Chapter 1. The Judicial Council and Internal Committees
10.1	6.1	Authority, duties, and goals of the Judicial Council
10.2	6.2	Judicial Council membership and terms
10.3	6.3	Nonvoting members
10.4	6.4	Nominations and appointments to the Judicial Council
10.5	6.5	Notice and agenda of council meetings
10.6	6.6	Judicial Council meetings
10.10	6.10	Judicial Council internal committees
10.11	6.11	Executive and Planning Committee
10.12	6.12	Policy Coordination and Liaison Committee
10.13	6.13	Rules and Projects Committee
10.14	6.14	Litigation Management Committee
10.15	6.15	Interim Court Facilities Panel
10.20	6.20	Proposals for new or amended rules, standards, or forms; rule-making process in general
10.21	6.21	Proposals from members of the public for changes to rules, standards, or forms
10.22	6.22	Rule-making procedures

New Rule Number	Old Rule Number	Rule Title
		Chapter 2. Judicial Council Advisory Committees and Task Forces
10.30	6.30	Judicial Council advisory committees
10.31	6.31	Advisory committee membership and terms
10.32	6.32	Nominations and appointments to advisory committees
10.33	6.33	Advisory committee meetings
10.34	6.34	Duties and responsibilities of advisory committees
10.40	6.40	Appellate Advisory Committee
10.41	6.41	Civil and Small Claims Advisory Committee
10.42	6.42	Criminal Law Advisory Committee
10.43	6.43	Family and Juvenile Law Advisory Committee
10.44	6.44	Probate and Mental Health Advisory Committee
10.45	6.45	Trial Court Budget Working Group
10.46	6.46	Trial Court Presiding Judges Advisory Committee
10.48	6.48	Court Executives Advisory Committee
10.49	6.49	Conference of Court Executives
10.50	6.50	Governing Committee of the Center for Judicial Education and Research
10.51	6.51	Court Interpreters Advisory Panel
10.52	6.52	Administrative Presiding Justices Advisory Committee
10.53	6.53	Court Technology Advisory Committee
10.54	6.54	Traffic Advisory Committee
10.55	6.55	Access and Fairness Advisory Committee
10.56	6.56	Collaborative Justice Courts Advisory Committee
10.57	6.57	Judicial Service Advisory Committee
10.58	6.58	Advisory Committee on Civil Jury Instructions
10.59	6.59	Advisory Committee on Criminal Jury Instructions
10.70	6.70	Task forces
10.71	6.60	Court Facilities Transitional Task Force
		Chapter 3. Administrative Office of the Courts
10.80	6.80	Administrative Director of the Courts
10.81	6.81	Administrative Office of the Courts
		Division 2. Administration of the Judicial Branch
		Chapter 1. Budget and Fiscal Management
10.101	6.101	Role of the Judicial Council and Administrative Office of the Courts
10.102	6.102	Acceptance of gifts
10.103	6.103	Limitation on intrabranch contracting
10.104	6.104	Limitation on contracting with former employees
10.105	6.105	Allocation of new fee, fine, and forfeiture revenue
		Chapter 2. Court Security
10.170	6.170	Working Group on Court Security
10.171	6.171	Working Group on Court Security Fiscal Guidelines
		Chapter 3. Court Facilities
10.180	6.150	Court facilities standards
10.181	6.180	Court facilities policies, procedures, and standards
10.182	6.181	Operation and maintenance of court facilities
10.183	6.182	Decision making on transfer of responsibility for trial court

New Rule Number	Old Rule Number	Rule Title
		facilities
10.184	6.183	Acquisition, space programming, construction, and design of court facilities
		Chapter 4. Management of Claims and Litigation
10.201	6.201	Claim and litigation procedure
10.202	6.202	Claims and litigation management
10.203	6.203	Contractual indemnification
		Chapter 5. Ethics Training
10.301	6.301	Ethics training for Judicial Council members and judicial branch employees
		Chapter 6. Management of Human Resources
10.350	6.302	Workers' compensation program
		Chapter 7. Court Technology, Information, and Automation
10.400	996	Judicial Branch Statistical Information System (JBSIS)
		Division 3. Judicial Administration Rules Applicable to All Courts
10.501	970	Judicial education
10.502	6.151	Judicial sabbatical pilot program
10.503	989.1	Use of recycled paper by all courts
10.504	989.5	Smoking policy for trial and appellate courts prohibited in all courts
10.505	299	Judicial robes
		Division 4. Trial Court Administration
		Chapter 1. General Rules on Trial Court Management
10.601	6.601	Superior court management
10.602	6.602	Selection and term of presiding judge
10.603	6.603	Authority and duties of presiding judge
10.605	6.605	Executive committee
10.608	6.608	Duties of all judges
10.610	6.610	Duties of court executive officer
10.611	989.2	Nondiscrimination in court appointments
10.612	New	Use of gender-neutral language
10.613	981	Local court rules—adopting, filing, distributing, and maintaining
10.614	201.3	Local court forms
10.620	6.620	Public access to administrative decisions of trial courts
10.630	813	Reciprocal agreement and exchange assignment defined Reporting of reciprocal assignment orders
		Chapter 2. Trial Court Management of Human Resources
		Article 1. Trial Court Employee Labor Relations
10.650	New	Court employee labor relations rules
10.651	2201	Purpose
10.652	2202	Definitions
10.653	2203	Right and obligation to meet and confer
10.654	2204	Scope of representation
10.655	2205	Governing court employee labor relations
10.656	2206	Transition provisions
10.657	2207	Construction
10.658	2208	Interpretation

New Rule Number	Old Rule Number	Rule Title
10.659	2209	Other provisions
Repealed	2210	Effective date
10.660	2211	Enforcement of agreements—petitions (Gov. Code, §§ 71639.5 and 71825.2)
		Article 2. Other Human Resources Rules
10.670	6.650	Trial court personnel plans
		Chapter 3. Subordinate Judicial Officers
10.700	6.609	Role of subordinate judicial officers
10.701	6.660	Qualifications and education of subordinate judicial officers
10.702	6.665	Subordinate judicial officers: practice of law
10.703	6.655	Complaints against subordinate judicial officers
		Chapter 4. Referees [Reserved]
		Chapter 5. Temporary Judges
10.740	6.740	The responsibilities of the trial courts for temporary judge programs
10.741	6.741	Duties and authority of the presiding judge
10.742	6.742	Use of attorneys as court-appointed temporary judges
10.743	6.743	Administration of temporary judges program
10.744	6.744	Application procedures to serve as a court-appointed temporary judge
10.745	6.745	Performance
10.746	6.746	Complaints
		Chapter 6. Court Interpreters
10.761	6.661	Regional Court Interpreter Employment Relations Committees
10.762	6.662	Cross-assignments for court interpreter employees
		Chapter 7. Alternative Dispute Resolution Programs
10.780	New	Administration of alternative dispute resolution (ADR) programs
10.781	1580.1	Court-related ADR neutrals
10.782	1580.2	ADR program information
10.783	1580.3	ADR program administration
		Chapter 8. Trial Court Budget and Fiscal Management
10.800	6.700	Superior court budgeting
10.801	6.701	Superior court budget procedures
10.802	6.702	Maintenance of and public access to budget and management information
10.803	6.710	Information access disputes—writ petitions (Gov. Code, § 71675)
10.804	6.707	Trial Superior court financial policies and procedures
10.805	6.705	Notice of change in court-county relationship
10.810	810	Court operations
10.811	6.711	Reimbursement of costs associated with homicide trials
10.815	6.712	Fees to be set by the court
10.820	6.703	Acceptance of credit cards by trial the superior courts
10.821	805	Acceptance of checks and other negotiable paper
10.830	6.709	Disposal of surplus court personal property
		Chapter 9. Trial Court Records Management
10.851	6.751	Court indexes—Automated maintenance
10.855	6.755	Superior court records sampling program
10.856	6.756	Notice of superior court records destruction
		Chapter 10. Trial Court Automation

New Rule Number	Old Rule Number	Rule Title
10.870	999.1	Trial court automation standards
		Chapter 11. Trial Court Management of Civil Cases
10.900	204.1	Case management and calendaring system
10.901	204.2	Internal management procedures
10.910	226	Assigned cases to be tried or dismissed—notification to presiding judge
		Chapter 12. Trial Court Management of Criminal Cases
10.950	227.1	Role of presiding judge, supervising judge, criminal division, and master calendar department in courts having more than three judges
10.951	227.2	Duties of supervising judge of the criminal division
10.952	227.8	Meeting respecting <u>concerning</u> the criminal court system
10.953	227.10	Procedures for disposition of cases before the preliminary hearing
		Division 5. Appellate Court Administration
		Chapter 1. Rules Relating to the Supreme Court and Courts of Appeal
10.1000	47.1	Transfer of causes
10.1004	75	Court of Appeal administrative presiding justice
10.1008	47	Courts of Appeal with more than one division
10.1012	77	Supervising progress of appeals
10.1016	78	Notice of failure to perform judicial duties
10.1020	76.1	Reviewing court clerk/administrator
10.1024	71	Court of Appeal minutes
10.1028	70	Preservation and destruction of Court of Appeal records
10.1030	New; based on 80(b)–(c)	<u>Local rules of Courts of Appeal</u>

California Standards of Judicial Administration

Standard	Section	Title
		Title 1. Standards for All Courts [Reserved]
		Title 2. Standards for Proceedings in the Trial Courts
2.1	2	Case management and delay reduction—statement of general principles
2.2	2.1	Trial court case disposition time standards <u>goals</u>
2.10	18	Procedures for determining the need for an interpreter and a preappearance interview
2.11	18.1	Interpreted proceedings—instructing participants on procedure
2.20	8.9	Trial management standards
2.25	8.6	Uninterrupted jury selection
2.30	14	Judicial comment on verdict or mistrial
		Title 3. Standards for Civil Cases
3.1	21	Appearance by telephone
Repealed	11	Calendar management review
Repealed	11.5	Date certain for trial
3.10	19	Complex civil litigation
Repealed	22	Tentative rulings in law and motion matters
Repealed	16.5	Temporary judges hearing small claims cases

Standard	Section	Title
3.25	8	Examination of prospective jurors in civil cases
		Title 4. Standards for Criminal Cases
4.10	36	Guidelines for diversion drug court programs
4.30	8.5	Examination of prospective jurors in criminal cases
4.40	10.5	Municipal and justice court Traffic infraction procedures
4.41	10.6	Courtesy notice—traffic procedures
4.42	10.7	Traffic infraction trial scheduling— round table discussions
		Title 5. Standards for Cases Involving Children and Families
5.10	20.6	Guidelines for determining payment for costs of appointed counsel for children in family court
5.11	20.5	Guidelines for appointment of counsel for minors when time with or responsibility for the minor is disputed
5.20	26.2	Uniform standards of practice for providers of supervised visitation
5.40	24	Juvenile <u>court matters</u>
5.45	24.5	Resource guidelines for child abuse and neglect cases
		Title 6. [Reserved]
		Title 7. Standards for Probate Proceedings
7.10	40	Settlements or judgments in certain civil cases involving minors or persons with disabilities
		Title 8. Standards for the Appellate Courts
8.1	6	Memorandum opinions
		Title 9. Standards on Law Practice, Attorneys, and Judges [Reserved]
		Title 10. Standards for Judicial Administration
10.5	39	The role of the judiciary in the community
10.10	25	Judicial branch education
10.11	25.1	General judicial education standards
10.12	25.2	Judicial education for judicial officers in particular judicial assignments
10.13	25.3	Judicial education curricula provided in particular judicial assignments
10.14	25.4	Judicial education for judges hearing a capital cases
10.15	25.6	General court employee education standards
10.16	35	Model code of ethics for court employees
10.17	30	Trial court performance <u>standards</u>
10.20	1	Court's duty to prohibit bias
Repealed	1.2	Use of gender-neutral language
10.21	1.5	Appointment of attorneys, arbitrators, mediators, referees, masters, receivers, and other persons
Repealed	1.6	Selection of members of court-related committees
10.24	1.3	Children's waiting room
10.25	1.4	Reasonable accommodation for court personnel
10.31	4.6	Accuracy of Master jury list
10.40	7	Court security
10.41	7.5	Court sessions at or near state penal institutions
10.50	17	Selection of regular grand jury
10.51	4.5	Juror complaints
10.55	17.5	Local policies program on waste reduction and recycling

Standard	Section	Title
10.70	32	Implementation and coordination of mediation and other alternative dispute resolution (ADR) programs
10.71	32.1	<u>Alternative dispute resolution (ADR) committees</u>
10.72	33	<u>Alternative dispute resolution (ADR) committees and criteria for referring cases to dispute resolution neutrals</u>
10.80	34	Court records management standards
Repealed	28	Trial court coordination plan (Gov. Code, § 68112)
Repealed	29	Methods of trial court coordination

California Rules of Court Reorganization
(From former number to new number)

Old Rule Number	New Rule Number	Rule Title
1	8.100	Taking Filing the appeal
2	8.104	Time to appeal
3	8.108	Extensions of Extending the time to appeal
4	8.130	Reporter's transcript
5	8.120	Clerk's transcript
5.1	8.124	Appendixes instead of clerk's transcript
5.2	8.128	Superior court file instead of clerk's transcript
6	8.134	Agreed statement
7	8.137	Settled statement
8	8.140	Failure to procure the record
9	8.144	Form of the record
10	8.147	Record in multiple or later appeals in same case
11	8.150	Filing and lending the record
12	8.155	Augmenting and correcting the record
12.5	8.160	Sealed records
13	8.200	Briefs by parties and amici curiae
14	8.204	Contents and form of briefs
14.5	8.208	Certificate of Interested Entities or Persons
15	8.212	Service and filing of briefs
16	8.216	Appeals in which a party is both appellant and respondent
17	8.220	Failure to file a brief
18	8.224	Transmitting exhibits
19	8.240	Calendar preference
20	8.244	Settlement, abandonment, voluntary dismissal, and compromise
21	8.248	Prehearing conference
22	8.252	Judicial notice; findings and evidence on appeal
23	8.256	Oral argument and submission of the cause
24	8.264	Filing, finality, and modification of decision
25	8.268	Rehearing
26	8.272	Remittitur
27	8.276	Costs and sanctions
28	8.500	Petition for review
28.1	8.504	Form and contents of petition, answer, and reply
28.2	8.512	Ordering review
29	8.516	Issues on review
29.1	8.520	Briefs by parties and amici curiae; judicial notice
29.2	8.524	Oral argument and submission of the cause
29.3	8.528	Disposition of causes
29.4	8.532	Filing, finality, and modification of decision
29.5	8.536	Rehearing
29.6	8.540	Remittitur
29.7	8.544	Costs and sanctions
29.8	8.548	Decision on request of a court of another jurisdiction
29.9	8.552	Transfer for decision

Old Rule Number	New Rule Number	Rule Title
30	8.304	Taking Filing the appeal; certificate of probable cause
30.1	8.308	Time to appeal
30.2	8.312	Stay of execution and release on appeal
30.3	8.316	Abandoning the appeal
31	8.320	Normal record; <u>exhibits</u>
31.1	8.324	Application in superior court for addition to normal record
31.2	8.328	Sealed records
31.3	8.332	Juror-identifying information
32	8.336	Preparing, certifying, and sending the record
32.1	8.340	Augmenting or correcting the record in the Court of Appeal
32.2	8.344	Agreed statement
32.3	8.346	Settled statement
33	8.360	Briefs <u>by parties and amici curiae</u>
33.1	8.366	Hearing and decision in the Court of Appeal
33.2	8.368	Hearing and decision in the Supreme Court
33.3	8.508	Petition for review to exhaust state remedies
34	8.600	In general
34.1	8.610	Contents and form of the record
34.2	8.613	Preparing and certifying the record of preliminary proceedings
35	8.616	Preparing the trial record
35.1	8.619	Certifying the trial record for completeness
35.2	8.622	Certifying the trial record for accuracy
35.3	8.625	Certifying the record in pre-1997 trials
36	8.630	Briefs <u>by parties and amici curiae</u>
36.1	8.634	Transmitting exhibits; augmenting the record in the Supreme Court
36.2	8.638	Oral argument and submission of the cause
36.3	8.642	Filing, finality, and modification of decision; rehearing; remittitur
37	8.400	Appeals in juvenile cases generally
37.1	8.404	Record on appeal
37.2	8.408	Preparing, sending, augmenting, and correcting the record
37.3	8.412	Briefs <u>by parties and amici curiae</u>
37.4	8.416	Appeals from all terminations of parental rights; dependency appeals in Orange, Imperial, and San Diego Counties
38	8.450	Notice of intent to file writ petition to review order setting hearing under Welfare and Institutions Code section 366.26
38.1	8.452	Writ petition to review order setting hearing under Welfare and Institutions Code section 366.26 and rule 1436.55.600
38.2	8.454	Notice of intent to file writ petition under Welfare and Institutions Code section 366.28 to review order designating specific placement of a dependent child after termination of parental rights
38.3	8.456	Writ petition under Welfare and Institutions Code section 366.28 and rule 1436.55.600 to review order designating specific placement of a dependent child after termination of parental rights
38.4	8.470	Hearing and decision in the Court of Appeal
38.5	8.472	Hearing and decision in the Supreme Court
38.6	8.474	Procedures and data
39	8.480	Appeal from order establishing conservatorship
39.1	8.482	Appeal from judgment authorizing conservator to consent to sterilization

