

RESEARCHING THE HISTORY OF RULES ONLINE

January 2016

1. Ascertain the date of the rule or amendment you want to investigate.

2. On the court website, go to the list of Judicial Council meetings and materials:

Go to <http://www.courts.ca.gov/>, the California court website.

On the buttons at the top, click *Policy & Administration*, then select *Judicial Council* in the pulldown menu.

From the choices at the left, click • *Judicial Council Meetings*.

3. Find the relevant meeting:

Under *Judicial Council Meetings* are two sub-bullets. Click • *Archived Minutes and Agendas*.

On the resulting page, choose the year you need from the links on the lower part of the page. The online records go back to 1997.

You'll get a list of meetings in the chosen year. It's hard to know at what meeting a given topic was raised, and so you probably will have to browse.

Each meeting has two links, *Agenda* and *Minutes*. First check the *Agenda*. If the rule you're researching is not there, go to the *Agenda* of another meeting.

4. Review the material for your topic:

Once you've identified the meeting with your rule change as a topic, you'll find on the *Agenda* a link to the Report from the advisory committee or other source recommending the change. It includes the reasons for the changes, alternatives considered, and a chart of all the public comments received.

Most of the time the Judicial Council approves the recommendations without changes, but not always. Be sure to confirm whether the intent of the Judicial Council was the same as that of the advisory committee: Click on the *Minutes* for that date. The Judicial Council is the official enacting body, and so its decision is what counts as "intent" behind the rule.

If you need a report from before 1997 or need further assistance, you can call the Judicial Council office.

Counsel should check out ADI's [mini-article on the legal status and effect of rules](#).

Rule history actually can come in very handy. When a court was threatening to hold a panel attorney's habeas petition to the word limits given in rule 8.384(a)(2), we were able to provide a history showing the intent was to limit only the supporting points and authorities and not the petition itself.