



JUDICIAL COUNCIL OF CALIFORNIA

TECHNOLOGY COMMITTEE

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JUDICIAL COUNCIL TECHNOLOGY COMMITTEE

Open to the Public (Cal. Rules of Court, rule 10.75(c)(1))
THIS MEETING WILL BE CONDUCTED BY TELECONFERENCE
THIS MEETING WILL BE RECORDED

Date: February 9, 2015
Time: 12:00 p.m. - 1:00 p.m.
Public Call-in Number: 1-877-820-7831 Passcode: 3511860

Meeting materials will be posted on the advisory body web page on the California Courts website at least three business days before the meeting.

Agenda items are numbered for identification purposes only and will not necessarily be considered in the indicated order.

In accordance with California Rules of Court, rule 10.75(k)(1), public comments about any agenda item must be submitted by February 6, 2015, 12:00 p.m. Written comments should be e-mailed to jctc@jud.ca.gov or mailed or delivered to 2255 N. Ontario Street, Suite 220, Burbank, California 91504, attention: Jessica Craven. Only written comments received by February 6, 2015, 12:00 p.m. will be provided to advisory body members prior to the start of the meeting.

Call to Order and Roll Call

I. DISCUSSION AND POSSIBLE ACTION ITEMS (ITEMS 1-9)

Item 1

Chair Report

Provide update on activities of or news from the Judicial Council, advisory bodies, courts, and/or other justice partners.

Presenter: Hon. James E. Herman

Item 2

Update on the Court Technology Advisory Committee (CTAC) and Review of Annual Agenda (Action Required)

An update on CTAC and review of CTAC's Annual Agenda. The JCTC will be asked to vote on these recommendations.

Presenter: Hon. Terence L. Bruiniers, Chair, Court Technology Advisory Committee

Item 3

Decommission the Merced Sustain Justice Edition (SJE) environment at the California Court Technology Center (CCTC) (Action Required)

The Merced Superior Court has deployed Tyler's Odyssey case management system which is hosted locally at the Merced Court and is no longer using the SJE application hosted at the CCTC. The court is requesting that the Merced SJE environments hosted at the CCTC be decommissioned. The JCTC will be asked to vote on this request.

Presenter: Mr. David Koon, Supervising Analyst, JCC Information Technology

Item 4

Rules for Electronic Service (Action Required)

Review CTAC's proposal to amend rules 2.251 and 8.71 to authorize electronic service on trial and appellate courts that consent to such service. The JCTC will be asked to vote on this proposal.

Presenter: Ms. Tara Lundstrom, Attorney, Legal Services

Item 5

Rules for Remote Courtroom Video (Action Required)

Review CTAC's proposal to amend rules 4.220 to allow trial courts to continue conducting remote video proceedings in traffic infraction cases after January 1, 2016. The JCTC will be asked to vote on this proposal.

Presenter: Ms. Tara Lundstrom, Attorney, Legal Services

II. ADJOURNMENT

Adjourn

Judicial Council Technology Committee Meeting

February 9, 2015

Call to Order and Roll Call

- Welcome

*Hon. James E. Herman, Chair, Judicial Council Technology
Committee*



JUDICIAL COUNCIL
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Chair Report

Hon. James E. Herman



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Action: Update on the Court Technology Advisory Committee (CTAC) and Review of Annual Agenda

*Hon. Terence L. Bruiniers, Chair, Court Technology Advisory
Committee*



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Action: Decommission the Merced Sustain Justice Edition (SJE) environment at California Court Technology Center (CCTC)

*Mr. David Koon, Supervising Analyst, JCC Information
Technology*



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Decommission Merced's SJE CCTC Environments

Objective

The Merced Superior Court has moved to a locally hosted version of Tyler's Odyssey system, and no longer uses the CCTC hosted SJE system. This project will remove all of Merced's SJE components and associated firewall rules as well as excess servers and storage.

Benefits

The benefits of the project include an estimated savings of \$185,000 per year by removing servers and storage that is no longer needed. Additionally, the removal of Merced's firewall rules and software components complies with the DMV and JCC security rules.

Effort

The project is expected to require 360 hours of JCC resources over a 9 month period.

Action: Rules for Electronic Service

Ms. Tara Lundstrom, Attorney, Legal Services



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Action: Rules for Remote Courtroom Video

Ms. Tara Lundstrom, Attorney, Legal Services



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Adjourn

All



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Court Technology Advisory Committee
Annual Agenda—2015
Approved by the JCTC:

I. ADVISORY BODY INFORMATION

Chair:	Hon. Terence L. Bruiniers		
Staff:	Ms. Jamel Jones		
<p>Advisory Body’s Charge: Under rule 10.53 of the California Rules of Court, the Court Technology Advisory Committee (CTAC) makes recommendations to the council “for improving the administration of justice through the use of technology and for fostering cooperative endeavors to resolve common technological issues with other stakeholders in the justice system.” (<i>Subd (a) amended January 1, 2007.</i>)</p> <p>In addition to the duties described in rule 10.53, the committee must:</p> <ul style="list-style-type: none">• Recommend standards to ensure compatibility in information and communication technologies in the judicial branch;• Review and comment on requests for funding of judicial branch technology projects to ensure compatibility with goals established by the council and standards promulgated by the committee;• Review and recommend legislation, rules, or policies to balance the interests of privacy, access, and security in relation to court technology;• Make proposals for technology education and training in the judicial branch;• Assist courts in acquiring and developing useful technologies; and• Maintain a long-range plan. <p>(<i>Subd (b) amended January 1, 2007.</i>)</p>			
<p>Advisory Body’s Membership: There are a total of 20 current CTAC members, representing the following categories:</p> <table style="width: 100%; border: none;"><tr><td style="width: 50%; vertical-align: top;"><ul style="list-style-type: none">• 3 Appellate Court Justices• 9 Trial Court Judicial Officers• 5 Trial and Appellate Court Judicial Administrators¹</td><td style="width: 50%; vertical-align: top;"><ul style="list-style-type: none">• 1 Attorney (appointed by the State Bar)• 1 Law School Professor (public member)• 1 Senate Member (appointed by the Senate)</td></tr></table>		<ul style="list-style-type: none">• 3 Appellate Court Justices• 9 Trial Court Judicial Officers• 5 Trial and Appellate Court Judicial Administrators¹	<ul style="list-style-type: none">• 1 Attorney (appointed by the State Bar)• 1 Law School Professor (public member)• 1 Senate Member (appointed by the Senate)
<ul style="list-style-type: none">• 3 Appellate Court Justices• 9 Trial Court Judicial Officers• 5 Trial and Appellate Court Judicial Administrators¹	<ul style="list-style-type: none">• 1 Attorney (appointed by the State Bar)• 1 Law School Professor (public member)• 1 Senate Member (appointed by the Senate)		

¹ This includes 1 Court of Appeal Clerk/Administrator; 2 Trial Court Executive Officers; and 2 Trial Court Information/Technology Officers.

Subgroups/Working Groups:

- CTAC Rules & Policy Subcommittee
- CTAC Projects Subcommittee
- Joint Appellate Technology Subcommittee
- New: Data Exchange (DX) Workstream
- New: E-Filing Workstream
- New: Remote Courtroom Video Workstream
- New: Information Security Framework Workstream

The **Workstream model** was introduced and approved as part of the *Governance and Funding Model* by the Judicial Council in October 2014 as a means of carrying out technology initiatives. Workstreams are ad hoc teams of technology experts and experienced project/program managers throughout the branch and justice partners. Each technology workstream has a specific charge and duration. The individual tasks necessary to complete the initiative (project) may be carried out by dividing the workstream into separate tracks. Workstream membership and size varies from project to project, but is intended to provide broad representation and/or to share resources in accomplishing a technology initiative.

Advisory Body's Key Objectives for 2015:

The *Strategic Plan for Technology 2014-2018* outlines the following goals, to which CTAC's 2015 Annual Agenda aligns.

1. Goal 1: Promote the Digital Court – Part 1: Foundation, Part 2: Access, Services, and Partnerships
2. Goal 2: Optimize Branch Resources
3. Goal 3: Optimize Infrastructure
4. Goal 4: Promote Rule and Legislative Changes

Additionally, a limited number of initiatives are classified as standing agenda items and considered core responsibilities of the committee.

