



# JUDICIAL COUNCIL OF CALIFORNIA

TECHNOLOGY COMMITTEE

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[jctc@jud.ca.gov](mailto:jctc@jud.ca.gov)

## 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

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**Date:** July 21, 2015  
**Time:** 4:00 p.m. - 5:00 p.m.  
**Public Call-in Number:** 1-877-820-7831 Passcode: 3511860

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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 July 20, 2015, 12:00 p.m. Written comments should be e-mailed to [jctc@jud.ca.gov](mailto: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 July 20, 2015, 4:00 p.m. will be provided to advisory body members prior to the start of the meeting.

### Call to Order and Roll Call

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## I. DISCUSSION AND POSSIBLE ACTION ITEMS (ITEMS 1-7)

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### 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

#### California Rule of Court (CRC) 10.16 and 10.53 (Action Required)

Review the comments and the final proposal to amend rules 10.16 and 10.53 to implement the recommendations in the Judicial Council-approved Court Technology Governance and Strategic Plan. The proposal would transition the name of the Court

Technology Advisory Committee to the “Information Technology Advisory Committee.” It would also update the roles and responsibilities of both the advisory committee and the Judicial Council Technology Committee.

Presenters: Patrick O’Donnell, Managing Attorney, Legal Services; and Tara Lundstrom, Attorney, Legal Services

**Item 3**

**California Rule of Court (CRC) 4.220 and forms TR-500-INFO, TR-505, and TR-510 (Action Required)**

Review the comments and the final proposal to amend rule 4.220 (authorizing remote video proceedings in traffic cases) and revise corresponding forms. The proposal would (1) convert rule 4.220 to a standing rule of court, and (2) make changes to the rule and forms TR-500-INFO, TR-505, and TR-510 to implement new rule 4.105 (addressing the deposit of bail in traffic cases).

Presenters: Patrick O’Donnell, Managing Attorney, Legal Services; and Tara Lundstrom, Attorney, Legal Services

**Item 4**

**Update on V3 Case Management System Budget Change Proposal (BCP)**

Update on the activities around the funding of the V3 Case Management System.

Presenters: Hon. James E. Herman and Mr. Rick Feldstein

**Item 5**

**Update on Technology BCPs**

Update on other BCPs including the status of the proposed security BCP and future technology BCPs.

Presenters: Hon. James E. Herman, Mr. Curt Soderlund, Chief Administrative Officer, and Mr. Zlatko Theodorovic, Chief Financial Officer and Director, Finance

**Item 6**

**Update on Governance**

Update on the work related to technology governance.

Presenters: Hon. David De Alba, Vice Chair, and Hon. Terence L. Bruiniers, Chair, Court Technology Advisory Committee

**Item 7**

**Update/Report on Court Technology Advisory Committee (CTAC)**

An update on CTAC will be provided; this will include the activities of the workstreams.

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

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**II. ADJOURNMENT**

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**Adjourn**



JUDICIAL COUNCIL  
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TECHNOLOGY COMMITTEE

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JUDICIAL COUNCIL TECHNOLOGY COMMITTEE

MINUTES OF OPEN MEETING

June 25, 2015

10:00 a.m. - 12:00 p.m.

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**Advisory Body Members Present:** Hon. James E. Herman, Chair; Hon. David De Alba, Hon. Ming Chin; Vice-Chair; Hon. Daniel J. Buckley; Hon. Ming W. Chin; Hon. Gary Nadler; Mr. Mark Bonino; and Mr. Richard D. Feldstein

**Advisory Body Members Absent:** Hon. Emilie H. Elias

**Liaison Members Present:** Hon. Terence L. Bruiniers

**Others Present:** Mr. Curt Soderlund; Mr. Mark Dusman; Mr. Zlatko Theodorovic; Ms. Diana Earl; Ms. Lucy Fogarty; Ms. Renea Stewart; Ms. Jessica Craven; Ms. Kathy Fink; Mr. David Koon; and Ms. June Agpalza

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OPEN MEETING

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**Call to Order and Roll Call**

The chair called the meeting to order, took roll call, and advised that no public comments were received.

**Approval of Minutes**

The members unanimously approved the minutes of the May 11, 2015 Judicial Council Technology Committee meeting.

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DISCUSSION AND ACTION ITEMS (ITEMS 1 – 4)

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**Item 1**

**Chair Report (No Action Required)**

**Update:** Hon. James E. Herman, Chair of the Judicial Council Technology Committee (JCTC), welcomed and thanked everyone for attending. Judge Herman reviewed the agenda for the meeting, as well as provided updates on recent meetings in which he or other members represented the JCTC or reported on the JCTC activities.

**Item 2**

**Update on Hosted Sustain Justice Edition (SJE) Case Management System Courts**

**Update:** Mr. Rick Feldstein provided an update on the work being done to assist the hosted SJE courts. A discussion followed.

### Item 3

#### Update on V3 Case Management System

**Update:** Mr. Rick Feldstein provided an update on the work being done to assist the hosted V3 courts including sharing information received from the courts related to case management system replacement. A discussion followed.

### Item 4

#### Update on California Rule of Court (CRC) 10.16 and 10.53

**Update:** Hon. James E. Herman provided an update on the proposed updates to the Rules of Court for 10.16 the Technology Committee and 10.53 the current Court Technology Advisory Committee. This is to implement the recommendations in the Judicial Council-approved Court Technology Governance and Strategic Plan. The proposal would transition the name of the Court Technology Advisory Committee to the "Information Technology Advisory Committee." It would also update the roles and responsibilities of both the advisory committee and the Judicial Council Technology Committee. The invitation to comment period began on May 8. The comment period originally was to close on June 19 but it was extended to July 6. To date, one comment has been received, that is from the TCBAC related to funding availability. The JCTC will review the comments and proposal at our July meeting with a goal of presenting to the Council at its August meeting so the rule may go into effect in September 2015.

### Item 5

#### Update on Technology Budget Change Proposals (BCPs) (Potential Action Item)

**Update:** Mr. Zlatko Theodorovic provided an update on the proposed BCP concepts from the Trial Court Budget Advisory Committee (TCBAC). The TCBAC performed a survey and identified technology as a potential area for BCPs and would like the JCTC as a subject matter expert in technology to make recommendations. Mr. Curt Soderlund provided an update on the lessons learned from the previous LAN/WAN BCP. A discussion around BCP timelines followed. The committee requested that staff follow up with the CTAC workstream related to security to see if the security BCP should be augmented to include funding for the trial courts.

**Actions:**

1. The committee moved that the Director of Finance prepare a placeholder BCP as soon as possible to the Department of Finance to encompass the case management replacement for the V3 courts and the Sustain Justice Edition courts hosted at the Technology Center to be recommended to the Judicial Council. If approved, this would be submitted as a Finance letter in February.
2. The committee moved that the Director of Finance resubmit the BCP related to security with updated numbers for the fall BCP deadline.
3. The committee moved that the Director of Finance resubmit the BCP related to document management for the Courts of Appeal for the fall BCP deadline.

**Item 6**

**Update/Report on Court Technology Advisory Committee (CTAC)**

**Update:** Hon. Terence L. Bruiniers provided an update on the activities of the Court Technology Advisory Committee including the active workstreams and the May 22, 2015 E-Filing Summit.

**Item 7**

**Update on Language Access Plan Implementation Task Force**


**Update:** Hon. Terence L. Bruiniers provided an update on the Language Access Plan Implementation Task Force and the Technology Solutions Subcommittee.

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

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There being no further business, the meeting was adjourned.

The background features a large, faint, circular seal of the Judicial Council of Pennsylvania. The seal contains a central figure holding a scale and a sword, surrounded by the text "JUDICIAL COUNCIL OF PENNSYLVANIA" and the year "1926".

# Judicial Council Technology Committee Open Meeting

June 25, 2015

# Call to Order and Roll Call

- Welcome
- Open Meeting Script
- Approve minutes

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



JUDICIAL COUNCIL  
OF CALIFORNIA

# Chair Report

*Hon. James E. Herman*



JUDICIAL COUNCIL  
OF CALIFORNIA



# Action: California Rule of Court (CRC) 10.16 and 10.53

*Mr. Patrick O'Donnell, Managing Attorney, Legal Services; and  
Tara Lundstrom, Attorney, Legal Services*



JUDICIAL COUNCIL  
OF CALIFORNIA

# Action: California Rule of Court (CRC) 4.220 and forms TR-500-INFO, TR-505, and TR-510

*Mr. Patrick O'Donnell, Managing Attorney, Legal Services; and  
Tara Lundstrom, Attorney, Legal Services*



JUDICIAL COUNCIL  
OF CALIFORNIA

# Update: V3 Management System Budget Change Proposal

*Hon. James E. Herman and Mr. Richard D. Feldstein*



JUDICIAL COUNCIL  
OF CALIFORNIA

# Update: Technology Budget Change Proposals

*Hon. James E. Herman, Mr. Curt Soderlund, Chief  
Administrative Officer, and Mr. Zlatko Theodorovic, Chief  
Finance Officer and Director, Finance*



JUDICIAL COUNCIL  
OF CALIFORNIA

# Update: Governance

*Hon. David De Alba, Vice Chair, and Hon. Terence L. Bruiniers,  
Chair, Court Technology Advisory Committee*



JUDICIAL COUNCIL  
OF CALIFORNIA

# Report/Update: Court Technology Advisory Committee (CTAC)

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



JUDICIAL COUNCIL  
OF CALIFORNIA

# Adjourn

*All*



JUDICIAL COUNCIL  
OF CALIFORNIA



## JUDICIAL COUNCIL OF CALIFORNIA

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### MEMORANDUM

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<b>Date</b>	<b>Action Requested</b>
July 15, 2015	Please review for July 21 meeting
<b>To</b>	<b>Deadline</b>
Judicial Council Technology Committee	July 21, 2015
<b>From</b>	<b>Contact</b>
Patrick O'Donnell, Managing Attorney Tara Lundstrom, Attorney Legal Services	Jessica Craven 818-558-3103 phone jessica.craven@jud.ca.gov
<b>Subject</b>	
Proposed amendment to rules 10.16 and 10.53	

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#### **Background**

Last April, the Judicial Council Technology Committee's (JCTC) recommended circulating for public comment a rules proposal to amend California Rules of Court, rules 10.16 and 10.53, the rules governing JCTC and the Court Technology Advisory Committee (CTAC). This rules proposal would implement the *Court Technology Governance and Strategic Plan*, recommended by the Technology Planning Task Force and adopted by the Judicial Council in 2014, by revising the roles and responsibilities of JCTC and CTAC. It would also change CTAC's name to the Information Technology Advisory Committee (ITAC) to reflect its broader role and responsibilities as sponsor of branchwide technology initiatives.

