

Advisory Committee on Civil Jury Instructions
Annual Agenda¹—2022–2023
Approved by Rules Committee: 11/01/2022

I. COMMITTEE INFORMATION

Chair:	Hon. Adrienne M. Grover, Associate Justice of the Court of Appeal, Sixth Appellate District
Lead Staff:	Eric Long, Attorney, Legal Services
Committee’s Charge/Membership: <p>Rule 10.58 of the California Rules of Court states the charge of the Advisory Committee on Civil Jury Instructions, which is to make recommendations to the Judicial Council for updating, amending, and adding topics to the <i>Judicial Council of California Civil Jury Instructions</i> (CACI).</p> <p>Rule 10.58 sets forth the membership position of the committee. The Advisory Committee on Civil Jury Instructions currently has 22 members (a majority of which must be judges). Under rule 10.58, the Committee must include at least 1 member from each of the following categories: (1) appellate court justice; (2) trial court judge; (3) lawyer whose primary area of practice is civil law; and (4) law professor whose primary area of expertise is civil law. The current committee roster is available on the committee’s web page.</p>	
Subcommittees/Working Groups²: <p>The advisory committee has three subcommittees (referred to internally as working groups). Each working group is made up exclusively of committee members. Each working group reviews approximately one third of the proposed meeting agenda before the full committee meeting and makes recommendations to the committee regarding each proposal. The 3 working groups are (and are so numbered because the committee’s original 6 working groups were consolidated into 3):</p> <ol style="list-style-type: none">1. Working Group 122. Working Group 343. Working Group 56	

¹ The annual agenda outlines the work a committee will focus on in the coming year and identifies areas of collaboration with other advisory bodies and the Judicial Council staff resources.

² California Rules of Court, rule 10.30 (c) allows an advisory body to form subgroups, composed entirely of current members of the advisory body, to carry out the body’s duties, subject to available resources, with the approval of its oversight committee.

Meetings Planned for 2022–2023³ (Advisory body and all subcommittees and working groups)

Date/Time/Location or Teleconference:

Three working group meetings: on or about the week of December 5, 2022, 10:00 a.m.–2:00 p.m., Videoconference

Advisory committee meeting: on or about January 19, 2023, 10:00 a.m.–4:00 p.m., San Francisco (and/or videoconference)

Three working group meetings: on or about the week of June 5, 2023, 10:00 a.m.–2:00 p.m., Videoconference

Advisory committee meeting: on or about July 20, 2023, 10:00 a.m.–4:00 p.m., San Francisco (and/or videoconference)

Due to the nature of the advisory committee’s work and the detailed drafting that is required to write civil jury instructions that are legally accurate and understandable to the average juror, 2 in-person meetings, rather than only 1, have been authorized in prior years. If in-person meetings can be held safely in light of the evolving COVID-19 situation and if attendant health and safety precautions can be satisfied, the advisory committee will again seek an exception for 2 in-person meetings.

Check here if exception to policy is granted by Executive Office or rule of court.

³ Refer to [Operating Standards for Judicial Council Advisory Bodies](#) for governance on in-person meetings.

II. COMMITTEE PROJECTS

#	New or One-Time Projects ⁴	
1.	None	<i>Priority n/a⁵</i>
	<p><i>Strategic Plan Goal n/a⁶</i></p> <p><i>Project Summary⁷:</i> n/a</p> <p><i>Status/Timeline:</i> n/a</p> <p><i>Fiscal Impact/Resources:</i> n/a</p> <p><input type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p><i>Internal/External Stakeholders:</i> n/a</p> <p><i>AC Collaboration:</i> n/a</p>	

⁴ All proposed projects for the year must be included on the Annual Agenda. If a project implements policy or is a program, identify it as *implementation* or a *program* in the project description and attach the Judicial Council authorization/assignment or prior approved Annual Agenda to this Annual Agenda.