II. ADVISORY BODY PROJECTS

#	Project ²	Priority ³	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
1.	<p>CMS Data Exchanges</p> <p>Develop Standardized Approaches to CMS Interfaces and Data Exchanges with Critical State Justice Partners</p> <p><i>Major Tasks:</i></p> <p>(a) Identify specific justice partners exchanges required and court interface needs.</p> <p>(b) Establish standards for, and define where feasible, common exchange(s), consistent with national standards, and secure methods to share those exchanges for courts wishing to implement them.</p> <p>(c) Work with CMS vendors to facilitate timely implementation of standardized exchanges where needed, consistent with existing court deployment schedules.</p>	1	<p><i>Judicial Council Direction:</i></p> <p>Tactical Plan for Technology: Develop Standard CMS Interfaces and Data Exchanges, p. 37</p> <p><i>Origin of Project:</i></p> <p>Tactical Plan; Court Information Technology Manager’s Forum (CITMF) Priority #1; member recommendation</p> <p><i>Resources:</i></p> <p>CTAC: CTAC Workstream Executive Sponsor: David Yamasaki</p> <p><i>Judicial Council Staffing:</i></p> <p>Information Technology</p> <p><i>Collaborations:</i></p> <p>Workstream members, justice partners and vendors</p> <p><i>Key Objective Supported:</i></p> <p>Goal 1</p>	July 2015	<p>Documented exchange data elements and format standards</p> <p>Recommended governance structures to support and maintain up-to-date exchange standards</p> <p>Recommendations for standardized types of connectivity and security aspects</p>

² All proposed projects for the year must be included on the Annual Agenda. If a project implements policy or is a program, identify it as *implementation* or a *program* in the project description and attach the Judicial Council authorization/assignment or prior approved Annual Agenda to this Annual Agenda.

³ For non-rules and forms projects, select priority level 1 (must be done) or 2 (should be done). For rules and forms proposals, select one of the following priority levels: 1(a) Urgently needed to conform to the law; 1(b) Urgently needed to respond to a recent change in the law; 1(c) Adoption or amendment of rules or forms by a specified date required by statute or council decision; 1(d) Provides significant cost savings and efficiencies, generates significant revenue, or avoids a significant loss of revenue; 1(e) Urgently needed to remedy a problem that is causing significant cost or inconvenience to the courts or the public; 1(f) Otherwise urgent and necessary, such as a proposal that would mitigate exposure to immediate or severe financial or legal risk; 2(a) Useful, but not necessary, to implement statutory changes; 2(b) Helpful in otherwise advancing Judicial Council goals and objectives.

#	Project ²	Priority ³	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
	(d) Develop governance processes to ensure continuing development and maintenance of statewide data exchanges established, and to maintain on-going communication and cooperation with our justice partners and CMS vendors in this effort.				

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#	Project	Priority	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
2.	<p>E-Filing</p> <p>Update E-Filing Standards, and Develop Provider Certification, Deployment Strategy, and Rules Evaluation</p> <p><i>Major Tasks:</i></p> <p>(a) Update the technical standards for court e-filing, namely, the XML specification and related schema.</p> <p>(b) Develop the E-Filing Service Provider (EFSP) selection/certification process.</p> <p>(c) Develop the roadmap for an e-filing deployment strategy, approach, and branch solutions/alternatives.</p> <p>(d) Evaluate current e-filing rules, including provisions for mandatory e-filing.</p>	<p>1 for Task (a);</p> <p>2 for Tasks (b)-(d)</p>	<p>Judicial Council Direction:</p> <p>Tactical Plan for Technology: E-filing Service Provider (EFSP) Selection/Certification, p.31; E-Filing Deployment, p.34</p> <p>Origin of Project:</p> <p>Tactical Plan; CITMF Priority #4; member recommendation</p> <p>Resources:</p> <p><i>CTAC:</i></p> <p>(a)-(c): CTAC Workstream Executive Co-Sponsors: Hon. Sheila F. Hanson, Rob Oyung</p> <p>(d): Rules & Policy Subcommittee</p> <p><i>Judicial Council Staffing:</i></p> <p>Information Technology, Legal Services</p> <p><i>Collaborations:</i></p> <p>Workstream members</p> <p>Key Objective Supported:</p> <p>Goal 1</p>	December 2016	<p>Updated Technical Standards</p> <p>Certification Program</p> <p>Rule Proposal(s), if appropriate</p>

#	Project	Priority	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
3.	<p>Remote Courtroom Video</p> <p>Develop Remote Courtroom Video Standards, a Pilot Program, and Update to Rules</p> <p><i>Major Tasks:</i></p> <p>(a) Develop technical standards for remote courtroom video.</p> <p>(b) Define and implement, in cooperation with the Access & Fairness and Interpreter’s Advisory Committees, a Video Remote Interpreting Pilot Program for foreign languages.</p> <p>(c) Seek extension of Rule of Court 4.220 (Remote Video Proceedings in Traffic Infraction Cases). Consider Expansion to other case types.</p>	1	<p>Judicial Council Direction:</p> <p>Tactical Plan for Technology: Courthouse Video Connectivity, p.22</p> <p>Origin of Project:</p> <p>Tactical Plan; carryover from Annual Agenda 2014; notice from JC Legal Services regarding the pilot program; member recommendation</p> <p>Resources:</p> <p><i>CTAC:</i></p> <p>(a)-(b): CTAC Workstream Executive Sponsor: Hon. Terence L. Bruiniers (c): CTAC Rules & Policy Subcommittee</p> <p><i>Judicial Council Staffing:</i></p> <p>Information Technology, Legal Services</p> <p><i>Collaborations:</i></p> <p>(a)-(b): Workstream members, Court Interpreters Advisory Panel, Advisory Committee on Providing Access and Fairness (c): Traffic Advisory Committee</p> <p>Key Objective Supported:</p> <p>Goal 1</p>	December 2016	<p>Technical Standards</p> <p>Implementation of VRI Pilot Program</p> <p>Rule Proposal</p>

#	Project	Priority	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
4.	<p>Next Generation Hosting Strategy Assessment</p> <p>Assessment of Alternatives for Transition to Next-Generation Branchwide Hosting Model</p> <p><i>Major Tasks:</i> (a) Complete hosting needs assessment, develop implementation recommendations, including an evaluation of alternatives and costs.</p> <p>Note: Limited scope due to resource constraints; additional tasks to be considered in future annual agenda.</p>	2	<p>Judicial Council Direction: Tactical Plan for Technology: Transition to Next-Generation Branchwide Hosting Model, p.43</p> <p>Origin of Project: Tactical Plan; CITMF Priority #5</p> <p>Resources: <i>CTAC:</i> CTAC Projects Subcommittee; workstreams may be required to complete the longer term components</p> <p><i>Judicial Council Staffing:</i> Information Technology, Office of Court Research</p> <p><i>Collaborations:</i> TBD</p> <p>Key Objective Supported: Goal 3</p>	December 2015	Assessment Findings and Recommendations

#	Project	Priority	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
5.	<p>Information Security Framework</p> <p>Document and Adopt Court Information Systems Security Policy Framework</p> <p><i>Major Tasks:</i></p> <p>(a) Finish the work that was started on the Court Information Systems Security Policy Framework.</p> <p>(b) Initially adopt the framework at a select group of pilot courts.</p> <p>(c) Adopt the framework at the remaining courts, as needed.</p>	2	<p>Judicial Council Direction: Tactical Plan for Technology: Court Information Systems Security Policy Framework, p.45</p> <p>Origin of Project: Tactical Plan; CITMF Priority #2</p> <p>Resources: <i>CTAC:</i> CTAC Workstream Executive Sponsor: Rob Oyung</p> <p><i>Judicial Council Staffing:</i> Information Technology</p> <p><i>Collaborations:</i> CEAC and workstream members</p> <p>Key Objective Supported: Goal 3</p>	August 2015	<p>Published Framework document</p> <p>Framework Implementation Strategy Recommendations, including funding requirements</p>

#	Project	Priority	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
6.	<p>Disaster Recovery Framework Assessment</p> <p>Survey and Assessment for Court Disaster Recovery Framework and Pilot</p> <p><i>Major Tasks:</i> (a) Survey and provide a disaster recovery needs assessment and gap analysis for the major technology components in the trial and appellate courts.</p> <p>Note: Limited scope due to resource constraints; additional tasks to be considered in future annual agenda.</p>	2	<p><i>Judicial Council Direction:</i> Tactical Plan for Technology: Court Disaster Recovery Framework and Pilot, p.47</p> <p><i>Origin of Project:</i> Tactical Plan; CITMF Priority #6</p> <p><i>Resources:</i> <i>CTAC:</i> CTAC Projects Subcommittee</p> <p><i>Judicial Council Staffing:</i> Information Technology, Office of Court Research</p> <p><i>Collaborations:</i> CEAC</p> <p><i>Key Objective Supported:</i> Goal 3</p>	October 2015	Assessment Findings and Recommendations

#	Project	Priority	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
7.	<p>Privacy Policy</p> <p>Develop Branch & Model Court Privacy Policies on Electronic Court Records and Access</p> <p><i>Major Tasks:</i></p> <p>(a) Continue development of a comprehensive statewide privacy policy addressing electronic access to court records and data to align with both state and federal requirements.</p> <p>(b) Continue development of a model (local) court privacy policy, outlining the key contents and provisions to address within a local court's specific policy.</p>	1(e), 1(f)	<p>Judicial Council Direction:</p> <p>Tactical Plan for Technology: Technology Initiatives to Promote Rule and Legislative Changes, p.49</p> <p>Origin of Project:</p> <p>Tactical Plan; carryover from Annual Agenda 2014. Code Civ. Proc., § 1010.6 (enacted in 1999) required the Judicial Council to adopt uniform rules on access to public records; subsequently the rules have been amended in response to changes in the law and technology, requests from the courts, and suggestions from members of CTAC, the bar, and the public.</p> <p>Resources:</p> <p><i>CTAC:</i> CTAC Rules & Policy Subcommittee</p> <p><i>Judicial Council Staffing:</i> Information Technology, Legal Services</p> <p><i>Collaborations:</i> CEAC, Criminal Law Advisory Committee, and the Department of Justice</p> <p>Key Objective Supported:</p> <p>Goal 4</p>	December 2015	<p>Recommendation of Branch Privacy Policy</p> <p>Recommendation of Model Local Court Privacy Policy</p>

