



JUDICIAL COUNCIL OF CALIFORNIA

INFORMATION TECHNOLOGY
ADVISORY COMMITTEE

www.courts.ca.gov/itac.htm
itac@jud.ca.gov

INFORMATION TECHNOLOGY ADVISORY COMMITTEE

MINUTES OF OPEN MEETING

July 10, 2019
12:00 PM - 1:00 PM
Teleconference

Advisory Body Members Present: Hon. Sheila F. Hanson, Chair; Hon. Louis R. Mauro, Vice Chair; Mr. Jake Chatters; Mr. Brian Cotta; Mr. Adam Creiglow; Hon. Julie R. Culver; Hon. Tara Desautels; Mr. Paras Gupta; Hon. Kimberly Menninger; Hon. James Mize; Mr. Snorri Ogata; Hon. Alan G. Perkins; Hon. Donald Segerstrom; Hon. Peter Siggins; Mr. Don Willenburg; Mr. David H. Yamasaki

Advisory Body Members Absent: Assemblymember Marc Berman; Ms. Alexandra Grimwade; Hon. Michael S. Groch; Senator Robert Hertzberg; Hon. Samantha P. Jessner; Mr. Darrel Parker; Hon. Bruce Smith; Ms. Jeannette Vannoy; Hon. Joseph Wiseman

Others Present: Ms. Heather Pettit; Ms. Jamel Jones; Mr. Richard Blalock; Ms. Camilla Kieliger; Ms. Fati Farmanfarmaian; Mr. John Yee; Ms. Andrea Jaramillo; Ms. Nicole Rosa; Ms. Jessica Craven; Ms. Jackie Woods; and other JCC staff present

OPEN MEETING

Call to Order and Roll Call

The chair called the meeting to order at 12:05 PM and took roll call.

DISCUSSION AND ACTION ITEMS (ITEMS 1 – 6)

Hon. Shelia Hanson welcomed members and explained the reason for this meeting was to review several rule changes that, if approved by ITAC they will be recommended to the Judicial Council.

Item 1

Court of Appeal Service Copy of a Petition for Review (Action Required)

Review public comments and decide whether to recommend the Judicial Council amend the rule regarding petitions for review in the California Supreme Court to remove the outdated requirement to send to the Court of Appeal a separate service copy of an electronically filed petition for review.

Presenters: Hon. Louis Mauro, Chair, Joint Appellate Technology Subcommittee
Mr. Eric Long, Attorney II, Legal Services

Action: Justice Mauro indicated that Rule 8.500 of the California Rules of Court amendment has been out for public comment and there were no contrary comments, the change to the rule is because the vendor ImageSoft now sends the electronic copy to the courts of appeal and it is no longer necessary for the party to provide unless it is in paper.

Motion to recommend the Judicial Council amend the rule regarding the service copy of a petition for review.

Approved.

Item 2

Uniform Formatting Rules for Electronic Documents (Action Required)

Review public comments and decide whether to recommend the Judicial Council amend the rules regarding format of documents to create uniform formatting rules for electronic documents filed in the appellate courts.

Presenters: Hon. Louis Mauro, Chair, Joint Appellate Technology Subcommittee
Mr. Eric Long, Attorney II, Legal Services

Action: Justice Mauro stated there was significant public comment on Rule 8.40 of the California Rules of Court. Some comments include: too many cross references, the change will to include just paper.

Rule 8.46 is regarding sealed records changes.

Rule 8.72 the advisory committee comment suggests using a virus scanning program for electronic files.

Rule 8.74 commenters pointed out that some documents cannot be formatted for the appellate courts, having been created for either trial courts or another purpose. The rule change acknowledges this by breaking the rule into subdivisions by types of documents.

No objection to leave change as is by adding (OCR) and not including the word software.

Rule 8.74(a)(5) refers to the documents size requirements. It has been confirmed that the limit is 25 megabytes in volumes of 300 pages.

Rule 8.74(a)(6) the change allows up to 9 electronic files before needing to manual file. Subdivisions (b) and (c) also allow more electronic files. Subdivision (d) change states that filer must maintain the original.

Rule 8.74(a)(8) allows color within the 25 megabytes.

Rule 8.74(a)(9) makes sure documents are self-contained.

Rule 8.74(b)(1) allows Times New Roman font, but preference is Century School Book; (3) pertains to margins; (5) clarification regarding hyperlinks.