The proposal was circulated on a special cycle with the eight-week comment period ending on July 6, 2015. In response to the Invitation to Comment, three comments were received from (1) the Superior Court of Sacramento County, (2) the Trial Court Budget Advisory Committee (TCBAC), and (3) the Trial Court Presiding Judges Advisory Committee's (TCPJAC) and Court Executives Advisory Committee's (CEAC) Joint Rules and Joint Technology Subcommittees.



## **Discussion**

All three commentators stated their general support of the rules proposal. The Superior Court of Sacramento County states that this proposal would require participating courts to incur costs for staff and travel, while also recognizing that the participation of superior court employees in workstream teams is voluntary. Along with other courts, the Superior Court of Sacramento County is already participating in workstreams; it foresees that “[t]he larger challenge will be securing participation from smaller courts that may not have the staff or funding available to participate.”

TCBAC and TCPJAC’s and CEAC’s Joint Rules and Joint Technology Subcommittees recommend two specific changes to the rule. First, they recommend modifying the proposed new subdivision (g) of rule 10.16, to specify “the availability of sufficient funding from an identifiable funding source” among the factors that JCTC should consider in reviewing, prioritizing, and recommending requests for the funding of branchwide technology initiatives and projects. This recommendation seems reasonable and has been incorporated into the attached draft report to the Judicial Council.

Second, the advisory committee and subcommittees recommend revising proposed new subdivision (h) of rule 10.16. This subdivision, which addresses collaboration and consultation with JCTC, provides as follows:

Other committees and advisory bodies should collaborate or consult with the committee (1) before making decisions or recommendations on technology policies, standards, and projects and (2) before recommending funding priorities or making recommendations to approve funding requests for branchwide technology initiatives and project.

The advisory committee and subcommittees recommend adding to subdivision (h) the following language:

Before presentation to the committee, other committees and advisory bodies should also consult with the Trial Court Budget Advisory Committee regarding the availability of sufficient funding from the Trial Court Trust Fund and State Trial Court Improvement and Modernization Fund for any proposed initiative or project which would rely on funding from those sources.

This recommendation appears to be outside the scope of rule 10.16 and this rules proposal, as circulated. By instructing other committees and advisory bodies to consult with TCBAC, the advisory committee and subcommittees might consider proposing that this language be added instead to rule 10.64, the rule governing TCBAC.

**Committee's task**

The committee is tasked with reviewing the public comments and rules proposal, and:

- Asking staff or committee members for further information and analysis;
- Recommending to RUPRO that all or part of the proposal be submitted to the Judicial Council for review during its August 21, 2015 meeting; or
- Rejecting the proposal.

**Attachments**

- Draft report to the Judicial Council with attachments (comment chart and proposed amendments to rules 10.16 and 10.53)



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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on: August 21, 2015

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Title  
Judicial Administration: Implementation of  
Court Technology Governance and Strategic  
Plan

Rules, Forms, Standards, or Statutes Affected  
Amend Cal. Rules of Court, rules 10.16 and  
10.53

Recommended by  
Judicial Council Technology Committee  
Hon. James E. Herman, Chair  
Hon. David De Alba, Vice-Chair

Agenda Item Type  
Action Required

Effective Date  
September 1, 2015

Date of Report  
July 15, 2015

Contact  
Jessica Craven, 818-558-3103  
[jessica.craven@jud.ca.gov](mailto:jessica.craven@jud.ca.gov)

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### Executive Summary

The Judicial Council Technology Committee (JCTC) recommends amending California Rules of Court, rules 10.16 and 10.53, the rules governing JCTC and the Court Technology Advisory Committee (CTAC), respectively. The amended rule would implement the *Court Technology Governance and Strategic Plan*, recommended by the Technology Planning Task Force and adopted by the Judicial Council in 2014, by revising the roles and responsibilities of JCTC and CTAC. It would also change CTAC's name to the Information Technology Advisory Committee (ITAC) to reflect its broader role and responsibilities as sponsor of branchwide technology initiatives.

### Recommendation

JCTC recommends that the Judicial Council amend, effective September 1, 2015, California Rules of Court, rules 10.16 and 10.53.

The amended rules are attached at pages 9–14.

## **Previous Council Action**

On March 27, 2012, the Judicial Council voted to end the deployment of the California Court Case Management System (CCMS) as a statewide court technology solution. Among other directives, the council instructed the CCMS Internal Committee to work in partnership with the trial courts to establish a judicial branch court technology governance structure that would best serve the implementation of technology solutions. The council later changed the name of the CCMS Internal Committee to JCTC and updated the committee's purpose and charge to reflect its directives.

In February 2013, Chief Justice Tani G. Cantil-Sakauye authorized the creation of the Technology Planning Task Force, a task force on judicial branch technology governance and strategy that would report to JCTC. The Chief Justice charged the task force with defining judicial branch technology governance, developing a strategic plan for technology, and developing recommendations for funding judicial branch technology. Relevant to this rules proposal, the Chief Justice specifically directed the task force to develop—in partnership with the trial courts—a comprehensive branchwide plan for technology governance that would delineate the parameters of state versus local decisionmaking for technology initiatives. The directive also included developing (1) a strategic technology plan that would provide direction and vision for technology within the branch, and (2) a tactical technology plan that would define the steps needed to achieve the goals in the strategic plan. The task force was composed of judicial officers, court executive officers, court information technology officers, and other stakeholders representing the trial and appellate courts, the State Bar, and the public.

Over the next year and a half, the Technology Planning Task Force developed the *Court Technology Governance and Strategic Plan*. The plan includes a “Technology Governance and Funding Model,” a “Strategic Plan for Technology,” and a “Tactical Plan for Technology.” The Judicial Council first voted to approve the plan's concept during its January 2014 meeting based on the information provided in the Executive Summary. The council then adopted the plan, effective September 1, 2014, and later approved an updated plan that included changes related to language access on October 27, 2014.

## **Rationale for Recommendation**

The “Technology Governance and Funding Model” envisioned changing some, but not all, of the governance roles and responsibilities for JCTC and CTAC. To implement these changes, JCTC recommends amending California Rules of Court, rules 10.16 and 10.53, the rules governing JCTC and CTAC, respectively.

### **Rule 10.16: Judicial Council Technology Committee**

In the “Technology Governance and Funding Model,” JCTC continues its oversight, policy, and coordination roles for branchwide technology strategy and branch-level projects on behalf of the Judicial Council. The task force recommended making several changes to JCTC's roles and responsibilities.

***Technology policies for the branch.*** Subdivision (a) of rule 10.16 addresses JCTC's roles and responsibilities in overseeing the council's information technology policies. The rule amendment would amend (a) by adding language to provide that JCTC's technology policy recommendations should focus on long-term strategic leadership and should align with judicial branch goals.

***Strategic and tactical technology plans.*** The Technology Planning Task Force recommended that the Judicial Council adopt strategic and tactical technology plans to guide branch technology decisions. The task force envisioned the strategic technology plan as a cascading plan based on the overall Judicial Council strategic plan for the branch. The branch's strategic plan and goals would drive a four-year technology strategic plan that, in turn, would drive a detailed two-year tactical plan consisting of individual projects.

This rules proposal would add new subdivision (d) to rule 10.16 to describe the strategic and tactical technology plans and to specify the roles and responsibilities of the internal and advisory committees in the development and oversight of the plans.<sup>1</sup> New subparagraph (d)(1) provides that the strategic technology plan describes the technology goals for the branch. It also allocates responsibility to JCTC, with input from advisory committees and individual courts, for developing and recommending the strategic technology plan.

A new subparagraph (d)(2) would also be added to rule 10.16 to address the tactical technology plan. This new subpart provides that the tactical technology plan outlines the technology initiatives and projects that provide a road map for achieving the goals in the strategic technology plan. Whereas JCTC would provide oversight and prioritization of the tactical technology plan, the advisory committees would develop and recommend the plan, with input from the courts. Subdivision (b) of rule 10.53 would similarly be amended to recognize the advisory committee's responsibility for developing and recommending the tactical technology plan, with input from the individual appellate and trial courts.

***Funding and relationships with other committees and advisory bodies.*** The Technology Planning Task Force found that the organizational flow of funding to courts and projects was inconsistent at times because it was not based on a branchwide model. The plan recommended clarifying the relationship of JCTC with other committees and advisory bodies.

This rules proposal would add new subdivision (g) to rule 10.16 regarding the funding of branchwide technology initiatives and projects. This new subdivision provides that JCTC

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<sup>1</sup> Subdivision (d) of rule 10.16 would be relettered to subdivision (e). This subdivision on technology needs, standards, and systems includes a provision that JCTC is responsible for establishing a strategic information technology plan for the judicial branch and the courts. Because this proposal would add a separate provision in new subdivision (d) specifically addressing the strategic and tactical technology plans, this reference to a strategic plan would be deleted as duplicative.

reviews, prioritizes, and recommends requests for the funding of branchwide technology initiatives and projects with input from advisory committees. It also specifies relevant factors that the committee may consider in performing this function. These factors include overall return on investment, business risk, and alignment with the technology goals approved by the council in the strategic technology plan. In response to comments received from the Trial Court Budget Advisory Committee (TCBAC) and the Trial Court Presiding Judges Advisory Committee's (TCPJAC) and Court Executives Advisory Committee's (CEAC) Joint Rules and Joint Technology Subcommittees, this rules amendment would also list "the availability of sufficient funding from an identifiable funding source" as a relevant factor for the committee to consider.