#	Project	Priority	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
8.	<p>SRL E-Services Portal</p> <p>Evaluate Feasibility and Desirability of Establishing a Branch Self-Represented Litigants (SRL) E-Services Portal</p> <p><i>Major Tasks:</i></p> <p>(a) Determine and validate both litigant needs (including LEP litigants) and court requirements.</p> <p>(b) Identify available existing technology and infrastructure components to leverage.</p> <p>(c) Identify information resources to assist litigants.</p> <p>Note: Limited scope due to resource constraints; additional tasks to be considered in future annual agenda.</p>	2	<p>Judicial Council Direction:</p> <p>Tactical Plan for Technology: Implement a Portal for Self-Represented Litigants, p.29</p> <p>Origin of Project:</p> <p>Tactical Plan; carryover from Annual Agenda 2014</p> <p>Resources:</p> <p><i>CTAC:</i> CTAC Projects Subcommittee; workstreams may be required to complete the longer term components</p> <p><i>Judicial Council Staffing:</i> Information Technology, Legal Services, and the Center for Families, Children and the Courts (CFCC)</p> <p><i>Collaborations:</i> Advisory Committee Providing Access & Fairness, TCPJAC, CEAC, CITMF, and the Southern Regional SRL Network</p> <p>Key Objective Supported:</p> <p>Goal 1</p>	November 2015	Report Findings and Recommendations

#	Project	Priority	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
9.	<p>E-Signatures</p> <p>Develop Standards for Electronic Signatures</p> <p><i>Major Tasks:</i></p> <p>(a) Develop procedures and standards for use of electronic and digital signatures for court documents, as specified in Government Code section 68150(g), for inclusion in the Court Records Manual.</p> <p>(b) Recommend rule proposal incorporating standards into Rules of Court, as appropriate.</p> <p>Note: This project is distinct from developing standards for court (digital) records certification, i.e., the authentication of court documents and the true certification thereof (per CTAC's 2013 annual agenda review meeting).</p>	1(e)	<p>Judicial Council Direction:</p> <p>Tactical Plan for Technology: Technology Initiatives to Promote Rule and Legislative Changes, p.49</p> <p>Origin of Project:</p> <p>Tactical Plan; carryover from Annual Agenda 2014</p> <p>Resources:</p> <p>CTAC: CTAC Rules & Policy Subcommittee</p> <p><i>Judicial Council Staffing:</i> Information Technology, Legal Services</p> <p><i>Collaborations:</i> CEAC Subcommittee on Records Management</p> <p>Key Objective Supported:</p> <p>Goal 4</p>	July 2016	<p>Recommendation of Standards for Electronic Signatures</p> <p>Rule Proposal, if appropriate</p>

#	Project	Priority	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
10.	<p>Tactical Plan for Technology</p> <p>Update Tactical Plan for Technology for Effective Date 2016-2018</p> <p><i>Major Tasks:</i></p> <p>(a) Review and update the Tactical Plan for Technology.</p> <p>(b) Circulate for branch and public comment.</p> <p>(c) Finalize and submit for approval.</p>	1	<p><i>Judicial Council Direction:</i> Technology Governance and Funding Model</p> <p><i>Origin of Project:</i> Technology Governance and Funding Model; chair recommendation</p> <p><i>Resources:</i> <i>CTAC:</i> Chair and full committee</p> <p><i>Judicial Council Staffing:</i> Information Technology</p> <p><i>Collaborations:</i> Broad input from the branch and the public</p> <p><i>Key Objective Supported:</i> Standing Item / Activity</p>	December 2016	Tactical Plan for Technology 2016-2018

#	Project	Priority	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
11.	<p>Rules for Court Records</p> <p>Develop Branch Policy and Rules on Public Access to Electronic Appellate Court Records</p> <p><i>Major Tasks:</i></p> <p>(a) Develop a comprehensive statewide policy addressing reasonable public access to electronic appellate court records to align with access rules for the trial courts.</p> <p>(b) Draft rule proposal to incorporate standards into Rules of Court, as appropriate.</p> <p>Note: This project corresponds to the Appellate Advisory Committee agenda item #8.</p>	1(f)	<p>Judicial Council Direction:</p> <p>Tactical Plan for Technology: Technology Initiatives to Promote Rule and Legislative Changes, p.49</p> <p>Origin of Project:</p> <p>Carryover from Annual Agenda 2014. Also, see rule 2.500 (“The [trial court] rules... are intended to provide the public with reasonable access to trial court records that are in electronic form, while protecting privacy interests.”)</p> <p>Resources:</p> <p><i>CTAC:</i> Joint Appellate Technology Subcommittee</p> <p><i>Judicial Council Staffing:</i> Information Technology, Legal Services</p> <p><i>Collaborations:</i> Appellate Advisory Committee</p> <p>Key Objective Supported:</p> <p>Goal 4</p>	January 2016	<p>Recommendation of Policy for Public Access to Electronic Appellate Court Records</p> <p>New Rule Proposal, if appropriate</p>

#	Project	Priority	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
12.	<p>Rules for Electronic Service</p> <p>Evaluate Amendment to Rules of Court to Allow Electronic Service Upon Courts if the Court Consents</p> <p><i>Major Tasks:</i></p> <p>(a) Consider whether to recommend rule amendments to clarify that a court may be served electronically if the court consents to receive this form of service.</p> <p>Note: This project applies at both the appellate and trial court levels. Also, this project is intended to correspond to the Appellate Advisory Committee agenda item #9.</p>	1(d)	<p><i>Judicial Council Direction:</i> Tactical Plan for Technology: Technology Initiatives to Promote Rule and Legislative Changes, p.49</p> <p><i>Origin of Project:</i> Submitted by Justice Mauro, Heather Anderson; suggestion received from trial court executive officer.</p> <p><i>Resources:</i> <i>CTAC:</i> Joint Appellate Technology Subcommittee and the CTAC Rules & Policy Subcommittee</p> <p><i>Judicial Council Staffing:</i> Information Technology, Legal Services</p> <p><i>Collaborations:</i> Appellate Advisory Committee</p> <p><i>Key Objective Supported:</i> Goal 4</p>	January 2016	Rule Proposal

#	Project	Priority	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
13.	<p>Modernize Rules of Court</p> <p>Modernize Trial and Appellate Court Rules to Support E-Business</p> <p><i>Major Tasks:</i></p> <p>(a) In collaboration with other advisory committees, review rules and statutes in a systematic manner and develop recommendations for comprehensive changes to align with modern business practices (e.g., eliminating paper dependencies).</p> <p>Note: This project corresponds to the Appellate Advisory Committee agenda item #10, as well as on the annual agendas of the additional (subject matter) advisory bodies listed under Resources.</p>	2(b)	<p>Judicial Council Direction:</p> <p>Tactical Plan for Technology: Technology Initiatives to Promote Rule and Legislative Changes, p.49</p> <p>Origin of Project:</p> <p>Carryover from Annual Agenda 2014. The council, based on recommendations from CTAC and other advisory committees, has responded on a case-by-case basis to the need for rule changes to reflect the shift of court business from paper to electronic means; technology and cost considerations heighten the need for changes in the law. CTAC is proposing a more systematic approach to address the needed changes.</p> <p>Resources:</p> <p><i>CTAC:</i> CTAC Rules & Policy Subcommittee and the Joint Appellate Technology Subcommittee</p> <p><i>Judicial Council Staffing:</i> Information Technology, Legal Services, Center for Families Children and the Courts (CFCC), Criminal Justice Services</p> <p><i>Collaborations:</i> Appellate Advisory Committee, Civil & Small Claims, Criminal Law, Traffic, Family and Juvenile Law, and Probate & Mental Health advisory committees</p> <p>Key Objective Supported:</p> <p>Goal 4</p>	Ongoing	Rule Proposal, when appropriate

#	Project	Priority	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
14.	<p>Collaborations and Information Exchange</p> <p>Liaise with Advisory Bodies and the Branch on Technology Initiatives, Rules and Implementations</p> <p><i>Major Tasks:</i></p> <p>(a) Share the Judicial Branch Technology Report with advisory bodies and attend liaison committee meetings.</p> <p>(b) Identify opportunities to collaborate and share liaison feedback to CTAC, the JCTC, the Judicial Council, and the branch, as appropriate.</p>	N/A	<p>Judicial Council Direction: Tactical Plan for Technology: N/A</p> <p>Origin of Project: Standing activity and carryover from Annual Agenda 2014</p> <p>Resources: CTAC: Liaisons</p> <p><i>Judicial Council Staffing:</i> Information Technology</p> <p><i>Collaborations:</i> Liaison advisory bodies</p> <p>Key Objective Supported: Standing Item / Activity</p>	Ongoing	N/A

III. STATUS OF 2014 PROJECTS:

[List each of the projects that were included in the 2014 Annual Agenda and provide the status for the project.]

