



JUDICIAL COUNCIL  
OF CALIFORNIA

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## FACT SHEET

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April 2017

### How a Proposal Becomes a Rule

The Judicial Council is authorized by the California Constitution to adopt rules for court administration, practice, and procedure that are not inconsistent with statute. (Cal. Const., art. VI, § 6.) Proposals for new or amended rules, forms, and standards of judicial administration are circulated for public comment. Most circulate in a comment cycle that makes them effective, if adopted, on January 1. Others, generally those that are legislatively mandated or urgent, circulate in a comment cycle that makes them effective, if adopted, on September 1. The procedures used are described below. (Cal. Rules of Court, rules 10.20–10.22.) For proposals that will be effective January 1, this process typically takes approximately one year.

#### Submission of a Proposal

Many of the changes to the California Rules of Court and Judicial Council forms are made in response to changes in the law. However, any person or organization may submit a request for a new or amended rule of court, form, or standard of judicial administration. It is helpful if the proposal includes:

- The text of the proposed rule, standard, form, or amendment;
- A description of the problem to be addressed;
- The proposed solution and alternative solutions;
- Any likely implementation problems;
- Any need for urgent consideration;
- Known proponents and opponents;
- Any known fiscal impacts; and
- If known, any previous action taken by the Judicial Council or an advisory body.

## *How a Proposal Becomes a Rule*

Page 2 of 3

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Proposals can be e-mailed to [legal-services@jud.ca.gov](mailto:legal-services@jud.ca.gov) or mailed to Judicial Council of California, Attention: Chief Counsel (Rule/Form Proposal), 455 Golden Gate Avenue, San Francisco, California 94102-3688.

### Advisory Committee Review

When a proposal is received, it is referred to an advisory committee (for example, a committee of court executives or a committee on civil, criminal, or family law) that focuses on the subject area of the proposal. The advisory committee analyzes the proposal and may take one of the following actions:

- Recommend to the Judicial Council's Rules and Projects Committee that the proposal be circulated for public comment, with or without modification, or that it be adopted without being circulated for comment;
- Request further analysis by the proponent; or
- Reject the proposal.

### Rules and Projects Review

When the Rules and Projects Committee reviews the advisory committee's recommendation, it may take one of the following actions:

- Circulate the proposal for public comment, with or without modification;
- Recommend that the Judicial Council adopt it without circulating it for comment if the proposal presents a noncontroversial or a nonsubstantive technical change or correction;
- Request further analysis by the advisory committee or the proponent;
- Refer the matter to another council committee, the full council, or the Chief Justice; or
- Reject the proposal if it is contrary to council policy or to statute or conflicts with other rules or standards.

### Comments and Consideration

For proposals that are circulated for public comment, after the comment period closes, the advisory committee considers the comments and may:

- Recommend adoption of the original proposal;
- Modify the proposal and recommend adoption of the modified version;
- Study and analyze the proposal further; or

- Reject the proposal.

#### Final Action

If the advisory committee recommends adoption of a new or amended rule, form, or standard of judicial administration, it prepares a report to the Judicial Council. The Rules and Projects Committee reviews the report and recommends whether the council should approve, modify, or reject the proposal in the report. The Judicial Council then acts on the recommendation at a meeting. If the recommended proposal is adopted by the Judicial Council, its effective date is usually January 1 or September 1 following the council meeting at which it was adopted.

If compelling circumstances necessitate a different procedure from that just outlined, the Rules and Projects Committee presents its findings and a summary of the procedure, along with any recommendations, to the Judicial Council.

#### Contact:

Benita Downs, Associate Analyst, Legal Services, [benita.downs@jud.ca.gov](mailto:benita.downs@jud.ca.gov)  
To comment on proposed changes during a comment period,  
[www.courts.ca.gov/policyadmin-invitationstocomment.htm](http://www.courts.ca.gov/policyadmin-invitationstocomment.htm)

#### Additional resources:

Recent rule changes, [www.courts.ca.gov/3025.htm](http://www.courts.ca.gov/3025.htm)  
Amendment schedule, <http://www.courts.ca.gov/documents/shortschedule.pdf>  
Current California Rules of Court, [www.courts.ca.gov/rules.htm](http://www.courts.ca.gov/rules.htm)  
Current Judicial Council forms, [www.courts.ca.gov/forms.htm](http://www.courts.ca.gov/forms.htm)