

AMENDMENT TO THE CALIFORNIA RULES OF COURT
Adopted by the Judicial Council on March 24, 2023, effective April 1, 2023

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1 **Rule 2.1050. Judicial Council jury instructions**

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3 ~~(a)–(b)~~ * * *

4
5 **(c) Public access**

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7 The Judicial Council must provide copies and updates of the approved jury
8 instructions to the public on the California Courts website. ~~The Judicial Council~~
9 ~~may contract with an official publisher to publish the instructions in both paper and~~
10 ~~electronic formats.~~ The Judicial Council intends that the instructions be freely
11 available for use and reproduction by parties, attorneys, and the public, except as
12 limited by this subdivision. ~~The Judicial Council may take steps necessary to~~
13 ~~ensure that publication of the instructions by commercial publishers does not occur~~
14 ~~without its permission, including, without limitation, ensuring that commercial~~
15 ~~publishers accurately publish the Judicial Council’s instructions, accurately credit~~
16 ~~the Judicial Council as the source of the instructions, and do not claim copyright of~~
17 ~~the instructions. The Judicial Council may require commercial publishers to pay~~
18 ~~fees or royalties in exchange for permission to publish the instructions. As used in~~
19 ~~this rule, “commercial publishers” means entities that publish works for sale,~~
20 ~~whether for profit or otherwise.~~

21
22 **(d) Publication**

23
24 The Judicial Council may contract with an official publisher and other publishers to
25 publish the instructions in both paper and electronic formats. The Judicial Council
26 may take appropriate actions to maintain the integrity of the jury instructions,
27 including, without limitation, ensuring that publishers accurately publish the
28 Judicial Council’s instructions, accurately credit the Judicial Council as the source
29 of the instructions, and do not claim copyright in the instructions.

30
31 **~~(d)~~(e) Updating and amendments revisions**

32
33 The Judicial Council instructions will be regularly updated and maintained through
34 its advisory committees on jury instructions. ~~Amendments~~ Revisions to these
35 instructions will be circulated for public comment before publication. ~~Trial judges~~
36 ~~and attorneys may submit for the advisory committees’ consideration suggestions~~
37 ~~for improving or modifying these instructions or creating new instructions,~~
38 Suggestions for revising an instruction or creating new instructions may be
39 submitted in writing, with an explanation of why the change is proposed,
40 ~~Suggestions should be sent to the Judicial Council of California, Legal Services.~~

1 **(e)(f) Use of instructions**

2
3 Use of the Judicial Council instructions is strongly encouraged. If the latest edition
4 of the jury instructions approved by the Judicial Council contains an instruction
5 applicable to a case and the trial judge determines that the jury should be instructed
6 on the subject, it is recommended that the judge use the Judicial Council instruction
7 unless ~~he or she~~ the judge finds that a different instruction would more accurately
8 state the law and be understood by jurors. Whenever the latest edition of the
9 Judicial Council jury instructions does not contain an instruction on a subject on
10 which the trial judge determines that the jury should be instructed, or when a
11 Judicial Council instruction cannot be modified to submit the issue properly, the
12 instruction given on that subject should be accurate, brief, understandable,
13 impartial, and free from argument.

14
15 **Rule 8.137. Settled statement**

16
17 **(a)–(f) * * ***

18
19 **(g) Review of the corrected statement**

20
21 **(1)–(2) * * ***

22
23 **(3)** Within 10 days after the time for filing proposed modifications or objections
24 under (2) has expired, the trial court judge must review the corrected or
25 modified statement and any proposed modifications or objections to the
26 statement filed by the parties. The procedures in (f)(2) or ~~in~~ (f)(3) apply if the
27 trial court judge determines that further corrections or modifications are
28 necessary to ensure that the statement is an accurate summary of the evidence
29 and the testimony of each witness relevant to the points that the appellant
30 states under (d)(1) are being raised on appeal.

31
32 **(h) * * ***

33
34 **Rule 8.406. Time to appeal**

35
36 **(a) Normal time**

37
38 **(1)** Except as provided in ~~(2) and (3), (A), (B), and (2)~~, a notice of appeal must
39 be filed within 60 days after the rendition of the judgment or the making of
40 the order being appealed.

41
42 **(A)–(B) * * ***

1 (2) * * *

2

3 (b)–(d) * * *

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5

6 **Rule 8.416. Appeals from all terminations of parental rights; dependency appeals in**
7 **Orange, Imperial, and San Diego Counties and in other counties by local rule**

8

9 (a) * * *

10

11 (b) **Form of record**

12

13 (1) The clerk’s and reporter’s transcripts must comply with rules 8.45–8.467,
14 relating to sealed and confidential records, and, except as provided in (2) and
15 (3), with rule 8.144.

16

17 (2)–(3) * * *

18

19 (c)–(h) * * *

20

21 **Rule 8.730. Filing, modification, and finality of decision; remittitur**

22

23 (a)(b) * * *

24

25 (c) **Finality of decision**

26

27 (1) A court’s denial of a petition for a writ under rule ~~8.495~~ 8.720, ~~8.496~~ 8.724,
28 or ~~8.498~~ 8.728 without issuance of a writ of review is final in that court when
29 filed.

30

31 (2)(5) * * *

32

33 (d) **Remittitur**

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35 A Court of Appeal must issue a remittitur in a writ proceeding under this chapter
36 except when the court denies the petition under rule ~~8.495~~ 8.720, ~~8.496~~ 8.724, or
37 ~~8.498~~ 8.728 without issuing a writ of review. Rule 8.272(b)–(d) governs issuance
38 of a remittitur in writ proceedings under this chapter.

39

40 **Rule 8.805. Amendments to rules and statutes**

41

42 (a) **Amendments to rules**

43

1 Only the Judicial Council may amend these rules, except the rules in division 5 7,
2 which may be amended only by the Supreme Court. An amendment by the Judicial
3 Council must be published in the advance pamphlets of the Official Reports and
4 takes effect on the date ordered by the Judicial Council.

5

6 **(b)** * * *

7

8 **Rule 8.837. Statement on appeal**

9

10 **(a)–(d)** * * *

11

12 **(e) Review of the corrected statement**

13

14 **(1)–(2)** * * *

15

16 **(3)** Within 10 days after the time for filing proposed modifications or objections
17 under (2) has expired, the judge must review the corrected or modified
18 statement and any proposed modifications or objections to the statement filed
19 by the parties. The procedures in (d)(3) or (d)(4) apply if the judge
20 determines that further corrections or modifications are necessary to ensure
21 that the statement is an accurate summary of the evidence and the testimony
22 of each witness relevant to the points which the appellant states under (c)(1)
23 are being raised on appeal.

24

25 **(f)** * * *

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