#	Project	Completion Date/Status
1	Survey and Summarize Current State of Branch E-Filing, including Cost Benefit and Best Practices	Closed/Complete. The Projects Subcommittee surveyed and provided a report on the state of E-Filing in the branch; the findings were posted on Serranus and circulated to the JCTC.
2	Explore Opportunities to Expand Remote Interpreting	In Progress. An ad-hoc, collaborative workgroup formed by the council's Chief Operating Officer to discuss coordination and consider paths forward. Work continues as part of Project #3 on the 2015 agenda.
3	Study and Identify Opportunities to Expand Remote Video Appearances	In Progress. The Projects Subcommittee surveyed and provided a report on the state of remote video usage in the courtrooms across the branch; the findings were posted on Serranus and circulated to the JCTC. Work continues as Project #3 on the 2015 agenda.
4	Evaluate Feasibility of Establishing a Branch Self-Represented Litigants (SRL) E-Services Portal	Not Started. Work was on hold in 2014 but continues as Project #8 on the 2015 agenda.
5	Evaluate and Continue Development of the E-Business Webinar Series	Closed. The first webinar was posted in 2014. The committee has not included further webinar development as part of its 2015 agenda.
6	Maintain and Improve the Branch Remote Video Resource Center	Closed/Complete. Content was updated on the site, specifically in relation to the launch of the E-Business Webinar on Video Remote Technology.
7	Organize and Sponsor Branch Summit on Court E-Filing	Not Started. Project was placed on hold due to resources. The committee has not specifically included a summit as part of its 2015 agenda, though an event may be required as Project #2.
8	Develop Branch & Model Court Privacy Policies on Electronic Court Records and Access	In Progress. The Rules & Policy Subcommittee made some progress on preparing initial drafts of model policies for the branch and trial courts; work continues as Project #7 on the 2015 agenda.
9	Modernize Trial Court Rules to Support E-Business	In Progress/Ongoing. On June 30, 2014, members of CTAC and Civil and Small Claims Advisory Committee (CSCAC) reviewed proposed amendments to titles 2 and 3 of the California Rules of Court. As a result of the meeting, the group was able to develop a draft of proposed changes to titles 2 and 3. The changes to titles 2 and 3 will be shared with the CSCAC and will be distributed to other advisory committees working on the rules modernization project in 2014-2015. These draft rules will, in effect, be models for other advisory committees to follow as they revise titles 4, 5, 7, 8, and 10 during the next year. The next step will be for members of the Rules & Projects subcommittee to work with

		members of other advisory committees to review and modernize the text of other titles of the California Rules of Court. By December 2015, CTAC and the other committees should complete their review and make recommendations for the modernization of all the rules. Work continues as part of Project #13 on the 2015 agenda.
10	Develop Standards for Electronic Signatures	In Progress. The Rules & Policy Subcommittee began gathering information, but held on moving forward so that the CEAC Court Records Management Working Group's Subgroup on E-Signatures could lead this effort. On November 24, 2014, members of the Rules & Policy Subcommittee and of CEAC's subgroup discussed identifying the appropriate technical standards that can provide guidance to the courts on electronic signatures. The two bodies brainstormed on processes and discussed information gathered on current practices of California trial courts that use electronic or digital electronic signatures on court-signed documents. Work continues as part of Project #9 on the 2015 agenda.
11	Survey and Report State of Electronic Recording in the Courts	Closed. The Rules & Policy Subcommittee chair worked with staff to prepare an early survey draft; however, work was placed on hold. This project does not appear on the 2015 agenda.
12	Modernize Appellate Court Rules for E-Filing and E-Business (<i>Appellate Technology Subcommittee</i>)	In Progress. The Joint Appellate Technology Subcommittee (JATS) approved a proposed amendment to rule 8.71 and forwarded it to CTAC and the Appellate Advisory Committee for review. This work continues as Project #13 on the 2015 agenda.
13	Collaborate on Statewide Appellate Court Technology Implementations (<i>Appellate Technology Subcommittee</i>)	In Progress. The JATS continues to work with the appellate courts implementing e-filing, as requested/needed. This work is considered a standing activity on the 2015 agenda.
14	Develop Branch Policy on Public Access to Electronic Appellate Court Records (<i>Appellate Technology Subcommittee</i>)	In Progress. Work has commenced, with a goal of forwarding proposed rule amendments to CTAC and the Appellate Advisory Committee for review in 2015. This work continues as Project #11 on the 2015 agenda.
15	Coordinate with Subcommittees on Rule and Policy Matters Concerning the Appellate Courts (<i>Appellate Technology Subcommittee</i>)	In Progress. The JATS will work with subcommittees on action items, as requested/needed. This is a standing activity on the 2015 agenda. This work is considered a standing activity on the 2015 agenda.
16	Liaise with Judicial Council Advisory Bodies and the Branch	In Progress. CTAC liaisons continue to exchange information and liaise with advisory bodies on technology initiatives, rules and implementations. This work is considered a standing activity on the 2015 agenda.

IV. Subgroups/Working Groups - Detail

Subgroup or working group name: **CTAC Rules & Policy Subcommittee (exclusively CTAC members)**

Purpose of subgroup or working group:

In 2010, a CTAC E-Business Subcommittee was formed merging CTAC's 'Rules' and 'E-Practices' Subcommittees. At the time, the Rules Subcommittee's charter was to review Rules of Court on Electronic Access to Public Information and E-Filing and other technology-related rules and standards. The E-Practices Subcommittee was charged with developing a report and associated policy recommendations on four specific issues related to how courts should operate with electronic documents and information.

At the March 8, 2013 CTAC meeting, the committee renamed its E-Business Subcommittee to the Rules & Policy Subcommittee. The purpose of this subcommittee is to recommend rules and policies to the Judicial Council regarding e-business practices, including in the area of e-filing.

Number of advisory body members on the subgroup or working group: 8 CTAC members are on this subcommittee

Number and description of additional members (not on this advisory body): None.

Date formed: 2010

Number of meetings or how often the subgroup or working group meets: This group participates in at least three (3) teleconferences annually, with additional calls scheduled as needed. This group has not met in person.

Ongoing or date work is expected to be completed: Standing Subcommittee, Ongoing

Subgroup or working group name: **CTAC Projects Subcommittee (exclusively CTAC members)**

Purpose of subgroup or working group:

In 2010, CTAC's 'Projects' Subcommittee was renamed the 'Technology Services Subcommittee'; however, at the March 8, 2013 CTAC meeting, the subcommittee was renamed the Projects Subcommittee. The subcommittee is tasked with studying and developing guidelines around e-filing endorsements (stamps) and digital signatures; secondly, to identify ways of expanding remote video in the courts. Last year, the subcommittee surveyed the courts regarding current and potential uses of remote video technologies, and created an inventory of master agreements for technology products and services that are available to courts.

Number of advisory body members on the subgroup or working group: 10 CTAC members are on this subcommittee

Number and description of additional members (not on this advisory body): None.

Date formed: 2010

Number of meetings or how often the subgroup or working group meets: This group participates in at least three (3) teleconferences annually, with additional calls scheduled as needed. This group has not met in person.

Ongoing or date work is expected to be completed: Standing Subcommittee, Ongoing

Subgroup or working group name: **Joint Appellate Technology Subcommittee (JATS)**

Purpose of subgroup or working group:

The Joint Appellate Technology Subcommittee (JATS) makes recommendations to its oversight advisory committees (i.e., CTAC and AAC) for improving the administration of justice within the appellate courts through the use of technology; and, for fostering cooperative endeavors to resolve common technological issues within the appellate courts.

The subcommittee is needed to focus on technology issues specifically for the appellate courts and to provide recommendations to modernize relevant rules and policy. Neither advisory committee, AAC or CTAC, is equipped to adequately address appellate technology issues by itself. AAC lacks technology expertise and CTAC lacks expertise in appellate procedure and a focus on appellate-specific technology issues. The joint subcommittee provides a membership equipped to focus on technology applications in the appellate courts and to evaluate the legal and rule impacts relating to such technology.

Although this is a joint subcommittee, CTAC serves as the parent advisory group with primary reporting responsibility to the Judicial Council. There will be no additional funding allocated for this subcommittee.

Number of advisory body members on the subgroup or working group: 4 CTAC members are on this subcommittee (appointed by the chair)

Number and description of additional members (not on this advisory body): 4 AAC members are on this subcommittee (appointed by its chair). When formed, this body was approved to include at least one (1) member from the Appellate Presiding Justices Advisory Committee (APJAC), appointed by its Chair. The subcommittee membership was approved not to exceed 12 members.

Date formed: Effective January 1, 2014

Number of meetings or how often the subgroup or working group meets: The group plans to meet primarily by teleconference between 4-6 times per year, with one of those meetings being in person.

Ongoing or date work is expected to be completed:

The JATS will be a standing committee with no sunset date; however, the need for this subcommittee will be re-evaluated annually as part of the annual agenda development process for CTAC and AAC.

