



JUDICIAL COUNCIL OF CALIFORNIA

APPELLATE ADVISORY
COMMITTEE

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APPELLATE ADVISORY COMMITTEE

OPEN MEETING WITH CLOSED SESSION AGENDA

Open to the Public Unless Indicated as Closed (Cal. Rules of Court, rule 10.75(c) and (d))

OPEN PORTION OF THIS MEETING IS BEING RECORDED

Date: March 5, 2020
Time: 10:00 a.m.
Location: 455 Golden Gate Avenue, 3rd Floor
San Francisco, California 94102

Public Call-in Number: 1-877-820-7831 / passcode: 5846649 (listen only)

Meeting materials for open portions of the meeting will be posted on the advisory body web page on the California Courts website at least three business days before the meeting.

Agenda items are numbered for identification purposes only and will not necessarily be considered in the indicated order.

I. OPEN MEETING (CAL. RULES OF COURT, RULE 10.75(C)(1))

Call to Order and Roll Call

Chair's Report

Approval of Minutes

Approve minutes of the November 14, 2019, Appellate Advisory Committee meeting.

II. PUBLIC COMMENT (CAL. RULES OF COURT, RULE 10.75(K)(1)-(2))

In-Person Public Comment

Members of the public requesting to speak during the public comment portion of the meeting must place the speaker's name, the name of the organization that the speaker represents if any, and the agenda item that the public comment will address, on the public comment sign-up sheet. The sign-up sheet will be available at the meeting location at least one hour prior to the meeting start time. The Chair will establish speaking limits at the beginning of the public comment session. While the advisory body welcomes and encourages public comment, time may not permit all persons requesting to speak to be heard at this meeting.

Written Comment

In accordance with California Rules of Court, rule 10.75(k)(1), written comments pertaining to any agenda item of a regularly noticed open meeting can be submitted up to one complete business day before the meeting. For this specific meeting, comments should be e-mailed to aac@jud.ca.gov or mailed or delivered to Judicial Council of California, 455 Golden Gate Avenue, San Francisco, California, 94102, attention: Christy Simons. Only written comments received by 10:00 a.m. on March 4 will be provided to advisory body members prior to the start of the meeting.

III. DISCUSSION AND POSSIBLE ACTION ITEMS (ITEMS 1–10)

Item 1

Legislative Update (No Action Required)

Report on legislative activity of interest to the Appellate Courts.

Item 2

Liaison Reports

- Hon. Richard Huffman, Presiding Justices Advisory Committee
- Ms. Adetunji Olude, Center for Judicial Education and Research

Winter Proposals

Item 3

Access to Juvenile Case Files in Appellate Court Proceedings (Action required-recommend Judicial Council action)

Review public comments on proposed rule amendments, 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).

Presenters: Hon. Louis Mauro, Christy Simons

Item 4

Appointment of Counsel in Misdemeanor Cases (Action required-recommend Judicial Council action)

Review public comments on proposed amendments to the rule regarding appointment of counsel in misdemeanor appeals and revisions to forms CR-131-INFO and CR-133.

Presenters: Hon. Stephen Schuett, Christy Simons

Appellate Division Subcommittee (Hon. Stephen Schuett, Chair)

Item 5

Finality of Appellate Division Opinions Certified for Publication (Action required-recommend RUPRO action)

Consider amendments to rule 8.888 or a potential operational change to address the timing issue with posting appellate division opinions that are certified for publication.

Presenters: Hon. Stephen Schuett, Sarah Abbott

Item 6

Use of an appendix in limited civil cases (Action required-recommend RUPRO action)

Consider amending the rules governing the record on appeal in limited civil cases to allow an appendix as a record of the written documents from the trial court proceedings as an alternative to a clerk's transcript.

Presenters: Hon. Stephen Schuett, Christy Simons

Rules Subcommittee (Hon. Louis Mauro, Chair)

Item 7

Method of Notice to the Court Reporter (Action Required-recommend RUPRO action)

Consider amending rules 8.405, 8.450, and 8.454 to remove or modify the requirement that the clerk notify the court reporter by telephone and in writing to prepare a transcript.

Presenters: Hon. Louis Mauro, Sarah Abbott

Item 8

Clarifying Filing Date of an Electronically Filed Document (Action Required-recommend RUPRO action)

Consider amending rule 8.77 to clarify that an efiled document received by the court before midnight that meets the filing requirements is deemed to have been filed that day to address an ambiguity in the rule that results in inconsistent treatment of efiled documents received after business hours.

Presenters: Hon. Louis Mauro, Eric Long

Item 9

Record Retention in Criminal Appeals (Action Required-recommend RUPRO action)

Consider amending rule 10.1028 to extend the time for keeping reporters' transcripts in criminal appeals to account for longer sentences and lengthy appellate process.

Presenters: Hon. Louis Mauro, Christy Simons

Item 10

Revision of Judicial Council Forms with Gender Neutral Terms (Action Required-recommend RUPRO action)

Review forms within the committee's purview to identify gender terms or questions and replace them with gender neutral terms.

Presenters: Hon. Louis Mauro, Christy Simons

IV. ADJOURNMENT

Adjourn to Closed Session

V. CLOSED SESSION (CAL. RULES OF COURT, RULE 10.75(C)(3))

Item 1

Consent to Electronic Service (Action Required-recommend RUPRO action)

Consider amending rules 8.72, 8.74, and 8.78 in light of recent amendments to section 1010.6 of the Code of Civil Procedure, regarding consent to electronic service.

Presenters: Hon. Louis Mauro, Eric Long

Adjourn Closed Session