Old Rule Number	New Rule Number	Rule Title
		of conservatee
39.2	8.388	Appeal from order granting relief by writ of habeas corpus
40	8.10	Definitions <u>and use of terms</u>
40.1	8.25	Service and filing
40.2	Repealed	Recycled paper
40.5	8.32	Notice of change of address or telephone number
41	8.54	Motions in the reviewing court
42	8.57	Motions before the record is filed
43	8.50	Applications in the reviewing court
44	8.40	Form, number, and cover of documents filed in the reviewing court of <u>filed documents</u>
44.5	8.29	Service on <u>nonparty</u> public officer or agency
45	8.60	Extending and shortening time
45.1	8.66	Appellate emergencies <u>Extending time because of public emergency</u>
45.5	8.63	Policies and factors governing extensions of time
46	8.18	Documents violating rules not to be filed
46.5	8.23	Sanctions to compel compliance
47	10.1008	Courts of Appeal with more than one division
47.1	10.1000	Transfer of causes
48	8.36	Substituting parties; substituting or withdrawing attorneys
49	8.112	<u>Petition for writ of supersedeas</u>
49.5	8.116	Request for writ of supersedeas or temporary stay
51	Repealed	Substitute trial judge
52	8.163	Presumption from <u>the</u> record
53(a)	8.4	Application of division and construction of rules
53(b)	1.5	<u>Construction of rules and standards</u>
53(c)	8.16	<u>Amendments to statutes</u>
54	8.13	Amendments to rules
56	8.490	Original proceedings <u>Petitions for writ of mandate, certiorari, or prohibition</u>
57	8.494	Review of Workers' Compensation Appeals Board cases
58	8.496	Review of Public Utilities Commission cases
59	8.498	Review of Agricultural Labor Relations Board and Public Employment Relations Board cases
60	8.380	Petition for writ of habeas corpus filed by petitioner not represented by an attorney
60.5	8.384	Petition for writ of habeas corpus filed by an attorney for a party
61	8.1000	Scope of rules <u>Application</u>
62	8.1002	Transfer authority
63	8.1005	Certification
64	8.1008	Transfer
65	8.1010	Record on transfer
66	8.1012	Briefs
67	8.1014	Proceedings in the appellate division after certification
68	8.1016	Disposition of transferred case
69	8.1018	Remittitur
70	10.1028	Preservation and destruction of Court of Appeal records
71	10.1024	Court of Appeal minutes

Old Rule Number	New Rule Number	Rule Title
75	10.1004	Court of Appeal administrative presiding justice
76.1	10.1020	Reviewing court clerk/administrator
76.5	8.300	Appointment of appellate counsel <u>by the Court of Appeal</u>
76.6	8.605	Qualifications of counsel in death penalty appeals and habeas corpus proceedings
77	10.1012	Supervising progress of appeals
78	10.1016	Notice of failure to perform judicial duties
80(a)	8.20	Local California Rules of Courts of Appeal prevail
80(b)-(c)	10.1030	<u>Local rules of Courts of Appeal</u>
100	8.700	Appellate rules
100.5	8.701	Appellate division assignments
101	8.702	Sessions
102	8.703	Powers of presiding judge
103	8.704	Calendars and notice of hearing
104	8.705	Motions
105	8.706	Briefs and records
106	8.707	Decisions
107	8.708	Finality, modification, and rehearing
108	8.709	Consent to modification
121	8.750	Filing notice of appeal
122	8.751	Time of filing notice of appeal
123	8.752	Extension of time and cross-appeal
124	8.753	Reporter's transcript
125	8.754	Clerk's transcript and original papers
126	8.755	Agreed statement
127	8.756	Settled statement
128	8.757	Correction and certification of record
129	8.758	Form of record
130	8.759	Transmission and filing of record
131	8.760	Record on cross-appeal
132	8.761	Augmentation and correction of record
133	8.762	Abandonment and dismissal
134	8.763	Hearing
135	8.764	Costs on appeal
136	8.765	Definitions
137	8.766	Applications on routine matters
138	8.767	Extension and shortening of time
139	8.768	Substitution of parties and attorneys
140	8.769	Writ of supersedeas
141	8.770	Substitute judge where trial judge unavailable
142	8.771	Presumption where record not complete
143	8.772	Scope and construction
144	8.773	Remittitur
151	8.900	Scope <u>Application</u>
152	8.904	Filing notice of the appeal
153	8.907	Record on appeal
154	8.910	Continuances
155	8.913	Abandonment, dismissal, and judgment for failure to bring to trial

Old Rule Number	New Rule Number	Rule Title
156	8.902	Definitions
157	8.916	Examination <u>of witnesses</u>
180	8.780	Applicability to felonies, misdemeanors, infractions
181	8.781	Definitions
182	8.782	Notice of appeal
183	8.783	Record on appeal
184	8.784	Statement or transcript
185	8.785	Amendments to statement or transcript
185.5	8.786	Counsel on appeal
186	8.787	Extensions of time and relief from default
187	8.788	Settlement of statement or transcript
187.5	8.789	Experimental rule on use of recordings to facilitate settlement of statements
188	8.790	Abandonment of appeal
189	8.791	Additions to record
190	8.792	Hearings and dismissals
191	8.793	Remittiturs
200	2.2	Application
200.1	1.6	Definitions <u>and use of terms</u>
200.2	Repealed	Construction of terms
200.3	1.10	Time for actions
201	2.100; 201 divided into 2.100–2.119	Form <u>and format</u> of papers presented for filing <u>in the trial courts</u>
201.1	1.30; 201.1 divided into 1.30–1.44 and 2.131–2.134	Judicial Council forms
201.2	1.45	Judicial Council pleading forms
201.3	10.614	Local court forms
201.4	2.135	<u>Filing of handwritten or hand-printed forms</u>
201.5	3.250	Limitations on the filing of papers
201.6	2.210	Drop box for filing documents
201.7	3.110	Time for service of complaint, cross-complaint, and response
201.8	3.220	Case cover sheet required
201.9	3.221	Information <u>about alternative dispute resolutions</u>
202	3.222	Papers to be served on cross-defendants
202.5	3.252	Service of papers on the clerk when a party's address is unknown
202.7	3.254	List of parties
204	3.700	Scope and purpose of the case management rules
204.1	10.900	Case management and calendaring system
204.2	10.901	Internal management procedures
205	3.710	Authority
206	3.711	Local court rules
207	3.712	Application; <u>and exceptions</u>
208	3.713	Delay reduction goals
209	3.714	Differentiation of cases to achieve goals

Old Rule Number	New Rule Number	Rule Title
210	3.715	Case evaluation factors
212	Repealed; divided into 3.720–3.730	Case management conference; meet and confer requirement; and case management order
213	3.734	Assignment to one judge for all or limited purposes
214	3.735	Management of short cause cases
222	3.1380	Mandatory settlement conferences
224	3.650	Duty to notify court and others of stay
225	3.1385	Duty to notify court and others of settlement of entire case
226	10.910	Assigned cases to be tried or dismissed—notification to presiding judge
227	2.30	Sanctions in respect to rules for rules violations in civil cases
227.1	10.950	Role of presiding judge, supervising judge, criminal division, and master calendar department in courts having more than three judges
227.2	10.951	Duties of supervising judge of the criminal division
227.8	10.952	Meeting respecting concerning the criminal court system
227.10	10.953	Procedures for disposition of cases before the preliminary hearing
228	3.1540	Examination of prospective jurors in civil cases
229	2.1055	Proposed jury instructions
230	3.1580	Request for special findings by jury
231	2.1030	Communications from or with jury
232	3.1590	Announcement of tentative decision, statement of decision, and judgment
232.5	3.1591	Statement of decision, judgment, and motion for new trial following bifurcated trial
233	Repealed	Family law rules
234	3.1806	Notation of written instrument of rendition of judgment
235	2.20	Application for an orders extending time
236	3.1602	Hearing of motion to vacate judgment
236.5	3.1600	Notice of intention to move for new trial— time for service and filing of memorandum
243	2.400	Court records
243.1	2.550	Sealed records
243.2	2.551	Procedures for filing records under seal
243.3	2.580	Request for delayed public disclosure
243.4	2.585	Confidential in-camera proceedings
243.5	2.570	Filing False Claims Act records under seal
243.6	2.571	Procedures for filing records <u>under seal</u> in a False Claims Act cases under seal
243.7	2.572	Motion <u>Ex parte application</u> for <u>an</u> extension of time
243.8	2.573	Unsealing of records and management of False Claims Act cases
243.9	2.1040	Electronic recordings offered in evidence— transcripts
243.10	Repealed	Definition of temporary judge
243.11	2.810	Temporary judges appointed by the trial courts
243.12	2.811	Court appointment of temporary judges
243.13	2.812	Requirements for court appointment of an attorney to serve as a temporary judge
243.14	2.813	Contents of training programs
243.15	2.814	Appointment of temporary judge
243.17	2.815	Continuing education

Old Rule Number	New Rule Number	Rule Title
243.18 (1727)	2.816	Stipulation to court-appointed temporary judge
243.19	2.817	Disclosures to the parties
243.20	2.818	Disqualifications and limitations
243.21	2.819	Continuing duty to disclose and disqualify
243.30	2.830	Temporary judges requested by the parties
243.31 (244)	2.831	Temporary judge—stipulation, order, oath, assignment, disclosure, and disqualification
243.32	2.832	Compensation
243.33	2.833	Notices, use of court facilities, and order for hearing site
243.34	2.834	Motions or applications to be heard by the court
244.1	Repealed; divided into 3.900–3.910	Reference by agreement
244.2	Repealed; divided into 3.920–3.927	Reference by order
245.5	Repealed	Superior court sessions held at municipal and justice court locations under Government Code section 69753
251	5.590	Notification of appeal rights in juvenile cases
270	3.1370	Emancipation of minors
298	3.670	Telephone appearance
299	10.505	Judicial robes
301	3.1100	Applicability
303	3.1103	Definitions and construction
307	Repealed	Assignment of matters
309	3.1109	Notice of determination of submitted matters
311	3.1110	General format
312	3.1112	Motions, demurrers , and other pleadings
313	3.1113	Memorandum of points and authorities
314	3.1114	Applications, motions, and petitions not requiring a supporting memorandum
315	3.1115	Miscellaneous papers <u>Declarations</u>
316	3.1116	Deposition testimony as an exhibit
317	3.1300	Time for filing and service of motion papers
319	3.1302	Place and manner of filing
321	3.1304	Time of hearing
323	3.1306	Evidence at hearing
324	3.1308	Tentative rulings
324.5	3.1310	Report of proceedings <u>on motions</u>
325	3.1320	Demurrers
326	3.1326	Motions for change of venue
327	3.1324	Amended pleadings and amendments to pleadings
329	3.1322	Motions to strike
330	3.1382	Good faith settlement and dismissal
331	3.1000	Format of supplemental and further discovery
333	3.1010	Oral depositions by telephone, videoconference, or other remote electronic means

Old Rule Number	New Rule Number	Rule Title
335	3.1020	Format of discovery motions
337	3.1025	Service of <u>motion</u> papers on nonparty deponent
341	3.1030	Sanctions for failure to provide discovery
342	3.1350	Motion for summary judgment or summary adjudication
343	3.1352	Objections to evidence
345	3.1354	Form of <u>Written</u> objections to evidence
347	3.1140	Lodging of record in administrative mandate cases
354	Repealed	Receivership rules
355	3.1142	Stay of driving license suspension
359	3.1150	Preliminary <u>injunctions</u> and bonds
361	3.1151	Requirements for injunction in certain cases
363	3.1152	Civil harassment and workplace violence
364	3.1153	Minors <u>may appear without counsel to seeking specified</u> restraining orders
367	3.350	Consolidation of cases
369	3.1360	Motion to grant lien on cause of action
371	3.1330	Motion concerning arbitration
372	3.1340	Motion for discretionary dismissal after two years for delay in prosecution
373	3.1342	Motion to dismiss for delay in prosecution
375	3.1332	Motion or application for continuance of trial
375.1	3.1335	Motion or application to advance, specially set, or reset trial date
376	3.1362	Motion to be relieved as counsel
378	3.1384	Petition for approval of the compromise of a claim of a minor or incompetent person; order for deposit of funds; and petition for withdrawal
379	Repealed; divided into 3.1200–3.1207	Ex parte applications and orders
381	3.1130	Bonds and undertakings
383	3.1390	Service and filing of notice of entry of dismissal
385	2.200	Service and filing of notice of change of address
388	3.1800	Default judgments
389	3.1804	Periodic payment of judgments against public entities
391	3.1312	Preparation of order
804	3.300	Notice of related case
805	10.821	Acceptance of checks and other negotiable paper
810	10.810	Court operations
813	10.630	Reciprocal agreement and exchange assignment defined <u>Reporting of reciprocal assignment orders</u>
820	Repealed	Motion to dismiss
825	2.900	Submission of a cause in a trial court
826	2.1100	Notice when statute or regulation declared unconstitutional
828	4.210	Traffic court—trial by written declaration
830	Repealed	Trial settings
851	4.104	Procedures and eligibility criteria for attending traffic violator school
855	2.1050	Judicial Council <u>jury instructions</u>
858	2.1004	Scheduling accommodations for jurors

Old Rule Number	New Rule Number	Rule Title
859	2.1006	Deferral of jury service
860	2.1008	Granting Excuses from jury service
861	2.1002	Length of juror service
862	2.1010	Juror motion to set aside sanctions imposed by default
870	3.1700	Prejudgment costs
870.2	3.1702	Claiming attorney fees
870.4	3.2000	Unlawful detainer—supplemental costs
875	3.1802	Inclusion of interest in judgment
890	Repealed	Court reporting services in civil cases—municipal and justice courts
891	2.956	Court reporting services in civil cases— superior court departments generally
892	2.958	Assessing fee for official reporter
935	9.60	Review of determinations by <u>the</u> Commission on Judicial Performance
936	9.61	Proceedings involving public or private admonishment, censure, removal, or retirement of a judge of the Supreme Court
950	9.5	Definitions
950.5	9.6	Roll of attorneys of persons admitted to practice
951	9.10	Authority of the State Bar Court
951.5	9.12	Standard of review for State Bar Court Review Department
952	9.13	Review of State Bar Court decisions
952.5	9.14	Petitions for review by <u>the</u> Chief Trial Counsel
952.6	9.15	Petitions for review by <u>the</u> Committee of Bar Examiners; grounds for review; confidentiality
953	9.18	Effective date of disciplinary orders and decisions
953.5	9.17	Remand with instructions
954	9.16	Grounds for review of State Bar Court decisions in <u>the</u> Supreme Court
955	9.20	Duties of disbarred, resigned, or suspended attorneys
956	9.19	Conditions attached to reprovals
957	9.30	Law school study in schools other than those accredited by the examining committee
958	9.31	Minimum continuing legal education
960	9.21	Resignations of members of the State Bar with disciplinary charges pending
961	9.11	State Bar Court judges
962	9.22	Suspension of members of the State Bar for failure to comply with judgment or order for child or family support
963	Repealed	Interim Special Regulatory Fee for Attorney Discipline
964	9.45	Registered legal services attorneys
965	9.46	Registered in-house counsel
966	9.47	Attorneys practicing law temporarily in California as part of litigation
967	9.48	Non-litigating Nonlitigating attorneys temporarily in California to provide legal services
970	10.501	Judicial education
976	8.1105	Publication of appellate opinions
976.1	8.1110	Partial publication
977	8.1115	Citation of opinions
978	8.1120	Requesting publication of unpublished opinions
979	8.1125	Requesting depublication of published opinions

