



Judicial Council of California  
Rules Committee

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**RULES COMMITTEE**

**MINUTES OF OPEN VIDEOCONFERENCE MEETING**

Tuesday, August 6, 2024  
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), Ms. Kate Bieker, Hon. Charles S. Crompton, Ms. Rachel Hill, and Mr. Charles Johnson
<b>Rules Committee Members Absent:</b>	Hon. Maria D. Hernandez, Mr. Maxwell Pritt, and Hon. Erica Yew
<b>Rules Committee Staff Present:</b>	Ms. Anne M. Ronan and Ms. Benita Downs
<b>Advisory Bodies Chair(s) and Staff Present</b>	James Barolo, Sarah Fleischer-Ihn, Eric Long, Paarth Malkan, Jason Mayo, Jamie Schechter, and Jeremy Varon
<b>Other JC Staff Present</b>	Heather Anderson, Michael Giden, Savet Hong, Anna Maves, Stephanie Paone, Leah Rose-Goodwin, and Christy Simon

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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.

Approved minutes of the May 1, June 4, June 10, and June 27 meetings.

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**DISCUSSION AND ACTION ITEMS (ITEMS 01 – 19)**

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**APPELLATE**

**Judicial Council Report—Recommend Council Action**

**Item 01**

**Appellate Procedure: Civil Case Information Statement, Calendar Preference, and Extension of Time**

The committee reviewed a recommendation from the Appellate Advisory Committee that the Judicial Council amend rule 8.100 of the California Rules of Court to require appellants to file the Civil Case Information Statement (APP-004) within 15 days after the reviewing court assigns the appeal a case

number and revising form APP-004 to allow the appellant to provide a nonstatutory reason why the appeal is eligible for calendar preference. The committee also recommended revising the forms used by parties to request extensions of time to file briefs to make slight substantive and formatting improvements.

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

## **Item 02**

### **Appellate Procedure: Expanded Clerk's Transcript in Criminal Appeals**

The committee reviewed a recommendation from the Appellate Advisory Committee that the Judicial Council amend California Rules of Court, rule 8.320 to authorize the Courts of Appeal to require, by local rule, that the clerk's transcript in felony appeals include additional court records from the superior court file beyond those currently required in rule 8.320(b) or (d)(1). The amendment is intended to help minimize delays in felony appeals occasioned by the need to cure omissions from, or make augmentations to, the clerk's transcript.

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

## **Item 03**

### **Appellate Procedure: Deadline for Amicus Curiae Briefs**

The committee reviewed a recommendation from the Appellate Advisory Committee that the Judicial Council amend California Rules of Court, rule 8.200 to provide a deadline for filing an application to file an amicus curiae brief when no respondent's brief has been filed. The proposal is intended to close a gap in the current rule.

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

## **Item 04**

### **Appellate Procedure: Form Briefs for Use in Limited Civil Appeals**

The committee reviewed a recommendation from the Appellate Advisory Committee that the Judicial Council approve three optional form briefs that parties can use in limited civil appeals, as well as related information sheets that explain how to use each form brief. Additionally, the committee recommended amending one rule of court and revising one information sheet to address these new forms. The new forms are intended to assist self-represented litigants and attorneys unfamiliar with appellate practice in drafting effective briefs before the appellate division of the superior court.

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

**CIVIL****Judicial Council Report–Recommend Council Action****Item 05****Civil Practice and Procedure: Order on Unlawful Use of Personal Identifying Information**

The committee reviewed a recommendation from the Civil and Small Claims Advisory Committee that the Judicial Council revise form CIV-165, Order on Unlawful Use of Personal Identifying Information, for a judicial officer to identify (1) the business entity at issue in the petition underlying the order and (2) its corresponding file number with the Secretary of State if identified in the petition. The recommendation responds to a request from the Secretary of State's office for more information to allow it to act on a court's determination that a petitioner's personal identifying information was used unlawfully in a business entity filing. The revisions are intended to assist the Secretary of State in locating the offending record so that Secretary of State staff can perform the steps necessary to comply with the court's order granting relief to a petitioner.

