



JUDICIAL COUNCIL OF CALIFORNIA

INFORMATION TECHNOLOGY
ADVISORY COMMITTEE

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JOINT APPELLATE TECHNOLOGY SUBCOMMITTEE

MINUTES OF OPEN MEETING

December 16, 2015

4:00 PM – 5:00 PM

Teleconference

Advisory Body Members Present: Hon. Louis Mauro, Chair; Hon. Peter Siggins; Ms. Kimberly Stewart, Mr. Joseph Lane; Mr. Don Willenburg

Advisory Body Members Absent: Mr. Frank McGuire and Mr. Kevin Green

Others Present: Hon. Marsha Slough, Ms. Katherine Sher, Ms. Tara Lundstrom; Ms. Heather Anderson, Mr. Patrick O'Donnell and Ms. Julie Bagoye

OPEN SESSION

Call to Order and Roll Call

Justice Mauro called the meeting to order at 4:00 PM, and roll call was taken. He noted there were no public comments received prior to this meeting.

Approval of Minutes

The subcommittee reviewed and approved the minutes of the November 20, 2015, Joint Appellate Technology Subcommittee (JATS) meeting.

Item 1

Proposals to Modernize Rules for E-Filing/E-Business

Justice Mauro began the discussion by proposing certain distinctions between the Rules Consistency project and the Rules Modernization Phase II project.

JATS members agreed that the Rules Consistency project would encompass bookmarking, indexing, tabbing, volumes, pagination, sealed and confidential records, and a review of rules 8.70-8.79.

With those distinctions in mind, JATS members considered the specific changes proposed for inclusion in Phase II of the Rules Modernization project as discussed in Katherine Sher's memorandum to JATS dated December 11, 2016, and the proposed language for rule amendments attached to that memorandum.

With regard to item 1 in the Sher memorandum (the proposed change allowing all or part of the record on appeal to be in electronic format), JATS members raised concerns as to how this might affect parties who do not want their copy of the record to be in electronic form. JATS members asked that Ms. Sher review the issue in light of the discussion and present draft changes to specific rules at the next meeting.

Item 2 (regarding bookmarking, indexing, tabbing and volumes), item 3 (regarding amendment of rule 8.73), and item 6 (sealed and confidential records) were moved to the Rules Consistency project. Justice Mauro suggested that JATS members could conduct a more comprehensive review of the e-filing rules, including rule 8.73. In 2016, changes would be proposed as part of the Rules Consistency project to ensure consistency between the rules and current appellate e-filing practices. A second phase could consider whether uniform e-filing rules might be desirable and whether new rules are needed to support current practices. JATS members expressed their agreement with this approach.

Item 4 (regarding standards for digital format of transcripts) and items 5 and 7 (which are not prioritized) were not discussed at the meeting.

Item 8 (amendment of rule 10.1028(d)(2)) was approved.

With regard to the technical changes proposed in Ms. Sher's December 11th memorandum, JATS approved for inclusion in the 2016 Appellate Rules Modernization rules proposal the draft changes proposed in item 1 (rule 8.104(c)) and item 2 (rules 8.452, 8.456 and 8.489). Item 3 (return of records) was not discussed at the meeting.

Items 1, 2 and 3 in the Sher memorandum, regarding form changes, were not discussed at the meeting.

Item 2

Proposals to Ensure Consistency Between Rules and Practices for Appellate E-Filing

On this agenda item, consistent with the prior discussion, JATS agreed that the issues of bookmarking, volumes, pagination, and how to handle sealed or confidential electronic records, as discussed in Ms. Sher's December 11th, 2016 memorandum to JATS members on rules-practice consistency, should all be considered as part of the project of ensuring that the appellate e-filing rules are consistent with the e-filing practices of the appellate courts. JATS members also agreed with Justice Mauro's suggestion that JATS address the pagination issue in a rules proposal to be moved forward in 2016, but that JATS hold off on consideration of the remaining issues until the appellate courts have had more practical experience with e-filing.

A D J O U R N M E N T

The meeting was adjourned at 5:00 PM.

Approved by the advisory body on January 22, 2016.