Old Rule Number	New Rule Number	Rule Title
980	1.150	Photographing, recording, and broadcasting in court
980.4	2.950	Sequential list of reporters
980.5	2.952	Electronic recording as official record of proceedings
980.6	2.954	Specifications for electronic recording equipment
981	10.613	Local court rules—adopting, filing, distributing, and maintaining
981.1	3.20	Preemption of local rules
982.9	2.150	<u>Authorization for computer-generated or typewritten forms for proof of service of summons and complaint</u>
983	9.40	Counsel <i>pro hac vice</i>
983.1	9.41	Appearances by military counsel
983.2	9.42	Certified law students
983.4	9.43	Out-of-state attorney arbitration counsel
983.5	9.35	California Rules of Court <u>[Certifying Certified legal specialists]</u>
984	2.891	Periodic review of court interpreter skills and professional conduct
984.1	2.892	Guidelines for approval of certification programs for interpreters for deaf and hard-of-hearing persons
984.2	2.893	Appointment of noncertified interpreters in criminal <u>cases</u> and juvenile delinquency proceedings
984.3	2.894	Reports on appointments of certified and registered interpreters and noncertified and nonregistered interpreters in courts
984.4	2.890	Professional conduct for interpreters
985	Repealed; divided into 3.50–3.63	Permission to proceed without paying court fees and costs (in forma pauperis)
986	3.1900	Notice of renewal of judgment
987	1.11	Holiday falling on a Saturday or Sunday
988	9.44	Registered foreign legal consultant
989	2.1058	Use of gender-neutral language <u>in jury instructions</u>
989.1	10.503	Use of recycled paper by all courts
989.2	10.611	Nondiscrimination in court appointments
989.3	1.100	Requests for accommodations by persons with disabilities
989.5	10.504	Smoking policy for trial and appellate courts <u>prohibited in all courts</u>
991	Repealed	Trial court coordination implementation
996	10.400	Judicial Branch Statistical Information System (JBSIS)
999.1	10.870	Trial court automation standards
4.100	4.100	Arraignments
4.101	4.101	Bail in criminal cases
4.102	4.102	Uniform bail and penalty schedules—traffic, boating, fish and game, forestry, public utilities, parks and recreation, business licensing
4.103	4.103	Notice to appear forms
4.110	4.110	Time limits for criminal proceedings on information or indictment
4.111	4.111	Pretrial motions in criminal cases
4.112	4.112	Readiness conference
4.113	4.113	Motions and grounds for continuance of criminal case set for trial
4.114	4.114	Certification pursuant to <u>under</u> Penal Code section 859a
4.115	4.115	Criminal case assignment
4.116	4.116	Certification to juvenile court
4.117	4.117	Qualifications for appointed trial counsel in capital cases

Old Rule Number	New Rule Number	Rule Title
4.150	4.150	Change of venue; application and general provisions
4.151	4.151	Motion for change of venue
4.152	4.152	Selection of court and trial judge
4.153	4.153	Order on change of venue
4.154	4.154	Proceedings in the receiving court
4.155	4.155	Guidelines for reimbursement of costs in change of venue cases—criminal cases
4.200	4.200	Pre-voir dire conference in criminal cases
4.201	4.201	Voir dire in criminal cases
4.300	4.300	Commitments to nonpenal institutions
4.305	4.305	Notification of appeal rights in felony cases
4.306	4.306	Notification of appeal rights in misdemeanor and infraction cases
4.310	4.310	Determination of presentence custody time credit
4.315	4.315	Setting date for execution of death sentence
4.320	4.320	Records of criminal convictions (Gov. Code, §§ 69844.5, 71280.5)
4.325	4.325	Ignition interlock installation orders; “interest of justice” exceptions
4.401	4.401	Authority
4.403	4.403	Applicability <u>Application</u>
4.405	4.405	Definitions
4.406	4.406	Reasons
4.407	Repealed	Rules of construction
4.408	4.408	Criteria not exclusive; sequence not significant
4.409	4.409	Consideration of criteria
4.410	4.410	General objectives in sentencing
4.411	4.411	Presentence investigations and reports
4.411.5	4.411.5	Probation officer’s presentence investigation report
4.412	4.412	Reasons:—agreement to punishment as <u>an adequate</u> reason and as abandonment of certain claims
4.413	4.413	Probation eligibility when probation is limited
4.414	4.414	Criteria affecting probation
4.420	4.420	Selection of base term of imprisonment
4.421	4.421	Circumstances in aggravation
4.423	4.423	Circumstances in mitigation
4.424	4.424	Consideration of applicability of section 654
4.425	4.425	Criteria affecting concurrent or consecutive sentences
4.426	4.426	Violent sex crimes
4.428	4.428	Criteria affecting imposition of enhancements
4.431	4.431	Proceedings at sentencing to be reported
4.433	4.433	Matters to be considered at time set for sentencing
4.435	4.435	Sentencing <u>upon</u> revocation of probation
4.437	4.437	Statements in aggravation and mitigation
4.447	4.447	Limitations on enhancements
4.451	4.451	Sentence consecutive to indeterminate term or to term in other jurisdiction
4.452	4.452	Determinate sentence consecutive to prior determinate sentence
4.453	4.453	Commitments to nonpenal institutions
4.470	4.470	Notification of appeal rights in felony cases
4.472	4.472	Determination of presentence custody time credit

Old Rule Number	New Rule Number	Rule Title
4.480	4.480	Judge's statement under section 1203.01
4.510	4.510	Reverse remand
4.550	4.550	Habeas corpus application and definitions
4.551	4.551	Habeas corpus proceedings
4.552	4.552	Habeas corpus jurisdiction
4.601	4.601	Judicial determination of factual innocence form
5.10	5.10	Definitions <u>and use of terms</u>
5.11	Repealed	Construction of terms
5.15	5.15	Extensions of time
5.16	Repealed	Holidays
5.20	5.20	Applicability of rules
5.21	5.21	General law applicable
5.22	5.22	Other proceedings
5.25	5.25	Status of family law and domestic violence forms
5.26	5.26	Use of forms in nonfamily law proceedings
5.27	5.27	Use of interstate forms
5.28	5.28	Domestic partnerships
5.30	5.30	Judicial education for family court judicial officers
5.35	5.35	Minimum standards for the Office of the Family Law Facilitator
5.70	5.70	Nondisclosure of attorney assistance in preparation of court documents
5.71	5.71	Application to be relieved as counsel upon completion of limited scope representation
5.100	5.100	Designation of parties
5.102	5.102	Parties to proceeding
5.104	5.104	Other causes of action
5.106	5.106	Injunctive relief and reservation of jurisdiction
5.108	5.108	Pleadings
5.110	5.110	Summons; restraining order
5.112	5.112	Continuing jurisdiction
5.114	5.114	Alternative relief
5.116	5.116	Stipulation for judgment
5.118	5.118	Application for court order
5.120	5.120	Appearance
5.121	5.121	Motion to quash proceeding or responsive relief
5.122	5.122	Default
5.124	5.124	Request for default
5.126	5.126	Alternate date of valuation
5.128	5.128	Financial declaration
5.130	5.130	Summary dissolution
5.134	5.134	Notice of entry of judgment
5.136	5.136	Completion of notice of entry of judgment
5.140	5.140	Implied procedures
5.150	5.150	Joinder of persons claiming interest
5.152	5.152	"Claimant" defined
5.154	5.154	Persons who may seek joinder
5.156	5.156	Form of joinder application
5.158	5.158	Determination on joinder
5.160	5.160	Pleading rules applicable

Old Rule Number	New Rule Number	Rule Title
5.162	5.162	Joinder of employee pension benefit plan
5.175	5.175	Bifurcation of issues
5.180	5.180	Interlocutory appeals
5.210	5.210	Court-connected child custody mediation
5.215	5.215	Domestic violence protocol for Family Court Services
5.220	5.220	Court-ordered child custody evaluations
5.225	5.225	Education, training, and experience standards for court-appointed child custody investigators and evaluators
5.230	5.230	Domestic violence training standards for court-appointed child custody investigators and evaluators
5.235	5.235	Ex parte communication in child custody proceedings
5.275	5.275	Standards for computer software to assist in determining support
5.300	5.300	Purpose, authority, and definitions
5.305	5.305	Hearing of matters by a judge under Family Code sections 4251(a) and 4252(b)(7)
5.310	5.310	Use of existing family law forms
5.311	5.311	Implementation of new and revised governmental forms by local child support agencies
5.315	5.315	Memorandum of points and authorities
5.320	5.320	Attorney of record in support actions under title IV-D of the Social Security Act
5.324	5.324	Telephone appearance in title IV-D hearings and conferences
5.325	5.325	Procedures for clerk's handling of combined summons and complaint
5.330	5.330	Procedures for child support case registry form
5.335	5.335	Procedures for hearings on interstate income withholding orders
5.340	5.340	Judicial education for child support commissioners
5.350	5.350	Procedures for hearings to set aside voluntary declarations of paternity when no previous action has been filed
5.355	5.355	Minimum standards of training for court clerk staff whose assignment includes title IV-D child support cases
5.360	5.360	Appearance by local child support agency
5.365	5.365	Procedure for consolidation of child support orders
5.370	5.370	Party designation in interstate and intrastate orders
5.375	5.375	Procedure for a support obligor to file a motion regarding mistaken identity
5.400	5.400	Contact after adoption agreement
5.475	5.475	Custody and visitation orders following termination of a juvenile court proceeding or probate court guardianship proceeding (Fam. Code, § 3105; Welf. & Inst. Code, § 364.4; Prob. Code, § 1602)
5.500	5.450	Court communication protocol for domestic violence and child custody orders
1285.80	Repealed	Abstract of Support Judgment (Family Law)
1296.79	Repealed	Order After Hearing on Motion to Set Aside Voluntary Declaration of Paternity (Family Law – Uniform Parentage – Governmental)
1299.02	Repealed	Notice and Acknowledgment of Receipt (Governmental)
1400	5.501	Preliminary provisions
1401	5.502	Definitions and use of terms; construction of terms

Old Rule Number	New Rule Number	Rule Title
1402	5.504	Judicial Council forms
1403	5.510	Proper court; determination of child's residence; exclusive jurisdiction
1403.5	5.512	Joint assessment procedure
1404	5.514	Intake; guidelines
1405	5.516	Factors to consider
1405.5	5.518	Court-connected <u>child protection/dependency</u> mediation
1406	5.520	Filing the petition; application for petition
1406.5	5.522	Fax filing
1407	5.524	Form of petition; notice of hearing
1408	5.526	Citation to appear; warrants of arrest; subpoenas
1410	5.530	Persons present
1411	5.532	Court reporter; transcripts
1412	5.534	General provisions— <u>all</u> proceedings
1413	5.635	Parentage
1415	5.536	General provisions—proceedings held before referees
1416	5.538	Conduct of proceedings held before a referee not acting as a temporary judge
1417	5.540	Orders of referees not acting as temporary judges
1418	5.542	Rehearing of proceedings before referees
1419	5.544	Prehearing motions (§ 700.1)
1420	5.546	Prehearing discovery
1421	5.548	Granting immunity to witnesses
1422	5.550	Continuances
1423	5.552	Confidentiality of records (§§ 827, 828)
1424	5.655	Program requirements for Court Appointed Special Advocate programs
1425	5.610	Transfer-out hearing
1426	5.612	Transfer-in hearing
1427	5.614	Courtesy supervision (§§ 380, 755)
1428	5.616	Interstate Compact on the Placement of Children
1429.1	5.620	Orders after filing under section 300
1429.3	5.625	Orders after filing of petition under section 601 or 602
1429.5	5.630	Restraining orders
1430	5.560	General provisions
1431	5.565	Hearing on subsequent and supplemental petitions (§§ 342, 364, 386, 387)
1432	5.570	Petition for modification
1432.5	5.640	Psychotropic medications
1433	5.580	Hearing on violation of probation (§ 777)
1434	5.575	Joinder
1435	5.585	Review by appeal
1436	5.595	Review by extraordinary writ—section 300 proceedings
1436.5	5.600	Writ petition after orders setting hearing under section 366.26; appeal
1437	5.605	Emancipation of minors
1438	5.660	Attorneys for parties (§§ 317, 317.6, 16010.6, 366.26)
1439	5.664	Indian Child Welfare Act (25 U.S.C. § 1901 et seq.)
1440	5.666	Service and notice
1441	5.668	Commencement of hearing—explanation of proceedings (§§ 316, 316.2)
1442	5.670	Initial hearing; detention hearings; time limit on custody; setting

Old Rule Number	New Rule Number	Rule Title
		jurisdiction hearing; visitation
1443	5.672	Continuances
1444	5.674	Conduct of hearing; admission, no contest, submission
1445	5.676	Requirements for detention
1446	5.678	Findings in support of detention; factors to consider; reasonable efforts; detention alternatives
1447	5.680	Detention rehearings; prima facie hearings
1448	5.662	Child Abuse Prevention and Treatment Act (CAPTA) guardian ad litem for a child subject to a juvenile dependency petition
1449	5.682	Commencement of jurisdiction hearing— advise <u>advisement</u> of trial rights; admission; no contest; submission
1450	5.684	Contested hearing on petition
1451	5.686	Continuance pending disposition hearing
1452	5.688	Failure to cooperate with services (§ 360(b))
1455	5.690	General conduct of disposition hearing
1456	5.695	Orders of the court
1457	5.700	Order determining custody (§§ 304, 361.2, 362.4)
1459	5.705	Setting a hearing under section 366.26
1460	5.710	Six-month review hearing
1461	5.715	Twelve-month review hearing
1462	5.720	Eighteen-month review hearing
1463	5.725	Selection of permanent plan (§ 366.26)
1463.1	5.726	Prospective adoptive parent designation (§ 366.26(n))
1463.3	5.727	Proposed removal (§ 366.26(n))
1463.5	5.728	Emergency removal (§ 366.26(n))
1464	5.730	Adoption
1465	5.735	Legal guardianship
1466	5.740	Hearings subsequent to a permanent plan (§§ 366.26, 366.3, 391)
1471	5.752	Initial hearing; detention hearings; time limit on custody; setting jurisdiction hearing
1472	5.754	Commencement of initial hearing—explanation, advise <u>advisement</u> , admission
1473	5.756	Conduct of detention hearing
1474	5.758	Requirements for detention; prima facie case
1475	5.760	Detention <u>hearing</u> ; report; grounds; determinations; findings; orders; factors to consider for detention; restraining orders
1476	5.762	Detention rehearings; prima facie hearings
1479	5.663	Responsibilities of children’s counsel in delinquency proceedings (Welf. & Inst. Code , §§ 202, 265, 633, 634, 634.6, 679, 700)
1480	5.766	General provisions
1481	5.768	Report of probation officer
1482	5.770	Conduct of fitness hearing under section 707(a)(1)
1483	5.772	Conduct of fitness hearing under sections 707(a)(2) and 707(c)
1485	5.774	Setting petition for hearing—detained and nondetained cases; waiver of hearing
1486	5.776	Grounds for continuance of jurisdiction hearing
1487	5.778	Commencement of hearing on section 601 or section 602 petition; right to counsel; advise <u>advisement</u> of trial rights; admission, no contest