Subgroup or working group name: **New: Data Exchange (DX) Workstream**

Purpose of subgroup or working group: To accomplish Major Tasks (a)-(c) outlined in Project #1.

Number of advisory body members on the subgroup or working group: 5

Number and description of additional members (not on this advisory body): 9

Date formed: December 2014

Number of meetings or how often the subgroup or working group meets: TBD

Ongoing or date work is expected to be completed: July 2015

Subgroup or working group name: **New: E-Filing Workstream**

Purpose of subgroup or working group: To accomplish Major Tasks (a)-(c) outlined in Project #2.

Number of advisory body members on the subgroup or working group: 1 or more

Number and description of additional members (not on this advisory body): TBD

Date formed: January 2015, as part of the annual agenda

Number of meetings or how often the subgroup or working group meets: TBD

Ongoing or date work is expected to be completed: December 2016

Subgroup or working group name: **New: Remote Courtroom Video Workstream**

Purpose of subgroup or working group: To accomplish Major Tasks (a)-(b) outlined in Project #3.

Number of advisory body members on the subgroup or working group: 1 or more

Number and description of additional members (not on this advisory body): TBD

Date formed: January 2015, as part of the annual agenda

Number of meetings or how often the subgroup or working group meets: TBD

Ongoing or date work is expected to be completed: December 2016

Subgroup or working group name: **New: Information Security Framework Workstream**

Purpose of subgroup or working group: To accomplish Major Tasks (a)-(c) outlined in Project #4.

Number of advisory body members on the subgroup or working group: 1 or more

Number and description of additional members (not on this advisory body): 8 CIOs from throughout the state

Date formed: December 2014

Number of meetings or how often the subgroup or working group meets: 3-4 additional meetings expected to accomplish deliverables.

Ongoing or date work is expected to be completed: August 2015

DRAFT

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INVITATION TO COMMENT

[ItC prefix as assigned]-__

Title	Action Requested
Electronic Service: Authorization of Electronic Service on Trial and Appellate Courts	Review and submit comments by July 17, 2015
Proposed Rules, Forms, Standards, or Statutes	Proposed Effective Date
Amend rules 2.251 and 8.71	January 1, 2016
Proposed by	Contact
Appellate Advisory Committee Hon. Raymond J. Ikola	Heather Anderson, 415-865-7691 heather.anderson@jud.ca.gov
Court Technology Advisory Committee Hon. Terence L. Bruiniers, Chair	Tara Lundstrom, 415-865-7650 tara.lundstrom@jud.ca.gov

Executive Summary and Origin

The Appellate Advisory Committee and the Court Technology Advisory Committee propose to amend rules 2.251 and 8.71 of the California Rules of Court to authorize electronic service on consenting courts. There is some ambiguity in the rules regarding whether electronic service is authorized not only by, but also on a court. The proposal would add language to clarify that electronic service on a court is permissible under the rules. It originated from the Court Executive Officer of a Superior Court.

Background

Several California Rules of Court require that certain documents be served on the superior court. For example, rule 8.212(c)(1) requires that one copy of each brief in a civil appeal must be served on the superior court clerk for delivery to the trial judge. Similar language also appears in rule 8.360 (briefs in felony appeals), rule 8.412 (briefs in juvenile appeals), and rule 8.630 (briefs in capital appeals). Rules 8.500 and 8.508, governing petitions for review filed in the Supreme Court, similarly require that copies of the petition be served on both the superior court and the Court of Appeal.

There is some ambiguity as to whether the current rules authorize electronic service on a court. Rule 8.25(a), which generally addresses service of documents in appellate proceedings, requires that the parties serve documents “by any method permitted by the Code of Civil Procedure.”

The proposals have not been approved by the Judicial Council and are not intended to represent the views of the council, its Rules and Projects Committee, or its Policy Coordination and Liaison Committee. These proposals are circulated for comment purposes only.

Code of Civil Procedure section 1010.6 (electronic service and filing in the trial courts), rules 2.250 and 2.251 (electronic filing and service in the trial courts); and rule 8.70 (electronic filing and service in the appellate courts) all define “electronic service” as service of a document “*on a party or other person*” (italics added); they do not expressly provide for service on a court.

Arguably, the term “other person” in these provisions could be interpreted to encompass courts. Rule 1.6(14) offers some support for this interpretation because it defines the term “person” as including “a corporation *or other legal entity* as well as a natural person.” (Italics added.)

Nevertheless, Code of Civil Procedure section 1010.6 and rules 2.251 and 8.71 specifically address electronic service *by* a court without mentioning service *on* a court. This absence could be interpreted as indicating that the rules now only contemplate service by a court and do not contemplate service on a court.

The Proposal

This proposal would eliminate the ambiguity in the rules by expressly authorizing electronic service on a trial and appellate court with that court’s consent. Electronic service would benefit the courts by improving efficiency since the clerk could forward the electronic copies to the trial judge by e-mail. It would also be more efficient for the parties in many cases.

Electronic service authorized on consenting courts

The amendment would add a new subdivision (2) to rule 2.251(j) and rule 8.71(g), which currently address electronic service by a court. The initial paragraph of these new subdivisions is modeled on the language of current rule 2.251(e)(2) and 8.71(c)(2), which provide that a document may not be served on a nonparty unless that nonparty consents or electronic service is otherwise provided for by law or court order. The draft of new 2.251(j)(2) and 8.71(g)(2) would similarly prohibit electronic service on a court without the court’s consent unless such service is provided for by law or court order.

Subparts (A) and (B) of rules 2.251(j)(2) and 8.71(g)(2) would specify how a court indicates its agreement to accept electronic service. Subpart (A) is modeled on 2.251(b)(1)(A) and 8.71(a)(2)(A), which provide that a party may indicate it agrees to accept electronic service by serving a notice on all parties. The draft of new 2.251(j)(2)(A) and 8.71(g)(2)(A) would similarly provide that a court may indicate that it agrees to accept electronic service by serving a notice on all the parties. Subpart (B) would provide that the court may also indicate its agreement to accept electronic service by adopting a local rule stating this.

Nonsubstantive amendments to rule 8.71

Additional amendments to rule 8.71(a) and (c) have been proposed. These changes to the appellate rule are intended to be nonsubstantive amendments to make this rule more consistent with the language of trial court rule 2.251 and to consolidate provisions relating to the authorization for electronic service in the appellate courts. The amendments would clarify that a document may be electronically served on a party or other person if electronic service is

provided for by law or court order or if the party or person consents to this service. The amendments would also move the provision regarding service on a nonparty from subdivision (c) to subdivision (a).

Alternatives Considered

The committees also considered not recommending any amendments to the rules. The rules may be interpreted to allow for electronic service on a court. The committees did not elect this alternative because the rules are ambiguous and it may not be clear to all parties that courts can accept electronic service. The amendments to the rule would also clarify how a court may consent to electronic service.

Implementation Requirements, Costs, and Operational Impacts

Implementation of the rule would require courts either to adopt a local rule or provide notice in individual cases. Courts would also have to establish and monitor an e-mail account to receive documents served by the parties on the court. Because implementation is voluntary, each court will determine if the benefits outweigh the costs in deciding whether to consent to electronic service. Implementation may result in efficiencies for the court since they will be able to forward copies of briefs by e-mail to judges. It may also provide cost-savings for the parties since they will not have to pay the costs incurred by physical filing, including any copying, transportation, and mailing expenses.

Request for Specific Comments

In addition to comments on the proposal as a whole, the advisory committees are interested in comments on the following:

- Does the proposal appropriately address the stated purpose?

The advisory committees also seek comments from *courts* on the following cost and implementation matters:

- Would the proposal provide cost savings? If so please quantify.

Attachments

1. Cal. Rules of Court, rule 2.251
2. Cal. Rules of Court, rule 8.71

California Rules of Court, rule 2.251 would be amended, effective January 1, 2016, to read:

1 **Rule 2.251. Electronic service**

2

3 (a) – (i) * * *

4

5 (j) **Electronic service by or on court**

6

7 (1) The court may electronically serve any notice, order, judgment, or other
8 document issued by the court in the same manner that parties may serve
9 documents by electronic service.

10

11 (2) A document may be electronically served on a court if the court consents to
12 electronic service or electronic service is otherwise provided for by law or
13 court order. A court indicates that it agrees to accept electronic service by:

14

15 (A) Serving a notice on all parties that the court accepts electronic service.
16 The notice must include the electronic service address at which the
17 court agrees to accept service; or

18

19 (B) Adopting a local rule stating that the court accepts electronic service.
20 The rule must indicate where to obtain the electronic service address at
21 which the court agrees to accept service.

California Rules of Court, rule 8.71 would be amended, effective January 1, 2016, to read:

1 **Rule 8.71. Electronic service**

2
3 **(a) Consent to Authorization for electronic service**

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5 (1) A document may be electronically served under these rules if:

6
7 (A) Electronic service is provided for by law or court order; or

8
9 (B) When a document may be served by mail, express mail, overnight
10 delivery, or fax transmission, and the recipient agrees to accept
11 electronic service of the document is permitted when authorized as
12 provided by these rules.