New subdivision (h) would also be added to clarify JCTC's relationship with other committees and advisory bodies. This subdivision provides that other committees and advisory bodies should collaborate or consult with JCTC before making decisions or recommendations on technology policies, standards, and projects. It also provides that other committees and advisory bodies should collaborate or consult with JCTC before recommending funding priorities or making recommendations to approve funding requests for branchwide technology initiatives and projects. Requiring collaboration and consultation with JCTC would reduce the risk of making divergent or inconsistent decisions and recommendations on technology policies, standards, projects, and funding, while still respecting the authority and purview of each committee and advisory body.

***Oversight and executive sponsorship of branchwide technology initiatives.*** Lastly, the rules proposal amends rule 10.16 by relettering subdivisions (e) through (i) and providing that JCTC oversees the branchwide technology initiatives sponsored by the advisory committees and task forces over which it has been assigned oversight by the Chief Justice. New subdivision (f) would also be added to rule 10.16 authorizing JCTC, where appropriate, to act as executive sponsor of branchwide technology initiatives under the workstream model.

### **Rule 10.53: Information Technology Advisory Committee**

The Technology Planning Task Force recommended restructuring CTAC to focus on promoting, coordinating, and providing executive sponsorship for the application of technology to the work of the courts. It also recommended changing the committee name to the Information Technology Advisory Committee.

***Renaming of the advisory committee.*** This rules proposal would rename CTAC as the Information Technology Advisory Committee. This change from CTAC to ITAC is intended to highlight the advisory committee's new charge and function and to clarify that its role is focused on information technology for the entire branch. Whereas the current name appears to limit the advisory committee's functions solely to the work of the courts, the proposed name would reflect the advisory committee's role in undertaking projects and initiatives that also support the needs of the broader justice community. The emphasis on information technology signals that the advisory committee's responsibilities do not include facility or other technologies that are the purview of other advisory committees.

***Sponsorship of branchwide technology initiatives.*** The Technology Planning Task Force recommended modifying the advisory committee's structure and charge to include the sponsorship of technology initiatives. While recognizing the advisory committee's success in developing and recommending rules of court and statutes to enable technology adoption, the task force found that the advisory committee's role and activities around developing specific technology solutions have been less well defined. To improve IT project oversight, the task force recommended modifying the advisory committee's approach to carrying out technology initiatives.

This rules proposal would amend subdivision (a) of rule 10.53 to include a new area of focus for the advisory committee: promoting, coordinating, and acting as executive sponsor for projects and initiatives that apply technology to the work of the courts. It would also add overseeing branchwide technology initiatives to the advisory committee's duties by amending subdivision (b).

In addition, new subdivision (c) would be added to rule 10.53 to address in greater detail the advisory committee's sponsorship of branchwide technology initiatives. As stated in new subparagraph (c)(1), the advisory committee would be responsible for overseeing all branchwide technology initiatives approved in its annual agenda, either by sponsoring a technology workstream or through its subcommittees. Subparagraph (c)(1) also defines the workstream and subcommittee models. Under the workstream model, committee members would sponsor discrete technology initiatives executed by ad hoc teams of technology experts and experienced project and program managers from throughout the branch. Under the subcommittee model, committee members would serve on subcommittees that carry out technology projects and develop and recommend policies and rules.

New subparagraph (c)(2) states that each technology workstream has a specific charge and duration that align with the object and scope of the technology initiative assigned to the workstream. It provides that the individual tasks necessary to complete the initiative may be carried out by dividing the workstream into separate tracks and clarifies that workstreams are not advisory bodies for purposes of rule 10.75, the rule governing open meetings of the Judicial Council.

The appointment of executive sponsors and their responsibilities would be stated in new subparagraph (c)(3). The advisory committee's chair may appoint up to two members to act as executive sponsors of each technology initiative monitored through the workstream model. In their roles as executive sponsors, the members would assume overall executive responsibility for project deliverables, would periodically provide high-level project status updates to the committee and council, and would be responsible for facilitating work plans for the initiative.

The responsibilities, appointment, and composition of the workstream teams are defined in new subparagraph (c)(4). The workstream team would serve as staff on the initiative and would be

responsible for structuring, tracking, and managing the progress of the individual tasks and milestones necessary to complete the initiative. Members of the workstream team would be recommended by the executive sponsor and appointed by the chair of the advisory committee. Technology experts and experienced project and program managers from throughout the branch would compose the workstream team.

***Other advisory committee roles and responsibilities.*** In addition to its new role as executive sponsor of technology initiatives, the advisory committee would have several new duties. As described above, subdivision (b) of rule 10.53 would be amended to add the advisory committee's duty to develop and recommend the branch's tactical technology plan. Subdivision (b) would also be amended to add the duty of developing and recommending an annual agenda identifying the individual technology initiatives scheduled for the next year, as well as the duty of providing input to JCTC on the technology and business requirements of court technology initiatives and projects in funding requests.

***Advisory committee membership.*** The Technology Planning Task Force did not contemplate a change in the advisory committee's current membership positions. The current membership positions include at least one appellate justice, one trial court judicial officer, one trial court judicial administrator, one appellate court judicial administrator, one member of the Senate, one member of the Assembly, one representative of the executive branch, and one lawyer.

At the same time, the task force recommended increasing the advisory committee's technology subject-matter expertise and strengthening its executive-level sponsorship capabilities by appointing members who have acted in leadership roles and who have technology project or program management backgrounds. Based on this suggestion, and in light of the advisory committee's new structure and focus, JCTC recommends adding a new position for a trial court information technology officer and revising the member selection criteria.

This rules proposal reletters the subdivision on membership from (c) to (d) and adds new subparagraph (d)(5) specifying that at least one of the members must be a trial court information technology officer. In addition, this rules proposal reletters the subdivision on member selection from (d) to (e) and adds language stating that a candidate's technology expertise and experience, and ability to act as lead executive sponsor for technology initiatives, should be considered in appointing all members to the advisory committee, other than the legislative, executive, and lawyer members.

### **Comments and Alternatives Considered**

This rules proposal was circulated for public comment for eight weeks on a special cycle ending on July 6, 2015. Three comments were received in response to the Invitation to Comment.



## Comments

The Superior Court of Sacramento County notes that this rules proposal would require participating courts to incur costs for staff and travel, while also recognizing that the participation of superior court employees in workstream teams is voluntary. Along with other courts, the Superior Court of Sacramento County is already participating in workstreams, but it sees that “[t]he larger challenge will be securing participation from smaller courts that may not have the staff or funding available to participate.” JCTC appreciates the court’s comments and agrees that it may be more difficult to engage smaller courts due to insufficient resources.

Two specific changes to the rules proposal are recommended by TCBAC and by TCPJAC’s and CEAC’s Joint Rules and Joint Technology Subcommittees. First, they recommend modifying the proposed new subdivision (g) of rule 10.16, to specify “the availability of sufficient funding from an identifiable funding source” among the factors that JCTC should consider in reviewing, prioritizing, and recommending requests for the funding of branchwide technology initiatives and projects. This recommendation has been incorporated into this rules proposal.

Second, the advisory committee and subcommittees recommend revising proposed new subdivision (h) of rule 10.16. This new subdivision, which would address collaboration and consultation with JCTC, provides as follows:

Other committees and advisory bodies should collaborate or consult with the committee (1) before making decisions or recommendations on technology policies, standards, and projects and (2) before recommending funding priorities or making recommendations to approve funding requests for branchwide technology initiatives and project.

The advisory committee and subcommittees recommend adding the following language:

Before presentation to the committee, other committees and advisory bodies should also consult with the Trial Court Budget Advisory Committee regarding the availability of sufficient funding from the Trial Court Trust Fund and State Trial Court Improvement and Modernization Fund for any proposed initiative or project which would rely on funding from those sources.

JCTC declines to pursue this recommendation because it is outside the scope of rule 10.16 and this rules proposal, as circulated. The advisory committee and subcommittees may want to recommend a proposal to amend rule 10.64, concerning TCBAC, to incorporate this suggestion.

## Alternatives

Last year, the Judicial Council approved the *Court Technology Governance and Strategic Plan*. Because this proposal would implement the Judicial Council’s directives, JCTC did not contemplate any alternatives to this proposal to amend rules 10.16 and 10.53.

## **Implementation Requirements, Costs, and Operational Impacts**

Since the Judicial Council approved the *Court Technology Governance and Strategic Plan* last year, JCTC and its advisory committee have begun implementing its recommendations. Workstreams have already been formed for several technology initiatives—including data exchanges, e-filing, next-generation hosting, and information security—and are in various stages of deployment. To reduce costs, workstreams have employed cost-saving measures and leveraged existing resources.<sup>2</sup>

By adopting the *Court Technology Governance and Strategic Plan*, the Judicial Council approved and authorized using the workstream model to sponsor technology initiatives. The workstream model may result in some additional costs to the courts because workstream teams are intended to be staffed by technology experts and experienced project managers from throughout the branch. Individual court executive officers would be responsible for ensuring that their courts have sufficient resources before authorizing their technology experts and program managers to work on branchwide technology projects and initiatives.

Changing the name of CTAC to the Information Technology Advisory Committee would result in minimal costs for the branch.

### **Attachments and Links**

1. Cal. Rules of Court, rules 10.16 and 10.53, at pages 9–14
2. Chart of comments, at pages 15–20
3. Judicial Council of Cal., Judicial Branch Administration: Update to Court Technology Governance and Strategic Plan (Oct. 27, 2014), <http://www.courts.ca.gov/documents/jc-20141028-item4.pdf>

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<sup>2</sup> Funding sources for individual technology initiatives must be identified to cover any costs required to carry out the initiative. The *Court Technology Governance and Strategic Plan* identifies existing funding sources and suggests possible funding options.

Rules 10.16 and 10.53 of the California Rules of Court are amended, effective September 1, 2015, to read:

1 **Rule 10.16. Technology Committee**

2  
3 **(a) Technology policies**

4  
5 The Technology Committee oversees the council’s policies concerning information  
6 technology. The committee assists the council by providing technology  
7 recommendations focusing on the establishment of policies that emphasize long-  
8 term strategic leadership and that align with judicial branch goals. The committee is  
9 responsible for determining that council policies are complied with on specific  
10 projects approved and funded by the council and that those projects proceed on  
11 schedule and within scope and budget.

