

RUPRO ACTION REQUEST FORM

RUPRO action requested: **Submit to JC (without circulating for comment)**

RUPRO Meeting: February 25, 2020

Title of proposal (*include amend/revise/adopt/approve + form/rule numbers*):
Court Administration: Internal Committee Names

Committee or other entity submitting the proposal:
Judicial Council internal committee chairs

Staff contact (name, phone and e-mail): Susan McMullan, 415-865-7990 susan.mcmullan@jud.ca.gov

Identify project(s) on the committee's annual agenda that is the basis for this item:
Approved by RUPRO: N/A
Project description from annual agenda:

If requesting July 1 or out of cycle, explain:

This proposal does not affect courts, court users, or other stakeholders and is proposed to be effective immediately.

Additional Information: (To facilitate RUPRO's review of your proposal, please include any relevant information not contained in the attached summary.)

The chairs of the six Judicial Council internal committees recommend minor changes to several California Rules of Court governing internal committees and a reference to council meeting dates and to the Judicial Council Governance Policies in Appendix D to the Rules of Court.



JUDICIAL COUNCIL OF CALIFORNIA

455 Golden Gate Avenue · San Francisco, California 94102-3688

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on: March 23–24, 2020

Title

Judicial Council Administration: Internal
Committee Names

Agenda Item Type

Action Required

Effective Date

March 25, 2020

Date of Report

February 24, 2020

Rules, Forms, Standards, or Statutes Affected

Amend Cal. Rules of Court, rules 10.10,
10.12, 10.13, 10.16, 10.20, 10.21, 10.22,
10.34, and Appendix D

Contact

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Recommended by

Hon. Marsha G. Slough, Chair
Executive and Planning Committee
Hon. Marla O. Anderson, Chair
Policy Coordination and Liaison Committee
Hon. Harry E. Hull, Jr., Chair
Rules and Projects Committee
Hon. David M. Rubin, Chair
Litigation Management Committee and
Judicial Branch Budget Committee
Hon. Kyle S. Brodie, Chair
Judicial Council Technology Committee

Executive Summary

The chairs of the six Judicial Council internal committees recommend minor changes to several California Rules of Court governing internal committees and to the Judicial Council Governance Policies in Appendix D to the California Rules of Court to change the names of the Policy Coordination and Liaison Committee and the Rules and Projects Committee. The chairs also recommend amending one rule to remove the reference to specific months in which the council meets to consider proposals for California Rules of Court.

Recommendation

The chairs of the Executive and Planning Committee, Policy Coordination and Liaison Committee, Rules and Projects Committee, Litigation Management Committee, Judicial Council Technology Committee, and Judicial Branch Budget Committee recommend that the Judicial Council, effective March 25, 2020, amend the California Rules of Court as follows:

1. Rule 10.10 to change the names of the Policy Coordination and Liaison Committee and the Rules and Projects Committee;
2. Rules 10.12, 10.16, and 10.34 to change the name of the Policy Coordination and Liaison Committee;
3. Rules 10.13, 10.21, and 10.22 to change the name of the Rules and Projects Committee;
4. Rule 10.20 to remove the reference to specific months that the council meets and to change the name of the Rules and Projects Committee;
5. Appendix D, Judicial Council Governance Policies, 5.b., to change the name of the Rules and Projects Committee; and
6. Appendix D, Judicial Council Governance Policies, 5.c. and 6.iii., to change the name of the Policy Coordination and Liaison Committee.

The text of the amended rules and Appendix D is attached at pages 5–10.

Relevant Previous Council Action

The Judicial Council adopted rules 10.10, 10.12, 10.13, 10.20, and 10.34 (then numbered as rules 6.10, 6.12, 6.13, 6.20, and 6.34) effective January 1, 1999. Each of the rules has since been amended to add or change provisions, but none of the amendments are relevant to this proposal. The council adopted rules 10.21 and 10.22 (then numbered as rules 6.21 and 6.22), governing proposals from members of the public for changes to rules, standards, or forms; and rule-making procedures, respectively effective January 1, 2002, and has made minor amendments since then, though none affected the name of a committee.