Rule 8.74(c) is a new subdivision that pertains to rules regarding specific documents. (1) applies to briefs to make them more specific; (2) & (4) are deleting reference to another rule; (7) sealed and confidential records makes it more consistent with the Supreme Court.

Finally, there are some technical changes for the court.

Motion to recommend the Judicial Council amend the rules regarding formatting of documents to create uniform formatting rules for electronic documents in the appellate courts.

Approved.

Item 3

Trial Court Rules and Statutes Revisions: Proposal to Amend the Penal Code Section 1203.01 (Action Required)

Review public comments and decide whether to recommend the Judicial Council sponsor legislation to amend Penal Code section 1203.01. The proposed amendments provide an electronic alternative to mailing certain statements and reports.

Presenters: Hon. Peter Siggins, Chair, Rules and Policy Subcommittee
Ms. Andrea Jaramillo, Attorney II, Legal Services

Action: Justice Siggins presented proposed changes to Penal Code section 1203.1. The first change allows for electronic transmittal if the court chooses, the second part allows the person to opt out by written notice.

Motion to recommend the Judicial Council sponsor legislation to amend the Penal Code section 1203.01 to provide an electronic alternative to mailing certain statements and reports.

Approved.

Item 4

Trial Court Rules and Statutes Revisions: Proposal to Amend the Code of Civil Procedure Section 1010.6 (Action Required)

Review public comments and decide whether to recommend the Judicial Council sponsor legislation to amend Code of Civil Procedure section 1010.6. The proposed amendments allow courts to recover actual costs of permissive electronic filing and mandatory electronic filing by court order, just as they can with mandatory electronic filing by local rule, and clarify a provision for signatures made not under penalty of perjury to account for signatures of non-filers.

Presenters: Hon. Peter Siggins, Chair, Rules and Policy Subcommittee
Ms. Andrea Jaramillo, Attorney II, Legal Services

Action: Justice Siggins noted there are two statutory changes being proposed. The first is subsection (a) changes requirements of certain documents not under penalty of perjury when filed, no comments received. Subsection (b) received a comment regarding the change that allows the court may charge no more than the court's cost. This section was also moved around for flow, but not language changed.

Motion to recommend the Judicial Council sponsor legislation to amend Code of Civil Procedure section 1010.6.

Approved.

Item 5

Trial Court Rules and Statutes Revisions: Proposed Amendments to the Electronic Filing and Service Rules (Action Required)

Review public comments and decide whether to recommend the Judicial Council approve amendments to the electronic filing and services rules. The proposed amendments to rule 2.251 clarify how notice of consent to electronic service is to be given and provide an advisory comment on consent language. The proposed amendments to rule 2.257 revise language on signatures of opposing parties, and make minor revisions consistent with Code of Civil Procedure section 1010.6.

Presenters: Hon. Peter Siggins, Chair, Rules and Policy Subcommittee
Ms. Andrea Jaramillo, Attorney II, Legal Services

Action: Justice Siggins explained the rule proposal changes in 2.251 that refers to electronic filing and service rules. It clarifies notice of consent and provides an advisory committee comment.

Rule 2.257 revises language of opposing party signatures and includes revisions for consistency to mirror Code of Civil Procedure section 1010.6. Based on comments received, will mirror government code regarding documents signed under penalty of perjury at the time signed.

Motion to recommend the Judicial Council approve amendments to the electronic filing and service rules as presented.

Approved.

Item 6

Trial Court Rules and Statutes Revisions: Proposed Amendments to the Rules on Remote Access to Electronic Records (Action Required)

Review public comments and decide whether to recommend the Judicial Council approve amendments to the rules on remote access to electronic records. The proposed amendments to rule 2.540 add more clarity and additional local government entities.

Presenters: Hon. Peter Siggins, Chair, Rules and Policy Subcommittee
Ms. Andrea Jaramillo, Attorney II, Legal Services

Action: Justice Siggins noted that when the Rules on Remote Access to Electronic Records was updated last year, some were left out of the list. This amendment is to add the county public conservator: criminal electronic records, mental health records, probate electronic records and the county public administrator's probate electronic records.

Motion to recommend the Judicial Council approve amendments to the rules on remote access to the electronic records.

Approved.

ADJOURNMENT

There being no further business, the meeting was adjourned at 1:00 PM.

Approved by the advisory body on August 19, 2019.