Old Rule Number	New Rule Number	Rule Title
1488	5.780	Contested hearing on section 601 or section 602 petition
1489	5.782	Continuance pending disposition hearing
1492	5.785	General conduct of hearing
1493	5.790	Orders of the court
1494	5.795	Required determinations
1494.5	5.805	California Department of Corrections and Rehabilitation, Division of Juvenile Justice, commitments
1495	5.800	Deferred entry of judgment
1496	5.810	Reviews, hearings , and permanency planning hearings
1496.2	5.815	Appointment of legal guardians for wards of the juvenile court; modification or termination of guardianship
1496.3	5.820	Termination of parental rights for child in foster care for 15 of the last 22 months
1496.5	5.825	Freeing wards for adoption
1497	5.830	Sealing records
1498	5.645	Mental health or condition of child; court procedures
1499	5.650	Appointment of responsible adult as educational representative
1499.5	5.652	Access to pupil records for truancy purposes
1500	3.500	Transfer and consolidation of noncomplex common-issue actions filed in different courts
1501	3.501	Definitions
1502	3.502	Complex case—determination
1503	3.503	Requests for extensions of time or to shorten time
1504	3.504	General law applicable
1505	3.505	Appellate review
1506	3.506	Liaison counsel
1510	3.510	Service of papers
1511	3.511	Papers to be submitted to the Chairman of the Judicial Council
1511.5	3.512	Electronic submission of documents to the Chair of the Judicial Council
1512	3.513	Service of memorandums and declarations
1513	3.514	Evidence presented at court hearings
1514	3.515	Motions and orders for a stay
1515	3.516	Motions under Code of Civil Procedure section 170.6
1520	3.520	Motions filed in the trial court
1521	3.521	Petition for coordination
1522	3.522	Notice of submission of petition for coordination
1523	3.523	Service of notice of submission on party
1524	3.524	Order assigning coordination motion judge
1525	3.525	Response in opposition to petition for coordination
1526	3.526	Response in support of petition for coordination
1527	3.527	Notice of hearing on petition for coordination
1528	3.528	Separate hearing on certain coordination issues
1529	3.529	Order granting or denying coordination
1530	3.530	Site of coordination proceedings
1531	3.531	Potential add-on case
1532	3.532	Petition for coordination when cases already ordered coordinated
1540	3.540	Order assigning coordination trial judge
1541	3.541	Duties of the coordination trial judge

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1542	3.542	Remand of action or claim
1543	3.543	Transfer of action or claim
1544	3.544	Add-on cases
1545	3.545	Termination of coordinated action
1550	3.550	General administration by <u>the</u> Administrative Office of the Courts
1580	3.800	Definitions
1580.1	10.781	Court-related ADR neutrals
1580.2	10.782	ADR program information
1580.3	10.783	ADR program administration
1600	3.810	Applicability of rules
1601	3.811	Cases subject to and exempt from arbitration
1602	3.812	Assignment to arbitration
1603	3.813	Arbitration program administration
1604	3.814	Panels of arbitrators
1605	3.815	Selection of the arbitrator
1606	3.816	Disqualification for conflict of interest
1607	3.817	<u>Arbitration</u> hearings; notice; when and where held
1608	3.818	Continuances
1609	3.819	Arbitrator's fees
1610	3.820	Communication with the arbitrator
1611	3.821	Representation by counsel; proceedings when party absent
1612	3.822	Discovery
1613	3.823	Rules of evidence at <u>arbitration</u> hearing
1614	3.824	Conduct of the hearing
1615	3.825	The award; entry as judgment; motion to vacate
1616	3.826	Trial after arbitration
1617	3.830	Arbitration not pursuant to rules
1618	3.829	Settlement of case
1620	3.850	Purpose and function
1620.1	3.851	Application
1620.2	3.852	Definitions
1620.3	3.853	Voluntary participation and self-determination
1620.4	3.854	Confidentiality
1620.5	3.855	Impartiality, conflicts of interest, disclosure, and withdrawal
1620.6	3.856	Competence
1620.7	3.857	Quality of mediation process
1620.8	3.858	Marketing
1620.9	3.859	Compensation and gifts
1621	3.860	Attendance sheet and agreement to disclose
1622	3.865	Complaint procedure required
1622.1	3.866	Designation of person to receive inquiries and complaints
1622.2	3.867	Confidentiality of complaint procedures, information, and records
1622.3	3.868	Disqualification from subsequently serving as an adjudicator
1630	3.870	Applicability
1631	3.871	Actions subject to mediation
1632	3.872	Panels of mediators
1633	3.873	Selection of mediators

Old Rule Number	New Rule Number	Rule Title
1634	3.874	Appearance at mediation sessions
1635	3.875	Filing of statement by mediator
1636	Repealed	Return of unresolved case to active status
1637	3.876	Coordination with Trial Court Delay Reduction Act
1638	3.877	Statistical information
1639	3.878	Educational material
1701	3.2100	Compliance with fictitious business name laws
1702	3.2102	Substituted service
1703	3.2104	Defendant's claim
1704	3.2106	Venue challenge
1705	3.2108	Form of judgment
1706	3.2110	Role of clerk in assisting <u>small claims</u> litigants
1725	3.2120	Advisor assistance
1726	Repealed	Temporary judges in small claims cases
1800	3.400	Definition
1810	3.401	Complex case designation
1811	3.402	Complex case counterdesignations
1812	3.403	Action by court
1830	3.751	Electronic service
1850	3.760	Applicability
1851	3.761	Form of complaint
1852	3.762	Case conference
1853	3.763	Conference order
1854	3.764	Motion to certify or decertify a class or amend or modify an order certifying a class
1855	3.765	Class action order
1856	3.766	Notice to class members
1857	3.767	Orders in the conduct of class actions
1858	3.768	Discovery from unnamed class members
1859	3.769	Settlement of class actions
1860	3.770	Dismissal of class actions
1861	3.771	Judgment
1900	3.1175	Ex parte <u>application</u> for appointment of receiver
1901	3.1176	Confirmation of ex parte appointment of receiver
1902	3.1177	Nomination of receivers
1902.5	3.1178	Amount of undertakings
1903	3.1179	The receiver
1904	3.1180	Employment of attorney
1905	3.1181	Receiver's inventory
1906	3.1182	Monthly reports
1907	3.1183	Interim fees and objections
1908	3.1184	Receiver's final account and report
2001	Repealed	Authority
2002	2.300	Applicability
2003	2.301	Definitions
2004	2.302	Compliance with <u>the rules 201 and 501</u> on the form and format of papers
2005	2.303	Filing through fax filing agency
2006	2.304	Direct filing

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2007	2.305	<u>Requirements for signatures on documents</u>
2008	2.306	Service of papers by faesimile <u>fax</u> transmission
2009	Repealed	Faesimile Transmission Cover Sheet
2050	2.250	Definitions
2051	Repealed	Authority and purpose
2052	2.252	Documents that may be filed electronically
2053	2.253	Court order requiring electronic filing and service
2054	2.254	Responsibilities of court
2055	2.255	Contracts with electronic filing service providers
2056	2.256	Responsibilities of electronic filer
2057	2.257	Requirements for signatures on documents
2058	2.258	Payment of filing fees
2059	2.259	Actions by court on receipt of electronic filing
2060	2.260	Electronic service
2061	2.261	Authorization for courts to continue modifying forms for the purpose of electronic filing and forms generation
2070	2.500	Statement of purpose
2071	2.501	Authority and applicability <u>Application and scope</u>
2072	2.502	Definitions
2073	2.503	Public access
2074	2.504	Limitations and conditions
2075	2.505	Contracts with vendors
2076	2.506	Fees for electronic access
2077	2.507	Electronic access to court calendars, indexes, and registers of actions
2201	10.651	Purpose
2202	10.652	Definitions
2203	10.653	Right and obligation to meet and confer
2204	10.654	Scope of representation
2205	10.655	Governing court employee labor relations
2206	10.656	Transition provisions
2207	10.657	Construction
2208	10.658	Interpretation
2209	10.659	Other provisions
2210	Repealed	Effective date
2211	10.660	Enforcement of agreements—petitions (Gov. Code, §§ 71639.5 and 71825.2)
6.1	10.1	Authority, duties, and goals of the Judicial Council
6.2	10.2	Judicial Council membership and terms
6.3	10.3	Nonvoting members
6.4	10.4	Nominations and appointments to the Judicial Council
6.5	10.5	Notice and agenda of council meetings
6.6	10.6	Judicial Council meetings
6.10	10.10	Judicial Council internal committees
6.11	10.11	Executive and Planning Committee
6.12	10.12	Policy Coordination and Liaison Committee
6.13	10.13	Rules and Projects Committee
6.14	10.14	Litigation Management Committee
6.15	10.15	Interim Court Facilities Panel

Old Rule Number	New Rule Number	Rule Title
6.20	10.20	Proposals for new or amended rules, standards, or forms; rule-making process in general
6.21	10.21	Proposals from members of the public for changes to rules, standards, or forms
6.22	10.22	Rule-making procedures
6.30	10.30	Judicial Council advisory committees
6.31	10.31	Advisory committee membership and terms
6.32	10.32	Nominations and appointments to advisory committees
6.33	10.33	Advisory committee meetings
6.34	10.34	Duties and responsibilities of advisory committees
6.40	10.40	Appellate Advisory Committee
6.41	10.41	Civil and Small Claims Advisory Committee
6.42	10.42	Criminal Law Advisory Committee
6.43	10.43	Family and Juvenile Law Advisory Committee
6.44	10.44	Probate and Mental Health Advisory Committee
6.45	10.45	Trial Court Budget Working Group
6.46	10.46	Trial Court Presiding Judges Advisory Committee
6.48	10.48	Court Executives Advisory Committee
6.49	10.49	Conference of Court Executives
6.50	10.50	Governing Committee of the Center for Judicial Education and Research
6.51	10.51	Court Interpreters Advisory Panel
6.52	10.52	Administrative Presiding Justices Advisory Committee
6.53	10.53	Court Technology Advisory Committee
6.54	10.54	Traffic Advisory Committee
6.55	10.55	Access and Fairness Advisory Committee
6.56	10.56	Collaborative Justice Courts Advisory Committee
6.57	10.57	Judicial Service Advisory Committee
6.58	10.58	Advisory Committee on Civil Jury Instructions
6.59	10.59	Advisory Committee on Criminal Jury Instructions
6.60	10.71	Court Facilities Transitional Task Force
6.70	10.70	Task forces
6.80	10.80	Administrative Director of the Courts
6.81	10.81	Administrative Office of the Courts
6.101	10.101	Role of the Judicial Council and Administrative Office of the Courts
6.102	10.102	Acceptance of gifts
6.103	10.103	Limitation on intrabranch contracting
6.104	10.104	Limitation on contracting with former employees
6.105	10.105	Allocation of new fee, fine, and forfeiture revenue
6.150	10.180	Court facilities standards
6.151	10.502	Judicial sabbatical pilot program
6.170	10.170	Working Group on Court Security
6.171	10.171	Working Group on Court Security Fiscal Guidelines
6.180	10.181	Court facilities policies, procedures, and standards
6.181	10.182	Operation and maintenance of court facilities
6.182	10.183	Decision making on transfer of responsibility for trial court facilities
6.183	10.184	Acquisition, space programming, construction, and design of court facilities
6.201	10.201	Claim and litigation procedure

Old Rule Number	New Rule Number	Rule Title
6.202	10.202	Claims and litigation management
6.203	10.203	Contractual indemnification
6.301	10.301	Ethics training for Judicial Council members and judicial branch employees
6.302	10.350	Workers' compensation program
6.601	10.601	Superior court management
6.602	10.602	Selection and term of presiding judge
6.603	10.603	Authority and duties of presiding judge
6.605	10.605	Executive committee
6.608	10.608	Duties of all judges
6.609	10.700	Role of subordinate judicial officers
6.610	10.610	Duties of court executive officer
6.620	10.620	Public access to administrative decisions of trial courts
6.650	10.670	Trial court personnel plans
6.655	10.703	Complaints against subordinate judicial officers
6.660	10.701	Qualifications and education of subordinate judicial officers
6.661	10.761	Regional Court Interpreter Employment Relations Committees
6.662	10.762	Cross-assignments for court interpreter employees
6.665	10.702	Subordinate judicial officers: practice of law
6.700	10.800	Superior court budgeting
6.701	10.801	Superior court budget procedures
6.702	10.802	Maintenance of and public access to budget and management information
6.703	10.820	Acceptance of credit cards by trial the superior courts
6.705	10.805	Notice of change in court-county relationship
6.707	10.804	Trial Superior court financial policies and procedures
6.709	10.830	Disposal of surplus court personal property
6.710	10.803	Information access disputes—writ petitions (Gov. Code § 71675)
6.711	10.811	Reimbursement of costs associated with homicide trials
6.712	10.815	Fees to be set by the court
6.740	10.740	The responsibilities of the trial courts for temporary judge programs
6.741	10.741	Duties and authority of the presiding judge
6.742	10.742	Use of attorneys as court-appointed temporary judges
6.743	10.743	Administration of temporary judges program
6.744	10.744	Application procedures to serve as a court-appointed temporary judge
6.745	10.745	Performance
6.746	10.746	Complaints
6.751	10.851	Court indexes—Automated maintenance
6.755	10.855	Superior court records sampling program
6.756	10.856	Notice of superior court records destruction
7.1	7.2	Preliminary provisions
7.2	7.3	Definitions and use of terms; construction of terms
7.3	7.4	Waiver of rules in probate proceedings
7.50	7.50	Description of pleading in notice of hearing
7.51	7.51	Service of notice of hearing
7.52	7.52	Service of notice when recipient's address unknown
7.53	7.53	Notice of hearing of amended or supplemented pleadings
7.54	7.54	Publication of <i>Notice of Petition to Administer Estate</i>
7.55	7.55	Ex parte application for order

Old Rule Number	New Rule Number	Rule Title
7.101	7.101	Use of Judicial Council forms
7.102	7.102	Titles of pleadings and orders
7.103	7.103	Signature and verification of pleadings
7.104	7.104	Execution and verification of amended pleadings, amendments to pleadings, and supplements to pleadings; use of Judicial Council forms
7.150	7.150	Acknowledgment of receipt of statement of duties and liabilities of personal representative
7.151	7.151	Reimbursement of graduated filing fee by successful subsequent petitioner
7.201	7.201	Waiver of bond in will
7.202	7.202	Two or more personal representatives
7.203	7.203	Separate bonds for individuals
7.204	7.204	Duty to apply for order increasing bond
7.205	7.205	Independent power to sell real property
7.206	7.206	Bond upon sale of real property
7.250	7.250	Report of actions taken under the Independent Administration of Estates Act
7.301	7.301	Spousal <u>or domestic partner</u> property petition filed with petition for probate
7.401	7.401	Personal representative's action on the claim
7.402	7.402	Court's action on the claim
7.403	7.403	Listing all claims in the final report
7.451	7.451	Refusal to show property to prospective buyers
7.452	7.452	Petitioner or attorney required at hearing
7.453	7.453	Petition for exclusive listing
7.454	7.454	Ex parte application for order authorizing sale of securities or other personal property
7.501	7.501	Inventory and appraisal to show sufficiency of bond
7.550	7.550	Effect of waiver of account
7.551	7.551	Final accounts or reports in estates with nonresident beneficiaries
7.552	7.552	Graduated filing fee adjustments
7.650	7.650	Decree of distribution establishing testamentary trusts
7.651	7.651	Description of property in petition for distribution
7.652	7.652	Allegations in petition for distribution concerning character of property
7.700	7.700	Compensation paid in advance
7.701	7.701	Allowance on account of statutory compensation
7.702	7.702	Petition for extraordinary compensation
7.703	7.703	Extraordinary compensation
7.704	7.704	Apportionment of statutory compensation
7.705	7.705	Calculation of statutory compensation
7.706	7.706	Compensation when personal representative is an attorney
7.707	7.707	Application of compensation provisions
7.750	7.750	Application of rules to guardianships and conservatorships
7.751	7.751	Petitions for orders allowing compensation for guardians or conservators and their attorneys
7.752	7.752	Court may order accounting before allowing compensation
7.753	7.753	Contingency fee agreements in guardianships and conservatorships
7.754	7.754	Use of paralegals in the performance of legal services for the guardian or