The council adopted rule 10.16, establishing by rule the Judicial Council Technology Committee, effective February 20, 2014, and has made several amendments since then. The council adopted Judicial Council Governance Policies, effective June 23, 2008. Effective August 14, 2009, the council amended rule 1.4 to add the Judicial Council Governance Policies to the rules of court as Appendix D, and amendments not relevant to this proposal were made to the Governance Policies effective January 1, 2018.

Analysis/Rationale

This proposal amends the California Rules of Court to change the names of two Judicial Council internal committees. The Policy Coordination and Liaison Committee is proposed to be changed to the Legislation Committee, and the Rules and Projects Committee is proposed to be changed to the Rules Committee. In addition, one rule, which sets out the months that the council meets to consider proposals for California Rules of Court, California Standards of Judicial Administration, and Judicial Council forms, is amended to remove the reference to months.

The council has six internal committees. The committee names are intended to describe the general focus of each committee's work responsibilities. Amending the rules to change the names of two committees—the Legislation Committee and the Rules Committee—is intended to shorten and simplify the names and to have the names reflect the core functions of the two internal committees. The new committee names use words that are more understandable within and outside the judicial branch. The committees' responsibilities remain the same.

The name of the Policy Coordination and Liaison Committee would be changed to the Legislation Committee in rules 10.10(a)(2); 10.12(a); 10.16(b); 10.34(a)(3); and Appendix D, Judicial Council Governance Policies, 5.c. and 6.iii. The name of the Rules and Projects Committee would be changed to the Rules Committee in rules 10.10(a)(3); 10.13(a) and (c); 10.20(b); 10.21(c); 10.22(c); and Appendix D, Judicial Council Governance Policies, 5.b.

Rule 10.20(a) would be amended to remove the words “generally in April and October” in connection with the dates that the council meets to consider proposals for the adoption, amendment, or repeal of California Rules of Court, California Standards of Judicial Administration, and Judicial Council forms. Because the council no longer meets in those months for those purposes, the rule should be corrected. To maintain flexibility in the council's meeting schedule, no months are stated in the rule.

Policy implications

The policy implications of this proposal are limited. The role and scope of responsibility of the internal committees and the timing of council meetings are unchanged by these rule amendments.

Comments

The proposal did not circulate for comment as this proposal concerns a nonsubstantive technical change. Under rule 10.22(d)(2), a proposal may be recommended for council adoption without circulating it for comment if the proposal presents a nonsubstantive technical change or correction or a minor substantive change that is unlikely to create controversy.

Alternatives considered

The internal committee chairs did not consider alternatives because they determined that the rule amendments to change the two committee names were desirable to bring clarity and simplicity, and the amendment to eliminate the months of certain council meetings was necessary for accuracy.

Fiscal and Operational Impacts

There are no fiscal or operational impacts resulting from this proposal.

Attachments and Links

1. Cal. Rules of Court, rules 10.10, 10.12, 10.13, 10.16, 10.20, 10.21, 10.22, 10.34, and Appendix D, at pages 5–10

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Rules 10.10, 10.12, 10.13, 10.16, 10.20, 10.21, 10.22, 10.34, and Appendix D of the California Rules of Court are amended, effective March 25, 2020, to read:

1 **Rule 10.10. Judicial Council internal committees**

2
3 **(a) Judicial Council internal committees**

4
5 The internal committees are:

- 6
7 (1) Executive and Planning Committee;
- 8
9 (2) ~~Policy Coordination and Liaison~~ Legislation Committee;
- 10
11 (3) Rules ~~and Projects~~ Committee;
- 12
13 (4) Litigation Management Committee;
- 14
15 (5) Technology Committee; and
- 16
17 (6) Judicial Branch Budget Committee.

