



JUDICIAL COUNCIL  
OF CALIFORNIA

INFORMATION TECHNOLOGY  
ADVISORY COMMITTEE

[www.courts.ca.gov/itac.htm](http://www.courts.ca.gov/itac.htm)  
[itac@jud.ca.gov](mailto:itac@jud.ca.gov)

INFORMATION TECHNOLOGY ADVISORY COMMITTEE

RULES AND POLICY SUBCOMMITTEE

MINUTES OF OPEN MEETING

July 8, 2016

12:10 PM – 1:30 PM

Teleconference

**Advisory Body Members Present:** Justice Peter Siggins, Judge Julie Culver, Justice Louis Mauro, Mr. Don Willenburg, Professor Dorothy Glancy

**Advisory Body Members Absent:** Mr. Darrel Parker, Judge Jackson Lucky

**Others Present:** Mr. Patrick O'Donnell, Ms. Tara Lundstrom, Ms. Diana Glick, Ms. Kimberly Da Silva, Ms. Fati Farmanfarmaian, Ms. Nicole Rosa

OPEN MEETING (CAL. RULES OF COURT, RULE 10.75 (C)(1))

**Call to Order and Roll Call**

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

**Approval of Meeting Minutes**

Meeting minutes were approved for the following Rules and Policy Subcommittee meetings: January 14, 2016; February 16, 2016; March 4, 2016; March 7, 2016.

PUBLIC COMMENT (CAL. RULES OF COURT, RULE 10.75 (K)(2))

**WRITTEN COMMENT**

No public comments received.

DISCUSSION AND ACTION ITEMS (ITEMS 1-3)

**Item 1**

**Rules Modernization Project (Phase 2) Rules Proposal: Proposed Amendments to Title 5 of the California Rules of Court (Action Required)**

**Action:** *The subcommittee voted to recommend the proposal to the Information Technology Advisory Committee (ITAC).*

Ms. Diana Glick presented this proposal to the subcommittee. The proposal involves Phase II changes to four rules in title 5 addressing family and juvenile court proceedings. The proposed changes involve adding references to an electronic proof of service option and changing the term “mail” to “serve.” This proposal was circulated through the Invitation to Comment process and received no comments. The Family and Juvenile Law Advisory Committee reviewed and recommended the proposal after the comment period closed and expressed no comments or concerns. The subcommittee had no comments or concerns regarding the proposal and voted to recommend it to ITAC.

Motion to approve forwarding the rules amending title 5 to ITAC. Motion passed.

### **Item 3 (Taken Out of Order from the Agenda Items)**

#### **Legislative Proposal to Authorize Permissive E-Filing and E-Service in Criminal Proceedings (Action Required)**

**Action:**        *The subcommittee voted to recommend the proposal to the Information Technology Advisory Committee (ITAC).*

The Chair clarified that the committee would first discuss the statutory amendments to the Penal Code instead of the statutory amendments to the Code of Civil Procedure. Ms. Kim Da Silva presented the proposed modifications. Ms. Da Silva explained that the modifications make it explicit in the Penal Code that the permissive e-filing and e-service provisions of Code of Civil Procedure section 1010.6 apply in criminal proceedings. The modifications went out for comment. The Criminal Law Advisory Committee reviewed the comments and recommended the proposal.

Motion to recommend the legislative proposal to ITAC. Motion passed.

### **Item 2**

#### **Legislative Proposal on E-Filing, E-Service, and E-Signatures (Action Required)**

**Action:**        *The subcommittee voted to recommend the proposal to the Information Technology Advisory Committee (ITAC).*

Ms. Tara Lundstrom presented this legislative proposal to the subcommittee and went over public comments.

After reviewing and discussing the public comments, the subcommittee recommended the following changes to the proposal:

1. Address the term “other person,” as used in Code of Civil Procedure section 1010.6(a) in the Judicial Council report
  - a. Revise Code of Civil Procedure section 1010.6(a)(5) and (b)(3) to address electronic filing and service at 12:00 a.m. and on non-court days as follows: Revising proposed new subdivision (a)(5) to provide as follows: “Any document that is served electronically between 12:00 a.m. and 11:59.59 p.m. on a court day shall be deemed served on that court day. Any document that is served electronically on a non-court day shall be deemed served on the next court day.”

- b. Revising proposed amendment to subdivision (b)(3) to provide: "Any document received electronically by the court between 12:00 a.m. and 11:59.59 p.m. on a court day shall be deemed filed on that court day. Any document that is received electronically on a non-court day shall be deemed filed on the next court day."

Motion to approve the recommended legislative proposal, as modified by the subcommittee, to ITAC.  
Motion passed.

---

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

---

There being no further business, the meeting was adjourned at 1:07 PM.

Approved by the advisory body on August 19, 2016.