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FACT SHEET

September 2007

How a Proposal Becomes a Rule

The Judicial Council is authorized by the California Constitution to adopt rules for court administration, practice, and procedure that are not inconsistent with statute. (Cal. Const., art. VI, § 6.) Rules, forms, and standards of judicial administration are circulated for comment twice a year, for adoption effective January 1 and July 1. Generally, the council follows the procedure described below. (Cal. Rules of Court, rules 10.20–10.22.)

Submission of a Proposal

Many of the changes to the California Rules of Court and Judicial Council forms are made in response to changes in the law. However, any person or organization may submit a request for a new or amended rule of court, form, or standard of judicial administration. It is helpful if the proposal includes:

- The text of the proposed rule, standard, form, or amendment;
- A description of the problem to be addressed;
- The proposed solution and alternative solutions;
- Any likely implementation problems;
- Any need for urgent consideration;
- Known proponents and opponents;
- Any known fiscal impact; and
- If known, any previous action taken by the Judicial Council or an advisory committee.

Mail, fax, or e-mail proposals to Judicial Council of California, Attention: General Counsel (Rule/Form Proposal), 455 Golden Gate Avenue, San Francisco, California 94102-3688; fax: 415-865-7664; e-mail: legal-services@jud.ca.gov.

Advisory Committee Review

An advisory committee (for example, a committee of court executives or a committee on civil, criminal, or family law) analyzes the proposal and may take one of the following actions:

- Recommend to the Judicial Council's Rules and Projects Committee that the proposal be circulated for public comment, with or without modification, or that it be adopted without being circulated for comment;
- Request further analysis by the proponent; or
- Reject the proposal.

Rules and Projects Review

The Rules and Projects Committee reviews the advisory committee's request or recommendation and may take one of the following actions:

- Circulate the proposal for public comment, with or without modification;
- Recommend that the Judicial Council adopt it without circulating it for comment if the proposal presents a noncontroversial or a nonsubstantive, technical change or correction;
- Request further analysis by the advisory committee or the proponent;
- Refer the matter to another council committee, the full council, or the Chief Justice; or
- Reject the proposal if it is contrary to council policy or to statute or conflicts with other rules or standards.

Comments and Consideration

After the comment period closes, the advisory committee considers the comments and may:

- Recommend adoption of the original proposal;
- Modify the proposal and recommend adoption of the modified version;
- Study and analyze the proposal further; or
- Reject the proposal.

Final Action

If the advisory committee recommends adoption of a new or amended rule, form, or standard of judicial administration, the matter is placed on the Judicial Council's agenda. The Rules and Projects Committee reviews the advisory committee's recommendation and submits its own recommendation to the council. The council may adopt, modify, or reject the proposed rule, form, or standard—which, if adopted, usually becomes effective the following January 1 or July 1.

If compelling circumstances necessitate a different procedure from that just outlined, the Rules and Projects Committee presents its findings and a summary of the procedure, along with any recommendation to the Judicial Council.

Contact:

Camilla Kieliger, Court Services Analyst, camilla.kieliger@jud.ca.gov

To comment on proposed changes during a comment period, please visit
www.courtinfo.ca.gov/invitationstocomment or fax to 415-865-7664

Additional resources:

Recent rule changes, www.courtinfo.ca.gov/rules/amendments.htm

Amendment schedule, www.courtinfo.ca.gov/invitationstocomment/schedule.pdf

Current California Rules of Court, www.courtinfo.ca.gov/rules/

Current Judicial Council forms, www.courtinfo.ca.gov/forms/

How a Proposal Becomes a Rule

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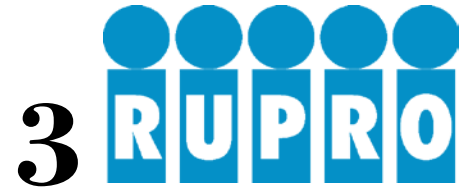
1 Submitting a Proposal: Any person or organization can submit a request for a new or amended Judicial Council rule, form, or standard of judicial administration. It is helpful if the proposal includes: (1) the text of the proposed rule, standard, form, or amendment; (2) a description of the problem to be addressed; (3) the proposed solution and alternative solutions; (4) any likely implementation problems; (5) any need for urgent consideration; (6) known proponents and opponents; and (7) any known fiscal impact.

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2 Analyzing the Proposal: An advisory committee (on, e.g., civil, criminal, or family law, or court administrators) analyzes the proposal and may take one of the following actions:

- Recommend to the council's Rules and Projects Committee (RUPRO) that the proposal be circulated for public comment, with or without modification, or that it be adopted without being circulated for comment;
- Request further analysis by the proponent; or
- Reject the proposal.



3 RUPRO Action: RUPRO reviews the advisory committee's recommendation and may take one of the following actions:

- Circulate the proposal for public comment with or without modification;
- Recommend that the council adopt it without circulating it for comment if the proposal presents a nonsubstantive technical change or correction or a noncontroversial minor substantive change;
- Request further analysis by the advisory committee or the proponent;
- Refer the matter to another council committee, the full council, or the Chief Justice; or
- Reject the proposal if it is contrary to council policy or statute or conflicts with other rules or standards.



4 Comments and Consideration: After the comment period closes, the advisory committee considers the comments and may:

- Recommend adoption of the original proposal;
- Modify the proposal and recommend adoption as modified;
- Study and analyze the proposal further; or
- Reject the proposal based on the comments received.



5 Final Judicial Council Action: The advisory committee recommendation is reviewed by RUPRO. If the advisory committee recommends adoption of a new or amended rule, form, or standard of judicial administration, the matter is placed on the council's agenda. The council may adopt, modify, or reject the proposed rule, form, or standard. If adopted, it will usually become effective the following January 1 or July 1.

Contact

To find recent rule changes, see the California Courts Web site, www.courtinfo.ca.gov/rules/amendments.htm. To comment on proposed changes during a comment period, see www.courtinfo.ca.gov/invitationstocomment/ or contact the Administrative Office of the Courts, 455 Golden Gate Avenue, San Francisco, CA 94102-3688, fax: 415-865-7664.



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