18
19 **(b)–(h) * * ***

20
21 **Rule 10.12. ~~Policy Coordination and Liaison~~ Legislation Committee**

22
23 **(a) Legislative activities**

24
25 The ~~Policy Coordination and Liaison~~ Legislation Committee performs the

26 following functions:

- 27
28 (1)–(3) * * *

29
30 **(b)–(d) * * ***

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32 **Rule 10.13. Rules ~~and Projects~~ Committee**

33
34 **(a) Rules, standards, and forms**

35
36 The Rules ~~and Projects~~ Committee establishes and maintains a rule-making process

37 that is understandable and accessible to justice system partners and the public. The

38 committee:

- 39
40 (1)–(6) * * *

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(b) * * *

(c) Recommendations

The Rules ~~and Projects~~ Committee assists the council in making informed decisions about rules of court, forms, standards of judicial administration, and jury instructions. The committee:

- (1) Recommends whether the council should approve, modify, or reject each proposal;
- (2) Recommends to the Executive and Planning Committee whether a proposal should be on the council’s consent or discussion agenda and how much time should be allocated for discussion; and
- (3) When appropriate, identifies issues for discussion.

If the Rules ~~and Projects~~ Committee recommends against approval, it states the reasons for its recommendation.

(d)–(e) * * *

Rule 10.16. Technology Committee

(a) * * *

(b) Coordination

The committee coordinates the activities of the Administrative Director, council internal committees and advisory committees, the courts, justice partners, and stakeholders on matters relating to court information technology. The committee also, in collaboration or consultation with the ~~Policy Coordination and Liaison~~ Legislation Committee, coordinates with other branches of government on information technology issues.

(c)–(i) * * *

**Rule 10.20. Proposals for new or amended rules, standards, or forms;
rule-making process in general**

(a) Council meetings to consider proposals

84 The Judicial Council meets twice a year, ~~generally in April and October~~, to
85 consider proposals for the adoption, amendment, or repeal of California Rules of
86 Court, California Standards of Judicial Administration, and Judicial Council forms.

87

88 **(b) Proposals**

89

90 The council will consider proposals that are submitted to it by an internal
91 committee, an advisory committee, a task force, or Judicial Council staff, in
92 accordance with rule 10.22 and any policies and procedures established by the
93 Rules ~~and Projects~~ Committee.

94

95 **(c) * * ***

96

97 **Rule 10.21. Proposals from members of the public for changes to rules, standards,**
98 **or forms**

99

100 **(a)–(b) * * ***

101

102 **(c) Advisory committee’s review of proposal**

103

104 The Chief Counsel must refer each proposal from a member of the public to an
105 appropriate advisory committee for consideration and recommendation, or, if no
106 appropriate advisory committee exists, to the Rules ~~and Projects~~ Committee. A
107 Judicial Council staff member may independently review the proposal and present
108 an analysis and a recommendation to the committee. The committee may take one
109 of the following actions:

110

111 **(1)–(3) * * ***

112

113 **Rule 10.22. Rule-making procedures**

114

115 **(a)–(b) * * ***

116 legal Services and any appropriate advisory committee, the proponent must submit
117 the proposal to the Rules ~~and Projects~~ Committee with a recommendation that it be
118 (1) circulated for public comment or (2) submitted to the council for approval
119 without public comment.

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121 **(d) Review by Rules ~~and Projects~~ Committee**

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123 The Rules ~~and Projects~~ Committee must review the recommendation and may take
124 one of the following actions:

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126 **(1)–(4) * * ***

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(e) * * *

(f) Submission to council

If, after reviewing the comments, the proponent recommends that the council adopt the proposal, the matter will be placed on the council’s agenda. The Rules ~~and Projects~~ Committee must review the recommendation and submit its own recommendation to the council. The council may adopt, modify, or reject the proposal.

