



# JUDICIAL COUNCIL OF CALIFORNIA

INFORMATION TECHNOLOGY  
ADVISORY COMMITTEE

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## INFORMATION TECHNOLOGY ADVISORY COMMITTEE

### MINUTES OF OPEN MEETING

August 1, 2016

12:00 - 1:30 PM

Teleconference

DRAFT

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**Advisory Body Members Present:** Hon. Terence L. Bruiniers, Chair; Hon. Robert B. Freedman, Vice Chair; Mr. Brian Cotta; Hon. Julie R. Culver; Prof. Dorothy J. Glancy; Hon. Michael S. Groch; Hon. Sheila F. Hanson; Hon. Samantha P. Jessner; Hon. Jackson Lucky; Hon. Louis R. Mauro; Mr. Terry McNally; Hon. James Mize; Mr. Snorri Ogata; Mr. Robert Oyung; Hon. Alan G. Perkins; Hon. Peter J. Siggins; Mr. Don Willenburg; Mr. David H. Yamasaki

**Advisory Body Members Absent:** Ms. Alison Merrilees for Hon. Mark Stone; Mr. Darrel Parker; Hon. Joseph Wiseman

**Others Present:** Hon. Daniel J. Buckley; Mr. Mark Dusman; Ms. Kathy Fink; Ms. Fati Farmanfarmaian; Ms. Jamel Jones; Mr. Patrick O'Donnell; Ms. Tara Lundstrom; Ms. Katherine Sher; Ms. Kim DaSilva; Ms. Jenny Phu; Ms. Jessica Craven; Ms. Diana Glick; Ms. Jackie Woods

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#### OPEN MEETING

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##### **Call to Order and Roll Call**

The chair called the meeting to order at 12:00 PM, and took roll call.

##### **Approval of Minutes**

The advisory body reviewed and approved the minutes of the June 17, 2016 Information Technology Advisory Committee meeting with the date being corrected.

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#### DISCUSSION AND ACTION ITEMS (ITEMS 1-5)

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**Item 1** *(Please note the items were taken out of order during the meeting)*

**Rules Modernization Project (Phase 2) Rules Proposal: Proposed Amendments to Titles 2, 3 and 5 of the California Rules of Court (Action Required)** Review public comments received and decide whether to recommend proposed amendments to titles 2, 3, and 5 of the California Rules of Court. The proposed amendments are intended to be substantive changes to the rules to facilitate e-business, e-filing, and e-service.

**Action:**

Hon. Peter J. Siggins advised that the Rules and Policy Subcommittee reviewed and considered the public comments on amendments to titles 2, 3, and 5 of the California Rules of Court. These are intended to be substantive changes to facilitate e-business, e-filing and e-service. Ms. Tara Lundstrom provided an update on the various changes. Hon. Louis R. Mauro commented that the proposed rule amendment regarding text searchable documents for trial courts would be inconsistent with the appellate rule of court, which provides all e-filed documents must be text searchable. He proposed the appellate and trial court rules be consistent. Other members added that though it makes sense to have language consistent, it is not always feasible. There was additional discussion between members around text searchable documents.

Justice Mauro asked for a motion to (1) revise the proposed amendment to rule 2.256(b)(3) to provide that electronically filed documents must be text searchable if feasible and (2) delete the proposed advisory committee comment to rule 2.256(b)(3), which stated: “Although not required, there is a preference that the electronically filed exhibits be text searchable for the convenience of the court and the parties.”

**Motion to revise the proposed amendment to rule 2.256(b)(3) as specified above and to remove the proposed advisory committee comment .** This will be sent back to the Civil and Small Claims Advisory Committee for their agreement before advancing to the Judicial Council Technology Committee.

**Motion Approved.**

Justice Mauro commented on rule 3.1110(f)(4) regarding electronic bookmarks. He proposed removing “unless submitted by a self-represented party” as it is an unnecessary carve out.

Opened for discussion. Mr. Rob Oyung brought up a point about the technology is not that easy and causes a burden on self-represented litigants. There are not many free bookmarking tools and this puts self-represented litigants at a disadvantage if they have to bookmark documents for the trial court; also, there does not seem to be viable free software available to automate the bookmarking of documents either.

