



# Judicial Council of California

Rules Committee

[www.courts.ca.gov/rulescomm.htm](http://www.courts.ca.gov/rulescomm.htm)  
[rulesmeetings@jud.ca.gov](mailto:rulesmeetings@jud.ca.gov)

## RULES COMMITTEE

### MINUTES OF OPEN VIDEOCONFERENCE MEETING

Thursday, April 4  
12:10 p.m. - 1:40 p.m.

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<b>Rules Committee Members Present:</b>	Hon. Carin T. Fujisaki, Chair, Hon. Michelle Williams Court, Vice-Chair, Hon. Charles S. Crompton, Hon. Maria D. Hernandez, and Mr. Charles Johnson.
<b>Rules Committee Members Absent:</b>	Hon. Erica Yew, Ms. Kate Bieker, Ms. Rachel W. Hill, and Mr. Maxwell Pritt.
<b>Rules Committee Staff Present:</b>	Ms. Anne M. Ronan and Ms. Benita Downs
<b>Advisory Bodies Chair(s) and Staff Present</b>	Karen Alvarado, Theresa Chiong, Sarah Fleischer-Ihn, Kendall Hannon, and Eric Long.
<b>Other JC Staff Present</b>	Audrey Fancy, Michael Giden, Anna Maves, Mary Smrdeli, and Jemery Varon.

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#### OPEN MEETING

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#### Call to Order and Roll Call

The chair called the meeting to order at 12:11 p.m., and Ms. Downs took roll call.

#### DISCUSSION AND ACTION ITEMS (ITEMS 01-07)

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#### CENTER FOR JUDICIAL EDUCATION AND RESEARCH (CJER)

#### Judicial Council Report—Recommend Council Action

##### Item 01

##### Judicial Branch Education: Judicial Schedules

The committee reviewed a recommendation from the Center for Judicial Education and Research Advisory Committee that the Judicial Council make a technical amendment to rule 10.603 of the California Rules of Court to replace outdated references with citations to the current judicial education requirements.

**Action:** *The committee unanimously approved the Center for Judicial Education and Research Advisory Committee recommendation, which is to go to the Judicial Council for action at the May council meeting.*

## CIVIL JURY INSTRUCTIONS (CACI)

### MEMORANDUM

#### Item 02

##### **Civil Jury Instructions: Instructions With Minor or Nonsubstantive Revisions (Release 45)**

The committee reviewed a recommendation from the Advisory Committee on Civil Jury Instructions for final action by the Rules Committee for minor or nonsubstantive revisions to the Civil Jury Instructions (CACI), which the council has delegated authority to the Rules Committee to approve.

***Action: The committee took final action in approving the minor and nonsubstantive revisions to the civil jury instructions.***

### Judicial Council Report–Recommend Council Action

#### Item 03

##### **Jury Instructions: Civil Jury Instructions (Release 45)**

The committee reviewed a recommendation from the Advisory Committee on Civil Jury Instructions to approve the revised civil jury instructions and verdict forms prepared by the committee. Among other things, these changes bring the instructions up to date with developments in the law over the previous six months. Upon Judicial Council approval, the instructions will be published in the official midyear supplement to the 2024 edition of the Judicial Council of California Civil Jury Instructions (CACI).

***Action: The committee unanimously approved the Advisory Committee on Civil Jury Instructions recommendation, which is to go to the Judicial Council for action at the May council meeting.***

## CRIMINAL

### Judicial Council Report–Recommend Council Action

#### Item 04

##### **Criminal Procedure: Appointment of Counsel for Claims Filed Under Penal Code Section 1473(e)**

The committee reviewed a recommendation from the Criminal Law Advisory Committee to adopt rule 4.553 of the California Rules of Court to implement legislation requiring the Judicial Council to develop qualifications for the appointment of counsel in superior court habeas corpus proceedings under Penal Code section 1473(e). Section 1473(e) provides for relief under the California Racial Justice Act of 2020, which prohibits the state from seeking or obtaining a conviction or sentence based on race, ethnicity, or national origin and allows petitioners to make claims for relief based on violations of the act.

**Action: The committee unanimously approved the Criminal Law Advisory recommendation, which is to go to the Judicial Council for action at the May council meeting.**

**Item 05**

**Criminal Procedure: Racial Justice Act**

The committee reviewed a joint recommendation from the Appellate Advisory Committee and the Criminal Law Advisory Committee to amend rules 4.551, 8.385, and 8.386 of the California Rules of Court and revise *Motion to Vacate Conviction or Sentence* (form CR-187), *Order on Motion to Vacate Conviction or Sentence* (form CR-188), and *Petition for Writ of Habeas Corpus* (form HC-001), to implement the Racial Justice Act, which prohibits the state from seeking or obtaining a conviction or sentence based on race, ethnicity, or national origin.

**Action: The committee unanimously approved the joint recommendation from the Appellate Advisory Committee and the Criminal Law Advisory Committee, which is to go to the Judicial Council for action at the May council meeting.**

**FAMILY AND JUVENILE LAW**

**Judicial Council Report—Recommend Council Action**

Item 06 (Deferred to later meeting)

Item 06(A) (Deferred to later meeting)

**PROBATE AND MENTAL HEALTH**

**Judicial Council Report—Recommend Council Action**

**Item 07**

**Mental Health Law: CARE Act Rule Amendments and Form Revisions**

The committee reviewed a recommendation from the Probate and Mental Health Advisory Committee to amend four rules of court and revise seven forms to implement Senate Bill 35 (Stats. 2023, ch. 283), which amended both substantive and procedural aspects of the Community Assistance, Recovery, and Empowerment (CARE) Act. In addition, the statute updated the mandate that the Judicial Council adopt rules implementing the policies and provisions of the act to add a requirement that the rules include “communications between the CARE Act court and the juvenile court, if applicable,” and to remove the requirement that the rules include “the clerk’s review of the petition.” The Family and Juvenile Law Advisory Committee joined in recommending the amendment of rule 7.2210(d)–(f), and the revision of forms CARE-050-INFO and CARE-100 to the extent those proposed changes address communications between the CARE Act court and the juvenile court.

**Action: The committee unanimously approved the Probate and Mental Health Advisory Committee recommendation, which is to go to the Judicial Council for action at the May council meeting.**

**Invitation to Comment–Recommend Circulation for Comment**

**Item 09**

**Mental Health Law: CARE Act and Related Proceedings**

The committee reviewed a proposal from the Probate and Mental Health Advisory Committee proposing approval of an optional form for the court’s use to order the county agency to provide information to the respondent’s attorney— in specified related proceedings—that a petition to commence proceedings under the Community Assistance, Recovery, and Empowerment (CARE) Act has been filed on the respondent’s behalf. This form would facilitate the process required by recommended rule 7.2210(e) of the California Rules of Court in response to statutory amendments and input from courts and counties.

**Action: The committee unanimously approved the proposal for circulation on the regular spring cycle through May 3.**

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**I. INFORMATION ONLY ITEMS (NO ACTION REQUIRED)**

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**Next Rules Committee meeting will be held on:** May 2024 date to be determined.

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**A D J O U R N M E N T**

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There being no further business, the meeting was adjourned at 12:28 p.m.

Approved by the committee on May 1, 2024.