***Action: The committee unanimously approved the recommendation from the Civil and Small Claims Advisory Committee, which is to go to the Judicial Council for action at the September council meeting.***

**Item 06****Civil Practice and Procedure: Memorandum of Costs**

The committee reviewed a recommendation from the Civil and Small Claims Advisory Committee that the Judicial Council revise the optional form litigants use for claiming prejudgment costs under Code of Civil Procedure sections 1032 and 1033.5 (form MC-010) to add a certification under penalty of perjury for the costs submitted. The committee also recommended on form MC-010 and its companion worksheet (form MC-011) (1) removing the references to fees for hosting electronic documents as a cost because these fees have sunsetted as an expressly allowable cost and (2) relocating the item "Models, enlargements, and photocopies of exhibits" on the lists of costs. The origins of the proposal were a litigant's challenge to form MC-010's verification language, a sunset provision in the statute, and a suggestion from a form user to make parallel the cost items in the two forms.

***Action: The committee unanimously approved the recommendation from the Civil and Small Claims Advisory Committee, which is to go to the Judicial Council for action at the September council meeting.***

**Item 07**

**Civil Practice and Procedure: Tentative Rulings**

The committee reviewed a recommendation from the Civil and Small Claims Advisory Committee for the Judicial Council to eliminate the requirement in Rule 3.1308 that courts that offer tentative rulings in civil law and motion matters make all tentative rulings available by telephone.

***Action: The committee unanimously approved the recommendation from the Civil and Small Claims Advisory Committee, which is to go to the Judicial Council for action at the September council meeting.***

**Item 08**

**Civil Practice and Procedures: Case Dismissal with Retained Jurisdiction**

The committee reviewed a recommendation from the Civil and Small Claims Advisory Committee that the Judicial Council amend California Rules of Court, rule 3.1385 and revise form CIV-110 to implement amended Code of Civil Procedure section 664.6, which allows courts to dismiss cases without prejudice and retain jurisdiction to enforce settlement terms. The rule would be amended to incorporate advisory committee comments clarifying the application of specific subdivisions of the rule depending on whether dismissal under section 664.6 is sought. The recommended form revision would add a new option to request dismissal without prejudice and with retained jurisdiction.

***Action: The committee unanimously approved the recommendation from the Civil and Small Claims Advisory Committee, which is to go to the Judicial Council for action at the September council meeting.***

**Item 09**

**CEQA Actions: Initial Case Management Conferences**

The committee reviewed a recommendation from the Civil and Small Claims Advisory Committee that the Judicial Council amend rule 3.2226 of the California Rules of Court to implement the provisions of Senate Bill 149 concerning initial case management conferences for actions brought under the California Environmental Quality Act.

***Action: The committee unanimously approved the recommendation from the Civil and Small Claims Advisory Committee, which is to go to the Judicial Council for action at the September council meeting.***

**CENTER FOR JUDICIAL EDUCATION AND RESEARCH (CJER)****Judicial Council Report–Recommend Council Action****Item 10****Judicial Branch Education: Fairness and Access Requirements**

The committee reviewed a recommendation from the Center for Judicial Education and Research Advisory Committee for the Judicial Council to adopt rule 10.465 and amend rule 10.469 to clarify confusion regarding the fairness and access education requirements for judicial officers. The proposal also made related technical changes to rules 10.461 and 10.462.

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

**CRIMINAL****Judicial Council Report–Recommend Council Action****Item 11****Criminal Law: Parole Period Advisement**

The committee reviewed a recommendation from the Criminal Law Advisory Committee for the Judicial Council to amend rule 4.433 of the California Rules of Court to add a reference to the parole periods described in Penal Code section 3000.01. The recommended addition to the rules is to the provision on the sentencing judge's advisement to the defendant about the parole period to be served after expiration of the sentence. The proposed amendment reflects a legislative change and is intended to guide sentencing judges in accurately informing defendants of relevant parole periods.