12  
13 **(b) Coordination**

14  
15 The committee coordinates the activities of the Administrative Director ~~of the~~  
16 ~~Courts~~, council internal committees and advisory committees, the courts, justice  
17 partners, and stakeholders on matters relating to court information technology. The  
18 committee also, in collaboration or consultation with the Policy Coordination and  
19 Liaison Committee, coordinates with other branches of government on information  
20 technology issues.

21  
22 **(c) Reports**

23  
24 The committee seeks reports and recommendations from the Administrative  
25 Director, the courts, and stakeholders on information technology issues. It ensures  
26 that information technology reports to the council are clear, are comprehensive, and  
27 provide relevant options so that the council can make effective final information  
28 technology policy decisions.

29  
30 **(d) Strategic and tactical technology plans**

31  
32 **(1) Strategic technology plan**

33  
34 The strategic technology plan describes the technology goals for the branch.  
35 With input from advisory committees and individual courts, the committee is  
36 responsible for developing and recommending a strategic technology plan for  
37 the branch and the courts.

38  
39 **(2) Tactical technology plan**

40  
41 The tactical technology plan outlines the technology initiatives and projects  
42 that provide a road map for achieving the goals in the strategic technology

1                    plan. The committee provides oversight approval and prioritization of the  
2                    tactical technology plan, which is developed and recommended by advisory  
3                    committees with input from the courts.

4  
5    **(d) (e) Technology needs, standards, and systems**

6  
7                    The committee will, in partnership with the courts, develop timelines and  
8                    recommendations to the council for:

- 9  
10                  (1)    Establishing an approach and vision for implementing information  
11                  technology that serves the courts, litigants, attorneys, justice partners, and the  
12                  public, while considering available resources and information technology  
13                  needs;  
14  
15                  (2)    Improving judicial branch information technology governance to best serve  
16                  the implementation of technological solutions;  
17  
18                  ~~(3)    Establishing a strategic information technology plan for the judicial branch~~  
19                  ~~and the courts;~~  
20  
21                  ~~(4) (3) Developing~~ Reviewing and recommending information technology  
22                  standards; and  
23  
24                  ~~(5) (4) Developing standardized requests for proposals, identifying appropriate~~  
25                  ~~vendors, and~~ Encouraging the courts to leverage their collective economic  
26                  purchasing power in acquiring technological systems.

27  
28    **(f) Sponsorship of branchwide technology initiatives**

29  
30                    The committee may act as executive sponsor of branchwide technology initiatives  
31                    under the workstream model in rule 10.53(c).

32  
33    **(g) Funding of branchwide technology initiatives and projects**

34  
35                    The committee reviews, prioritizes, and recommends requests for the funding of  
36                    branchwide technology initiatives and projects with input from advisory  
37                    committees. Factors to be considered by the committee include overall return on  
38                    investment, business risk, alignment with the technology goals approved by the  
39                    council in the strategic technology plan, and the availability of sufficient funding  
40                    from an identifiable funding source.

41  
42    **(h) Collaboration and consultation with the committee**

1 Other committees and advisory bodies should collaborate or consult with the  
2 committee (1) before making decisions or recommendations on technology  
3 policies, standards, and projects and (2) before recommending funding priorities or  
4 making recommendations to approve funding requests for branchwide technology  
5 initiatives and projects.

6  
7 **(e) (i) Oversight of advisory committees and task forces**

8  
9 For those advisory committees and task forces over which it has been assigned  
10 oversight by the Chief Justice, the Technology Committee ensures that the  
11 activities of each are consistent with the council's goals and policies. To achieve  
12 these outcomes, the committee:

- 13  
14 (1) Communicates the council's annual charge to each; ~~and~~  
15  
16 (2) Reviews an annual agenda for each to determine whether the annual agenda  
17 is consistent with its charge and with the priorities established by the  
18 council; and  
19  
20 (3) Oversees the branchwide technology initiatives sponsored by each.

21  
22 **Rule 10.53. ~~Court~~ Information Technology Advisory Committee**

23  
24 **(a) Areas of focus**

25  
26 The committee makes recommendations to the council for improving the  
27 administration of justice through the use of technology and for fostering  
28 cooperative endeavors to resolve common technological issues with other  
29 stakeholders in the justice system. The committee promotes, coordinates, and acts  
30 as executive sponsor for projects and initiatives that apply technology to the work  
31 of the courts.

32  
33 **(b) Additional duties**

34  
35 In addition to the duties described in rule 10.34, the committee must:

- 36  
37 (1) Oversee branchwide technology initiatives funded in whole or in part by the  
38 state;  
39  
40 (2) Recommend rules, standards, and legislation to ensure compatibility in  
41 information and communication technologies in the judicial branch;  
42

- 1           ~~(2)~~ (3) Review and comment on requests for the funding of judicial branch  
2           technology projects to ensure compatibility with goals established by the  
3           council and standards promulgated by the committee; Provide input to the  
4           Judicial Council Technology Committee on the technology and business  
5           requirements of court technology projects and initiatives in funding requests;  
6  
7           ~~(3)~~ (4) Review and recommend legislation, rules, or policies to balance the interests  
8           of privacy, access, and security in relation to court technology;  
9  
10          ~~(4)~~ (5) Make proposals for technology education and training in the judicial branch;  
11  
12          ~~(5)~~ (6) Assist courts in acquiring and developing useful technologies; and  
13  
14          (7) Establish mechanisms to collect, preserve, and share best practices across the  
15          state;  
16  
17          ~~(6)~~ (8) Maintain a long range plan. Develop and recommend a tactical technology  
18          plan, described in rule 10.16, with input from the individual appellate and  
19          trial courts; and  
20  
21          (9) Develop and recommend the committee’s annual agenda, identifying  
22          individual technology initiatives scheduled for the next year.

23  
24    **(c) Sponsorship of branchwide technology initiatives**

25  
26    (1) Oversight of branchwide technology initiatives

27  
28           The committee is responsible for overseeing branchwide technology  
29           initiatives that are approved as part of the committee’s annual agenda. The  
30           committee may oversee these initiatives through a workstream model, a  
31           subcommittee model, or a hybrid of the two. Under the workstream model,  
32           committee members sponsor discrete technology initiatives executed by ad  
33           hoc teams of technology experts and experienced project and program  
34           managers from throughout the branch. Under the subcommittee model,  
35           committee members serve on subcommittees that carry out technology  
36           projects and develop and recommend policies and rules.

37  
38    (2) Technology workstreams

39  
40           Each technology workstream has a specific charge and duration that align  
41           with the objective and scope of the technology initiative assigned to the  
42           workstream. The individual tasks necessary to complete the initiative may be

1 carried out by dividing the workstream into separate tracks. Technology  
2 workstreams are not advisory bodies for purposes of rule 10.75.

3  
4 (3) *Executive sponsorship of technology workstreams*

5  
6 The committee chair designates a member or two members of the committee  
7 to act as executive sponsors of each technology initiative monitored through  
8 the workstream model. The executive sponsor assumes overall executive  
9 responsibility for project deliverables and periodically provides high-level  
10 project status updates to the advisory committee and council. The executive  
11 sponsor is responsible for facilitating work plans for the initiative.

12  
13 (4) *Responsibilities and composition of technology workstream teams*

14  
15 A workstream team serves as staff on the initiative and is responsible for  
16 structuring, tracking, and managing the progress of individual tasks and  
17 milestones necessary to complete the initiative. The executive sponsor  
18 recommends, and the chair appoints, a workstream team of technology  
19 experts and experienced project and program managers from throughout the  
20 branch.

21  
22 **(e) (d) Membership**

23  
24 The committee must include at least one member from each of the following  
25 categories:

- 26  
27 (1) Appellate justice;  
28  
29 (2) Trial court judicial officer;  
30  
31 (3) Trial court judicial administrator;  
32  
33 (4) Appellate court judicial administrator;  
34  
35 (5) Trial court information technology officer;  
36  
37 ~~(5)~~ (6) Member of the Senate;  
38  
39 ~~(6)~~ (7) Member of the Assembly;  
40  
41 ~~(7)~~ (8) Representative of the executive branch; and  
42  
43 ~~(8)~~ (9) Lawyer.

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12

~~(d)~~ **(e) Member selection**

The two legislative members are appointed by the respective houses. The executive member is appointed by the Governor. The lawyer member is appointed by the State Bar. In making all other appointments to the committee, factors to be considered include a candidate’s technology expertise and experience, as well as an ability to act as lead executive sponsor for technology initiatives.

~~(e)~~ **(f) Chair**

The Chief Justice appoints a judicial officer ~~or justice member~~ to serve as chair.



**SP15-04**

**Judicial Administration: Implementation of Court Technology Governance and Strategic Plan** (amend rules 10.16 and 10.53)

All comments are verbatim unless indicated by an asterisk (\*). List by alpha.

	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>**PROPOSED** Committee Response</b>
1.	Superior Court of Sacramento County By Elaine Flores	AM	<p>1. Would the proposal result in any additional costs or cost savings? If so please quantify.</p> <p>a. Yes: Courts that participate in workstreams will incur costs for staff and travel. Quantifying those costs is not possible as the number of workstreams active at any given time may be different.</p> <p>2. What would the implementation requirements be for courts?</p> <p>a. The proposal does not appear to place any new requirements on the courts to support. Participation in the workstreams is voluntary.</p> <p>3. How likely is it that courts could make their technology experts and program managers available to participate in workstreams?</p> <p>a. Courts are already making resources available to participate in the various workstreams. The larger challenge will be securing participation from small courts that may not have the staff or funding available to participate. This court is already participating in the Data Exchange Workstream and has volunteered to participate in the EFiled Workstream.</p>	The court's comments are noted.
2.	Trial Court Budget Advisory Committee by Hon. Laurie M. Earl, Chair	AM	<p>On behalf of the Trial Court Budget Advisory Committee (TCBAC) I submit these comments regarding the proposal to amend California Rule of Court (CRC) 10.16 and 10.53.</p> <p>We support the Judicial Council</p>	The advisory committee's support is noted.

**SP15-04**

**Judicial Administration: Implementation of Court Technology Governance and Strategic Plan** (amend rules 10.16 and 10.53)

All comments are verbatim unless indicated by an asterisk (\*). List by alpha.

