

Advisory Committee on Civil Jury Instructions
Annual Agenda¹—2019–20
Approved by RUPRO: 10/28/2019

I. COMMITTEE INFORMATION

Chair:	Hon. Martin J. Tangeman, Justice California Court of Appeal, Second Appellate District
Lead Staff:	Eric Long, Attorney, Legal Services
Committee's Charge/Membership: 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 council's civil jury instructions (CACI). The Advisory Committee on Civil Jury Instructions currently has 22 members (a majority of which must be judges), and under rule 10.58, the Committee must include at least one 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.	
Subcommittees/Working Groups²: The committee has three subcommittees (referred to internally as working groups). Each is made up exclusively of committee members. Each working group reviews a third of the proposed meeting agenda before the full committee meeting and makes recommendations to the committee regarding each proposal. The working groups are: <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.

II. COMMITTEE PROJECTS

#	New or One-Time Projects ³
1.	<p>Secondary Sources Process Propose to RUPRO and the Judicial Council new standard for selecting and updating Secondary Sources to ensure that the secondary sources included in CACI will not become out of date.</p>
	<p>Priority 2⁴ See footnote 4</p> <p>Project Summary⁵: Recommend that the Judicial Council transfer to licensee publishers, under specific guidelines approved by the committee, the responsibility for selecting Secondary Sources for inclusion in CACI and the responsibility for keeping those selected sources up to date. Recommend that the Judicial Council retain CACI’s copyright in Secondary Sources included with any edition of CACI.</p> <p>Status/Timeline: AC will present no later than May 2020 a proposal to RUPRO for consideration to change the standard for secondary sources. If approved by RUPRO, AC would prepare for inclusion in the User Guide a paragraph summarizing the standard and advising that the Judicial Council no longer selects the Secondary Sources, nor guarantees their accuracy and currency. AC’s proposed new standard for secondary sources and addition to the User Guide to be presented to the Judicial Council no later than November 2020.</p> <p>Fiscal Impact/Resources: Substantial staff time one time to remove all of the current Secondary Sources from the CACI master files.</p> <p>Internal/External Stakeholders: None.</p> <p>AC Collaboration: None.</p>

³ 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.

⁴ 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.

⁵ A key objective is a strategic aim, purpose, or “end of action” to be achieved for the coming year.

#	Ongoing Projects and Activities	
1.	Maintenance—Case Law	Priority 1
<p>Project Summary: 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 RUPRO approval to RUPRO in January, May, July, and November.</p> <p>Fiscal Impact/Resources: Substantial staff time for research and drafting.</p> <p>Internal/External Stakeholders: Civil litigation practitioners, trial and appellate courts, and the legislature.</p> <p>AC Collaboration: Each Working Group reviews, considers, and makes recommendations to the AC regarding each proposal.</p>		
2.	Maintenance—Legislation	Priority 1
<p>Project Summary: 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; and delivery of any changes requiring only RUPRO approval to RUPRO in January.</p> <p>Fiscal Impact/Resources: Staff time to review newly-enacted legislation.</p> <p>Internal/External Stakeholders: Civil litigation practitioners, trial and appellate courts, and the legislature.</p> <p>AC Collaboration: Each Working Group reviews, considers, and makes recommendations to the AC regarding each proposal.</p>		

#	Ongoing Projects and Activities	
3.	New Instructions and Expansion into New Areas	Priority 1
<p>Project Summary: Review suggestions received from jury instruction users, new legislation, and case law; draft and propose new civil jury instructions, including new series of instructions in an entirely new subject area, as appropriate.</p> <p>Status/Timeline: Ongoing.</p> <p>Fiscal Impact/Resources: Substantial staff time for research and drafting.</p> <p>Internal/External Stakeholders: Civil litigation practitioners, trial and appellate courts, and the legislature.</p> <p>AC Collaboration: Each Working Group reviews, considers, and makes recommendations to the AC regarding each proposal.</p>		
4.	Maintenance—Comments from Users	Priority 1
<p>Project Summary: Review comments, suggestions, and concerns received from bench and bar jury instruction users and propose any necessary changes and improvements.</p> <p>Status/Timeline: Ongoing, with delivery to Judicial Council at May and November meetings.</p> <p>Fiscal Impact/Resources: Substantial staff time for research and drafting.</p> <p>Internal/External Stakeholders: Civil litigation practitioners, trial and appellate courts, and the legislature.</p> <p>AC Collaboration: Each Working Group reviews, considers, and makes recommendations to the AC regarding each proposal.</p>		

#	Ongoing Projects and Activities	
5.	Technical Corrections	Priority 1
<p><i>Project Summary:</i> Make any necessary corrections or editing changes to the jury instructions.</p> <p><i>Status/Timeline:</i> Ongoing, with delivery to Judicial Council at its November meeting.</p> <p><i>Fiscal Impact/Resources:</i> Modest amount of staff time.</p> <p><i>Internal/External Stakeholders:</i> Bench and bar civil jury instruction users.</p> <p><i>AC Collaboration:</i> None.</p>		
6.	Maintenance—Sources and Authority	Priority 1
<p><i>Project Summary:</i> Add excerpts from new cases to Sources and Authority sections as appropriate once source is final.</p> <p><i>Status/Timeline:</i> Ongoing, with delivery to RUPRO in January, May, July, and November.</p> <p><i>Fiscal Impact/Resources:</i> Substantial staff time for case review and drafting.</p> <p><i>Internal/External Stakeholders:</i> Civil litigation practitioners, trial and appellate courts, and the legislature.</p> <p><i>AC Collaboration:</i> Each Working Group reviews, considers, and makes recommendations to the AC regarding each proposal.</p>		

III. LIST OF 2019 PROJECT ACCOMPLISHMENTS

#	Project Highlights and Achievements
1.	Maintenance—Case Law and Legislation: Releases presented to Judicial Council for approval on May 17, 2019 and to be presented to the Judicial Council on November 14, 2019.
2.	New Instructions and Expansion into New Areas: Releases presented to Judicial Council for approval on May 17, 2019 and to be presented to the Judicial Council on November 14, 2019.
3.	Maintenance—Sources and Authority: Releases presented to RUPRO for approval January, May, and July 2019.
4.	Maintenance—Comments From Users: Releases presented to Judicial Council for approval on May 17, 2019 and to be presented to the Judicial Council on November 14, 2019.
5.	Technical Corrections: Release to be presented to Judicial Council on November 14, 2019.