



JUDICIAL COUNCIL OF CALIFORNIA

APPELLATE ADVISORY
COMMITTEE

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APPELLATE ADVISORY COMMITTEE

MINUTES OF OPEN MEETING

November 14, 2019

10:00 a.m.

Teleconference

Advisory Body Members Present: Hon. Louis R. Mauro, Chair; Hon. Kathleen M. Banke, Vice-Chair; Mr. Kevin Green, Mr. Jonathan Grossman, Hon. Adrienne M. Grover, Hon. Joan K. Irion, Mr. Joshua A. Knight, Hon. Leondra R. Kruger, Mr. Jeffrey Laurence, Ms. Heather MacKay, Ms. Mary K. McComb, Ms. Milica Novakovic, Ms. Beth Robbins, Hon. Laurence D. Rubin, and Hon. M. Bruce Smith,

Advisory Body Members Absent: Mr. Michael G. Colantuono, Mr. Jorge Navarrete, Mr. Timothy M. Schooley, Hon. Stephen D. Schuett, Ms. Mary-Christine Sungaila, and Hon. Helen E. Williams

Others Present: Ms. Christy Simons (lead staff), Ms. Karene Alvarado, Hon. Kimberly Gaab, Mr. Daniel Richardson, Ms. Nichole Rocha, and Ms. Adetunji Olude

OPEN MEETING

Call to Order and Roll Call

The chair called the meeting to order at 10:00 a.m., and took roll call.

No public comments were received.

Chair's Report

Justice Mauro informed the committee members that the committee's annual agenda was approved by the Rules and Projects Committee (RUPRO). Christy will send the committee members the approved annual agenda and an advisory body reference guide for committee members.

Approval of Minutes

The committee reviewed and approved the minutes of the September 25, 2019, Appellate Advisory Committee meeting with a minor edit (in Item 1, change "must be done" to "should be done").

DISCUSSION AND ACTION ITEMS (ITEMS 1-5)

Item 1

Proposal to Amend Rule 10.469

Judge Gaab presented CJERAC's proposed modifications to rule 10.469. This proposal would change the wording under access and fairness education to mandatory as opposed to permissive and would add an education requirement for judicial officers on prevention of harassment, discrimination, retaliation, and inappropriate workplace conduct.

Action: No action required. The committee was encouraged to send feedback to Judge Gaab.

Item 2

Liaison Report

Ms. Adetunji Olude, Center for Judicial Education and Research, updated the committee on behalf of the Appellate Practice Curriculum Committee. There will be an Appellate Justices Institute in the Spring and some of the course offerings include ethics core course, sexual harassment, and implicit bias.

Action: No action required

Item 3

Legislative Update

Ms. Nichole Rocha, Governmental Affairs, updated the committee on legislation of interest to the appellate courts.

Action: No action required.

Item 4

Appointment of Counsel in Misdemeanor Appeals

Consider whether to recommend circulation of proposed amendments to the rule regarding appointment of counsel in misdemeanor appeals to conform to the California Supreme Court's opinion in *Gardner v. Appellate Division of Superior Court* (2019). The proposal also includes revisions to forms CR-131-INFO and CR-133. The committee decided to remove mention of *Gardner* from the text of the rule and include the citation in an advisory committee comment. The committee discussed and approved deleting proposed subdivision (d) regarding self-representation because it is insufficiently related to the rest of rule 8.851. The committee approved other minor edits to the rule and forms.

Action: The proposal as amended at the meeting was approved for RUPRO action.

Item 5

Access to Juvenile Case Files in Appellate Court Proceedings

Consider whether to recommend circulation of proposed rule amendments, a new form, and revisions to existing forms to implement recent legislation regarding access to juvenile case files in appellate court proceedings (joint proposal with the Family and Juvenile Law Advisory Committee). This is a revised version of the proposal that originally circulated earlier this year.

Action: The proposal was approved for action by RUPRO.

ADJOURNMENT

There being no further business, the meeting was adjourned at 11:45 a.m..

Approved by the advisory body on March 5, 2020.