⁵ For non-rules and forms projects, select priority level 1 (must be done) or 2 (should be done). For rules and forms proposals, select one of the following priority levels: 1(a) Urgently needed to conform to the law; 1(b) Urgently needed to respond to a recent change in the law; 1(c) Adoption or amendment of rules or forms by a specified date required by statute or council decision; 1(d) Provides significant cost savings and efficiencies, generates significant revenue, or avoids a significant loss of revenue; 1(e) Urgently needed to remedy a problem that is causing significant cost or inconvenience to the courts or the public; 1(f) Otherwise urgent and necessary, such as a proposal that would mitigate exposure to immediate or severe financial or legal risk; 2(a) Useful, but not necessary, to implement statutory changes; 2(b) Helpful in otherwise advancing Judicial Council goals and objectives.

⁶ Indicate which goal number of The Strategic Plan for California’s Judicial Branch the project most closely aligns.

⁷ A key objective is a strategic aim, purpose, or “end of action” to be achieved for the coming year.

#	Ongoing Projects and Activities⁴	
1.	Maintenance—Case Law	Priority 1⁵ Strategic Plan Goal IV⁶
<p>Project Summary⁷: Review new case law affecting jury instructions to determine whether changes to any civil jury instructions are required. Draft and present proposed changes for council approval.</p> <p>Status/Timeline: Ongoing, with delivery of any changes requiring Judicial Council approval to the council at its May and November meetings; delivery of any changes requiring only Rules Committee approval to Rules Committee as needed.</p> <p>Fiscal Impact/Resources: None.</p> <p><input type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p>Internal/External Stakeholders: None.</p> <p>AC Collaboration: Each Working Group reviews, considers, and makes recommendations to the AC regarding each proposal.</p>		
2.	Maintenance—Legislation	Priority 1⁵ Strategic Plan Goal IV⁶
<p>Project Summary⁷: Review new legislation affecting jury instructions to determine whether changes to any civil jury instructions are required. Draft and present proposed changes for council approval. Make any necessary citation revisions to statutes cited under Sources and Authority.</p> <p>Status/Timeline: Ongoing, with delivery of any changes requiring Judicial Council approval to the council at its May and November meetings; delivery of any changes requiring only Rules Committee approval to Rules Committee as needed.</p> <p>Fiscal Impact/Resources: <i>Include JCC staff/fiscal resources (e.g., potential BCP), fiscal impact to JCC/trial court (e.g., IT contract), and other relevant resource needs.</i></p> <p><input type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p>Internal/External Stakeholders: None.</p>		

#	Ongoing Projects and Activities⁴	
	<i>AC Collaboration:</i> Each Working Group reviews, considers, and makes recommendations to the AC regarding each proposal.	
3.	<i>New Instructions and Expansion into New Subject Matter Areas</i>	<i>Priority 1⁵</i> <i>Strategic Plan Goal IV⁶</i>
	<p><i>Project Summary⁷:</i> Review new legislation, case law, and suggestions received from jury instruction users; draft and propose new civil jury instructions, including new series of instructions in an entirely new subject area, as appropriate, including new instructions on employee meal periods and employee rest periods.</p> <p><i>Status/Timeline:</i> Ongoing, with delivery of any changes requiring Judicial Council approval to the council at its May and November meetings.</p> <p><i>Fiscal Impact/Resources:</i> None.</p> <p><input type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p><i>Internal/External Stakeholders:</i> None.</p> <p><i>AC Collaboration:</i> Each Working Group reviews, considers, and makes recommendations to the AC regarding each proposal.</p>	
4.	<i>Maintenance—Comments from Users</i>	<i>Priority 1⁵</i> <i>Strategic Plan Goal IV⁶</i>
	<p><i>Project Summary:</i> Review suggestions received from jury instruction users, including the bench and bar; draft and propose changes and refinements, as appropriate, based on user suggestions.</p> <p><i>Status/Timeline:</i> Ongoing, with delivery of any changes requiring Judicial Council approval to the council at its May and November meetings; delivery of any changes requiring only Rules Committee approval to Rules Committee as needed.</p> <p><i>Fiscal Impact/Resources:</i> None.</p> <p><input type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p><i>Internal/External Stakeholders:</i> None.</p>	

