



JUDICIAL COUNCIL OF CALIFORNIA

APPELLATE ADVISORY
COMMITTEE

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APPELLATE ADVISORY COMMITTEE

MINUTES OF OPEN MEETING

July 19, 2019

2:00 p.m.

**Advisory Body
Members Present:**

Hon. Louis Mauro, chair; Hon. Kathleen M. Banke, vice-chair; Ms. Laura Arnold, Mr. Kevin Green, Mr. Jonathan Grossman, Hon. Adrienne M. Grover, Hon. Joan K. Irion, Mr. Daniel M. Kolkey, Hon. Leondra R. Kruger, Ms. Heather MacKay, Ms. Mary K. McComb, Mr. Jorge Navarrete, Ms. Milica Novakovic, Ms. Beth Robbins, Hon. Laurence D. Rubin, Mr. Timothy Schooley, Ms. Mary-Christine Sungaila, and Hon. M. Bruce Smith

**Advisory Body
Members Absent:**

Hon. Kent M. Kellegrew, Mr. Jeffrey Laurence, Hon. Stephen D. Schuett

Others Present:

Ms. Christy Simons, Ms. Sarah Abbott, Mr. Eric Long, Mr. Cory Jasperson, and Ms. Adetunji Olunde

OPEN MEETING

Call to Order and Roll Call

The chair called the meeting to order at 2:00 p.m., and roll was called.

Chair's Report

Justice Mauro acknowledged the staff and attorneys working for the committee for their efforts. He thanked the committee members whose terms are ending for their service, and acknowledged in particular Judge Kellegrew, Ms. Arnold, and Mr. Kolkey, who are leaving the committee in September.

The committee received one public comment. It relates to item 10 and will be considered with that item.

Approval of Minutes

Minutes of the February 21, 2019 Appellate Advisory Committee meeting were approved with minor corrections.

DISCUSSION AND ACTION ITEMS (ITEMS 1–10)

Item 1

Legislative Update (Information Only)

Mr. Cory Jasperson provided the committee an update on pending legislation that is of interest to the committee.

Item 2

Liaison Reports (Information Only)

Ms. Adetunji Olude, Liaison from the Center for Judicial Education and Research, updated the committee on new distance education offerings on the website CJERonline, including programs on the new felony murder rule and Prop 66. There will be an appellate staff institute in fall 2019 and institutes for justices and attorneys in early 2020. The 2020 Appellate Justices Institute will include the core ethics course.

Appellate Division Subcommittee (Hon. Kent Kellegrew, Chair)

Item 3

Form of Filed Documents in the Appellate Division (Action required)

The committee reviewed the public comments and the appellate division subcommittee's recommendations for responding to the comments.

Action:

The committee voted to recommend adoption of this proposal as circulated, as recommended by the appellate division subcommittee.

Item 4

Oral Argument in the Appellate Division (Action required)

The committee reviewed the public comments and the appellate division subcommittee's recommendations for responding to the comments.

Action:

The committee voted to recommend adoption of this proposal as modified, as recommended by the appellate division subcommittee.

Appellate Rules Subcommittee (Mr. Daniel Kolkey, Chair)

Item 5

Notice of Appeal and the Record in Civil Commitment Cases (Action required)

The committee reviewed the public comments and the rules subcommittee's recommendations for responding to the comments. The committee discussed whether to make changes to the caption on the proposed new form so that it may be used for all superior

court case types that may include a civil commitment. The committee reviewed various options and requested that staff research further modifications to the caption area of the form.

Action:

The committee voted to recommend adoption of the proposal as modified, as recommended by the rules subcommittee, and requested that staff research further modifications to the caption area of the form. The committee delegated authority to the chair to approve the final version of the form.

Item 6

Word Limits for Petitions for Rehearing in Unlimited Civil Cases (Action required)

The committee reviewed the public comments and the rules subcommittee's recommendations for responding to the comments.

Action:

The committee voted to recommend adoption of this proposal as circulated, as recommended by the rules subcommittee.

Item 7

Advisement of Appellate Rights in Juvenile Cases (Action required)

The committee reviewed the public comments and the rules subcommittee's recommendations for responding to the comments.

Action:

The committee voted to recommend adoption of this proposal as modified, as recommended by the rules subcommittee.

Item 8

Access to Juvenile Case Files in Appellate Court Proceedings (Action required)

The committee reviewed the extensive public comments and the issues raised, including due process concerns, questions regarding content of and access to briefs, and timing issues related to petitions for access to records under Welfare and Institutions Code section 827. The committee considered the rules subcommittee's recommendation that the proposal be deferred for additional work in light of the comments.

Action:

The committee voted to defer the proposal for further consideration and modification, with the goal of circulating a revised proposal in the next rules cycle.

Joint Appellate Technology Subcommittee (JATS) (Hon. Louis R. Mauro, Chair)

Item 9

Service Copy of a Petition for Review (Action required)

The committee reviewed the public comments and JATS's recommendations for responding to the comments.

Action:

The committee voted to recommend adoption of this proposal as circulated, as recommended by JATS.

Item 10

Uniform Formatting Rules for Electronic Documents (Action required)

The committee reviewed the public comments and JATS's recommendations for responding to the comments. The committee discussed whether the bookmarking requirements could result in large filings being rejected for noncompliance and whether the rules should include a provision for resubmission of such a filing. The committee agreed that the chair, assisted by staff, would consider possible further modifications.

Action:

The committee voted to recommend adoption of the proposal as modified. The committee delegated authority to the chair to determine whether to include a provision regarding resubmission following the rejection of a filing for noncompliance with the rules.

A D J O U R N M E N T

There being no further business, the meeting was adjourned at 4:00 p.m.

Approved by the advisory body on 09/25/19.