



JUDICIAL COUNCIL  
OF CALIFORNIA

INFORMATION TECHNOLOGY  
ADVISORY COMMITTEE

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INFORMATION TECHNOLOGY ADVISORY COMMITTEE

RULES AND POLICY SUBCOMMITTEE

MINUTES OF OPEN MEETING

January 14, 2016

12:10 PM – 1:00 PM

Teleconference

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**Advisory Body Members Present:** Justice Peter Siggins, Professor Dorothy Glancy, Judge Kyle Brodie, Judge Julie Culver, Judge Jack Lucky, Mr. Darrel Parker

**Advisory Body Members Absent:** Justice Louis Mauro, Mr. Don Willenburg

**Others Present:** Mr. Patrick O'Donnell, Ms. Tara Lundstrom

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OPEN MEETING

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**Call to Order and Roll Call**

The chair called the meeting to order at 12:10 pm, and took roll call.

**Approval of Minutes**

The advisory body reviewed and approved the minutes of the October 20, 2015, Rules and Policy Subcommittee meeting.

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DISCUSSION AND ACTION ITEMS (ITEM 1)

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**Item 1**

**Proposed New Code of Civil Procedure Section 1013b and Amendments to Section 1010.6 (Action Required)**

**Action:** *The subcommittee made tentative recommendations for this proposal, but deferred voting on final recommendations until a future meeting date.*

Ms. Tara Lundstrom introduced the proposal to add a new section 1013b to the Code of Civil Procedure to codify the trial court rule on proof of electronic service. She explained that the Code of Civil Procedure currently addresses only proof of mailing, not electronic service. Adding this new provision would assist the modernization efforts of other advisory committees, including the Probate and Mental Health Advisory Committee.

The subcommittee considered whether it would be possible to draft section 1013b without referencing section 1013a, but decided it would be better to leave as proposed. The subcommittee recommended adding the new section 1013b to Code of Civil Procedure.

Ms. Lundstrom then introduced the proposed amendments to the signature provisions in Code of Civil Procedure section 1010.6. Regarding signatures on e-filed documents that are not made under penalty of perjury, the subcommittee discussed whether this provision should be expanded to include persons other than attorneys and self-represented litigants. The subcommittee recommended amending that provision to state: "When a document is to be filed not under penalty of perjury, the document will be deemed to be signed by the person who makes that filing."

Regarding signatures on e-filed documents that are made under penalty of perjury, the subcommittee recommended amending section 1010.6 to authorize electronic signatures. It also recommended retaining but modifying the current provision as an alternative to electronic signatures: e-filers would still have the option of retaining the original signature, but would only be required to retain it for the time stated in Government Code section 68152 for the retention of court records.

Ms. Lundstrom introduced the proposed amendments to the effective date of mandatory and permissive e-filing. Mr. O'Donnell provided additional background information on the development of the statute and rules. The subcommittee first decided that the effective date of e-filing should be consistent and standardized statewide, regardless of whether e-filing was mandatory or permissive. The subcommittee members then discussed the benefits and drawbacks of a 5:00 pm versus a midnight cut-off time. The subcommittee decided to recommend that the cut-off time for e-filing should be 5:00 pm, and to ask for specific comments on this issue in the Invitation to Comment.

Lastly, the subcommittee decided to eliminate references to the Superior Court of Orange County's mandatory e-filing pilot project. The subcommittee decided to reconvene to review the proposed amendments before making a final recommendation to ITAC.

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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 1:00 PM.

Approved by the advisory body on July 8, 2016.