#	Ongoing Projects and Activities⁴	
	<i>AC Collaboration:</i> Each Working Group reviews, considers, and makes recommendations to the AC regarding each proposal.	
5.	Maintenance—Sources and Authority	Priority 1⁵ Strategic Plan Goal IV⁶
	<p>Project Summary: Add quotations excerpted from new cases to Sources and Authority as appropriate once source is final.</p> <p>Status/Timeline: Ongoing, with delivery of any changes requiring Judicial Council approval to the council at its May and November meetings; delivery of any changes requiring only Rules Committee approval to the Rules Committee as needed.</p> <p>Fiscal Impact/Resources: None. <input type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p>Internal/External Stakeholders: None.</p> <p>AC Collaboration: Each Working Group reviews, considers, and makes recommendations to the AC regarding each proposal.</p>	
6.	Maintenance—Secondary Sources	Priority 1⁵ Strategic Plan Goal IV⁶
	<p>Project Summary: Update Secondary Source citations to ensure that the secondary sources included in CACI are up to date.</p> <p>Status/Timeline: Ongoing, with delivery of any changes requiring Judicial Council approval to the council at its May and November meetings; delivery of any changes requiring only Rules Committee approval to Rules Committee as needed.</p> <p>Fiscal Impact/Resources: None. <input type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p>Internal/External Stakeholders: None.</p> <p>AC Collaboration: Each Working Group reviews, considers, and makes recommendations to the AC regarding each proposal.</p>	

#	Ongoing Projects and Activities ⁴	
7.	Technical Corrections	Priority 1⁵ Strategic Plan Goal IV⁶
<p>Project Summary⁷: Make any necessary corrections or editing changes to the jury instructions.</p> <p>Status/Timeline: Ongoing, with delivery of any changes requiring Judicial Council approval to the council at its May and November meetings; delivery of any changes requiring only Rules Committee approval to Rules Committee as needed.</p> <p>Fiscal Impact/Resources: None.</p> <p><input type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p>Internal/External Stakeholders: None.</p> <p>AC Collaboration: Each Working Group reviews, considers, and makes recommendations to the AC regarding each proposal.</p>		

III. LIST OF 2021–2022 PROJECT ACCOMPLISHMENTS

#	Project Highlights and Achievements <i>[Provide brief, broad outcome(s) and completed date.]</i>
1.	Maintenance—Case Law, Legislation, and Comments from Users: Reviewed case law, new legislation affecting jury instructions, and comments from users to determine whether changes to the civil jury instructions are required. Releases presented to Judicial Council for approval on May 11, 2022, and to be presented to the Judicial Council on or about December 2, 2022. Release 40 (approved by the council in November 2021) included revisions to 20 instructions to bring them up to date, and release 41 (approved by the council in May 2022) included revisions to 21 instructions and verdict forms to bring them up to date.
2.	New Instructions and Expansion into New Subject Matter Areas: Reviewed new legislation, case law, and suggestions received from jury instruction users and proposed new civil jury instructions as appropriate. Releases presented to Judicial Council for approval on May 11, 2022, and to be presented to the Judicial Council on or about December 2, 2022. Release 40 (approved by the council in November 2021) included 7 new instructions—four in the Labor Code series and one each in the civil rights, vicarious responsibility, and unlawful detainer series, and release 41 (approved by the council in May 2022) included 1 new verdict form in the insurance series.
3.	Maintenance—Sources and Authority: Reviewed case law and new legislation and proposed inclusion of excerpts and citations from new sources and authority. Updates to the Sources and Authority of 43 instructions presented to the Rules Committee for approval in October, 2021, April 2022, and August 2022.
4.	Maintenance—Secondary Sources: Updated citations in CACI’s Secondary Sources. Releases presented to Judicial Council for approval on May 11, 2021, the Rules Committee in October 2021, April 2022, and August 2022, and to be presented to Judicial Council on or about December 2, 2022.
5.	Technical Corrections: Made necessary corrections or editing changes to the jury instruction publication. Releases presented to Judicial Council for approval on May 11, 2022, the Rules Committee in in October 2021, April 2022 and August 2022, and to be presented to Judicial Council on or about December 2, 2022.