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

**Item 12****Criminal Law: Firearm and Body Armor Prohibitions**

The committee reviewed a recommendation from the Criminal Law Advisory Committee for the Judicial Council to revise six criminal forms to incorporate firearm and body armor prohibitions enacted in recent legislation. The committee also recommended revisions to the plea and firearm relinquishment forms to reflect new procedures on firearm relinquishment, clarify prohibited items and relinquishment requirements, and refer to the possibility of a lifetime prohibition on firearm possession for misdemeanor domestic violence offenses. Finally, the committee recommended additional revisions to the felony plea form based on other statutory changes, and to the criminal protective order forms based on stakeholder

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

## FAMILY AND JUVENILE LAW

### Judicial Council Report–Recommend Council Action

#### Item 13 (deferred until August 13)

#### ~~Jointly with the Criminal Law Advisory Committee~~

~~Criminal Law and Family Law: Changes to Form MIL-100 (Revise form MIL-100) (Action required—recommend Judicial Council action)~~

#### Item 14 (deferred until August 13)

~~Juvenile Law: Harm of Removal (amend rules 5.674, 5.676, and 5.678; revise form JV-410) (Action required—recommend Judicial Council action)~~

## JUDICIAL ADMINISTRATION

### Judicial Council Report–Recommend Council Action

#### Item 15

#### Trial Courts: Standard 2.2 Diversion Reporting

The committee reviewed a recommendation from the Court Executives Advisory Committee for the Judicial Council to amend standard 2.2 of the California Standards of Judicial Administration, which gives guidance to trial courts on the types of matters that remove a case from court control for purposes of calculating computation of time related to case disposition time goals. Standard 2.2(m)(2)(C) specifies that felony or misdemeanor cases in diversion programs under Penal Code section 1000 et seq. should be excluded from time computation, but the standard is unclear as to whether only drug diversion or all diversion programs under the Penal Code should be excluded. Revising the language in the standard is intended to increase clarity, ensure consistent data reporting, and support council goals related to operational efficiency and improved caseflow management.

***Action: The committee unanimously approved the recommendation from Judicial Council staff, which is to go to the Judicial Council for action at the September council meeting.***

## TRAFFIC

### Judicial Council Report–Recommend Council Action

#### Item 16

#### Traffic: Officer's Declaration in Trial by Written Declaration

The committee reviewed a recommendation from the Traffic Advisory Committee that the Judicial Council revise Officer's Declaration (form TR-235), which is used in trials by written declaration, to update language and clarify how an engineering and traffic survey, if required, has been provided.

***Action: The committee unanimously approved the recommendation from the Traffic Advisory Committee, which is to go to the Judicial Council for action at the September council meeting.***

**Item 17**

**Traffic: Mandatory Reminder Notices—Traffic Procedures**

The committee reviewed a recommendation from the Traffic Advisory Committee that the Judicial Council amend California Rules of Court, rule 4.107 to clarify the procedures for sending infraction reminder notices. The committee also recommended adding an exception to the mandatory notice procedures when (1) the defendant does not have a valid physical mailing address or (2) the court does not have the necessary information (a litigant's email address or mobile number) or the technological capability to send a notice electronically. Additionally, the committee recommended amendments to the rule to improve readability and to comply with current law.

***Action: The committee unanimously approved the recommendation from the Traffic Advisory Committee, which is to go to the Judicial Council for action at the September council meeting.***

**Item 18**

**Traffic: Instructions for Notice to Appear and Related Forms**

The committee reviewed a recommendation from the Traffic Advisory Committee that the Judicial Council revise the manual of instructions for the notice to appear and related forms (form TR-INST) to improve clarity and consistency. The revisions include technical amendments and corrections and responded to suggestions from forms users.

***Action: The committee unanimously approved the recommendation from the Traffic Advisory Committee, which is to go to the Judicial Council for action at the September council meeting.***

**Item 19**

**Traffic: Ability-to-Pay Request Form and Court Order**

The committee reviewed a recommendation from the Traffic Advisory Committee that the Judicial Council revise two ability-to-pay forms to incorporate options currently offered through the court's online ability-to-pay tool, My Citations. Multiple stakeholders have requested the same options as My Citations. Specifically, stakeholders have requested the ability to offer a plea on the form, instead of requiring litigants to go to court.

***Action: The committee unanimously approved the recommendation from the Traffic Advisory Committee, which is to go to the Judicial Council for action at the September council meeting.***

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

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**Next Rules Committee meeting will be held on:** August 13, 2024

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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 12:53 p.m.

Approved by the committee on March 13, 2025.