	Commentator	Position	Comment	<b>**PROPOSED**</b> Committee Response
			<p>Technology Committee's efforts to establish oversight and coordination for branchwide technology strategy and branch-level projects. We agree that in order to align with judicial branch technology goals, the approval of technology projects should come through a single committee, the JCTC.</p> <p>In terms of funding of branchwide technology initiatives and projects, we believe one factor that the JCTC should consider before recommending approval of a proposed initiative or project is the availability of sufficient funds from an identifiable funding source. Due to the fiscal instability of the State Trial Court Trust Fund (TCTF) and Improvement and Modernization Fund (IMF) and the potential that funding of branchwide technology initiatives and projects would in part rely on these funds, we believe it would be important that your committee consider available funding as part of your analysis. Thus we propose the following language be included in CRC 10.16(g):</p> <p><b>10.16</b> <b>(g) Funding of branchwide technology initiatives and projects</b></p>	<p>JCTC agrees and recommends amending rule 10.16(g) as follows:</p> <p><b>(g) Funding of branchwide technology initiatives and projects</b></p> <p>The committee reviews, prioritizes, and recommends requests for the funding of branchwide technology initiatives and projects with input from advisory committees. Factors to be considered by the committee include overall return on investment, business risk, alignment with the technology goals approved by the council in the strategic technology plan, <u>and the availability of sufficient funding from an identifiable funding source.</u></p>

**SP15-04**

**Judicial Administration: Implementation of Court Technology Governance and Strategic Plan** (amend rules 10.16 and 10.53)

All comments are verbatim unless indicated by an asterisk (\*). List by alpha.

	Commentator	Position	Comment	<b>**PROPOSED**</b> Committee Response
			<p>The committee reviews, prioritizes, and recommends requests for the funding of branchwide technology initiatives and projects with input from advisory committees. Factors to be considered by the committee include overall return on investment, business risk, and alignment with the technology goals approved by the council in the strategic technology plan. <u>The committee shall also consider the availability of sufficient funding from an identifiable funding source.</u></p> <p>Additionally, at the April, 2015 Judicial Council meeting the Council adopted the TCBAC's policy recommendation that any new proposal that would rely on TCTF or IMF funding, or add new costs to an existing TCTF or IMF program, be reviewed by TCBAC prior to presentation to the Council. In light of this existing policy, we propose the following language be included in CRC I 0.16(h):</p> <p><b>10.16</b> <b>(h) Collaboration and consultation with the committee</b></p> <p>Other committees and advisory bodies should collaborate or consult with the committee (1) before making decisions</p>	<p>JCTC declines to pursue this recommendation as it is outside the scope of rule 10.16 and this rules proposal, as circulated. TCBAC may want to consider a proposal to amend rule 10.64 to incorporate this recommendation.</p>

**SP15-04**

**Judicial Administration: Implementation of Court Technology Governance and Strategic Plan** (amend rules 10.16 and 10.53)

All comments are verbatim unless indicated by an asterisk (\*). List by alpha.

	Commentator	Position	Comment	<b>**PROPOSED**</b> Committee Response
			<p>or recommendations on technology policies, standards, and projects and (2) before recommending funding priorities or making recommendations to approve funding requests for branchwide technology initiatives and projects.  <u>Before presentation to the committee, other committees and advisory bodies should also consult with the Trial Court Budget Advisory Committee regarding the availability of sufficient funding from the Trial Court Trust Fund or State Trial Court Improvement &amp; Modernization Fund for any proposed initiative or project which would rely on funding from those sources.</u></p>	
3.	Trial Court Presiding Judges Advisory Committee (TCPJAC) and Court Executives Advisory Committee (CEAC) Joint Rules Subcommittee and TCPJAC/CEAC Joint Technology Subcommittee Comment	A	<p>The subcommittees agree that the proposal should be implemented because it clarifies roles and responsibilities of the Judicial Council’s technology committees.</p> <p><u>Suggested modifications</u>            The TCPJAC/CEAC Joint Rules Subcommittee recommends the following modifications to Rule 10.16 (see highlighted text):</p> <p><b>(g) Funding of branchwide technology initiatives and projects</b></p> <p><u>The committee reviews, prioritizes, and recommends requests for the funding of</u></p>	<p>The subcommittees’ support is noted.</p> <p>Please see the responses above.</p>

**SP15-04**

**Judicial Administration: Implementation of Court Technology Governance and Strategic Plan** (amend rules 10.16 and 10.53)

All comments are verbatim unless indicated by an asterisk (\*). List by alpha.

	Commentator	Position	Comment	<b>**PROPOSED**</b> Committee Response
			<p><u>branchwide technology initiatives and projects with input from advisory committees. Factors to be considered by the committee include overall return on investment, business risk, and alignment with the technology goals approved by the council in the strategic technology plan.</u>  <u>The committee shall also consider the availability of sufficient funding from an identifiable funding source.</u></p> <p><b>(h) Collaboration and consultation with the committee</b></p> <p><u>Other committees and advisory bodies should collaborate or consult with the committee (1) before making decisions or recommendations on technology policies, standards, and projects and (2) before recommending funding priorities or making recommendations to approve funding requests for branchwide technology initiatives and projects. Before presentation to the committee, other committees and advisory bodies should also consult with the Trial Court Budget Advisory Committee regarding the availability of sufficient funding from the Trial Court Trust Fund and State Trial Court Improvement and Modernization Fund for any proposed initiative or project which would rely on funding from those sources.</u></p> <p><b>The following are responses to the proposal’s Request for Specific Comments:</b></p> <p>Does the proposal appropriately address the</p>	<p>The subcommittees’ comments are noted.</p>

**SP15-04**

**Judicial Administration: Implementation of Court Technology Governance and Strategic Plan** (amend rules 10.16 and 10.53)

All comments are verbatim unless indicated by an asterisk (\*). List by alpha.

	Commentator	Position	Comment	<b>**PROPOSED**</b> Committee Response
			<p>stated purpose? <i>Yes</i></p> <p>Would the proposal result in any additional costs or cost savings? If so please quantify. <i>None that could easily be identified. This proposal, however, could possibly assist with bringing alignment and focus to courts for technology across the state.</i></p> <p>How likely is it that courts could make their technology experts and program managers available to participate in workstreams? <i>In general, courts with technology experts would likely be available to participate in workstreams given the availability of their resources and if meetings provide for remote participation via WebEx, conference calls, etc.</i></p>	



## JUDICIAL COUNCIL OF CALIFORNIA

455 Golden Gate Avenue • San Francisco, California 94102-3688  
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### MEMORANDUM

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**Date**

July 10, 2015

**Action Requested**

Please review for July 21 meeting

**To**

Judicial Council Technology Committee

**Deadline**

July 21, 2015

**From**

Patrick O'Donnell, Managing Attorney  
Tara Lundstrom, Attorney  
Legal Services

**Contact**

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

**Subject**

Proposed amendment to rule 4.220 and  
revisions to forms TR-500-INFO, TR-505,  
and TR-510

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**Background**

Rule 4.220 authorizes trial courts to establish remote video pilot projects in cases involving traffic infraction violations. The rule remains in effect until January 1, 2016, unless the council amends the rule. Earlier this year, the Judicial Council Technology Committee (JCTC) recommended circulating for public comment a rules proposal—developed by the Court Technology Advisory Committee (CTAC) and the Traffic Advisory Committee (TAC)—that would amend rule 4.220 by removing the sunset language in the rule and converting it to a standing rule of court. The proposal was circulated for public comment, with the comment period ending on June 17, 2015.

In the interim, the Judicial Council adopted rule 4.105 on an urgency basis to address concerns about court procedures for deposit of bail when defendants challenge traffic citations in court.<sup>1</sup>

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<sup>1</sup> The Judicial Council report for this proposal, titled *Traffic Law: Appearances in Court for Infractions Without Deposit of Bail*, is available at <http://www.courts.ca.gov/documents/jc-20150608-item1.pdf>.

Rule 4.105(d) provides that trial courts must inform defendants of the option to appear in court without the deposit of bail in any instructions or other materials courts provide for the public that relate to bail for traffic infractions, including any written instructions and forms. It also requires that all implementing changes to written instructions and forms take effect “as soon as reasonably possible, but no later than September 15, 2015.”

On June 23, TAC reviewed rule 4.220 and corresponding forms (forms TR-500-INFO, TR-505, and TR-510) and recommended changes to the rule and forms to implement rule 4.105. Because any changes must be in effect on or before September 15, 2015, TAC recommended submitting this rules proposal to the Judicial Council during its August 21 meeting. Due to time constraints, the changes implementing rule 4.105 will not be circulated for public comment.

TAC met again on July 2 to review comments that were submitted by the Superior Court of Fresno County. Its recommendations have been incorporated into the draft council report and rules proposal attached to this memorandum.

Both CTAC and its Rules and Policy Subcommittee have recommended that this rules proposal be presented to the Judicial Council during its August 21 meeting.

## **Discussion**

Before JCTC for its review is a draft report to the Judicial Council. The draft report recommends amending rule 4.220 and revising corresponding forms (1) to convert the rule to a standing rule of court, and (2) to implement rule 4.105. Attached to the draft report is a chart containing the comments received in response to the Invitation to Comment and proposed responses to the comments; proposed amendments to rule 4.220; and proposed revisions to forms TR-500-INFO, TR-505, and TR-510. The proposed changes to the rules and forms include those recommended by TAC and CTAC to implement rule 4.105.

Only five comments were received in response to the Invitation to Comment. Four commentators stated their support of the proposal without amendment. The Superior Court of Riverside County agreed with the proposal with modification. It suggested that Judicial Council approval should not be required for courts to implement remote video proceedings (RVP). However, the rules proposal has already incorporated this suggestion. In converting the rule to a standing rule of court, it would eliminate the requirement that the council approve RVP pilot projects and would instead require only that the court notify the council when it adopts a local rule implementing RVP in traffic infraction cases. No comments were received in response to the specific request for comments on the costs and benefits of maintaining the rule’s semi-annual reporting requirement and whether the reporting requirement should sunset after a certain period of years.