(g) Compelling circumstances

The procedures established in this rule must be followed unless the Rules ~~and Projects~~ Committee finds that compelling circumstances necessitate a different procedure. The committee’s finding and a summary of the procedure used must be presented to the council with any recommendation to the council made under this subdivision.

Rule 10.34. Duties and responsibilities of advisory committees

(a) Role

Advisory committees are standing committees created by rule of court or the Chief Justice to make recommendations and offer policy alternatives to the Judicial Council for improving the administration of justice within their designated areas of focus by doing the following:

- (1) Identifying issues and concerns affecting court administration and recommending solutions to the council;
- (2) Proposing necessary changes to rules, standards, forms, and jury instructions;
- (3) Reviewing pending legislation and making recommendations to the ~~Policy Coordination and Liaison~~ Legislation Committee on whether to support or oppose it;
- (4) Recommending new legislation to the council;
- (5) Recommending to the council pilot projects and other programs to evaluate new procedures or practices;
- (6) Acting on assignments referred by the council or an internal committee; and

170
171 (7) Making other appropriate recommendations to the council.
172

173 (b)–(f) * * *

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175 **Appendix D: Judicial Council Governance Policies**

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179 **Governance Process**

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181 **1.–4.** * * *

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183 **5. Internal Committees**

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185 **a.** * * *

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187 **b. ~~Rules and Projects~~ Committee**

188 The ~~Rules and Projects~~ Committee under California Rules of Court, rule
189 10.13 makes regular reports to the full council on its actions. Its
190 responsibilities are described below.

191

192 i. Identifies the need for new rules, standards, and forms;

193 ii. Establishes and publishes procedures for the proposal,
194 adoption, and approval of rules of court, forms, and
195 standards of judicial administration that ensure that
196 relevant input from the public is solicited and
197 considered;

198 iii. Reviews proposed rules, standards, and forms,
199 and circulates those proposals for public
200 comment in accordance with its procedures and
201 guidelines;

202 iv. Provides guidelines for the style and format of rules,
203 forms, and standards and ensures that proposals are
204 consistent with the guidelines;

205 v. Ensures that proposals for new or amended rules,
206 standards, and forms do not conflict with statutes or
207 other rules; and

208 vi. Determines whether proposals for new or amended
209 rules, standards, or forms have complied with its
210 procedures.

211 **c. ~~Policy Coordination and Liaison~~ Legislation Committee**

212 The ~~Policy Coordination and Liaison~~ Legislation Committee under
213 California Rules of Court, rule 10.12 makes regular reports to the full
214 council on its actions. Its responsibilities include those described below.

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216 The committee represents the Judicial Council’s position with other
217 agencies and entities, such as the Legislature, the Governor’s Office, the
218 State Bar of California, local government, local bar associations, and other
219 court-related professional associations; reviews and makes
220 recommendations on proposals for Judicial Council–sponsored legislation;
221 reviews pending bills; determines positions consistent with the council’s
222 previous policy decisions; and oversees advocacy for these positions.

223

224 d–f * * *

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226 **6. Role of Advisory Committees**

227 Advisory committees under California Rules of Court, rule 10.34(a) are standing
228 committees created by rule of court or the Chief Justice to make recommendations and
229 offer policy alternatives to the Judicial Council for improving the administration of
230 justice within their designated areas of focus by doing the following:

- 231 i. Identifying issues and concerns affecting court administration and
232 recommending solutions to the council;
- 233 ii. Proposing necessary changes to rules, standards, forms, and jury
234 instructions;
- 235 iii. Reviewing pending legislation and making recommendations to the ~~Policy~~
236 ~~Coordination and Liaison~~ Legislation Committee on whether to support or
237 oppose it;
- 238 iv. Recommending new legislation to the council;
- 239 v. Recommending to the council pilot projects and other programs to evaluate
240 new procedures or practices;
- 241 vi. Acting on assignments referred by the council or an
242 internal committee; and
- 243 vii. Making other appropriate recommendations to the council.