



JUDICIAL COUNCIL OF CALIFORNIA

APPELLATE ADVISORY
COMMITTEE

www.courts.ca.gov/aac.htm
aac@jud.ca.gov

APPELLATE ADVISORY COMMITTEE

MINUTES OF OPEN MEETING

July 17, 2018

12:00 p.m.

Teleconference

Advisory Body Members Present: Hon. Louis R. Mauro, Chair; Hon. Kathleen M. Banke, Vice-chair; Ms. Laura Arnold; Mr. Kevin K. Green; Mr. Jonathan D. Grossman; Hon. Adrienne M. Grover; Hon. Kent M. Kellegrew; Mr. Daniel M. Kolkey; Hon. Leondra R. Kruger; Mr. Jeffrey Laurence; Ms. Heather J. MacKay; Ms. Mary K. McComb; Mr. Jorge Navarrete; Ms. Beth Robbins; Hon. Laurence D. Rubin; Mr. Timothy M. Schooley; Hon. Stephen D. Schuett; Hon. M. Bruce Smith

Advisory Body Members Absent: Hon. Richard D. Huffman; Ms. Sheran L. Morton; Ms. Mary-Christine Sungaila

Others Present: Ms. Christy Simons; Ms. Sarah Abbott; Ms. Ingrid Leverett; Ms. Gabrielle Selden; Mr. Dan Pone, Ms. Adetunji Olude

OPEN MEETING

Call to Order and Roll Call

The chair called the meeting to order at 12:00 p.m., and roll was taken.

Approval of Minutes

The advisory body reviewed and approved the minutes of the February 27, 2018, and the March 5, 2018, Appellate Advisory Committee meetings.

DISCUSSION AND ACTION ITEMS (ITEMS 1-7)

Item 1

Legislative Update

Mr. Pone provided an update on legislative matters of interest to the committee, including information on the judicial branch budget and three pending bills that would require amending the rules of court to provide for expedited review of challenges under CEQA to three development projects.

Action: No action required; information only

Item 2

Update from the Privacy Subcommittee.

Justice Banke provided an update on the subcommittee's activities, including an upcoming meeting to review the pilot program and results thus far and to discuss other potential projects to raise awareness of issues regarding individual privacy concerns.

Action: No action required; information only

Item 3

Rules Modernization: Sealed and Confidential Records

The committee reviewed the comments on the proposal that circulated and the draft responses to the comments recommended by JATS, including the addition of an advisory committee comment. The committee discussed the proposed advisory committee comment and agreed to revise some of its language.

Action: The committee voted to recommend adoption of the proposal as circulated with the addition of the revised advisory committee comment.

Item 4

Finality in Appellate Division Matters

The committee reviewed the public comments on the proposal that circulated and the draft responses to comments recommended by the appellate division subcommittee. The committee discussed the concern expressed by a superior court that the date a decision is "sent" is not sufficiently clear for purposes of determining when that decision is final. The committee discussed several options, including changing the word "sent" to "served," but had reservations about changing the terminology in a rule and causing unanticipated problems/unintended consequences.

Action: The committee voted to change "sent" to "served" tentatively, with directions to staff to research this change, and authorized committee leadership to decide, based on the research, whether to make the change.

Note: Committee leadership decided the change should not be made.

Item 5

Appellate Division Forms

The committee reviewed the public comments on the proposal that circulated and the draft responses to comments recommended by the appellate division subcommittee. The committee discussed proposed modifications recommended by the subcommittee in response to comments.

Action: The committee voted to recommend adoption of the proposal as modified.

Item 6

Settled Statement Forms

The committee reviewed public comments on the proposal that circulated and the rules subcommittee's recommended responses to the comments. The committee discussed a number of proposed modifications in response to comments and other modifications requested by the Family and Juvenile Law Advisory Committee.

Action: The committee voted to recommend adoption of the proposal as modified and authorized committee leadership to approve additional modifications to language in form APP-001-INFO.

Item 7

Liaison Reports

- Ms. Adetunji Olude, Center for Judicial Education and Research. Ms. Olude informed the committee that the education plan for 2018-2020 was approved by the Judicial Council. The plan includes education programs for appellate justices, attorneys, and staff, and appellate division judges and research attorneys. At the upcoming justices institute, topics include bail reform, Proposition 66, and sexual harassment prevention.
- Hon. Kent M. Kellegrew, Trial Court Presiding Judges Advisory Committee. Judge Kellegrew stated there was no report from TCPJAC.

Action: No action required; information only

A D J O U R N M E N T

There being no further business, the meeting was adjourned at 1:55 p.m.

Approved by the advisory body on 02/21/19.