13
14 (2) A party indicates that the party agrees to accept electronic service by:

15
16 (A) Serving a notice on all parties that the party accepts electronic service
17 and filing the notice with the court. The notice must include the
18 electronic service address at which the party agrees to accept service; or

19
20 (B) Electronically filing any document with the court. The act of electronic
21 filing is evidence that the party agrees to accept service at the electronic
22 service address that the party has furnished to the court under rule
23 8.76(a)(4).

24
25 (3) A party that has consented to electronic service under (2) and has used an
26 electronic filing service provider to serve and file documents in a case
27 consents to service on that electronic filing service provider as the designated
28 agent for service for the party in the case, until such time as the party
29 designates a different agent for service.

30
31 (4) A document may be electronically served on a nonparty if the nonparty
32 consents to electronic service or electronic service is otherwise provided for
33 by law or court order.

34
35 **(b) Maintenance of electronic service lists**

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37 When the court orders or permits electronic filing in a case, it must maintain and
38 make available electronically to the parties an electronic service list that contains
39 the parties' current electronic service addresses, as provided by the parties that have
40 filed electronically in the case.

41
42 **(c) Service by the parties**

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44 (1)—Notwithstanding (b), parties are responsible for electronic service on all other
45 parties in the case. A party may serve documents electronically directly, by
46 an agent, or through a designated electronic filing service provider.

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~~(2) A document may not be electronically served on a nonparty unless the nonparty consents to electronic service or electronic service is otherwise provided for by law or court order.~~

(d) – (f) * * *

(g) Electronic service by or on court

(1) The court may electronically serve any notice, order, opinion, or other document issued by the court in the same manner that parties may serve documents by electronic service.

(2) A document may be electronically served on a court if the court consents to electronic service or electronic service is otherwise provided for by law or court order. A court indicates that it agrees to accept electronic service by:

(A) Serving a notice on all parties that the court accepts electronic service. The notice must include the electronic service address at which the court agrees to accept service; or

(B) Adopting a local rule stating that the court accepts electronic service. The rule must indicate where to obtain the electronic service address at which the court agrees to accept service.

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INVITATION TO COMMENT

[ItC prefix as assigned]-__

Title

Trial Courts: Permanent Authorization for Remote Video Proceedings in Traffic Infraction Cases

Action Requested

Review and submit comments by June 17, 2015

Proposed Effective Date

January 1, 2016

Proposed Rules, Forms, Standards, or Statutes

Amend Cal. Rules of Court, rule 4.220; amend form TR-500-INFO

Contact

Courtney Tucker, 415-865-7611
courtney.tucker@jud.ca.gov

Proposed by

Traffic Advisory Committee
Hon. Mark S. Borrell, Chair

Tara Lundstrom, 415-865-7650
tara.lundstrom@jud.ca.gov

Court Technology Advisory Committee
Hon. Terence L. Bruiniers, Chair

Executive Summary and Origin

The Traffic Advisory Committee and the Court Technology Advisory Committee propose amending rule 4.220 of the California Rules of Court and corresponding form TR-500-INFO. Rule 4.220 authorizes trial courts to establish remote video pilot projects by local rule, subject to the approval of the Judicial Council, in cases involving traffic infraction violations. The rule only remains in effect until January 1, 2016, unless the council amends the rule.

This proposal would remove the sunset language in rule 4.220 and convert the rule into a standing rule of court. The amendments would allow trial courts to conduct remote video proceedings in eligible traffic cases after January 1, 2016, so long as the courts adopt a local rule permitting remote video proceedings (RVP), notify the council, and comply with a semiannual reporting requirement. Minor changes would also be made to form TR-500-INFO to eliminate references to the pilot project. This proposal originated from the Superior Court of Fresno County, which has successfully implemented a pilot project under the current rule.

Background

The Judicial Council adopted rule 4.220 and corresponding forms, effective February 1, 2013 to January 1, 2016. The Court Technology Advisory Committee and Traffic Advisory Committee recommended rule 4.220 based on a suggestion from the Superior Court of Fresno County.

The proposals have not been approved by the Judicial Council and are not intended to represent the views of the council, its Rules and Projects Committee, or its Policy Coordination and Liaison Committee. These proposals are circulated for comment purposes only.

Seeking to ameliorate the impact of multiple court closures on the public, the court saw RVP as an effective way to continue offering services to outlying areas.

In trial courts that institute RVP pilot projects under rule 4.220, defendants in eligible cases may elect to appear at trial by two-way video from remote locations designated by the court. Under the rule, RVP is authorized in cases involving alleged infractions of the Vehicle Code or any local ordinance adopted under the Vehicle Code, excluding alcohol and drug infractions under article 2 of chapter 12 of division 11 of the Vehicle Code and cases filed with an informal juvenile and traffic court under Welfare and Institutions Code sections 255 and 256. (Cal. Rules of Court, rule 4.220(b)(1).) Participation in the RVP pilot project is voluntary; the defendant must request to proceed by RVP and submit a signed notice of rights and waiver form to the court (form TR-505 or form TR-510). (*Id.*, rule 4.220(e).)

The Superior Court of Fresno County applied for and received council approval for an RVP pilot project under rule 4.220. It then adopted a local rule establishing the pilot project that became effective March 1, 2013. The court began offering RVP in April at two remote sites located in Mendota and Coalinga. To date, the Superior Court of Fresno County is the only court to have requested and received council authorization for an RVP pilot project.

The Superior Court of Fresno County has submitted four semiannual reports describing its experience under the pilot project. RVP usage has steadily increased since the court initiated the pilot project, although these cases still represent a small fraction of the total number of citations issued near the remote sites. Technical issues have been infrequent and minor, and they have been resolved promptly by onsite court staff. Post-appearance surveys reflect the participants' overall high satisfaction with RVP and the quality of the services provided. Based on its positive experience under the pilot project, the Superior Court of Fresno County has requested that rule 4.220 be amended to allow it to continue offering RVP in eligible cases after January 1, 2016.

The Proposal

Without amending rule 4.220, trial courts will no longer be authorized to offer RVP in traffic infraction cases after January 1, 2016. This proposal is necessary to allow courts to continue conducting remote video proceedings in eligible cases. It would not make any substantive changes to the rule's procedural requirements or scope.

Eliminate sunset and convert to standing rule of court

This proposal would eliminate the sunset language in rule 4.220 and convert it into a standing rule. Trial courts could offer remote video proceedings in eligible cases after they have adopted a local rule permitting remote video proceedings and have notified the Judicial Council. Trial courts would no longer be required to request and receive council authorization for pilot projects implementing remote video proceedings.

Specifically, subdivision (q), which currently provides the effective dates for the rule, would be removed, as would other references to effective dates in subdivisions (a)(1) and (c). Subdivision

(a), which provides the authorization for remote video proceedings, would be amended by removing subpart (2) because this subpart requires that courts request and receive council authorization to conduct pilot projects. Other “pilot project” references would also be stricken from subdivisions (a), (c), (e), (o), and (p). In addition, language would be added to subdivision (p) to provide that courts must notify the council that they will begin offering RVP under the rule.

Retain current reporting requirement

The reporting requirement in subdivision (p) would be retained. Under subdivision (p), trial courts “must institute procedures as required by the Judicial Council for collecting and evaluating information about that court’s pilot project and must prepare semi-annual reports to the Judicial Council that include an assessment of the costs and benefits of the project.” (Cal. Rule of Court, rule 4.220(p).)

Under the current guidelines, these reports contain information about the number and types of RVP conducted for arraignments, trials, and other proceedings; the locations and facilities used to conduct RVP; details on the type of technology used to conduct RVP; the number of appeals from RVP and the outcome of the appeals; and the number of cases where the law enforcement officer appeared at court instead of at the remote location with the defendant. They should also include information that would help the council evaluate whether it should modify rule 4.220 or expand RVP to other case types.

Retaining this semi-annual reporting requirement would enable the council to continue monitoring the use of this new technology in the courts. This information and data might provide valuable feedback to the council as it considers whether to expand RVP to other case types.

Retain current procedural requirements and scope

This proposal would not make substantive changes to the procedural requirements under the rule for implementing RVP at the trial courts. Nor do they expand RVP to other case types. The Superior Court of Fresno County has expressed its satisfaction with the current requirements and has not sought any modification to the RVP procedure set forth in the rule. Its semi-annual reports do not reflect any issues with the implementation of this procedure.

Make minor changes to form TR-500-INFO

Form TR-500-INFO provides information and instructions to defendants in remote video proceedings, including how to request remote video proceedings, the opportunity to appeal the court’s ruling, and which rights the defendant will be waiving by requesting to appear in remote video proceedings. This proposal would make the language of the form consistent with the amendments to rule 4.220 by removing references to a “pilot project.”

Alternatives Considered

The Traffic Advisory Committee and the Court Technology Advisory Committee considered the following alternatives to this proposal:

- Amend rule 4.220 by removing not only the sunset language, but also any requirement that trial courts provide notice and semi-annual reports to the Judicial Council;
- Amend rule 4.220 by extending the effective date for an additional period of years, but not eliminating the sunset language; or
- Not seek an amendment to the rule.