Old Rule Number	New Rule Number	Rule Title
		conservator
7.755	7.755	Advance payments and periodic payments to guardians, conservators, and to their attorneys on account for future services
7.756	7.756	Compensation of trustees
7.801	7.801	Objections and responses
7.901	7.901	Trustee's accounts
7.902	7.902	Beneficiaries to be listed in petitions and accounts
7.903	7.903	Trusts funded by court order
7.950	7.950	Petition for the approval of the compromise of a claim
7.951	7.951	Disclosure of the attorney's interest in a petition to compromise a claim
7.952	7.952	Attendance at hearing on the petition to compromise a claim
7.953	7.953	Order for the deposit of funds of a minor or an incompetent <u>a person with a disability</u>
7.954	7.954	Petition for the withdrawal of funds deposited for a minor or an incompetent <u>a person with a disability</u>
7.955	7.955	Attorney fees for services to <u>a minors</u> and incompetent <u>or a persons with a disability</u>
7.1001	7.1001	Guardian screening form
7.1002	7.1002	Acknowledgment of receipt of <i>Duties of Guardian</i>
7.1003	7.1003	Confidential guardianship status report form
7.1004	7.1004	Termination of guardianship
7.1005	7.1005	Service of copy of final account or report after resignation or removal of guardian
7.1006	7.1006	Service of copy of final account on termination of guardianship
7.1007	7.1007	Settlement of accounts and release by former minor
7.1008	7.1008	Visitation by former guardian after termination of guardianship
7.1010	7.1010	Qualifications and continuing education requirements for private professional guardians
7.1050	7.1050	Conservator forms
7.1051	7.1051	Acknowledgment of receipt of <i>Duties of Conservator</i>
7.1052	7.1052	Termination of conservatorship
7.1053	7.1053	Service of final account of removed or resigned conservator
7.1054	7.1054	Service of final account after termination of conservatorship
7.1060	7.1060	Qualifications and continuing education requirements for private professional conservators

California Standards of Judicial Administration

Former Section	New Standard	Title
1	10.20	Court's duty to prohibit bias
1.2	Repealed	Use of gender neutral language
1.3	10.24	Children's waiting room
1.4	10.25	Reasonable accommodation for court personnel
1.5	10.21	Appointment of attorneys, arbitrators, mediators, referees, masters, receivers, and other persons
1.6	Repealed	Selection of members of court related committees
2	2.1	Case management and delay reduction—statement of general principles

Former Section	New Standard	Title
2.1	2.2	Trial court case disposition time standards <u>goals</u>
4.5	10.51	Juror complaints
4.6	10.31	Accuracy of Master jury list
6	8.1	Memorandum opinions
7	10.40	Court security
7.5	10.41	Court sessions at or near state penal institutions
8	3.25	Examination of prospective jurors in civil cases
8.5	4.30	Examination of prospective jurors in criminal cases
8.6	2.25	Uninterrupted jury selection
8.9	2.20	Trial management standards
10.5	4.40	Municipal and justice court Traffic infraction procedures
10.6	4.41	Courtesy notice—traffic procedures
10.7	4.42	Traffic infraction trial scheduling— round table discussions
11	Repealed	Calendar management review
11.5	Repealed	Date certain for trial
14	2.30	Judicial comment on verdict or mistrial
16.5	Repealed	Temporary judges hearing small claims cases
17	10.50	Selection of regular grand jury
17.5	10.55	Local policies program on waste reduction and recycling
18	2.10	Procedures for determining the need for an interpreter and a preappearance interview
18.1	2.11	Interpreted proceedings—instructing participants on procedure
19	3.10	Complex civil litigation
20.5	5.11	Guidelines for appointment of counsel for minors when time with or responsibility for the minor is disputed
20.6	5.10	Guidelines for determining payment for costs of appointed counsel for children in family court
21	3.1	Appearance by telephone
22	Repealed	Tentative rulings in law and motion matters
24	5.40	Juvenile <u>court matters</u>
24.5	5.45	Resource guidelines for child abuse and neglect cases
25	10.10	Judicial branch education
25.1	10.11	General judicial education standards
25.2	10.12	Judicial education for judicial officers in particular judicial assignments
25.3	10.13	Judicial education curricula provided in particular judicial assignments
25.4	10.14	Judicial education for judges hearing a -capital cases
25.6	10.15	General court employee education standards
26.2	5.20	Uniform standards of practice for providers of supervised visitation
28	Repealed	Trial court coordination plan (Gov. Code, §68112)
29	Repealed	Methods of trial court coordination
30	10.17	Trial court performance <u>standards</u>
32	10.70	Implementation and coordination of mediation and other alternative dispute resolution (ADR) programs
32.1	10.71	<u>Alternative dispute resolution (ADR) committees</u>
33	10.70	<u>Alternative dispute resolution (ADR) committees and criteria for referring cases to dispute resolution neutrals</u>
34	10.80	Court records management standards
35	10.16	Model code of ethics for court employees

Former Section	New Standard	Title
36	4.10	Guidelines for diversion drug court programs
39	10.5	The role of the judiciary in the community
40	7.10	Settlements or judgments in certain civil cases involving minors or persons with disabilities

SPO6-02

Reorganization of the California Rules of Court and Standards of Judicial Administration: Overview

	Commentator	Position	Comment on behalf of group?	Comment	Response
1.	Ms. Paula Bauer Law Office of Paula K. Bauer Vallejo	N	N	With all due respect, I believe it would be unnecessarily confusing, and a complete waste of time and resources, to renumber these rules. Wouldn't your efforts be better spent improving access to justice via substantive changes in the law as opposed to the technical renumbering of Rules of Court?	Disagreed. The renumbering, reorganization, and reformatting will make the California Rules of Court easier to use, read, and reference; this will benefit litigants, attorneys, courts, and the public.
2.	Ms. Cecilia Fabos-Baker Researcher San Jose	AM	N	<p>Please conform and/or cross-reference forms for motions, injunctions, petitions, appeals, requests, etc. with the corresponding civil procedure and civil codes.</p> <p>Also, pro per persons need a downloadable and printable pamphlet on the need for motions in civil cases, what type of forms or layouts to use, and when to file/present them....We can't afford lawyers and there are not enough pro-bono lawyers or firms around for civil matters.</p> <p>Another suggestion is to recommend that the professors and teaching assistants of law schools of public universities—and universities that seek public donations—be required to rotate professors and teaching assistants to give pro-bono service to people who need such assistance.</p>	These suggestions concerning forms, motions, and pro bono service are outside the scope of the present rules reorganization project. The suggestions will be referred to an appropriate advisory committee.
3.	Family Law Section Executive Committee State Bar of California (Ms. Diane Wasznicky) State Bar of California	A	Y	The executive committee agrees with the proposed reorganization of the Rules of Court and Standards.	The executive committee's agreement is noted.

	Commentator	Position	Comment on behalf of group?	Comment	Response
	Sacramento				
4.	Mr. David Gutknecht Principal Management Analyst Superior Court of California, County of Riverside Riverside	A	Y	Riverside County Superior Court believes the proposed changes would make the California Rules of Court and Standards of Judicial Administration more logical and accessible. Revisions would also add greater clarity and consistency.	Agree with comment.
5.	Ms. Donna Hershkowitz Assistant Director Office of Governmental Affairs Sacramento		Y	We are confused by the elimination of words like “subdivision,” “paragraph,” etc. References to (c)(1) seem misplaced without some sort of descriptor like subdivision.	For a number of years, the term “subdivision” has generally not been used in the California Rules of Court to refer to another subdivision within the same rule. Instead only the letter of the subdivision (e.g., “(a)”) is used. This convention has simplified the language of the rules without causing confusion.
6.	Mr. Steven Jacobsen Attorney Oakland	A	N	It is time to reorganize the rules to eliminate “local” rules. Each county and each judge should follow the same rules, and every attorney, no matter where he or she practices, should be able to rely on statewide rules, instead of being sandbagged by the arbitrary demands of some judge or court administrator. Local rules make no more sense than riding a horse to court, and they come from the same era.	The issue of whether to eliminate local rules is outside the scope of this project to reorganize the California Rules of Court.
7.	Hon. Steven E. Jahr Superior Court of California, County of Shasta Redding		N	As a general comment, this is an excellent development and a timely one. I only wish we had started the process when I was involved [on the Judicial Council’s Rules and Projects Committee].	The general comment supporting the reorganization project is noted.

	Commentator	Position	Comment on behalf of group?	Comment	Response
				<p>If there are to be overarching goals connecting with the redrafting that is contemplated in conjunction with the reorganization effort, may I urge that among them are a clear directive that concision and compactness are essential. If a rule can be stated in one paragraph or two, make it one....I mention this because the very process of reorganization has transparency and ease of use as objectives.</p> <p>If, in addition, we not only use clearer words (e.g., Justice Kennard’s now famous “must” for “shall” contribution), but brevity in constructing rules, we better position the branch for the day when we can display our rules, visually, as the most powerful argument for gaining legislative delegation of primary, rather than subordinate, rule-making responsibility. That goal can be reached. Then, the public will no longer have to look at two separate bodies of authority, one statutory and the other court rules, in order safely to navigate procedural waters.</p>	<p>This project principally concerns the reorganization, numbering, and reformatting of the rules. Unlike this earlier appellate rules project, this project has not attempted to substantially rewrite any part of the rules. However, in some cases, individual rules have been revised for clarity and consistency of style with other rules. The term “shall” has been replaced by “must” or other appropriate terms throughout the rules. And the reformatting should make many rules easier to read and cite.</p> <p>The new, clearer rules should serve as an argument for gaining legislative delegation to the Judicial Council of primary rule-making authority. Eventually, it would be desirable for the rules to serve as the primary source of procedures in the California courts for litigants, the courts, and the public.</p>
8.	Ms. Tressa Kentner Court Executive Officer Superior Court of California, County of San Bernardino San Bernardino	A	Y	We agree with all of the above proposed changes.	No response required.
9.	Mr. David King California Supreme Court San Francisco	AM	Y	1. There are no histories in this draft. I’m assuming that histories will be included in the final released version, but wondered if perhaps they could be reviewed before that	1. Histories will be made available after the rule reorganization has been approved.

	Commentator	Position	Comment on behalf of group?	Comment	Response
				<p>release to insure that any possible corrections could be caught earlier.</p> <p>2. Through the entire proposal, capitalization is shown as, for example:</p> <p>(1) “<u>Member</u>” means a member of the State Bar of California. The problem is that this means the former version read as: (1) “ember” means a member of the State Bar of California. The underscore shows new text, and is not the equivalent of the proofreader’s markings to capitalize the letter. The correct markup, as lone as underscore means only new text and strikethrough means deleted text, is: (1) “Member” means a member of the State Bar of California. This problem occurs in headings as well as text.</p> <p>3. Through the entire proposal subrule headings are now shown simply in boldface. However, previously they were also bracketed. The brackets should be shown as deleted, e.g.:</p> <p>(a) {Conviction proceedings}</p>	<p>2. To show a change in a letter from lower-case to upper case, amendments to the California Rules of Court have generally used the convention of underlining the (changed) letter. This convention (e.g., showing “<u>Member</u>” as the change from “member”) has been used successfully for a number of years, has been widely understood, and is easier to read than the alternative of striking out and underlining (e.g., showing “Mmember” as the change from “member”). Hence, throughout the rules reorganization, the change of a letter to a capital or lowercase has been shown by underlining the letter.</p> <p>3. Because the brackets have been eliminated throughout the text of the entire California Rules of Court, they are not shown as strikeout in each separate instance. Instead, they have been removed everywhere that they occur. This is explained in the report. This simplified approach makes the reorganized rules easier to read.</p>
10.	Superior Court of California, County of Los Angeles Los Angeles	A	Y	No specific comment.	No response required.
11.	Ms. Virginia Markey Legal Secretary	A	N	It is greatly encouraging that the Judicial Council has brought cohesion to the	

	Commentator	Position	Comment on behalf of group?	Comment	Response
	Anderson Zeigler Disharoon Gallagher & Gray Santa Rosa			<p>California superior courts through standardization of forms and most recently, the fee schedules. I have been a legal secretary in California for over 20 years and have often been very frustrated by the variance in forms, rules, and fees from one county to another, from one district within a county to another, and from courtroom to courtroom within the same court. . . .</p> <p>[The commentator provides specific suggestions for limiting the use of non-Judicial Council forms, standardizing court procedures (for example, for ex parte applications), standardizing for requirements filing papers (for example, eliminating local “cover sheets”), and standardizing the format of court Web sites.]</p> <p>Please continue your good work in bringing the California superior courts under one umbrella of practice and procedures. I hope that some day they will all operate using the same forms, the same rules, and the same procedures, and discontinue practicing as though this one state is comprised of many smaller ones.</p>	The commentator’s specific suggestions for standardizing court forms, procedures, and practices are outside the scope of the rules reorganization project. The suggestions will be forwarded to the appropriate advisory committee or committees for consideration.
12.	Hon. Cindee Mayfield Presiding Judge Superior Court of California, County of Mendocino Ukiah	A	N	Reorganization of the rules is a welcome improvement that will greatly assist litigants and other members of the legal profession. Thank you.	Agreed.
13.	Ms. Pam Moraida Program Manager Superior Court of California, County of Solano	A	N	The new change would be more organized and easier to read.	Agreed.

	Commentator	Position	Comment on behalf of group?	Comment	Response
	Fairfield				
14.	Ms. Jody Patel Court Executive Officer Superior Court of California, County of Sacramento Sacramento	A	Y	<p>Thank you for the opportunity to comment on the proposed restructuring of the California Rules of Court. On behalf of the Superior Court of California, County of Sacramento, we would like to express our agreement with the proposed restructure.</p> <p>We do note, however, that it will take a great deal of effort by our court and others to implement such a sweeping change in rule numbering. Local rules and forms, our internet site, instructional packets, and all other materials in which we refer litigants to the rules will need to be amended to reflect the new rule numbers. We would ask, therefore, that consideration be given to allowing a suitable implementation period so that all courts can be ready in a timely fashion for the changes.</p>	The court's agreement with the proposed restructuring of the rules is noted. It is recognized that courts and others will need time to respond to and implement the renumbering. For this reason, the reorganized rules will be presented to the Judicial Council on June 30, 2006, but will not become effective until January 1, 2007. This will give the courts and others six months to revise local rules and forms, Internet sites, publications, and other materials.
15.	Ms. Erin Rigby Judicial and Executive Support Superior Court of California, County of Orange Santa Ana	N	Y	A list showing the old rule number and title followed by the new rule number should be placed at the end of the rules. This will provide a resource for those looking for a rule under the old number to easily locate the new rule. The list should be part of the rules for a couple of years until users are familiar with the new format.	Two sets of conversion tables will be provided with the rules reorganization: (1) a table with the new rule numbers, the old rule numbers, and rule titles; and (2) a reverse table with old rule numbers, new rule numbers, and rule titles. The tables will be made available for several years. Copies of the tables are included in the report.
16.	Mr. Mike Roddy Executive Officer Superior Court of California, County of San Diego San Diego	A	Y	No additional comments.	No response required.

	Commentator	Position	Comment on behalf of group?	Comment	Response
17.	Ms. Carmela Simoncini Chair Appellate Court Committee San Diego	AM	Y	<u>General Observation</u> We suggest publishing a two-way correlation table (old to new and new to old) along with the rules, perhaps as an appendix. Usually publishers will include such a correlation table the first time new or reorganized rules are introduced. However, this table is frequently omitted two to four years later as other changes take effect. This creates difficulty when researching the statutory history of a particular rule because older cases interpreting the rule refer to the old number. A correlation table will greatly assist those attempting to follow the statutory history of a rule to the newly numbered rule.	Two-way conversion tables will be made available with the reorganized rules and will be maintained and updated for a period of years.