In addition, the Superior Court of Fresno County recommended making several changes to rule 4.220 and forms TR-500-INFO, TR-505, and TR-510. It recommended amending subdivision (e)(2) of rule 4.220 to refer to “arraignment only” in lieu of “arraignment on a date that is separate from a trial date.” In conversations with the court, it explained that the current language was unclear and made differentiating between subdivisions (e)(2) and (e)(3) difficult. The court would also amend references to “at court” to “in court” on form TR-500-INFO and advise defendants of additional possible consequences for failing to appear—i.e., that the court may issue a warrant for the defendant’s arrest, forfeit any posted bail, and hold the trial in the defendant’s absence—under part 2(e) of forms TR-505 and TR-510.

TAC reviewed the comments submitted by the Superior Court of Fresno County. It decided not to pursue the court’s proposal to change rule 4.220(e)(2), but agreed with the court that form TR-500-INFO should be revised and that additional advisals should be added to part 2(e) of forms TR-505 and TR-510. It recommended adding language to forms TR-505 and TR-510 to include these advisals, although it slightly modified the language to recognize that if a defendant fails to appear, a court could either issue an arrest warrant or impose a civil assessment, but could not do both. CTAC voted to recommend this rules proposal with TAC’s proposed amendments. All rule amendments and form revisions recommended by TAC and CTAC to address the court’s comments have been incorporated into the draft report and rules proposal.

### **Committee’s task**

The committee is tasked with reviewing the rules proposal (including additional proposed changes to rule 4.220 and corresponding forms to implement rule 4.105), and:

- Asking staff or committee members for further information and analysis;
- Recommending to RUPRO that all or part of the proposal be submitted to the Judicial Council for consideration during its August 21, 2015 meeting; or
- Rejecting the proposal.

### **Attachments**

- Draft report to the Judicial Council with attachments (comment chart, proposed amendments to rule 4.220, and proposed revisions to forms TR-500-INFO, TR-505, and TR-510)
- Cal. Rules of Court, rule 4.105,  
[http://www.courts.ca.gov/cms/rules/index.cfm?title=four&linkid=rule4\\_105](http://www.courts.ca.gov/cms/rules/index.cfm?title=four&linkid=rule4_105)



## JUDICIAL COUNCIL OF CALIFORNIA

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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on: August 21, 2015

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Title	Agenda Item Type
Trial Courts: Permanent Authorization for Remote Video Proceedings and Implementation of Rule 4.105 in Traffic Infraction Cases	Action Required
	Effective Date
	September 1, 2015
Rules, Forms, Standards, or Statutes Affected	Date of Report
Amend Cal. Rules of Court, rule 4.220; revise forms TR-500-INFO, TR-505, and TR-510	July 10, 2015
Recommended by	Contact
Traffic Advisory Committee	Courtney Tucker, 415-865-7611
Hon. Mark S. Borrell, Chair	<a href="mailto:courtney.tucker@jud.ca.gov">courtney.tucker@jud.ca.gov</a>
Court Technology Advisory Committee	Tara Lundstrom, 415-865-7650
Hon. Terence L. Bruiniers, Chair	<a href="mailto:tara.lundstrom@jud.ca.gov">tara.lundstrom@jud.ca.gov</a>

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### Executive Summary

The Traffic Advisory Committee and Court Technology Advisory Committee recommend amending rule 4.220 of the California Rules of Court and revising corresponding forms (TR-500-INFO, TR-505, and TR-510) to convert the rule into a standing rule of court and to implement new rule 4.105.

Rule 4.220 authorizes trial courts to establish remote video pilot projects in cases involving traffic infraction violations. This proposal would allow trial courts to continue conducting remote video proceedings (RVP) in eligible traffic cases after January 1, 2016, when the rule would otherwise sunset. It would also make changes to the rule and to corresponding forms to implement rule 4.105—the rule recently adopted on an urgency basis to address concerns about court procedures for deposit of bail when defendants challenge traffic citations in court. Because

rule 4.105 requires that all implementing changes to instructions and forms take effect “as soon as reasonably possible, but no later than September 15, 2015,” the Judicial Council’s consideration of this proposal has been expedited and changes related to rule 4.105 were not circulated for public comment. To comply with rule 4.105, the effective date of all changes would be September 1, 2015.

## **Recommendation**

The Traffic Advisory Committee and Court Technology Advisory Committee recommend:

1. Amending rule 4.220; and
2. Revising *Instructions to Defendant for Remote Video Proceedings* (form TR-500-INFO), *Notice of Waiver of Rights and Request for Remote Video Arraignment and Trial* (form TR-505), and *Notice of Waiver of Rights and Request for Remote Video Proceeding* (form TR-510).

Amended rule 4.220 and revised forms TR-500-INFO, TR-500, and TR-510 are attached at pages 9 to 17.

## **Previous Council Action**

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

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.

On June 8, 2015, the Judicial Council adopted rule 4.105 on an urgency basis to address concerns about court procedures for deposit of bail when defendants challenge infraction

citations in court. Rule 4.105 states that courts must allow traffic infraction defendants to appear for arraignment and trial without the deposit of bail, unless a specified exception applies. It also requires courts to inform traffic infraction defendants of the option to appear in court without the deposit of bail in any instructions or other materials provided to the public that relate to bail for traffic infractions, including written instructions and forms. Implementation of the rule's notice requirements is to occur "as soon as reasonably possible, but no later than September 15, 2015."

### **Rationale for Recommendation**

This rules proposal has two components: (1) amendments to rule 4.220 and revisions to form TR-500-INFO that would convert the rule to a standing rule of court, and (2) additional amendments to the rule and revisions to forms TR-500-INFO, TR-505, and TR-510 that would implement new rule 4.105.

Because the council has required that all changes to written instructions and forms implementing rule 4.105 be in effect by September 1, 2015, these amendments and revisions were not circulated for public comment.

### **Permanent authorization for RVP**

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. Postappearance 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.

Unless rule 4.220 is amended, the Superior Court of Fresno County and other trial courts would 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 RVP in eligible cases. It would not make any substantive changes to the rule's procedural requirements or the scope of RVP proceedings.

### ***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 RVP in eligible cases after they have adopted a local rule permitting RVP and have notified the Judicial Council. Trial courts would no longer be required to request and receive council authorization for pilot projects implementing RVP.

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 RVP, 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 semiannual reports to the Judicial Council that include an assessment of the costs and benefits of the project.”

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 semiannual reporting requirement would enable the council to continue monitoring the use of this new technology in the courts. This information and data will 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 does it 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 semiannual 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 about RVP, including how to request RVP, the opportunity to appeal the court’s ruling, and which rights the defendant will be waiving by requesting to appear in RVP. This proposal would make the language of the form consistent with the amendments to rule 4.220 by removing references to a “pilot project.”

**Implementation of rule 4.105**

Rule 4.105(b) provides that courts must allow a defendant to appear for arraignment and trial without the deposit of bail, unless one of three exceptions applies. These exceptions are: (1)

courts must require the deposit of bail when the defendant elects a statutory procedure<sup>1</sup> that requires the deposit of bail; (2) courts may require the deposit of bail when the defendant does not sign a written promise to appear as required by the court; and (3) courts may require a deposit of bail before trial if the court finds, based on the circumstances of a particular case, that the defendant is unlikely to appear as ordered without a deposit of bail and the court expressly states the reasons for the finding. (Cal. Rules of Court, rule 4.105(c).)

In addition, rule 4.105(d) provides that courts must inform defendants of the option to appear in court without the deposit of bail in any instructions or other materials courts provide for the public that relate to bail for traffic infractions, including any written instructions and forms.

***Amend rule 4.220 to cross-reference rule 4.105***

This proposal contains one proposed amendment to rule 4.220 related to implementing rule 4.105. Subdivision (f) of rule 4.220 governs the deposit of bail for RVP. This proposal would replace the language in subdivision (f) describing the applicable procedures for depositing bail with a cross-reference to rule 4.105. Adding the cross-reference—in lieu of incorporating language from rule 4.105 directly into subdivision (f)—would facilitate any future amendments to the procedures for depositing bail. Any amendments to rule 4.105 would automatically apply to the deposit of bail in RVP, thereby guaranteeing uniform bail procedures irrespective of whether the defendant appears in court or by remote video.

***Make implementing changes to forms TR-500-INFO, TR-505, and TR-510***

This proposal would also implement rule 4.105 by making changes to forms TR-500-INFO, TR-505, and TR-510. All three forms would be revised to notify defendants of their rights to appear for arraignment without depositing bail and to request that a court trial be scheduled without bail. Additional changes are described in the following.

Form TR-500-INFO provides information and instructions to defendants about RVP. The proposed changes would revise form TR-500-INFO to inform defendants that the court may require the deposit of bail to schedule a trial and that bail should accompany the request for RVP as ordered by the court.

Form TR-505 is required when defendants request to appear by RVP for arraignment and trial on the same day. It is used to notify defendants of their rights and for defendants to waive certain rights. This proposal would revise form TR-505 to require the defendant to waive the “right to appear in person in court on separate days for arraignment without deposit of bail and for trial without deposit of bail unless ordered by the court.”

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<sup>1</sup> For example, Penal Code section 40519(a) authorizes defendants who have received a written notice to appear to declare their intention to plead not guilty and deposit bail before the notice to appear date for purposes of electing to schedule an arraignment and trial on the same date or on separate dates.

This proposal would also make implementing changes to form TR-510, which is required when defendants request to appear for arraignment or trial on separate days. It is used to notify defendants of their rights and for defendants to waive certain rights. This proposal would add a space to form TR-510 where the court, if it decides to require bail for trial, must specify its reasons. This revision implements subdivision (c)(3) of rule 4.105, which provides that courts must state its reasons for requiring the deposit of bail before trial.

Lastly, this proposal would make minor revisions to forms TR-500-INFO, TR-505, and TR-510 to incorporate the comments received by the Superior Court of Fresno County, as described below.

### **Comments and Alternatives Considered**

Only part of this rules proposal was circulated for public comment. Because rule 4.105 was adopted by the Judicial Council on an urgent basis and requires that implementing changes be in effect by September 1, 2015, those changes were not circulated for public comment.

The circulated rules proposal addressed only those changes related to converting rule 4.220 to a standing rule of court. Five comments were received in response to the circulated rules proposal. Four commentators stated their support of the proposal without amendment.

