



JUDICIAL COUNCIL
OF CALIFORNIA

COURT EXECUTIVES
ADVISORY COMMITTEE

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COURT EXECUTIVES ADVISORY COMMITTEE (CEAC)

RECORDS MANAGEMENT SUBCOMMITTEE

MINUTES OF OPEN MEETING

July 23, 2015
10:00-11:00 A.M.
Conference Call

Advisory Body Members Present: Richard Feldstein (Chair), Jake Chatters, Kevin Lane, Tricia Penrose, and Kim Turner

Advisory Body Members Absent: Alan Carlson and Pat Patterson

Others Present: Jeff Wertheimer and Adriaan Ayer

Judicial Staff Present: Manny Floresca, Tara Lundstrom, Patrick O'Donnell, and Josely Yangco-Fronza

OPEN MEETING

Call to Order and Roll Call

The chair called the meeting to order at 10:08 a.m., and took roll call.

Written Comments Received

No written comments were received.

Approval of Minutes

The subcommittee reviewed and approved the public minutes of the August 14, 2014, subcommittee meeting.

DISCUSSION AND ACTION ITEMS (ITEMS 1-2)

Item 1

Trial Court Records Manual (TCRM): E-signatures Standards and Guidelines (Action Required)

Mr. Jake Chatters, Chair, E-Signature Subgroup, provided general background of the subgroup's work in developing the standards and guidelines on electronic signatures. Mr. Chatters stated that the standards and guidelines were developed to meet the requirements of Government Code section 68150(g), which authorizes electronic signatures by a court or judicial officer in

accordance with procedures, standards, and guidelines established by the Judicial Council. He also explained that general principles were established by the subgroup to include that the standards should not be more restrictive than those for traditional ‘wet’ signatures; that they should consider how the signature is being applied when setting the level of authentication required; and that they should allow for flexibility in the method of applying and the appearance of the signature. The subcommittee then proceeded to review the primary sections of the electronic signature standards and guidelines.

The subcommittee made two amendments as follows:

1. In section 6.2.1, the subcommittee added a new subdivision “H”. It duplicates the language in 6.2.3 but 6.2.1.H is specific to the scanned signatures of judicial officers and courts.
2. In section 6.2.3, the subcommittee added language to clarify that it also applies to electronic signatures by parties and others on documents submitted to the courts.

The subcommittee approved the draft proposal with the amendments discussed and will recommend to CEAC that the updates to the Trial Court Records Manual be circulated for comment to the trial courts as stated in rule 10.854(c) of the California Rules of Court.

The proposal will be presented as an update to the Trial Court Presiding Judges Advisory Committee and an action item at the Court Executive Committee Meeting at their August 7 meetings. The proposal will also be presented to the Court Technology Advisory Committee (CTAC), the CTAC Rules and Policy Subcommittee, and the Judicial Council Technology Committee at their August meetings.

Item 2

Rule 10.855. Superior Court Records Sampling Program (Action Required)

Mr. Richard Feldstein, Chair of the Rule Sampling Program Subgroup, provided general background on the work of the subgroup and thanked the subgroup members and JCC staff for working on this project. He stated that current rule 10.855 requires courts to have a record sampling program. Over the years, the current sampling program has become onerous for courts to administer because they are required to retain more records than necessary at great cost. The rule proposal would considerably reduce the number of court records that courts are required to keep, while still ensuring that courts preserve a statistically significant sample of court records for future research purposes.

The subcommittee reviewed the proposal to amend rule 10.855. The rule proposal would eliminate the systematic sample that requires court to preserve 10 percent of that year’s court records; revise the longitudinal sample that would require courts to preserve sample records at a rate of only 25 percent (10 percent for the Superior Court of Los Angeles County) for one year every 19 years. Three courts are assigned each year to preserve this sample and would be selected from clusters of small, medium, and large courts. The proposal would also eliminate the subjective sample due to lack of specific criteria that makes it difficult for courts to define which cases are “fat files” or are “of local, national, or international significance”. All cases in which the California Supreme Court has issued a written decision will be kept under the comprehensive records.

Ms. Tara Lundstrom, Attorney, Judicial Council's Legal Services, advised the subcommittee of a correction to the subcommittee sampling memo regarding rule 10.855 (1), Reporting requirement, that in order to eliminate this requirement in the rule, a legislative proposal to amend Government Code section 68153 is required. Ms. Lundstrom will make amendments to include both rule and legislative amendments in the proposal.

The subcommittee approved the draft proposal with the amendments discussed and agreed to propose to CEAC that the proposals to amend rule 10.855 and Government Code section 61853 be circulated at the same time.

Both Subgroup Chairs thanked the subgroup members, JCC staff, and the Orange Superior Court staff for their assistance in completing these projects.

A D J O U R N M E N T

There being no further business, the meeting was adjourned at 11:06 a.m.

Approved by the advisory body on October 19, 2015.