



# 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)

## ITAC RULES AND POLICY SUBCOMMITTEE

### MINUTES OF OPEN MEETING

January 22, 2018  
12:15 PM – 1:30 PM  
Teleconference

**Advisory Body Members Present:** Hon. Peter Siggins; Hon. Julie Culver; Hon. Jackson Lucky; Hon. Louis Mauro; Mr. Don Willenburg

**Advisory Body Members Absent:** Mr. Darrel Parker

**Others Present:** Ms. Fati Farmanfarmaian; Ms. Andrea Jaramillo, Mr. Patrick O'Donnell, Ms. Jane Whang

#### OPEN MEETING

##### Call to Order and Roll Call

The chair called the meeting to order at 12:15 PM, and took roll call.

##### Approval of Minutes and Public Comment

The advisory body reviewed and approved the minutes of the November 15, 2017, ITAC Rules and Policy Subcommittee meeting.

There were no public comments received.

#### DISCUSSION AND ACTION ITEMS (ITEMS 1-4)

##### Item 1

##### **Modernization Project Rules Proposal: Proposed Amendments to Title 2, Division 3, Chapter 2 (Action Required)**

Consider whether to recommend circulating proposed amendments to title 2, division 3, chapter 2 of the California Rules of Court for public comment. The proposed amendments respond to new requirements in Code of Civil Procedure section 1010.6, amend definitions in the rules, and ensure indigent filers are not required to have a payment mechanism to create an account with electronic filing service providers.

**Presenters:** Hon. Peter Siggins, Chair, Rules and Policy Subcommittee  
Mr. Patrick O'Donnell, Managing Attorney, Legal Services  
Ms. Andrea Jaramillo, Attorney II, Legal Services

**Action:** Ms. Jaramillo presented the recommended edits for public comment to amend Cal. Rules of Court.

**Rule 2.250(b)** – The context would be clearer substituting the word paper for filing. The document may be in paper or electronic form. It was suggested and agreed to use “or another writing” instead of paper to have the broadest meaning.

**Rule 2.250(b)** – Amend the definitions of “electronic service,” “electronic transmission” and “electronic notification.” Will go out for comment again using Option B asking for specific comments on this issue.

**Rule 2.250(b)** – Add definition for “electronic filing manager” based on the descriptions the Judicial Council used of electronic filing managers in a request for proposals in 2017.

**Rule 2.250(b)** – Add definition for “unrepresented” and exclude attorneys representing themselves or unauthorized to practice law in California from the definition. The subcommittee and staff will work to identify if unrepresented or self-represented is the correct use and definition.

**Rule 2.251(b)** – This will be a technical amendment only, no public comment. Will mimic the language of the statute.

**Rule 2.255** – To bring electronic filing service providers and managers within scope of the rule. They must comply with the court’s contract and Code of Civil Procedure section 1010.6.

**Rule 2.257** – Subdivision (a) This provides a definition of electronic signature based on Code of Civil Procedure, which are almost identical. Subdivision (b)(1) Will change to “Declares under penalty of perjury under the laws of the state of California”.

The subcommittee will vote on these changes as a package on their next call once the unrepresented/self-represented issue has been resolved.

## Item 2

### **Modernization Project: Form Proposal, Withdrawal of Consent to Electronic Service (Action Required)**

Consider whether to recommend circulating proposed Judicial Council form EFS-006, *Withdrawal of Consent to Electronic Service*. The purpose of the proposal is to comply with Code of Civil Procedure section 1010.6(a)(6), which requires the Judicial Council to create such a form by January 1, 2019. This is a joint proposal with the Civil and Small Claims Advisory Committee.

**Presenters:** Hon. Peter Siggins, Chair, Rules and Policy Subcommittee  
Mr. Patrick O’Donnell, Managing Attorney, Legal Services  
Ms. Andrea Jaramillo, Attorney II, Legal Services

**Action:** Suggested form changes include adding a second and third item to the existing form. The second item (#2) item will ask for the mailing address and third item (#3) will ask for the date of motion. Staff will prepare and circulate sample with those changes to the subcommittee.

There was no additional discussion around circulating the Judicial Council form EFS-006. Staff will prepare and circulate with the other outstanding issue.

**Item 3**

**Remote Access for Government Entities, Parties, Attorneys Rules Proposal: Proposed Amendments to Title 2, Division 1, Chapter 2 of the California Rules of Court (Discussion Item)**

Report status update. The proposed amendments facilitate remote access to trial court records by state, local, and tribal government entities, parties, parties' attorneys, and court-appointed persons.

**Presenters:** Hon. Peter Siggins, Chair, Rules and Policy Subcommittee  
Mr. Patrick O'Donnell, Managing Attorney, Legal Services  
Ms. Andrea Jaramillo, Attorney II, Legal Services

**Update:** Justice Siggins reported as informational only that there is a comprehensive set of rules for this item that will be presented at the next Information Technology Advisory Committee (ITAC) meeting.

**Item 4**

**Proposed New Rule 5.523, Electronic Service in Juvenile Matters (Discussion Item)**

The Family and Juvenile Law Advisory Committee is developing a proposal for a new rule governing electronic service in juvenile matters consistent with Code of Civil Procedure section 1010.6 and the new Welfare and Institutions Code section 212.5. This is an information item for the subcommittee and no formal action is required. Feedback from subcommittee members on the proposal is welcome.

**Presenters:** Hon. Peter Siggins, Chair, Rules and Policy Subcommittee  
Ms. Diana Click, Attorney II, Center for Families, Children and the Courts  
Ms. Andrea Jaramillo, Attorney II, Legal Services

**Discussion:** (35:00)  
Ms. Glick asked members their opinions on electronic service in juvenile matters. The rule changes are in the distributed meeting materials. Members didn't have any additional comments.

---

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

---

There being no further business, the meeting was adjourned at 12:59 pm.

Approved by the advisory body on June 21, 2018.