**Motion to revise the proposed amendment to rule 3.1110(f)(4) to delete the phrase: “Unless they are submitted by a self-represented party.”**

**Motion Not Approved.**

Hon. Samantha P. Jessner asked for a motion regarding the paper courtesy copies rule 2.252. This rule proposal suggestion would add a new subdivision (i) to rule 2.252 to provide that a judge may request that electronic filers submit courtesy copies. Judge Jessner recommends either (1) deleting this subdivision entirely to allow courts to continue handling the issue of paper courtesy copies by local rule, or (2) modifying the proposed amendment to provide that “a judge may request that electronic filers submit paper courtesy copies of electronically filed documents or courtesy copies may be required by local rule”.

**Motion to revise the proposed amendment to rule 2.252(i) to provide: A judge may request that electronic filers submit paper courtesy copies of an electronically filed document, or courtesy copies may be required by local rule.**

**Motion Approved.**

Hon. Alan G. Perkins would like ITAC to review, in the future, the current font style rules and to allow other styles.

## **Item 2**

**Legislative Proposal on E-Filing, E-Service, and E-Signatures (Action Required)** Review public comments received and decide whether to recommend a legislative proposal on e-filing, e-service, and e-signatures. This proposal would amend Code of Civil Procedure sections 664.5, 1010.6, and 1110 and would add a new section 1013b.

**Action:** Ms. Lundstrom introduced this legislative proposal. She explained that the Rules and Policy Subcommittee and the Civil and Small Claims Advisory Committee had recommended slightly revising language in Code of Civil Procedure section 1010.6 regarding the midnight cutoff time for the effective date of electronic filing and service to address documents that are electronically filed and served at 12:00 a.m. and on non-court days. There were no other changes recommended by the subcommittee.

**Motion to Approve the recommendation that the council amend and add the Code of Civil Procedure sections as specified in the proposal.**

**Motion Approved.**

## **Item 3**

**Legislative Proposal to Authorize Permissive E-Filing and E-Service in Criminal Proceedings (Action Required)** Review public comments and decide whether to recommend a legislative proposal that would enact Penal Code section 690.5 to clarify that permissive e-filing and e-service are authorized in criminal matters.

**Action:** Ms. Kim DaSilva presented the public comment review on a legislative proposal that would enact Penal Code section 690.5 to clarify that permissive e-filing and e-service are authorized in criminal matters.

**Motion to Approve the recommendation that the council enact Penal Code section 690.5 as specified in the proposal.**

**Motion Approved.**

**Item 4**

**Appellate Rules Modernization -- Phase 2 (Action Required)** Consider public comments on and make recommendations regarding rule and form proposals to further modernize the appellate rules of court, and the forms used by the appellate courts, to facilitate e-filing, e-service and e-business. The proposed changes represent the second phase of changes intended to modernize the appellate rules and forms.

**Action:** Justice Mauro advised that the Joint Appellate Technology Advisory Subcommittee is now in Phase 2 of the rules modernization project. Ms. Katherine Sher provided an update and review of the comments. The Appellate Advisory Committee has approved as submitted. Received comments from 5 organizations with very minor changes not in relation to rules content.

**Motion to Approve the recommendation that the council amend the rules and forms, as specified in the proposal, to further modernize the appellate rules of court.**

**Motion approved.**

**Item 5**

**Rules Proposal for Consistency Between Rules and Practices for Appellate E-Filing (Action Required)** Consider public comments on and make recommendations regarding the proposed revision of the appellate e-filing rules, rules 8.70-8.79. The proposed changes are intended to ensure that the rules governing e-filing in the appellate courts are consistent with the practices of those courts.

**Action:** Justice Mauro and Ms. Sher proposed modifications to Appellate E-Filing rules specifying that it is no longer to be a pilot project in the appellate courts. There are still courts that have not adopted e-filing, so members are trying not to get too far ahead with new rules before the remaining appellate courts and the Supreme Court can finish their e-filing projects.

**Motion to Approve the recommendation that the council amend rules 8.70 through 8.79 related to e-filing.**

**Motion approved.**

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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 1:22 PM.

Approved by the advisory body on August 25, 2016.