

**Invitation to Comment**

Title	Alteration of Judicial Council Forms (amend California Rules of Court, rules 1.31 and 1.35)
Summary	Rules 1.31 and 1.35 of the California Rules of Court would be amended, effective January 1, 2008, to clarify that courts may not both alter Judicial Council forms and also require litigants to use the altered forms.
Source	Civil and Small Claims Advisory Committee Hon. Lee Smalley Edmon, Chair
Staff	Patrick O'Donnell, Committee Counsel, 415-865-7665, Patrick.o'donnell@jud.ca.gov
Discussion	<p>There has been some confusion regarding the intended meaning of California Rules of Court, rule 1.31(e) (prohibiting alteration of mandatory forms) and, by extension, its nearly identical corollary in rule 1.35(e) (prohibiting alteration of optional forms). The rules prohibit a court from altering forms <i>and</i> from requiring the altered forms' use in place of Judicial Council forms. Because the term "and" can at times take on the disjunctive meaning "or," it arguably is unclear whether rules 1.31(e) and 1.35(e) should be read to proscribe courts from <i>both</i> modifying forms <i>and also</i> requiring litigants to use them, or proscribe courts from <i>either</i> modifying forms <i>or</i> requiring litigants to use them.</p> <p>It is not the intent of rules 1.31(e) and 1.35(e) to prohibit a judicial officer from interlineating, where necessary or appropriate, modifications to Judicial Council forms, particularly form orders. Rather, the intent of these rules is to prohibit courts from modifying Judicial Council forms and requiring parties to use those modified forms as local (or "local-local") forms in place of the Judicial Council forms. Thus, in rule 1.31(e) and 1.35(e) the term "and" is intended to have a conjunctive, and not a disjunctive, meaning. The proposed amendments to rules 1.31(e) and 1.35(e) are intended to make this meaning clear.</p>
	Attachment

Rules 1.31 and 1.35 of the California Rules of Court would be amended, effective January 1, 2008, to read as follows:

1 **Rule 1.31. Mandatory forms**

2

3 **(a)–(d) \*\*\***

4

5 **(e) No alteration of forms**

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7 Except as provided in rule 5.504, concerning court orders in juvenile court  
8 proceedings, and rule 7.101.5, concerning court orders in proceedings under  
9 the Probate Code, courts may not both alter a mandatory Judicial Council  
10 form and also require the altered form's use in place of the Judicial Council  
11 form.

12

13 **(f)–(g) \*\*\***

14

15 **Rule 1.35. Optional forms**

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17 **(a)–(d) \*\*\***

18

19 **(e) No alteration of forms**

20

21 Courts may not both alter an optional Judicial Council form and also require  
22 the altered form's use in place of the Judicial Council form.

23

24 **(f) \*\*\***

## Item SPR07-15 Response Form

**Title:** Alteration of Judicial Council Forms (amend California Rules of Court, rules 1.31 and 1.35)

- Agree** with proposed changes
- Agree** with proposed changes **if modified**
- Do not agree** with proposed changes

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Organization: \_\_\_\_\_

- Commenting on behalf of an organization**

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Please **write** or **fax** or **respond using the Internet** to:

**Address:** Ms. Camilla Kieliger,  
Judicial Council, 455 Golden Gate Avenue,  
San Francisco, CA 94102  
**Fax:** (415) 865-7664      **Attention:** Camilla Kieliger  
**Internet:** [www.courtinfo.ca.gov/invitationstocomment](http://www.courtinfo.ca.gov/invitationstocomment)

**DEADLINE FOR COMMENT:** 5:00 p.m., Wednesday, June 20, 2007

Your comments may be written on this *Response Form* or directly on the proposal or as a letter. If you are not commenting directly on this sheet please remember to attach it to your comments for identification purposes.

*Circulation for comment does not imply endorsement by the Judicial Council,  
the Rules and Projects Committee, or the Policy Coordination and Liaison Committee.  
All comments will become part of the public record of the council's action.*