SP06-03
Title 1: Rules Applicable to All Courts

	Commentator	Position	Comment on behalf of group?	Comment	Response
1.	Ms. Susan Graham Assistant Clerk/Administrator First District Court of Appeal San Francisco	AM	N	<u>Rule 1.150</u> (circulated as rule 2.970): The rule covering photographing, recording, and broadcasting in court (old rule 980) has been included in title 2, Trial Court Rules. I believe it should be moved to title 1, Rules Applicable to All Courts. Although here in the First District Court of Appeal, requests to film oral argument are rare, they do occur and we utilize the procedures and form outlined in that rule. Moving it to the section for trial courts would cause confusion.	<u>Rule 1.150</u> (circulated as rule 2.970): Agreed. This rule which applies to all courts should be in title 1. It has been relocated to that title and renumbered as rule 1.150.
2.	Mr. David Gutknecht Principal Management Analyst Superior Court of California, County of Riverside Riverside	A	Y	Riverside County Superior Court believes the proposed new title 1 is logical and its rules applicable to all courts will be useful.	No response required
3.	Family and Juvenile Law Advisory Committee Judicial Council of California	AM	Y	The definition of “party” is rule 1.6(15) should include the parties listed in current rule 5.10(h).	Agreed. The definition of “party” has been revised to include “plaintiff,” “defendant,” “respondent,” and “other parent.”
4.	Ms. Donna Hershkowitz Assistant Director Office of Governmental Affairs Sacramento		Y	<u>Rule 1.6.</u> (Definitions and use of terms): <ul style="list-style-type: none"> • This rule might be more accessible if the definitions and terms were placed in alphabetical order. This is the common approach in statutes, and makes it easier to identify if a term you are looking for is in fact defined in this section. • (18) “Sheriff” includes a marshal. 	<u>Rule 1.6.</u> (Definitions and Use of Terms): Disagreed. The current rules in the California Rules of Court that contain definitions generally cluster together related terms. This approach is also used in various statutes. It has worked effectively. The article is not necessary. It is accurate to state that the term

	Commentator	Position	Comment on behalf of group?	Comment	Response
				<ul style="list-style-type: none"> (20) “Memorandum.” When the term is found in the text of subsequent title, it seems awkward. Maybe this should define Memorandum of Points and Authorities and use that more specific term throughout the rules. <p><u>Rule 1.22.</u> (Recycled paper):</p> <ul style="list-style-type: none"> Since all terms are defined in rule 1.6, it is not clear why subdivision (a) needs to refer back to that rule. 	<p>“sheriff” includes “marshal” rather than “a marshal.”</p> <p>Disagreed. The term “memorandum” is defined properly. This definition is based on the description of a “memorandum” in current rule 313(b). It would be unnecessarily wordy to use the term “memorandum of points and authorities” instead of simply “memorandum” throughout the California Rules of Court.</p> <p>The mention of the definition in rule 1.6 is simply a cross-reference for convenience. Though it is not necessary, it may be useful to persons using the rules.</p>
5.	Superior Court of California, County of Los Angeles Los Angeles	A	Y	No specific comment.	No response required.
6.	Ms. Pam Moraida Program Manager Superior Court of California, County of Solano Fairfield	A	N	Agree with proposed changes.	No response required.
7.	Ms. Tina Rasnow Senior Attorney/Coordinator Superior Court of California, County of Ventura Ventura	AM	N	Rule 989.3 should be placed so it can easily be found by those needing an accommodation. If it is moved from its present location, a reference should remain as a marker where the old rule was, so people can easily be referred to the new placement or location of the rule.	Conversion tables will provide comprehensive information regarding all the old and new rule numbers. Because of the extent of the reorganization, providing old rule numbers in each title would be very cumbersome and, because of the availability of the conversion tables, would be unnecessary.

	Commentator	Position	Comment on behalf of group?	Comment	Response
8.	Mr. Mike Roddy Executive Officer Superior Court of California, County of San Diego San Diego	A	Y	No additional comments.	No response required.
9.	Ms. Carmela Simoncini Chair Appellate Court Committee San Diego County Bar Association San Diego		Y	<p>1. <u>Rule 1.6.</u> (Definition and use of terms) This rule provides general definitions and use of terms throughout the Rules of Court. However, the proposed rule appears to omit the participants in the criminal justice system, including definitions for defendants, prosecutors, and criminal actions. We suggest adding such defining terms, words, and phrases consistent with Penal Code section 681–691.</p> <p>2. Additionally, <u>rule 1.6</u> should make reference to habeas corpus cases. Habeas-corpus cases seem to be defined currently as civil cases under proposed rule 1.6(3), but the specific habeas-corpus rules are contained in the trial and appellate criminal rules sections under proposed rules 4.550 and 8.550.</p> <p>3. <u>Rule 1.21. (Service)</u> In this rule regarding service, we suggest adding a clause to alert the reader that this may not be the only rule governing the rules of service for their particular filing. We recommend inserting the following clause at the beginning of subdivision (a): “<u>Subject to the specific rules or statutes that are</u></p>	<p>1. <u>Rule 1.6.</u> (Definition and use of terms) The definition of “party” has been revised to include the “People of the State of California.” The provisions and terms in Penal Code sections 681–691 do not appear to be of such a general nature as to apply throughout the California Rules of Court. The Criminal Law Advisory Committee may consider whether some of these terms should be included in the rules in title 4.</p> <p>2. <u>Rule 1.6(3)</u> has been revised to clarify that, for the purposes of the rules, “civil cases” do not include habeas corpus petitions.</p> <p>3. <u>Rule 1.21</u> is presently being circulated for comment to consider additional changes. The version being circulated contains language similar to that proposed in this comment.</p>

	Commentator	Position	Comment on behalf of group?	Comment	Response
				<p><u>applicable to your type of case...</u>”</p> <p>4. Further, <u>rule 1.21(b)</u> does not alert the reader that there are instances in which a governmental agency or other entity is required to be served. Therefore, we suggest inserting the following clause at the end of subdivision (b): “...<u>and any other entity required to be served in a particular proceeding as provided elsewhere in the rules or statutes.</u>”</p>	<p>4. The version of <u>rule 1.21</u> presently being circulated also contains language similar to that proposed in this comment.</p>

SP06-04
Title 2: Trial Court Rules

	Commentator	Position	Comment on behalf of group?	Comment	Response
1.	Mr. Howard C. Cohen San Diego	A	N	<u>Rule 2.1050</u> (Judicial Council jury instructions): I realize that the import of the revised rules is reorganization. However, I would suggest adding “criminal” to rule 2.1050, now that the CALCRIM instructions have been approved.	<u>Rule 2.1050</u> (Judicial Council jury instructions): Rule 2.1050, as circulated, erroneously failed to show the most recent amendments to rule 855(c), effective August 26, 2005, that expanded the rule to apply to criminal as well as civil jury instructions by deleting the word “civil.” The reorganized rules contain the latest version of this rule.
2.	Mr. David Gutknecht Principal Management Analyst Superior Court of California, County of Riverside Riverside	A	Y	Riverside County Superior Court believes Title 2: Trial Court Rules will lead to a more logical organization of the rules. The new organization should allow for greater ease in locating the appropriate rule.	No response required.
3.	Ms. Donna Hershkowitz Assistant Director Office of Governmental Affairs Sacramento		Y	<u>Rule 2.105.</u> (Type style): Should the reference be to Times <u>New Roman</u> ? <u>Rule 2.150. (Authorization for computer-generated or typewritten forms for proof of service of summons and complaint):</u> Paragraph (a)(2) should be updated to say either Times Roman or Times New Roman, whatever will be consistent with rule 2.105 (see comment above). <u>Rule 2.893.</u> (Appointment of noncertified interpreters in criminal and juvenile	<u>Rule 2.105.</u> (Type style): Agreed. The text has been changed to refer to “Times New Roman.” <u>Rule 2.150. (Authorization for computer-generated or typewritten forms for proof of service of summons and complaint):</u> Agreed. The text has been changed to refer to “Times New Roman.” <u>Rule 2.893.</u> (Appointment of noncertified interpreters in criminal

	Commentator	Position	Comment on behalf of group?	Comment	Response
				<p>delinquency proceedings): Subparagraph (b)(1)(A) should read “the presiding judge of the court,” since the definition of presiding judge in rule 1.6 includes any other person designated by the presiding judge.</p> <p><u>Rule 2.954.</u> (Specifications for electronic recording equipment): The edit to subdivision (d)—changing “is” to “may be” appears to change something mandatory into something permissive, which would be more than a nonsubstantive change. To the extent a substantive change is intended, that must be made clear with a justification for the change.</p> <p><u>Rule 2.1002.</u> (Length of juror service): Paragraph (d)(2) was a time limited event—requiring submission of a request for exemption by September 1999. Our understanding that the only court needing the exemption now complies and this paragraph is therefore no longer necessary. We recommend deletion.</p> <p>The edits to subdivision (e) seem to eliminate the need for this subdivision in its entirety. The subdivision appears to say that after January 1, 2002, the regular rules apply. As we are not substantially past that date, the need for this subdivision is unclear.</p>	<p>and juvenile delinquency proceedings): Although rule 1.6 does define the term presiding judge as including the judicial officer designated by the presiding judge, the rules sometimes expressly include this statement for the sake of clarity or to explain the proper procedure.</p> <p><u>Rule 2.954.</u> (Specifications for electronic recording equipment): Agreed. The term “is” has been restored.</p> <p><u>Rule 2.1002.</u> (Length of juror service): Although the five-year exemption granted to one court under this provision has expired, the program in that court still needs to be evaluated; hence, for reference purposes, subdivision (d) has been retained.</p> <p>Agreed. Subdivision (e) has been deleted as obsolete.</p>

	Commentator	Position	Comment on behalf of group?	Comment	Response
4.	Superior Court of California, County of Los Angeles Los Angeles	AM	Y	<p><u>Rule 2.116</u> (changes on face of paper): Any additional deletion, or interlineation to a paper must be initialed by <u>the respective party</u>, the clerk, or judge at the time of filing.</p> <p><u>Rule 2.118(a)(1)</u>: What about if it is illegible? Will the clerk accept or reject the filing?</p> <p><u>Rule 2.255(c)</u>: Change to: “An electronic filing service provider <u>or party if there is no provider</u>, must promptly transmit any electronic filing with the applicable filing fee to the court, <u>including reasonable costs and administrative charges, in processing the filing electronically.</u>”</p> <p><u>Rule 2.304(g)</u>: Add the following at the end of the sentence: “... <u>plus the fax filing processing fee of \$3.00 per fax, and a fax filing confirmation fee of \$3.57.</u>”</p>	<p><u>Rule 2.116</u> (changes on face of paper): This comment proposes a substantive change that is beyond the scope of this rules reorganization.</p> <p><u>Rule 2.118(a)(1)</u>: This question raises substantive issues beyond the scope of this reorganization.</p> <p><u>Rule 2.255(c)</u>: This comment proposes substantive changes to the rule that are beyond the scope of this rules reorganization.</p> <p><u>Rule 2.304(g)</u>: This comment proposes substantive changes to the rule that are beyond the scope of this rules reorganization.</p>
5.	Ms. Pam Moraida Program Manager Superior Court of California, County of Solano Fairfield	A	N	Agree with proposed changes.	No response required.
6.	Mr. Mike Roddy Executive Officer Superior Court of California, County of San Diego San Diego	A	Y	No additional comments.	No response required.

SP06-05
Title 3: Civil Rules

	Commentator	Position	Comment on behalf of group?	Comment	Response
1.	Mr. David Gutknecht Principal Management Analyst Superior Court of California, County of Riverside Riverside	A	Y	Riverside County Superior Court agrees with the proposed changes to Title 3: Civil Rules. Formatting the rules to the new Judicial Council rules format and splitting the especially lengthy rules into a series of rules should make them more user-friendly.	No response required.
2.	Ms. Donna Hershkowitz Assistant Director Office of Governmental Affairs Sacramento		Y	<p><u>Rule 3.58.</u> (Hearing on application): Rule 2.400 deleted the term “attaché” in favor of court officer. Subdivision (b) includes reference to court attaché. If the term is no longer in use, as the amendment to rule 2.400 suggests, should it be included here, or is the term accurate in this context?</p> <p><u>Rule 3.60.</u> (Confidentiality): See comment to rule 3.58 regarding use of the term attaché.</p> <p><u>Rule 3.513.</u> (Service of memorandums and declarations): This is a substantive change. We assume this change was required by AB 3078. We recommend a note or advisory comment to explain the rationale for the change—i.e., required by change in statute.</p>	<p><u>Rule 3.58.</u> (Hearing on application): Agreed that term should be used consistently. For the reorganization, the term “attaché” is retained in those rules and rule 2.400. This issue is referred to the Civil and Small Claims Advisory Committee for further review.</p> <p><u>Rule 3.60.</u> (Confidentiality): See response to previous comment.</p> <p><u>Rule 3.513.</u> (Service of memorandums and declarations): The commentator is correct that this change is intended to conform the time for service in this rule to the new times provided in AB 3078. A separate Invitation to Comment on this proposal is presently being circulated for comment. The comments will be reviewed and the change will be considered before the reorganized rules become effective,</p>

	Commentator	Position	Comment on behalf of group?	Comment	Response
				<p><u>Rule 3.521.</u> (Petition for coordination): There is a notation at the end of subdivision (c) regarding the effective date of the amendment to that subdivision. We have not seen a similar notation in any other rule. Isn't this more appropriate for an advisory comment, in which the subdivision as it read prior to January 1, 2005, could be included if this is an important fact.</p> <p><u>Rule 3.525.</u> (Response in opposition to petition for coordination): This is a substantive change. We assume this change was required by AB 3078. We recommend a note or advisory comment to explain the rationale for the change—i.e., required by change in statute.</p> <p><u>Rule 3.526.</u> (Response in support of petition for coordination): This is a substantive change. We assume this change was required by AB 3078. We recommend a note or advisory comment to explain the rationale for the change—i.e., required by change in statute.</p>	<p>January 1, 2007.</p> <p><u>Rule 3.521.</u> (Petition for coordination): This parenthetical statement of rule history was inadvertently included with the text of the rules. It has been removed. (However, a rule history will eventually be provided for all the reorganized rules.)</p> <p><u>Rule 3.525.</u> (Response in opposition to petition for coordination): The commentator is correct that this change is intended to conform the time for service in this rule to the new times provided in AB 3078. In addition, a separate Invitation to Comment on this proposal is presently being circulated for comment. It will be considered before the proposed rule changes become effective, January 1, 2007.</p> <p><u>Rule 3.526.</u> (Response in support of petition for coordination): The commentator is correct that this change is intended to conform the time for service in this rule to the new times provided in AB 3078. A separate Invitation to Comment on this proposal is presently being circulated for comment. The comments will be reviewed and the change will be considered before the</p>

	Commentator	Position	Comment on behalf of group?	Comment	Response
				<p><u>Rule 3.527.</u> (Notice of hearing on petition for coordination): Unlike rule 3.513, 3.525, and 3.526, no changes were made to the references to “30 days” or “30 calendar days” to instead reference court days. Since this is a different method of counting time, we wanted to be certain that this is consistent with statute and was not changed by AB 3078 or other legislation.</p> <p><u>Rule 3.529.</u> (Order granting or denying coordination): Unlike rule 3.513, 3.525, and 3.526, no change was made to the reference to “10 days” to instead reference court days. Since this is a different method of counting time, we wanted to be certain that this is consistent with statute, and was not changed by AB 3078 or other legislation.</p> <p><u>Rule 3.764.</u> (Motion to certify or decertify a class or amend or modify an order certifying a class): Subdivision (c)(1) makes several references to “calendar days.” Is this consistent with statute, or should it also be amended to reference “court days.”</p> <p><u>Rule 3.1010.</u> (Oral depositions by telephone, videoconference, or other remote electronic</p>	<p>reorganized rules become effective, January 1, 2007.</p> <p><u>Rule 3.527.</u> (Notice of hearing on petition for coordination): The reference to “30 days” is consistent with AB 3078, which only uses “court days” for the filing and service of papers due 16, 9, or 5 days before a hearing under Code of Civil Procedure section 1005.</p> <p><u>Rule 3.529.</u> (Order granting or denying coordination): This reference to when a stay terminates after the order denying coordination is filed (i.e., “10 days after”) is not inconsistent with AB 3078 or other legislation.</p> <p><u>Rule 3.764.</u> (Motion to certify or decertify a class or amend or modify an order certifying a class): This subdivision establishes a different, longer schedule for service and filing than Code of Civil Procedure section 1005; hence, the references to calendar days are appropriate.</p> <p><u>Rule 3.1010.</u> (Oral depositions by telephone, videoconference, or other</p>

	Commentator	Position	Comment on behalf of group?	Comment	Response
				means): This is a substantive change. We assume this change was required by AB 3078. We recommend a note or advisory comment to explain the rationale for the change—i.e., required by change in statute.	remote electronic means): The rule currently does not state whether “court” or “calendar” days are meant. The change is not required by AB 3078, but is consistent with that legislation and clarifies the rule.
3.	Superior Court of California, County of Los Angeles Los Angeles	A	Y	Agree with proposed changes.	No response required.
4.	Ms. Pam Moraida Program Manager Superior Court of California, County of Solano Fairfield	A	N	Agree with proposed changes.	No response required.
5.	Ms. Susan Null Court Executive Officer Superior Court of California, County of Shasta Redding	AM	Y	<u>Rule 3.110(i)</u> : We would like to see 5 “calendar” days changed to 5 “court” days for orders to show cause to stay consistent with C.C.P., § 1005.	Because this change is substantive, the proposed change has been referred to the Civil and Small Claims Advisory Committee.
6.	Mr. Mike Roddy Executive Officer Superior Court of California, County of San Diego San Diego	A	Y	No additional comments.	No response required.
7.	Mr. David King Reporter of Decisions Supreme Court of California, County of San Francisco	AM	N	I believe that all of the rules under title III, divisions I and II will not have been repealed. Those divisions and their headings should be shown as repealed in strikethrough somewhere in the final release, and the remaining divisions should be renumbered accordingly.	Because title 3 has been so substantially reorganized, the report states explicitly that all headings in the title are new. All the old headings are deleted. Because this recommendation is included in the report, it is not necessary to show struck out headings from old title 3 in new title 3.