Alternative 1: Eliminate notice and semi-annual reporting requirements

The first alternative considered has the benefit of reducing the time that trial courts must spend preparing and submitting notices and semi-annual reports to the council and that the council and its staff must devote to reviewing them. In light of this concern, the advisory committees have requested comments regarding the costs and benefits of retaining the semiannual reporting requirement, and whether subdivision (p) of rule 4.220 should be amended to include a sunset provision, such that courts would only be required to submit semiannual reports for a certain period of years.

Implementing the first alternative would limit the council’s oversight of remote video proceedings at the trial-court level. The council and its staff would have no effective means of knowing which trial courts are conducting RVP or of gathering information and data about the implementation of RVP by trial courts, including any issues, concerns, and creative solutions. Such information and data presented in the semi-annual reports could prove useful to the advisory committees as they review possibilities for expanding RVP at the trial courts.

Alternative 2: Extend pilot project

The second alternative—extending the pilot project—would continue the provisional nature of the rule for an additional period of years. This option would give the council an opportunity to carefully review each court’s request for a pilot project. In comparison with the above proposal, however, this alternative would result in an additional cost to trial courts as they would need to prepare and present an application to the Judicial Council for its approval before they could start offering remote video proceedings in traffic infraction cases. It would also require that the council and its staff spend time reviewing these applications and, if desired, amend the rule to extend or eliminate the effective date at a later time. The benefit of this additional oversight is minimal in light of the notice and semiannual reporting requirements contained in the above proposal.

Alternative 3: Allow rule to sunset

The last alternative is not to seek an amendment to the rule and allow it to sunset. Weighing in favor of this approach is the fact that only one trial court has requested and implemented an RVP pilot project since rule 4.220 was adopted two years ago. And no other courts have expressed an interest in establishing a pilot project to the advisory committees or Judicial Council staff. Yet, this alternative would effectively end the Superior Court of Fresno County’s RVP program on January 1, 2016. The Superior Court of Fresno County has successfully implemented the pilot project, has reported its overall satisfaction with project, and has expressed an interest in continuing to offer these services in outlying areas. Moreover, this alternative would prevent

other courts from conducting remote video proceedings in traffic cases in the future. As trial courts are forced to close courthouses in the face of budget constraints, they may follow the Superior Court of Fresno County's lead and elect to offer RVP in remote locations in an effort to increase public access.

Implementation Requirements, Costs, and Operational Impacts

Implementation of this proposal will allow the Superior Court of Fresno County to continue offering this service, which has preserved access to the public in outlying areas and resulted in efficiencies and cost-savings for the court. Otherwise, it will have no effect on the court since it is currently preparing and submitting semi-annual reports.

For other trial courts that may decide to offer RVP under the rule in the future, the implementation costs will decrease slightly. These courts will no longer be required to apply for and receive Judicial Council approval before offering RVP in eligible cases under the rule. Instead, they will only need to notify the council. Otherwise, implementation and its associated costs will remain the same as they are under the current rule. Collaboration between courts, local cities and counties, law enforcement, and members of the public will be required. There will be a need for planning and the allocation of resources—including physical locations, technology, and staffing. There will also be a need to train public employees to act as deputy clerks and provide security for the remote video trials at the local community facilities and to provide information to the public. These additional expenses may be offset by savings for the courts in terms of reduced maintenance of court facilities and for the public and law enforcement in terms of reduced travel time and expense. Because implementation is voluntary, each court will determine if the benefits outweigh the costs in deciding whether to offer RVP.

Request for Specific Comments

In addition to comments on the proposal as a whole, the advisory committees are interested in comments on the following:

- Does the proposal appropriately address the stated purpose?

The advisory committees also seeks comments from *courts* on the following cost and implementation matters:

- Should the semi-annual reporting requirement be retained? Do the benefits outweigh the costs of preparing and submitting the reports?
- Should subdivision (p) include sunset language providing that courts only be required to submit semiannual reports for a certain period of years?

Attachments

1. Cal. Rules of Court, rule 4.220
2. Forms TR-500-INFO

California Rules of Court, rule 4.220 would be amended, effective January 1, 2016, to read:

1 **Rule 4.220. Remote video proceedings in traffic infraction cases**

2
3 **(a) Authorization for ~~pilot project~~ remote video proceedings**

4
5 ~~(1) With the approval of the Judicial Council, a~~ A superior court may establish by
6 local rule a ~~pilot project through December 31, 2015, to~~ permit arraignments, trials,
7 and related proceedings concerning the traffic infractions specified in (b) to be
8 conducted by two-way remote video communication methods under the conditions
9 stated below.

10
11 ~~(2) To obtain approval of the Judicial Council to conduct a pilot project for~~
12 ~~remote video proceedings under this rule, a court must submit an application~~
13 ~~to the council that includes details on what procedures and forms the court~~
14 ~~intends to institute for processing cases in the pilot project.~~

15
16 **(b) Definitions**

17
18 For the purposes of this rule:

19
20 (1) “Infraction” means any alleged infraction involving a violation of the Vehicle
21 Code or any local ordinance adopted under the Vehicle Code, other than an
22 infraction cited under article 2 (commencing with section 23152) of chapter
23 12 of division 11 of the Vehicle Code, except that the procedures for remote
24 video trials authorized by this rule do not apply to any case in which an
25 informal juvenile and traffic court exercises jurisdiction over a violation
26 under sections 255 and 256 of the Welfare and Institutions Code.

27
28 (2) “Remote video proceeding” means an arraignment, trial, or related
29 proceeding conducted by two-way electronic audiovisual communication
30 between the defendant, any witnesses, and the court in lieu of the physical
31 presence of both the defendant and any witnesses in the courtroom.

32
33 (3) “Due date” means the last date on which the defendant’s appearance is timely
34 under this rule.

35
36 **(c) Application**

37
38 This rule establishes the minimum procedural requirements and options for courts
39 that conduct a ~~pilot project for~~ remote video proceedings for cases in which a
40 defendant is charged with an infraction as defined in (b) and the defendant’s
41 requests to proceed according to this rule ~~is for a trial or related proceeding that is~~
42 ~~set for a date after January 31, 2013.~~

1
2 **(d) Designation of locations and presence of court clerk**

- 3
4 (1) The court must designate the location or locations at which defendants may
5 appear with any witnesses for a remote video proceeding in traffic infraction
6 cases.
7
8 (2) The locations must be in a public place, and the remote video proceedings
9 must be viewable by the public at the remote location as well as at the
10 courthouse.
11
12 (3) A court clerk must be present at the remote location for all remote video
13 proceedings.
14

15 **(e) ~~Scope of court pilot project~~ Required procedures and forms and request by**
16 **defendant**

17
18 A court that conducts remote video proceedings under this rule must comply with
19 the The following procedures and required forms in this section ~~must be included in~~
20 ~~the court's pilot project for remote video proceedings.~~ In addition to following the
21 standard provisions for processing traffic infraction cases, the defendant may
22 request to proceed by remote video proceeding as provided below.
23

24 (1) *Arraignment and trial on the same date*

25
26 The following procedures apply to a remote video proceeding when the court
27 grants a defendant's request to have an arraignment and trial on the same
28 date:
29

- 30 (A) The defendant must review a copy of the *Instructions to Defendant for*
31 *Remote Video Proceeding* (form TR-500-INFO).
32
33 (B) To proceed by remote video arraignment and trial, the defendant must
34 sign and file a *Notice and Waiver of Rights and Request for Remote*
35 *Video Arraignment and Trial* (form TR-505) with the clerk by the
36 appearance date indicated on the *Notice to Appear* or a continuation of
37 that date granted by the court and must deposit bail when filing the
38 form.
39
40 (C) A defendant who is dissatisfied with the judgment in a remote video
41 trial may appeal the judgment under rules 8.901–8.902.
42

1 (2) *Arraignment on a date that is separate from a trial date*

2
3 The following procedures apply to a remote video proceeding when the court
4 grants a defendant's request to have an arraignment that is set for a date that
5 is separate from the trial date:

6
7 (A) The defendant must review a copy of the *Instructions to Defendant for*
8 *Remote Video Proceeding* (form TR-500-INFO).

9
10 (B) To proceed by remote video arraignment on a date that is separate from
11 a trial date, the defendant must sign and file a *Notice and Waiver of*
12 *Rights and Request for Remote Video Proceeding* (form TR-510) with
13 the clerk by the appearance date indicated on the *Notice to Appear* or a
14 continuation of that date granted by the court.

15
16 (3) *Trial on a date that is separate from the date of arraignment*

17
18 The following procedures apply to a remote video proceeding when the court
19 grants a defendant's request at arraignment to have a trial set for a date that is
20 separate from the date of the arraignment:

21
22 (A) The defendant must review a copy of the *Instructions to Defendant for*
23 *Remote Video Proceeding* (form TR-500-INFO).

24
25 (B) To proceed by remote video trial, the defendant must sign and file a
26 *Notice and Waiver of Rights and Request for Remote Video Proceeding*
27 (form TR-510) with the clerk by the appearance date indicated on the
28 *Notice to Appear* or a continuation of that date granted by the court and
29 deposit bail with the form as required by the court.

