



# JUDICIAL COUNCIL OF CALIFORNIA

APPELLATE ADVISORY  
COMMITTEE

[www.courts.ca.gov/aac.htm](http://www.courts.ca.gov/aac.htm)  
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## APPELLATE ADVISORY COMMITTEE

### MINUTES OF OPEN MEETING

July 16, 2021  
10:30 AM  
Via BlueJeans

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<b>Advisory Body Members Present:</b>	Hon. Louis Mauro, Hon. Kathleen Banke; Mr. Kevin Green; Mr. Jonathan Grossman; Hon. Joan Irion; Mr. Joshua Knight; Ms. Heather MacKay; Ms. Mary McComb; Mr. Jorge Navarrete; Ms. Milica Novakovic; Ms. Beth Robbins; Hon. Laurence Rubin; Hon. Bruce Smith; Hon. Helen Williams
<b>Advisory Body Members Absent:</b>	Mr. Michael Colantuono; Hon. Adrienne Grover; Hon. Leondra Kruger; Mr. Jeffrey Laurence; Mr. Timothy Schooley; Hon. Stephen Schuett; Ms. MC Sungaila
<b>Others Present:</b>	Ms. Christy Simons; Ms. Khayla Salangsang; Ms. Kathleen Nitta; Ms. Adetunji Olude

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#### OPEN MEETING

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##### Call to Order and Roll Call

The chair called the meeting to order at 10:30 AM and took roll call.

##### Approval of Minutes

The advisory body reviewed and approved the minutes of the March 1, 2021, Appellate Advisory Committee meeting.

#### INFORMATION ONLY ITEMS (ITEMS 1-3)

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##### Item 1

##### Chair's Report

Justice Mauro provided a report, including an update on current procedures in the Third District Court of Appeal in response to the ongoing pandemic. The project for electronic delivery of documents to inmates, a joint effort between the Third District and the CDCR, may be moving forward. Just prior to the pandemic, an MOU for a pilot program was signed and testing was ready. At a meeting last week, the CDCR re-engaged and is ready to begin testing. If the program works in the Third District, it may be expanded around the state. As liaison to ITAC, Justice Mauro informed the committee that ITAC is working on technology modernization, language translation signage, digital evidence, trial court e-filing, identity and access management, and cybersecurity. As chair of the Work Group on Homelessness, Justice Mauro indicated that the work group is preparing its final report for presentation at the November council meeting.

## Item 2

### Legislative Update

Ms. Kate Nitta provided an update on legislation and budget items of interest. She noted that the Legislature is now  $\frac{3}{4}$  of the way through the current 2-year legislative session. September 10 is the final day to pass legislation. Bills of interest include AB 624 (interlocutory appeal of orders transferring juveniles from juvenile court to criminal court), SB 807 (changes to the DFEH statute); and 4 CEQA bills (bills re hospital construction and student housing are not moving forward; SB 7 enacting the Environmental Leadership Act of 2021 has been signed; SB 44 regarding transit projects has been narrowed, contains a 365-day time limit for CEQA review in the courts, and is still moving forward). Hot topics in the Legislature include eviction, resentencing, and bail reform. The budget has been signed. There is an unexpected surplus. The judicial branch has \$1.2 billion in new funding and restoration of \$200 million. In response to a question about remote appearances in civil cases, Ms. Nitta indicated that it was not yet clear whether legislation would move forward in a trailer bill or a separate bill.

## Item 3

### Liaison Report

Ms. Adetunji Olude provided an update from CJER. All upcoming courses will be delivered remotely except for the Witkin Judicial College and the Appellate Justices Institute; these will be live. An in-person Appellate Judicial Attorneys Institute is being planned for spring 2022. Live programming is also being planned for appellate division judges. Ms. Olude also informed the committee that there have been changes to the nominations process; it is now on the same schedule as the other advisory committees. Anyone interested in a CJER curriculum committee or steering committee is encouraged to apply in the spring.

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## DISCUSSION AND ACTION ITEMS (ITEMS 4 – 8)

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## Item 4

### Update Electronic Filing Rules to Permit Electronic Signatures and Make Minor Corrections

The committee reviewed the comments on the proposal to amend rule 8.75 to allow use of electronic signatures on electronically filed documents in the appellate courts and amend rule 8.70 to add a definition of “electronic signature” and make minor corrections. The committee agreed on modifications that clarify the language, distinguish between two types of electronic signatures, and make other changes based on the comments.

***Action: The committee approved the proposal as modified and recommends it for approval by the Judicial Council.***

## Item 5

### Appeal After Plea of Guilty or Nolo Contendere or Admission of Probation Violation

The committee reviewed the comments on the proposal to amend rule 8.304 to modify the procedure for notices of appeal filed after a plea without a certificate of probable cause. The committee agreed on modifications to clarify the language of the rule, ensure that the appellate projects receive notification of

the filing of a notice of appeal when a certificate of probable cause has been denied, and make other changes based on the comments.

***Action: The committee approved the proposal as modified and recommends it for approval by the Judicial Council.***

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**A D J O U R N M E N T**

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There being no further business, the meeting was adjourned at 12:23 PM.

Approved by the advisory body on December 1, 2021.