	Commentator	Position	Comment on behalf of group?	Comment	Response
8.	Mr. John Toker, Chair State Bar ADR Committee San Francisco		Y	<p>The State Bar of California’s Committee on Alternative Dispute Resolution has reviewed proposed division 8 (relating to alternative dispute resolution) and division 9 (relating to references) of title 3. The committee appreciates the opportunity to submit these comments. The committee commends the work of all of those who were involved with the proposed rules reorganization and believes that the proposed revisions result in a significant overall improvement and a more readable set of rules. The committee’s few suggestions are set out below.</p> <p><u>Rule 3.800 (Definitions):</u> Proposed rule 3.800 provides definitions of “alternative dispute resolution process” and “mediation,” but no definition of “arbitration.” the committee believes it would be appropriate to include a definition of “arbitration” in rule 3.800.</p> <p>Proposed rule 3.800(2) defines “mediation” as follows: “Mediation” means a process in which a neutral person...” The committee suggests the insertion of the word “confidential” so the definition would read: “mediation” means a confidential process in which a neutral person...”</p> <p><u>Rule 3.875:</u> Proposed rule 3.875, regarding filing of a</p>	<p>The State Bar ADR Subcommittee’s general support for the reorganization is noted.</p> <p><u>Rule 3.800 (Definitions):</u> Rule 3.800 is based directly on current rule 1580, which contains the definitions of “alternative dispute resolution process” and “mediation.” The proposal to add a definition of “arbitration” is a substantive suggestion that will be sent to the Civil and Small Claims Advisory Committee for its consideration.</p> <p>As indicated, rule 3.800(2) contains the definition from current rule 1580(c). The recommended insertion of the word “confidential” is a substantive suggestion that will be sent to the Civil and Small Claims Advisory Committee for its consideration.</p> <p><u>Rule 3.875:</u> This proposed amendment of rule</p>

	Commentator	Position	Comment on behalf of group?	Comment	Response
				<p>statement by a mediator, states:</p> <p>“Within 10 days after conclusion of the mediation, the mediator must file a statement on Judicial Council form ADR-100, advising the court whether the mediation ended in full agreement or nonagreement as to the entire case or as to particular parties in the case.”</p> <p>The committee suggests changing the proposed rule to correspond to the instructions at the bottom of page 1 of form ADR-100. With those changes, rule 3.875 would read:</p> <p>“Within 10 days after the conclusion of the mediation or, when applicable, by the deadline set by the court, the mediator must serve on all parties, and file, a statement on Judicial Council form ADR-100, advising the court whether the mediation ended in a full agreement by all parties, partial agreement as to particular parties or issues, or nonagreement.”</p>	<p>3.875 (current rule 1635) will be sent to the Civil and Small Claims Advisory Committee for its consideration.</p>

SP06-06
Title 4: Criminal Rules

	Commentator	Position	Comment on behalf of group?	Comment	Response
1.	Ms. Mary Carnahan Criminal Division Program Manager Superior Court of California, County of Solano Fairfield	A	Y	Agree with proposed changes.	No response required.
2.	Mr. David Gutknecht Principal Management Analyst Superior Court of California, County of Riverside Riverside	A	Y	Riverside County Superior Court agrees that the criminal rules in title 4 should be reformatted to make them consistent with the format used in other titles. We also agree that the two rules on traffic court should be relocated to this title from title 3.	No response required.
3.	Ms. Donna Hershkowitz Assistant Director Office of Governmental Affairs Sacramento		Y	We believe changing the reference from article "VI" to article "6" is incorrect. All published versions we have come across as well as the California Style Manual and the AOC Style Guide all use roman numbers to refer to articles of the constitution. The original reference should be restored.	Agreed. This change has been made.
4.	Superior Court of California, County of Los Angeles Los Angeles	A	Y	Agree with proposed changes.	No response required.
5.	Mr. Mike Roddy Executive Officer Superior Court of California, County of San Diego San Diego	A	Y	No additional comments.	No response required.

SP06-07
Title 5: Family and Juvenile Rules

	Commentator	Position	Comment on behalf of group?	Comment	Response
1.	Ms. Grace Andres Court Services Program Manager Solano County Superior Court Fairfield	A	N	No specific comment.	No response required.
2.	Mr. David Gutknecht Principal Management Analyst Riverside County Superior Court Riverside	A	Y	Riverside County Superior Court agrees with the proposed amendments to title 5. The new divisions containing Family Rules, rules applicable in Family and Juvenile proceedings, and Juvenile Rules will lead to a more logical organization of the rules. We also agree that minor substantive changes should be made to allow the rules to conform to statutory changes as needed.	No response required.
3.	Mr. James Hansen Chief Attorney Monterey County Child Support Services Salinas	A	N	Please keep the Rules for Title IV-D Support Actions, now found in chapter 7, as a separate chapter within the Family Law Rules.	The family law rules in the California Rules of Court, which were renumbered and/or reorganized effective January 1, 2003, have not been significantly changed. The rules for Title IV-D Support Actions are still in chapter 7.
4.	Ms. Janet Garcia Court Manager Planning and Research Unit Los Angeles County Superior Court Los Angeles	A	Y	There are no substantive changes, merely a reordering and renumbering of the rules. Certain items are eliminated from the Family Law Sections since they are found in other portion of the rules, and there are additional minor amendments to conform to recent statutes.	No response required.
5.	Mr. Mike Roddy Executive Officer San Diego County Superior Court San Diego	A	Y	No specific comment.	No response required.
6.	Ms. Patricia Skeggs	AM	N	The new law that “expedites” infants through	This substantive comment is beyond

	Commentator	Position	Comment on behalf of group?	Comment	Response
	17890 Monterey Road, #116 Morgan Hill			the system and gives the parent six months to prove that they are worthy of having their children raises concerns. These standards make it impossible to complete the case management goals agreed to by parents.	the scope of the rules reorganization. The comment will be referred to the Family and Juvenile Law Advisory Committee for review.

SP06-08
Title 6: [Reserved]

	Commentator	Position	Comment on behalf of group?	Comment	Response
1.	Superior Court of California, County of Los Angeles Los Angeles	A	Y	Agree with proposed changes.	
2.	Grace Andres Court Services Program Manager Superior Court of California, County of Solano Fairfield	A	N	Agree with proposed changes.	
3.	Mike Roddy Executive Officer Superior Court of California, County of San Diego San Diego	A	Y	No additional comments.	

SP06-09
Title 7: Probate Rules

	Commentator	Position	Comment on behalf of group?	Comment	Response
1.	Superior Court of California, County of Los Angeles Los Angeles	A	Y	Agree with proposed changes.	No response required.
2.	Mr. David Gutknecht Principal Management Analyst Superior Court of California, County of Riverside Riverside	A	Y	Riverside County Superior Court agrees with the proposal to add rule 7.1 to title 7: Probate Rules. We also agree that redundant portions of rules 7.2 and 7.3 should be deleted. We agree that the rule in title 7 should be reformatted to add greater clarity and ease of understanding.	No response required.
3.	Ms. Grace Andres Court Services Program Manager Superior Court of California, County of Solano Fairfield	A	N	Agree with proposed changes.	No response required.
4.	Mr. Mike Roddy Executive Officer Superior Court of California, County of San Diego San Diego	A	Y	No additional comments.	No response required.
5.	Ms. Margaret Middleton Probate Examiner Superior Court of California, County of Stanislaus Modesto	A	N	Agree with proposed changes.	No response required.

SP06-10
Title 8: Appellate Rules

	Commentator	Position	Comment on behalf of group?	Comment	Response
1.	Ms. Leisa Biggers Clerk/Administrator Court of Appeal California, Fifth Appellate District	AM	Y	<p>There appears to be no significant issues in the section other than what is detailed below and concur with the assessment of the California Appellate Court Clerks' Association. We stress, however, the difficulty in following the numbering system in which the rules are written. The numbering system is confusing and hard to follow.</p> <p>With respect to the portion of the reorganized appellate rules which was devoted to rules on juvenile dependency appeals and writs, we found those rules to be virtually identical to the former rules starting with rule 37, in other words, no substantive change, and thus, we have no comment to make. The only concern is that the cross-references to other rules be double-checked for accuracy.</p> <p>1. <u>Rule 8.490 (circulated as rule 8.700)</u>: Proposed rule [8.490] addresses the form and content of writs within the reviewing court's original jurisdiction. As the proposal to change to title of rule [8.490] suggests, petitions for writ of review of Workers' Compensation Appeals Board (WCAB), Public Utilities Commission (PUC), Agricultural Labor Relations Board (ALRB), and Public Employment Relations Board (PERB) decisions are expressly excluded from these general requirements. (Rule</p>	<p>The comments of the California Appellate Clerks' Association referred to in this comment are contained in comment 2. Disagreed that the numbering system is confusing or hard to follow. It has been used successfully for a number of years in titles 4, 6, and 7.</p> <p>All cross-references have been checked for accuracy.</p> <p>1. <u>Rule 8.490 (circulated as rule 8.700)</u>: These are substantive suggestions that are not appropriate to address as part of this rules reorganization. These suggestions have been referred to the Appellate Advisory Committee for further consideration.</p>

	Commentator	Position	Comment on behalf of group?	Comment	Response
				<p>[8.490](a)(2).) While most of the provisions in proposed rule [8.490] are and should be inapplicable to writs of review as the more specific provisions set forth in rules [8.494–8.498] govern, the court believes the “form of supporting documents” section under rule [8.490], or something similar, should also apply to writs of review.</p> <p>Carrying over the current requirements from current rule 56(d), proposed rule [8.490] (d)(1) requires that writs of mandate, certiorari, prohibition or other writs within a court’s original jurisdiction must be “bound together at the end of the petition or in separate volumes not exceeding 300 pages each,” “consecutively numbered,” “indexed by number or letter,” and “begin with a table of contents.” Proposed rule [8.490] (d)(2) provides a remedy for failing to comply, while subdivision (d)(3) governs the number of copies to be filed. It would be extremely helpful to appellate court attorneys and justices if rule [8.490](d)’s document attachment provisions also applied to administrative writs of review. It is very difficult and time-consuming to refer the justices to a particular page in an unnumbered, untabbed, 900-or-more page, single-volume petition for writ of review. The appellate courts appear to lack any express legal authority to require the parties to remedy an oversized and unorganized petition as they can with other civil writ petitions. Moreover, the more general default brief attachment provision under proposed</p>	

	Commentator	Position	Comment on behalf of group?	Comment	Response
				<p>rule 8.204(d) limits attachments to 10 pages, which is generally insufficient to provide the court with the required supporting documents under rule 8.704(a). The court therefore recommends either pulling out rule [8.490](d) as a separate rule and making it applicable to all writs (except pro per habeas corpus) or cross-referencing it in each of the individual writ of review rules.</p> <p>2. <u>Rule 8.490(b)(1) (circulated as rule 8.704(b)(1)):</u> Addressing petitions for writ of review of WCAB proceedings, proposed rule [8.494](b)(1) provides “the board or any real party in interest may serve and file an answer...” But it is unclear who a “real party in interest” is in a WCAB writ proceeding. Unlike, PUC, ALRB, and PERB petitions for writ of review, there is no defined “real party in interest” in rule [8.490]. (Cf. proposed rules [8.496](a)(2) and [8.498](a)(2).) Moreover, the Supreme Court, Courts of Appeal, and California Style Manual do not use the term “real party in interest” in reviewing WCAB cases; they all refer to the party adverse to the petitioner as the “respondent.” (See e.g., <i>Honeywell v. Workers’ Comp. Appeals Bd.</i> (2005) 35 Cal.4th 24 [Supreme Court identifies injured employee William Wagner as respondent]; <i>Jessen</i>, California Style Manual (4th ed. 2000) § 6:48, p. 244 [“the name of a respondent in addition to the board is always used in opinions reviewing Workers’ Compensation Appeals Board decisions’].) at</p>	<p>2. <u>Rule 8.490(b)(1) (circulated as rule 8.704(b)(1)):</u> These are substantive suggestions that are not appropriate to address as part of this rules reorganization. These suggestions have been referred to the Appellate Advisory Committee for further consideration.</p>

	Commentator	Position	Comment on behalf of group?	Comment	Response
				<p>the Fifth Appellate District, petitions in WCAB matters often caption their case names with a “respondent” improperly listed as the “real party in interest,” and the clerks make the change manually on each petition. To clarify the terminology and provide guidance to litigants, the court recommends amending proposed rule [8.494(b)(1)] to provide:</p> <p>“Within 25 days after the petition is filed, a respondent may serve and file an answer and any relevant exhibits not included in the petition. <u>A respondent includes the board or any party of record to the proceeding with a position adverse to the petitioner.</u>”</p>	
2.	Ms. Deena Fawcett President California Appellate Court Clerks’ Association	AM	Y	<p>1. <u>Title 8. Organization</u> Inasmuch as the majority of the rules pertain to appellate court practices and procedures, we propose that the rules pertaining to Supreme Court practices be placed at the end of the title. It is confusing to the reader to have the Supreme Court rules on petitions for review fall between the appellate court rules on civil and criminal cases. Why not move smoothly, as this new title generally does, from appellate civil rules to appellate criminal rules to appellate juvenile rules? The following organizational scheme is suggested [Italics are suggested heading changes and () indicate current chapter numbers]:</p> <p>Division 1.</p>	<p>1. <u>Title 8. Organization</u> Agreed that the rules in title 8 would benefit from some further reorganization. In particular, the rules on Supreme Court proceedings should be placed in a separate chapter. Also, the rules on habeas corpus proceedings should be in a separate chapter. And the rules on the transfer of appellate division cases should be in a separate division. Accordingly, the following structure for title 8 (which is similar, though not identical, to the one proposed) is recommended:</p> <p>Division 1.</p>