30
31 (C) A defendant who is dissatisfied with the judgment in a remote video
32 trial may appeal the judgment under rules 8.901–8.902.

33
34 (4) *Judicial Council forms for remote video proceedings*

35
36 The following forms must be made available by the court and used by the
37 defendant to implement the procedures that are required by a court's pilot
38 project under this rule:

39
40 (A) *Instructions to Defendant for Remote Video Proceeding* (form TR-500-
41 INFO);

1 (B) *Notice and Waiver of Rights and Request for Remote Video*
2 *Arrest and Trial* (form TR-505); and

3
4 (C) *Notice and Waiver of Rights and Request for Remote Video Proceeding*
5 *(form TR-510)*.

6
7 **(f) Deposit of bail**

8
9 (1) If a defendant requests to proceed by remote video arraignment and trial as
10 provided in section (e)(1), the defendant must deposit bail, at the same time
11 the request is filed, in the amount established in the uniform traffic penalty
12 schedule under Vehicle Code section 40310.

13
14 (2) If a defendant requests to proceed by remote video proceeding for a trial as
15 provided in section (e)(3), the judicial officer may require deposit of bail, at
16 the same time the request for remote video proceeding is filed, in the amount
17 established in the uniform traffic penalty schedule under Vehicle Code
18 section 40310.

19
20 **(g) Appearance of witnesses**

21
22 On receipt of the defendant's waiver of rights and request to appear for trial as
23 specified in section (e)(1) or (e)(3), the court may permit law enforcement officers
24 and other witnesses to testify at the remote location or in court and be cross-
25 examined by the defendant from the remote location.

26
27 **(h) Authority of court to require physical presence of defendant and witnesses**

28
29 Nothing in this rule is intended to limit the authority of the court to issue an order
30 requiring the defendant or any witnesses to be physically present in the courtroom
31 in any proceeding or portion of a proceeding if the court finds that circumstances
32 require the physical presence of the defendant or witness in the courtroom.

33
34 **(i) Extending due date for remote video trial**

35
36 If the clerk receives the defendant's written request for a remote video arraignment
37 and trial on form TR-505 or remote video trial on form TR-510 by the appearance
38 date indicated on the *Notice to Appear* and the request is granted, the clerk must,
39 within 10 court days after receiving the defendant's request, extend the appearance
40 date by 25 calendar days and must provide notice to the defendant of the extended
41 due date on the *Notice and Waiver of Rights and Request for Remote Video*
42 *Arrest and Trial* (form TR-505) or *Notice and Waiver of Rights and Request*

1 for *Remote Video Proceeding* (form TR-510) with a copy of any required local
2 forms.

3
4 **(j) Notice to arresting officer**

5
6 If a court grants the defendant’s request for a remote video proceeding after receipt
7 of the defendant’s *Notice and Waiver of Rights and Request for Remote Video*
8 *Arrestment and Trial* (form TR-505) or *Notice and Waiver of Rights and Request*
9 *for Remote Video Proceeding* (form TR-510) and bail deposit, if required, the clerk
10 must deliver, mail, or e-mail a notice of the remote video proceedings to the
11 arresting or citing law enforcement officer. The notice to the officer must specify
12 the location and date for the remote video proceeding and provide an option for the
13 officer to request at least five calendar days before the appearance date to appear in
14 court instead of at the remote location.

15
16 **(k) Due dates and time limits**

17
18 Due dates and time limits must be as stated in this rule, unless extended by the
19 court. The court may extend any date, and the court need not state the reasons for
20 granting or denying an extension on the record or in the minutes.

21
22 **(l) Ineligible defendants**

23
24 If the defendant requests a remote video proceeding and the court determines that
25 the defendant is ineligible, the clerk must extend the due date by 25 calendar days
26 and notify the defendant of the determination and the new due date.

27
28 **(m) Noncompliance**

29
30 If the defendant fails to comply with this rule (including depositing the bail
31 amount, signing and filing all required forms, and complying with all time limits
32 and due dates), the court may deny a request for a remote video proceeding and
33 may proceed as otherwise provided by statute.

34
35 **(n) Fines, assessments, or penalties**

36
37 This rule does not prevent or preclude the court from imposing on a defendant who
38 is found guilty any lawful fine, assessment, or other penalty, and the court is not
39 limited to imposing money penalties in the bail amount, unless the bail amount is
40 the maximum and the only lawful penalty.

41
42 **(o) Local rules and forms**

43

1 A court establishing a remote video ~~trial project~~ proceedings under this rule may
2 adopt such local rules and additional forms as may be necessary or appropriate to
3 implement the rule and the court's local procedures not inconsistent with this rule.
4

5 **(p) Notice and collection of information and reports on remote video proceedings**
6 **pilot project**

7
8 Each court that establishes a local rule authorizing remote video proceedings ~~a pilot~~
9 ~~project~~ under this rule must notify the Judicial Council, institute procedures as
10 required by the ~~Judicial~~ council for collecting and evaluating information about that
11 court's ~~pilot project~~ program, and ~~must~~ prepare semiannual reports to the ~~Judicial~~
12 council that include an assessment of the costs and benefits of remote video
13 proceedings at that court ~~the project~~.

14
15 **(q) Effective dates**

16
17 ~~This rule is adopted effective February 1, 2013, and remains in effect only until~~
18 ~~January 1, 2016, and as of that date is repealed, unless a rule adopted before~~
19 ~~January 1, 2016, repeals or extends that date.~~

INSTRUCTIONS TO DEFENDANT FOR REMOTE VIDEO PROCEEDING

A court may by local rule permit remote video arraignments and trials for traffic infraction cases. (Cal. Rules of Court, rule 4.220.) If the court where your case is filed permits remote video proceedings (RVP), you may be able to appear by video as allowed by local rule at a remote location designated by the court without having to appear in person at court. RVP is available in cases involving Vehicle Code infractions or local ordinances adopted under the Vehicle Code. The procedure does not apply to traffic offenses that involve drugs or alcohol or are filed in Informal Juvenile and Traffic Court. The procedure provides a convenient process for resolving cases by consideration of disputed facts and evidence with the use of two-way audiovisual communication between the court and a local facility. Defendants who requests to appear by RVP must waive (give up) certain rights that apply to trial of criminal offenses, including traffic infractions. The instructions below explain procedures for requesting RVP for traffic infraction cases:

1. To request arraignment and trial on the same day, you may file a *Notice and Waiver of Rights and Request for Remote Video Arraignment and Trial* (form TR-505). To request RVP for arraignment or trial on separate days, you may file a *Notice and Waiver of Rights and Request for Remote Video Proceeding* (form TR-510).
2. Return the completed and signed form to the clerk with payment of the bail amount required by local rule or as ordered by the court. A completed form TR-505 or TR-510 with a deposit of the required bail payment must be received by the clerk by the appearance date on the Notice to Appear citation or continuation date granted by the court. If the form is received after the due date or without deposit of bail as required, the court may require a court appearance or bail deposit to schedule an arraignment or trial. **Failure to file the form and deposit bail as required by local rule by the due date may subject you to other charges, penalties, assessments, and actions, including a civil assessment under Penal Code section 1214.1 of up to \$300 and a hold on your driver's license.**
3. When the clerk receives a timely request for RVP with payment of the bail required by local rule or as ordered by the court, the court will rule on the request and provide notice of the court's decision on eligibility for RVP. If the court denies the request, the court may order you to respond within 10 court days of the notice of the order to schedule an arraignment or trial or appear in court. If the court approves the request, the court will notify you and the officer of the extended date and location to appear. The court may grant a request by the officer that issued the ticket and any other witnesses to appear in court to testify and be cross-examined while you appear at the remote location.
4. After a remote video trial is completed, if you are dissatisfied with the court's judgment, you may file an appeal under California Rules of Court, rules 8.901–8.902 within 30 days of the judgment. A new trial (“trial de novo”) is not allowed. Always include your citation number in any correspondence with the court.
5. **IMPORTANT:** You have the right to appear for an in-person arraignment and trial at the court. If you appear at court for your case, your rights include:
 - The right to be represented by an attorney employed by you;
 - The right to request court orders without cost to subpoena and compel the attendance of witnesses and the production of evidence on your behalf;
 - The right to appear in person in court before a judicial officer for an arraignment to be informed of the charges against you, to be advised of your rights, and to enter a plea;
 - The right to request that a trial be scheduled for a date that is after your arraignment in court;
 - The right to have a speedy trial;
 - The right to be physically present in court at all stages of the proceedings including, but not limited to, presentation of testimony and evidence and arguments on questions of law at trial and sentencing; and
 - The right to have the witnesses testify under oath in court and to confront and cross-examine witnesses in court.

By voluntarily requesting to appear for arraignment and/or trial by RVP, you will agree to waive (give up):

- Your right to appear in person in court before a judicial officer for arraignment and/or trial;
- Your right to a speedy trial within 45 days; and
- Your right to be physically present in court for trial and sentencing and all stages of the proceedings, including, but not limited to, presentation of testimony and evidence and arguments on questions of law, and confrontation and cross-examination in person of the officer that issued the ticket and other witnesses.