The Superior Court of Riverside County agreed with the proposal with modification. It stated that courts “should have the discretion to implement without needing approval of the Judicial Council” because approval “makes implementation more burdensome and time consuming” and “eliminates discretion of [the] trial court.” The committee agrees that council approval would be burdensome for trial courts. Nevertheless, the committee has not modified this proposal since it already addresses the court’s concerns. The proposed amendments would eliminate the requirement that courts request and receive council approval before implementing RVP. Instead, courts would only have to notify the council. The committees reasoned that providing notice would not unduly burden the courts while ensuring that the council remains apprised of any courts that decide to offer RVP in traffic infraction cases.

In response to the proposed changes to implement rule 4.105, the Superior Court of Fresno County reviewed and recommended additional amendments to rule 4.220 and revisions to forms TR-500-INFO, TR-500, and TR-510. These included amending subdivision (e)(2) of rule 4.220 to replace references to “arraignment on a date that is separate from a trial date” with “arraignment only.” The committees decided not to pursue this proposal because the current language in the rule is more consistent with the formatting and language of the Vehicle Code and is less susceptible to confusion.

In addition, the Superior Court of Fresno County would replace the phrase “at court” with “in court” on form TR-500-INFO and would advising defendants of additional possible consequences for failing to appear under part 2(e) of forms TR-505 and TR-510. The committees agree with the court’s recommended revisions to the forms, but slightly modified the suggested

language to forms TR-505 and TR-510 to clarify that if a defendant fails to appear, a court may either issue an arrest warrant or impose a civil assessment, but cannot do both.

### **Alternatives**

TAC and CTAC considered three alternatives related to converting the rule to a standing rule of court. Because rule 4.105 requires implementing changes, the committees did not consider alternatives to the proposed amendments and form revisions related to rule 4.105.

#### ***Alternative 1: Eliminate notice and semiannual reporting requirements.***

The first alternative would amend rule 4.220 by removing not only the sunset language, but also any requirement that trial courts provide notice and semiannual reports to the Judicial Council. This alternative has the benefit of reducing the time that trial courts must spend preparing and submitting notices and semiannual reports to the council, and that the council and its staff must devote to reviewing them. In light of this concern, the advisory committees specifically 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. No comments were submitted in response to this request.

Implementing the first alternative would limit the council's oversight of RVP 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 semiannual 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 would amend rule 4.220 by extending the effective date for an additional period of years, but not eliminating the sunset language. This alternative 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 RVP 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. So far, 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 the project, and has expressed an interest in continuing to offer these services in outlying areas. Moreover, this alternative would prevent other courts from conducting RVP 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. It will require the court to make revised forms available to the public, which may incur minor costs. Otherwise, it will have no effect on the court since it is currently preparing and submitting semiannual 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.

### **Attachments and Links**

1. Cal. Rules of Court, rule 4.220, at pages 9–14
2. Form TR-500-INFO, at page 15
3. Form TR-505, at page 16
4. Form TR-510, at page 17
5. Comment Chart, at page 18

Rule 4.220 of the California Rules of Court is amended, effective September 1, 2015, 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 (d) **Designation of locations and presence of court clerk**

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

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

15 **defendant**

16

17 A court that conducts remote video proceedings under this rule must comply with

18 the following procedures and required forms in this section ~~must be included in~~

19 ~~the court's pilot project for remote video proceedings.~~ In addition to following the

20 standard provisions for processing traffic infraction cases, the defendant may

21 request to proceed by remote video proceeding as provided below.

22

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

24

25 The following procedures apply to a remote video proceeding when the court

26 grants a defendant's request to have an arraignment and trial on the same

27 date:

28

29 (A) The defendant must review a copy of the *Instructions to Defendant for*

30 *Remote Video Proceeding* (form TR-500-INFO).

31

32 (B) To proceed by remote video arraignment and trial, the defendant must

33 sign and file a *Notice and Waiver of Rights and Request for Remote*

34 *Video Arraignment and Trial* (form TR-505) with the clerk by the

35 appearance date indicated on the *Notice to Appear* or a continuation of

36 that date granted by the court and must deposit bail when filing the

37 form.

38

39 (C) A defendant who is dissatisfied with the judgment in a remote video

40 trial may appeal the judgment under rules 8.901–8.902.

41

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

43

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

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

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

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

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

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

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

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

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

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

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

41 (B) *Notice and Waiver of Rights and Request for Remote Video*  
42 *Arraignment and Trial* (form TR-505); and  
43

1 (C) *Notice and Waiver of Rights and Request for Remote Video Proceeding*  
2 (form TR-510).

3  
4 **(f) Deposit of bail**

5  
6 ~~(1) If a defendant requests to proceed by remote video arraignment and trial as~~  
7 ~~provided in section (e)(1), the defendant must deposit bail, at the same time~~  
8 ~~the request is filed, in the amount established in the uniform traffic penalty~~  
9 ~~schedule under Vehicle Code section 40310.~~

10  
11 ~~(2) If a defendant requests to proceed by remote video proceeding for a trial as~~  
12 ~~provided in section (e)(3), the judicial officer may require deposit of bail, at~~  
13 ~~the same time the request for remote video proceeding is filed, in the amount~~  
14 ~~established in the uniform traffic penalty schedule under Vehicle Code~~  
15 ~~section 40310.~~

16  
17 Procedures for deposit of bail to process requests for remote video proceedings  
18 must follow rule 4.105.

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 *Arraignment 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 amount  
31 when required, signing and filing all required forms, and complying with all time  
32 limits and due dates), the court may deny a request for a remote video proceeding  
33 and 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 ~~the project~~ remote  
13 video proceedings at that court.  
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** are 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 **request** 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 bail 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 **a trial**. **Failure to file the form and deposit bail as required 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 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 **in court** for an in-person arraignment **without deposit of bail** and trial at the court. If you appear **in 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 **without deposit of bail**;
  - The right to request that a **court** trial be scheduled **without bail** 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.



NAME OF COURT: STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	FOR COURT USE ONLY  <h2 style="margin: 0;">DRAFT- NOT ADOPTED BY JUDICIAL COUNCIL</h2>
<p style="text-align: center;"><b>PEOPLE OF THE STATE OF CALIFORNIA</b></p> <p style="text-align: center;">v.</p> DEFENDANT (Name):	
<p style="text-align: center;"><b>NOTICE AND WAIVER OF RIGHTS AND REQUEST FOR REMOTE VIDEO ARRAIGNMENT AND TRIAL (Veh. Code, § 40901 and 40519(a))</b></p>	CITATION NUMBER /CASE NUMBER:  BAIL AMOUNT      DUE DATE (For filing form)

**1. Notice to Defendant of Rights:**

- You have the right to appear in person in court before a judicial officer for arraignment, to be informed of the charges against you, to be advised of your rights, and to enter a plea **without deposit of bail.**
- You have the right to request **at arraignment** that a **court** trial be scheduled for a date after your arraignment.
- You have the right to a speedy trial within 45 days of submitting your request for a trial.
- You have the right to be physically present in court for trial and sentencing and all other stages of the proceedings including, but not limited to, presentation of testimony and evidence and arguments on questions of law.
- You have the right to have witnesses testify under oath in court and to confront and cross-examine them in court.

**2. Waiver of Rights and Request for Remote Video Arraignment and Trial with Deposit of Bail:**

a. I, (print name): \_\_\_\_\_, am the defendant in this traffic infraction case and understand that my rights include those listed above and also the right to hire an attorney and subpoena witnesses. I understand that a remote video proceeding (RVP) uses two-way electronic audiovisual communication between the court and me at the remote location instead of having me physically appear in the courtroom. By requesting RVP, I agree to appear at the designated off-site location and agree that the court may order me to appear in my case by RVP for any related proceedings. By requesting that the court allow me to proceed without being physically present in the courtroom and appear for all proceedings by RVP, I voluntarily elect to waive (give up) the following rights:

**INITIALS**

- My right to appear in person in court **on separate days** for arraignment **without deposit of bail** and **for** trial **without deposit of bail unless ordered by the court;**
- My right to a speedy trial within 45 days; and
- My right to be physically present in the court for trial and sentencing and all other 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 of witnesses in court.

I have read the *Instructions to Defendant for Remote Video Proceedings* (form TR-500-INFO) and request to appear by RVP in this case. I understand that the court may permit the officer that issued the ticket and any other witnesses to appear in court to testify and be cross-examined while I appear at the remote location and may deny my request at any time and order me to be present in the courtroom for any proceedings conducted in this case.

- b.  I enclose bail of \$ \_\_\_\_\_.
- c. I need an interpreter:  Yes  No (language): \_\_\_\_\_
- d.  I have an attorney to represent me:  Yes  No (name of attorney): \_\_\_\_\_

I declare under penalty of perjury under the laws of the State of California that the information I have provided on this form and all attachments is true and correct. I promise to appear for all proceedings ordered by the court in this case. I understand that if I do not appear as promised the court may **forfeit any bail that you posted; hold the trial in your absence;** impose a civil assessment of up to \$300 under Penal Code 1214.1 **or issue a warrant for your arrest;** and report the failure to appear to the Department of Motor Vehicles for a hold on my license.

Date: \_\_\_\_\_ ▶ \_\_\_\_\_  
(Defendant's Phone Number) (Defendant's Street Address/City/State/ZIP) (Defendant's E-mail Address)

DEFENDANT'S SIGNATURE

**Please return this form to the court clerk in person or mail to:** [Court location]

**TO BE COMPLETED BY CLERK**

Date: \_\_\_\_\_ Approved by: \_\_\_\_\_  
DEPUTY CLERK

Hearing set for (type of hearing): \_\_\_\_\_ on (date): \_\_\_\_\_ at (time): \_\_\_\_\_  
 Location:  [off-site location]  [off-site location]

NAME OF COURT: STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	FOR COURT USE ONLY  <h2 style="margin: 0;">DRAFT- NOT ADOPTED BY JUDICIAL COUNCIL</h2>		
<b>PEOPLE OF THE STATE OF CALIFORNIA</b> vs.  DEFENDANT (Name):	CITATION NUMBER /CASE NUMBER:		
<b>NOTICE AND WAIVER OF RIGHTS AND REQUEST FOR REMOTE VIDEO PROCEEDING (Veh. Code, § 40901)</b>	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:60%; padding: 2px;">                             Is Bail Required By Court?  <input type="checkbox"/> Yes <input type="checkbox"/> No                         </td> <td style="width:40%; padding: 2px;">                             Due Date (For Form)                         </td> </tr> </table>	Is Bail Required By Court? <input type="checkbox"/> Yes <input type="checkbox"/> No	Due Date (For Form)
Is Bail Required By Court? <input type="checkbox"/> Yes <input type="checkbox"/> No	Due Date (For Form)		

**1. Notice to Defendant of Rights:**

- You have the right to appear in person in court before a judicial officer **without deposit of bail** for an arraignment to be informed of the charges against you, be advised of your rights, **and** to enter a plea, **and request that a trial be scheduled without deposit of bail.**
- You have the right to request **with deposit of bail** that a trial be scheduled for the same date as your arraignment.
- You have the right to a speedy trial within 45 days of submitting your request for a trial.
- You have the right to be physically present in court for trial and sentencing and all other stages of the proceedings including, but not limited to, presentation of testimony and evidence and arguments on questions of law.
- You have the right to have witnesses testify under oath in court and to confront and cross-examine them in court.

