



JUDICIAL COUNCIL OF CALIFORNIA

APPELLATE ADVISORY
COMMITTEE

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APPELLATE ADVISORY COMMITTEE

MINUTES OF OPEN MEETING

March 2, 2022

10:00 AM

BlueJeans

Advisory Body Members Present:	Hon. Louis Mauro; Hon. Kathleen Banke; Ms. Marsha Amin; Mr. Michael G. Colantuono; Mr. Kevin Green; Mr. Jonathan Grossman; Hon. Adrienne Grover; Hon. Joan Irion; Hon. Leondra Kruger; Ms. Heather MacKay; Ms. Mary McComb; Ms. Milica Novakovic; Ms. Beth Robbins; Hon. Stephen Schuett; Hon. M. Bruce Smith; Hon. Helen Williams
Advisory Body Members Absent:	Hon. Joshua Andrew Knight; Mr. Jeffrey Laurence; Mr. Jorge Navarrete; Hon. Laurence Rubin; Ms. Mary-Christine Sungaila
Others Present:	Ms. Christy Simons; Ms. Kate Nitta; Ms. Adetunji Olude; Ms. Khayla Salangsang

OPEN MEETING

Call to Order and Roll Call

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

INFORMATION ONLY ITEMS (NO ACTION REQUIRED)

Info 1

Chair's Report

Presenter: Hon. Louis Mauro

Justice Mauro provided an update on the status of returning to in-person meetings and court proceedings and the importance of maintaining access to remote proceedings. The pilot program with the CDCR for e-delivery of documents to prisoners went live a couple of months ago. It is not being utilized significantly; Justice Mauro will pursue talking it up. As liaison to ITAC, Justice Mauro noted that they are working on identity and access management and hybrid remote and in-person proceedings. Development of the new document management system is ongoing.

Info 2

Legislative Update

Presenter: Kate Nitta

Over 2,000 bills have been introduced. Hot topics include sexually violent predators, conservatorships, retail theft/Prop. 47, CEQA (only one bill so far), water law, remote proceedings in trial court (in the process of gathering data), unlawful detainers, and fee waivers. There are legislative deadlines at the end of May. Regarding the budget, Governmental Affairs is working with the Governor's office and are cautiously optimistic about budget priorities. There will be a May revise and then budget deadlines in June. The Legislature is combining remote and in-person attendance. They are in the middle of a big remodel of the anne

Info 3

Liaison Reports

Ms. Adetunji Olude, Judicial Council CJER Liaison, provided an update on appellate education plans and offerings. There is an upcoming event to discuss recurring and emerging issues in the appellate division; registration and additional information will be available on the Court News Update. The Appellate Justices Institute will be held in April, as will a dependency and poverty webinar. The Appellate Judicial Attorneys Institute will be held this fall in San Francisco.

DISCUSSION AND ACTION ITEMS

Item 4

CEQA Actions: New Projects and Fees for Expedited Review, Part 2 (Action Required)

Presenters: Hon. Louis R. Mauro, Ms. Christy Simons

Justice Mauro and Ms. Simons described the invitation to comment on the proposal for amended rules to implement legislation adding projects for streamlined CEQA review and requiring the council to establish fees to be paid to the courts.

Action: The committee voted to recommend that the proposal as presented go to the Rules Committee and be circulated for public comment.

Item 5

Appellate Procedure and Juvenile Law: Transfer of Jurisdiction from Juvenile Court to Criminal Court and Appellate Review of Transfer Orders (Action Required)

Presenters: Hon. Louis R. Mauro, Ms. Christy Simons

Justice Mauro and Ms. Simons described the invitation to comment on the proposal for rule amendments and form revisions to implement legislative changes to the statutes governing transfer of jurisdiction and establishing a new right to an interlocutory appeal of orders granting transfer. The committee discussed the proposed requirement that the record be prepared in 15 days, felt that was too fast, and preferred a 20-day time frame as in rule 8.416. The committee also discussed the proposed rule 5.770 language regarding the juvenile court's recitation on the

record of the basis for its decision and recommended edits for the Family and Juvenile Law Advisory Committee's consideration.

Action: The committee voted to recommend that the proposal as modified go to the Rules Committee and be circulated for public comment.

Item 6

Rules and Forms: Update Language to Reflect ADA Guidelines (Action Required)

Presenters: Hon. Louis R. Mauro, Ms. Christy Simons

Justice Mauro and Ms. Simons described the invitation to comment on the proposal to update language in several rules and a form to use terms consistent with ADA guidelines and legislative changes to statutes.

Action: The committee voted to recommend that the proposal as presented go to the Rules Committee and be circulated for public comment.

Item 7

Court Records: Retention of Reporters' Transcripts in Felony Appeals (Action Required)

Presenters: Hon. Louis R. Mauro, Ms. Christy Simons

Justice Mauro and Ms. Simons described the invitation to comment on the proposal to amend the rule regarding preservation and destruction of Court of Appeal records to extend the time the courts must keep the reporter's transcript in cases affirming a felony conviction and to update a provision to conform to Code of Civil Procedure section 271, subdivision (a). The committee discussed cost concerns but concluded that the proposal adequately balances the interests involved and will look forward to the comments.

Action: The committee voted to recommend that the proposal as presented go to the Rules Committee and be circulated for public comment.

A D J O U R N M E N T

There being no further business, the meeting was adjourned at 11:21 a.m.

Approved by the advisory body on June 28, 2022.