	Commentator	Position	Comment on behalf of group?	Comment	Response
				<p>Chapter 1. General Provisions Chapter 2. Civil Appeals Chapter 3. Criminal Appeals Chapter 4 (6) <i>Juvenile Cases: Appeals and Writs</i> Chapter 5 (7) Miscellaneous Appeals</p> <p>Chapter 6 (8) Miscellaneous Writs Chapter 7 (5) <i>Habeas Corpus Cases: Appeals and Writs</i> Chapter 8 (Art. 5) Review and Decision in the Supreme Court Chapter 9 (4) Appeals From Judgments of Death</p> <p>Division 2. Rules Relating to the Superior Court Appellate Division [Reserved] Division 3. Trial of Small Claims Cases on Appeal Division 4. (Chapter 9) Transfer of Appellate Division Cases to the Court of Appeal Division 5 (Division 4) Publication of Appellate Opinions</p> <p>2. <u>Rule 8.137—Advisory Committee Comment (2002)</u> The last paragraph under subdivision (b) of the comments, herein stricken, should be retained as a comment to the present rule. Nowhere in this rule (or the former rule) is there the clear statement that the “appellant file (only) one copy of the settled statement...”</p>	<p>Chapter 1. General Provisions Chapter 2. Civil Appeals Chapter 3. Criminal Appeals Chapter 4. Habeas Corpus Appeals and Writs Chapter 5. Appeals and Writs in Juvenile Cases Chapter 6. Conservatorship Appeals Chapter 7. Miscellaneous Writs</p> <p>Chapter 8. Proceedings in the Supreme Court Chapter 9. Appeals From Judgments of Death</p> <p>Division 2. Rules Relating to the Superior Court Appellate Division Division 3. Trial of Small Claims Cases on Appeal Division 4. Transfer of Appellate Division Cases to the Court of Appeal Division 5. Publication of Appellate Opinions</p> <p>2. <u>Rule 8.137—Advisory Committee Comment (2002)</u> Agreed. The following slightly revised version of the comment text (recommended by the Appellate Advisory Committee) should be retained: This rule requires the appellant to file only one copy of the settled statement, i.e., for the use of the reviewing court. Because all parties participate in preparing the settled statement, it may be</p>

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				<p>3. <u>Rule 8.248:</u> It appears that the Advisory Committee Comment for rule 8.248, subdivision (a), should refer to “rule 3.1380(c)” and not “(d)” as there is no subsection (d) and the reference is correct as to (c).</p> <p>4. <u>Rule 8.304 (circulated as rule 8.304):</u> The Advisory Committee Comment to rule [8.304(a)], references “(rule 8.800 et seq.)” Should this reference be modified to direct the reader to rules 100–108 at this time?</p> <p>5. <u>Rule 8.308 (current rule 30.1):</u> It appears that current rule 30.1 has been omitted.</p> <p>6. <u>Rule 8.1120 (Requesting publication of unpublished opinions)</u> The Advisory Committee Comment (2005), herein stricken, ought to be retained. The changes they address are quite recent. It is helpful to counsel, clerks and the court, all of whom are familiar with recent previous rules and practices, to have available the reasons for the recent changes to publication procedures.</p> <p>7. <u>Effective Date:</u> The CACCA requests that implementation of the reorganized Rules of Court be delayed</p>	<p>assumed that each will retain a copy for its own use.</p> <p>3. <u>Rule 8.248:</u> Agreed. This change has been made.</p> <p>4. <u>Rule 8.304 (circulated as rule 8.304):</u> Agreed. The comment has been modified to refer to rules 8.700, et seq.</p> <p>5. <u>Rule 8.308 (current rule 30.1):</u> Comment is correct. The rule was inadvertently omitted in the rules that were circulated. It has been retained as rule 8.308.</p> <p>6. <u>Rule 8.1120 (Requesting publication of unpublished opinions)</u> Agreed that a revised version of this comment that indicates the former rule numbering be reinstated.</p> <p>7. <u>Effective Date:</u> Disagreed. The recommended effective date of January 1, 2007</p>

	Commentator	Position	Comment on behalf of group?	Comment	Response
				<p>until at least one year after Judicial Council approval or not until July 2007, whichever is later, for the following reasons:</p> <p>Use of the new rules will be made difficult for counsel, pro pers, appellate court clerks, trial court appeals clerks, appellate justices, and trial court judges unless all Judicial Council forms, local court forms, local Rules of Court, canned orders and letters, and docket codes are also ready at the same time. Additional time is needed to make these changes, especially in light of the fact that a new appellate case management system is also scheduled for implementation before January 1, 2007.</p> <p>Publishers of legal materials, both books and forms, will need substantial lead time for such a major undertaking.</p> <p>A coordinated approach on all fronts for implementation of these substantial changes will reduce arguments between clerks and our constituents and, likely, reduce litigation over the application of old or new rules, especially in the event that mandatory but incorrect forms are used for filings.</p>	<p>should be retained.</p> <p>For the attorneys, litigants, and the public, a January 1 date for rule changes is easier and more consistent with customary practice than a mid-year change. For courts, though the change will be challenging, it can be accomplished within the 6 months provided. All Judicial Council forms will be revised by January 1, 2007. The council's Rules and Projects Committee recognized that the appellate courts, which are converting to new case management system, will be especially challenged. It recommends technical assistance for these courts, if they need it.</p> <p>The publishers will have six months lead time. Though additional time might be helpful, this is sufficient time, especially with the conversion tables available.</p> <p>It is agreed that coordination is desirable. This is one reason that the reorganization should be implemented globally on one effective date rather than piecemeal.</p>
3.	Ms. Roberta Gilmore	AM	Y	<u>Rule 8.1125 (current rule 979):</u>	<u>Rule 8.1125 (current rule 979):</u>

	Commentator	Position	Comment on behalf of group?	Comment	Response
	Senior Deputy Clerk Supreme Court of California San Francisco			Please amend subdivision (a)(3) of rule [8.1125] (requesting depublication of published opinions) to include the following underlined language: (3) The request must concisely state the person’s interest and the reason why the opinion should not be published, <u>and must include a copy of the Court of Appeal opinion.</u>	This recommendation will be referred to the Supreme Court, which has jurisdiction over this rule.
4.	Ms. Donna Hershkowitz Assistant Director Office of Governmental Affairs Judicial Council of California Sacramento	AM	Y	<p><u>Rule 8.900. Application</u> Since the rule references multiple Code of Civil Procedure sections, we recommend the last two words of the rule be changed from “that statute” to “those statutes.”</p> <p><u>Rule 8.902. Definitions</u> The definition of “appeal” is confusing. We believe “whether or not appealed” is intended to imply that the appeal will include all claims, even if only some claims are the subject of the appeal. However, we do not believe the current wording of the definition clearly conveys that concept.</p> <p>We are not certain that the reference to “adverse party” in the definition of “respondent” is one which small claims litigants will understand. Is there a clearer way to define the term “respondent” that uses terminology more familiar to these parties?</p>	<p>Agreed.</p> <p>These suggestions have been referred to the Small Claims and Limited Civil Case Subcommittee of the Civil and Small Claims Advisory Committee.</p>
5.	Superior Court of California, County of Los Angeles Los Angeles	A	Y	Agree with proposed changes.	No response needed
6.	Ms. Pam Moraida Program Manager	A	N	Agree with proposed changes.	No response needed

	Commentator	Position	Comment on behalf of group?	Comment	Response
	Superior Court of California, County of Solano Fairfield				
7.	Ms. Sylvia Paoli Appellate Attorney La Mirada	N	N	If no substantive changes are being made to the rules, having to learn a complete new set of numbers for rules will impose a big burden on appellate practitioners, especially the older ones of us!	Disagreed. Although there will be a need at first to learn the new numbers, the reorganization and renumbering will make the rules easier to find, use, and understand. The new numbering system is already used in titles 4, 5, 6, and 7. The reorganization uses this system consistently throughout the rules.
8.	Mr. Mike Roddy Executive Officer Superior Court of California, County of San Diego San Diego	AM	Y	<u>Rule 8.613 ((formerly rule 34.2 (circulated as rule 8.513))):</u> This rule relates to preparing and certifying the record of preliminary proceedings. The rule requires that the designated judge to oversee the correction phase of the preliminary proceedings is the judge who heard the preliminary hearing. In cases where there are subsequent hearings related to correction of the preliminary proceedings, there has been some confusion as to how to volume and paginate those portions of the transcript. Pretrial hearings held by the trial judge may be taking place before the certification of the preliminary proceedings. Therefore, some of the hearings conducted to correct and/or certify the preliminary proceedings may be nestled chronologically amongst and between pretrial hearings heard by the trial judge. Our reporter's manual requires that those hearings be bound together with the	<u>Rule 8.613 ((formerly rule 34.2 (circulated as rule 8.513))):</u> These are substantive suggestions that are not appropriate to address as part of this rules reorganization. These have been referred to the Appellate Advisory Committee for further consideration.

	Commentator	Position	Comment on behalf of group?	Comment	Response
				<p>original and corrected transcripts of the preliminary proceedings be bound together and labeled "Volume 2." Other counties include the hearing to certify the preliminary proceedings within the post-preliminary hearing/pre-trial proceedings chronologically where they fall. It is our understanding that the Supreme Court believes our way is correct.</p> <p>It would be excellent if the rule could be amended to state that the "preliminary proceedings," as defined by the Rules of Court, be bound together with any hearings conducted relating to the certification process.</p> <p><u>Rules 8.613 and 6.519:</u> Proposed rule 8.613(i)(4) (circulated as rule 8.513(i)(4)) and rule 8.619(e)(4) (circulated as 8.519(e)(4)) both state the reporter is to be compensated for copies of computer readable copies of transcripts as provided for in Government Code section 69954(b); however, that section states that the rate identified therein is to be charged when the request is made within 120 days of the filing or delivery of the original transcript. This ambiguity needs to be clarified. The difference in cost to the court is substantial, i.e., \$0.05 per page vs. \$0.15 per page. If the intent is to only allow the reports to charge the 1/3 rate for the computer readable copy of the transcript, then that should be clarified in the rule in order to avoid problems in interpretation later.</p>	<p><u>Rules 8.613 and 6.519:</u> Agreed. In order to ensure that no inadvertent substantive change is made, the following modified version of this portion of this Advisory Committee Comment (recommended by the Appellate Advisory Committee) is retained:</p> <p>Subdivision (e)(4) of this rule restates a provision from the second paragraph of rule 35(b) as it was in effect on December 31, 2003.</p> <p>The option of revising the rule text to restate the language from former rule 35(b) will also be explored.</p>

	Commentator	Position	Comment on behalf of group?	Comment	Response
				Our court has previously relied, in part, on former rule 35(b), second paragraph, along with the last sentence of the Advisory Committee Comments to rule 35.1 to interpret rules 34.2(i)(4), 35.1(e)(4) and 35.2(c)(2) as meaning the rate for computer readable copies of transcripts is to be 1/3 the rate set for a second paper copy, but the advisory comment is now proposed to be eliminated. If the Judicial Council chooses not to directly address the issue in the Rules of Court, then the comment should not be eliminated.	
9.	Ms. Carmela Simoncini, Chair San Diego County Bar Association Appellate Court Committee San Diego		Y	<u>Rule 8.10</u> (Definitions): We suggest adding a definition for the term “real party in interest” in the definition section. This term is used in the rules, particularly in the section regarding writs. However, it is not precisely defined. To assist the reader, we suggest adding the following definition to rule 8.10: (4) <u>“Real party in interest” means a person or entity whose interest will be directly affected by a writ proceeding.</u> (See Manfredi & Levine v. Super. Ct. (Barnes) (1998) 66 Cal.App.4th 1128, 1132.)	<u>Rule 8.10</u> (Definitions): This is a substantive suggestion that is not appropriate to address as part of this rules reorganization. This suggestion has been referred to the Appellate Advisory Committee for further consideration.

SP06-11

Title 9: Rules on Law Practice, Attorneys, and Judges

	Commentator	Position	Comment on behalf of group?	Comment	Response
1.	Ms. Linda Aschraft Court Executive Officer Superior Court of California, County of Solano Fairfield	A	Y	Agree with proposed changes.	No response required.
2.	Ms. Phyllis Culp Director, Office of Certif/Membership Records State Bar of California	A	N	I reviewed the rules circled above (950.5, 958, 983.5, 983, 983.1, 983.2, 983.4, 988, 964, 965, 966, and 967) and there were no substantive changes.	Agreed. The changes are not intended to be substantive.
3.	Mr. David Gutknecht Principal Management Analyst Superior Court of California, County of Riverside Riverside	A	Y	Riverside County Superior Court believes that the proposal to locate all rules concerning law practice, attorneys, and judges together in a separate title will make those rules easier to find and identify.	Agreed. This is one of the purposes of the reorganization.
4.	Mr. David King Superior Court of California, County of San Francisco	AM	N	<p>1. I just want to insure that the format for headings for subsubrules is italicized initial caps. This occurs only in proposed rule 9.30(c)(1) and (2). If this is to parallel the subrule construction in boldface, then the (1) and (2) should also be italicized.</p> <p>2. For proposed rules 9.45 through 9.48, if the former designator for the definition subrule is added after (a), then the definitions</p>	<p>1. Headings for subparts (below the level of a subdivision) are italicized. The initial word in each heading is capitalized, but not the subsequent words. However, where under a subdivision, there is no subpart with a heading, but only a list (as in rule 9.30), the list is not italicized, but the first letter of the first word in each item on the list is capitalized. This standard format is used throughout the rules.</p> <p>2. Both the proposed method and the method used in the circulated rule work to show the changes. If the</p>

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				<p>do not have to be underlined nor shown in strikethrough at the end of the rule. The insertion of the subrule designator, as in proposed rule 9.45 as:</p> <p>(a) (↔) Definitions</p> <p>simply shows that that portion of the rule was moved.</p> <p>3. Proposed rule 9.30(b)(6)(B) requires the purchase of a digest or encyclopedia of California law. With the consolidation of the legal publishing industry and the awarding of the Official Reports publication contract to Lexis, the result of this rule is to require the affected law school libraries to purchase products from only one company, Thomson/West. There is only one current digest, West's California Digest, and one encyclopedia, California Jurisprudence 3d, both published by that company. To require a library to do business with only one company seemed to me a policy which perhaps should be reviewed.</p>	<p>proposed approach is used, the (a)'s need to be underlined to indicate they are new. However, the commentators proposed approach only works if the change is within a rule. Whenever a subdivision in a rule is moved to another rule or made into its own separate rule, it is necessary to show this by means of a strikeout in the old rule and underlining in the new rule or subdivision.</p> <p>3. This comment is beyond the scope of the present rules reorganization project. The suggestion should be addressed to the Supreme Court.</p>
5.	Mr. Mike Roddy Executive Officer Superior Court of California, County of San Diego San Diego	A	Y	No additional comments.	No response required.
6.	Superior Court of California, County of Los Angeles Los Angeles	A	Y	Agree with proposed changes.	No response required.

SP06-12
Title 10: Judicial Administration Rules

	Commentator	Position	Comment on behalf of group?	Comment	Response
1.	Superior Court of California, County of Los Angeles Los Angeles	A	Y	Agree with proposed changes.	No response required.
2.	Ms. Tina Rasnow Senior Attorney/Coordinator Superior Court of California, County of Ventura Ventura	AM	N	Rule <u>10.50</u> (current rule 6.50) should include a fairness training component. Rule <u>2.1058</u> (current rule 989) or other rule should also address use of gender appropriate pronoun for transgender persons using the court (court user designates appropriate gender).	These are substantive suggestions that go beyond the scope of the rules reorganization. They will be referred to an advisory committee for consideration.
3.	Ms. Linda Aschraft Court Executive Officer Superior Court of California, County of Solano Fairfield	A	Y	Agree with proposed changes.	No response required.
4.	Mr. Mike Roddy Executive Officer Superior Court of California, County of San Diego San Diego	A	Y	No additional comments.	No response required.

SP06-13
Standards of Judicial Administration

	Commentator	Position	Comment on behalf of group?	Comment	Response
1.	Superior Court of California, County of Los Angeles Los Angeles	A	Y	Agree with proposed changes.	No response required.
2.	Mr. David Gutknecht Principal Management Analyst Superior Court of California, County of Riverside Riverside	A	Y	Riverside County Superior Court agrees with the proposed reformatting and reorganization of the Standards of Judicial Administration. We also agree with redesignating “sections” as “standards,” as well as repealing obsolete sections.	Agreed with comment.
3.	Ms. Linda Aschraft Court Executive Officer Superior Court of California, County of Solano Fairfield	A	Y	Agree with proposed changes.	No response required.
4.	Mr. Mike Roddy Executive Officer Superior Court of California, County of San Diego San Diego	A	Y	No additional comments.	No response required.