

Invitation to Comment

Title	Local Rules: Increase Time for Filing With the Judicial Council From 30 to 60 Days (amend Gov. Code, § 68071)
Summary	The proposed amendment to Government Code section 68071 would extend the time period for Judicial Council review and processing of local court rule amendments from 30 days to 60 days before their January 1 or July 1 effective date.
Source	Administrative Office of the Courts Staff
Staff	Cara Vonk, Attorney, Office of the General Council, 415-865-7669, cara.vonk@jud.ca.gov
Discussion	<p>Administrative Office of the Courts (AOC) staff typically process about 30 courts' local rules amendments two times per year. Staff reviews each submission for compliance with the form and formatting requirements of rule 10.613 of the California Rules of Court. Usually, about three quarters of the courts submitting local rules must be contacted by telephone to make needed corrections.</p> <p>After corrections are made and a second review by AOC staff, the final local rules are posted on a special File Transfer Protocol (FTP) Web site and e-mail notice is given to local rules publishers that the local rules are ready to be downloaded by the publishers onto their sites. AOC staff also provides technical computer support on formatting issues and on sending large local rules files by e-mail.</p> <p>Currently, local courts are required to submit these rule amendments to the council 30 days before the effective date. The process of review, correction, and processing described above usually takes about three weeks, leaving only one week for publishers to analyze and publish the updates before the rules' effective date. In the fourth week, AOC staff updates the AOC local rules Web page with the latest effective date for each court's local rules and provides a link to each superior court's local rules Web page. Notice is given to courts via Court News Update (CNU) of local rule changes and of each court's duty to provide the public with access to all courts' local rules. Courts that do not provide the public with computer access and assistance are sent paper copies of the amended local rules so that each court can meet the requirement of rule 10.613.</p> <p>Extending the period for review and processing of the rule amendments from 30 to 60 days before their effective date should give</p>

the AOC, the courts, and publishers adequate time to review, make corrections, and publish the amended local rules before their effective date.

Because there is also a 45-day circulation for comment period required under rule 10.613(g) of the California Rules of Court, courts would be required to circulate local rule amendments no later than 105 days before the rules are adopted (45 plus 60 days) instead of the current 75 days (45 plus 30 days). Should a court require shortened time for filing a local rule amendment, there is a procedure under rule 10.613(i) authorizing the Chief Justice to issue an order for good cause shown. These requests are generally processed within 10 days of receipt.

If the proposed legislation is enacted, conforming amendments and several additional amendments to rule 10.613 would be made to streamline the process and to coincide with the effective date of the legislation. Proposals to amend the rule would also be circulated for statewide comment.

Attachment

Proposal

Government Code section 68071 would be amended effective January 1, 2009, to read:

1 § **68071.**

2

3 No rule adopted by a superior court shall take effect until January 1 or July 1, whichever
4 comes first, following the ~~30th~~ 60th day after it has been filed with the Judicial Council
5 and the clerk of the court, and made immediately available for public examination. The
6 Judicial Council may establish, by rule, a procedure for exceptions to these effective
7 dates.

Item LEG07-04 Response Form

Title: Local Rules: Increase Time for Filing With the Judicial Council From 30 to 60 Days (amend Gov. Code, § 68071)

- 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

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.