**2. Waiver of Rights and Request for Remote Video  Arraignment or  Trial Under Rule: \_\_\_\_\_**

- a. I, (*print name*) \_\_\_\_\_ am the defendant in this traffic infraction case and understand that my rights include those listed above and also the right to hire an attorney and subpoena witnesses. I understand that a remote video proceeding (RVP) uses two-way electronic audiovisual communication between the court and me at the remote location instead of having me physically appear in the courtroom. By requesting RVP I agree to appear at the designated off-site location and agree that the court may order me to appear in my case by RVP for any related proceedings. By requesting that the court allow me to proceed without being physically present in court and appear for all proceedings by RVP, I voluntarily elect to waive (give up) the following rights for (*check one*)  arraignment  trial:
- My right to appear for arraignment in person in court before a judicial officer and have a trial on the same day;
  - My trial right to a speedy trial within 45 days; and
  - My trial right after arraignment to be physically present in the court for trial and sentencing and all other 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 of witnesses in court.
- I have read the *Instructions to Defendant for Remote Video Proceedings* (form TR-500-INFO) and request to appear by RVP in this case. I understand that the court may permit the officer that issued the ticket and any other witnesses to appear in court to testify and be cross-examined while I appear at the remote location and may deny my request at any time and order me to be present in the courtroom for any proceedings conducted in this case.
- b. If bail is required for trial:  \$ \_\_\_\_\_ is enclosed. **Reason for bail:** \_\_\_\_\_
- c. I need an interpreter:  Yes  No (*Language*): \_\_\_\_\_
- d. I have an attorney to represent me:  Yes  No (*Name of attorney*): \_\_\_\_\_
- e. I declare under penalty of perjury under the laws of the State of California that the information I have provided on this form and all attachments is true and correct. I promise to appear for all proceedings ordered by the court in this case. I understand that if I do not appear as promised the court may **forfeit any bail that you posted; hold the trial in your absence;** impose a civil assessment of up to \$300 under Penal Code 1214.1 **or issue a warrant for your arrest;** and report the failure to appear to the Department of Motor Vehicles for a hold on my license.

Date: \_\_\_\_\_ ▶ \_\_\_\_\_  
Defendant's Signature

\_\_\_\_\_ \_\_\_\_\_ \_\_\_\_\_  
Defendant's Phone Number Defendant's Street Address/City/State/ZIP Defendant's E-mail Address

**Please return this form to the court clerk in person or mail to:**

[Court location]

**TO BE COMPLETED BY CLERK**

Date: \_\_\_\_\_ Approved by: \_\_\_\_\_  
Deputy Clerk

Hearing set for: \_\_\_\_\_ on \_\_\_\_\_ at \_\_\_\_\_  
Type of Hearing Date Time

Location:  [off-site location]  [off-site location]

**SPR15-31****Trial Courts: Permanent Authorization for Remote Video Proceedings in Traffic Infraction Cases** (amend rule 4.220; revise form TR-500-INFO)

All comments are verbatim unless indicated by an asterisk (\*).

	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>*PROPOSED Committee Response</b>
1.	Law Offices of Azar Elihu Azar Elihu, Attorney Los Angeles	A	No narrative comments submitted.	
2.	Orange County Bar Association By Ashleigh Aitken, President Newport Beach	A	No narrative comments submitted.	
3.	Superior Court of Los Angeles Los Angeles	A	No narrative comments submitted.	
4.	Superior Court of Riverside County By Marita Ford Riverside	AM	Court's should have the discretion to implement without needing approval of the Judicial Council; makes implementation more burdensome and time consuming; eliminates discretion of trial court.	CTAC and TAC agree. In fact, this rules proposal would eliminate this requirement. Superior courts would not need Judicial Council approval before implementing RVP in traffic infraction cases. Instead, courts would only have to notify the council, which would be less burdensome and time consuming for the courts.
5.	Superior Court of San Diego County By Michael M. Roddy, Executive Officer San Diego	A	No narrative comments submitted.	

**Annual Agenda**

**Project 1. CMS Data Exchanges**

**Develop Standardized Approaches to CMS Interfaces and Data Exchanges with Critical State Justice Partners**

**CTAC Resource(s):**

CTAC Workstream, Executive Sponsor: David Yamasaki

**JCC Staff Resource(s):**

IT (Neil Payne, Jackie Woods)

*Workstream Project Manager: Undefined*

MAJOR TASKS	STATUS	UPDATES
(a) Identify specific justice partners exchanges required and court interface needs.	In Progress	Primary requirements and needs identified; will be further confirmed and expanded via detailed discussions between justice partners and CMS vendors.
(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.	In Progress	Justice partner focus sessions complete. Next phase focuses on CMS vendors working more directly with justice partners to refine data. Designated court representatives will lead sessions, capture/share development, and identify issues for resolution.
(c) Work with CMS vendors to facilitate timely implementation of standardized exchanges where needed, consistent with existing court deployment schedules.	In Progress	Continues to be a topic of discussion during the Workstream meetings.
(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.	In Progress	Based upon information gathered, will begin defining the aspect of governance and how it shall be structured in July 2015.

**Annual Agenda**  
**Project 2. E-Filing**

**Update E-Filing Standards, and Develop Provider Certification, Deployment Strategy, and Rules Evaluation**

**CTAC Resource(s):**

- (a)-(c): CTAC Workstream, Executive Co-Sponsors: Hon. Sheila F. Hanson and Rob Oyung
- (d): Rules & Policy Subcommittee

**JCC Staff Resource(s):**

IT (Edmund Herbert, Manny Floresca), Legal Services (Patrick O'Donnell, Tara Lundstrom)

*Workstream Project Manager: Snorri Ogata*

MAJOR TASKS	STATUS	UPDATES
(a) Update the technical standards for court e-filing, namely, the XML specification and related schema.	Not Started	To be included in final recommendation.
(b) Develop the E-Filing Service Provider (EFSP) selection/certification process.	In Progress	See item (c) below.
(c) Develop the roadmap for an e-filing deployment strategy, approach, and branch solutions/alternatives.	In Progress	E-filing Summit held May 22. Over 70 attendees in person and via phone. Workstream participants being identified. Analysis of different models being evaluated to be completed in August. Final recommendations targeted for end of November 2015.
(d) Evaluate current e-filing rules, including provisions for mandatory e-filing.	Not Started	Assessment targeted for completion end of November 2015.

**Annual Agenda**

**Project 3. Remote Courtroom Video**

**Develop Remote Courtroom Video Standards, a Pilot Program, and Update to Rules**

**CTAC Resource(s):**

(a)-(b): CTAC Workstream, Executive Sponsor: Hon. Terence L. Bruiniers

(c): CTAC Rules & Policy Subcommittee

**JCC Staff Resource(s):**

IT (Fati Farmanfarmaian, Nate Moore), Legal Services (Patrick O'Donnell, Tara Lundstrom)

*Workstream Project Manager: Undefined*

MAJOR TASKS	STATUS	UPDATES
(a) Develop technical standards for remote courtroom video.	Not Started	Justice Bruiniers appointed as chair of the Technological Solutions Subcommittee to the Language Access Plan Implementation Task Force. Formed in June.
(b) Define and implement, in cooperation with the Access & Fairness and Interpreter’s Advisory Committees, a Video Remote Interpreting Pilot Program for foreign languages.	In Progress	Technological Solutions Subcommittee charge includes this task. Once a pilot is better defined, chair will staff a workstream to coordinate with the subcommittee/task force.
(c) Seek extension of Rule of Court 4.220 (Remote Video Proceedings in Traffic Infraction Cases). Consider Expansion to other case types.	In Progress	Rule proposal advanced for public comment, which closed in June. CTAC will consider responses during July 10 meeting.

**Annual Agenda**

**Project 4. Next Generation Hosting Strategy Assessment**

**Assessment of Alternatives for Transition to Next-Generation Branchwide Hosting Model**

**CTAC Resource(s):**

CTAC Projects Subcommittee; workstreams may be required to complete the longer term components

**JCC Staff Resource(s):**

IT (Fati Farmanfarmaian, Kathy Fink, Raj Talla, Michael Derr), Court Operations Services (Karen Viscia)

MAJOR TASKS	STATUS	UPDATES
(a) Complete hosting needs assessment, develop implementation recommendations, including an evaluation of alternatives and costs.	In Progress	Two-part survey distributed June 1 to Court Information Officers and IT Directors. June 19 deadline extended so that chair could follow-up with courts individually and gain full participation. Request was sent to 53 counties; received 49 responses.
Note: Limited scope due to resource constraints; additional tasks to be considered in future annual agenda.		

**Annual Agenda**

**Project 4 (new). Next Generation Hosting Strategy Workstream (new)**

**Assessment of Alternatives for Transition to Next-Generation Branchwide Hosting Model**

**CTAC Resource(s):**

CTAC Workstream, Executive Co-Sponsors: Jake Chatters and Brian Cotta

**JCC Staff Resource(s):**

IT (TBD)

*Workstream Project Manager: Heather Pettit*

MAJOR TASKS	STATUS	UPDATES
(a) Define workstream project schedule and detailed tasks; gain approval of workstream membership	In Progress	Project approved in May to move forward as a workstream. Soliciting volunteers for approval by ITAC Chair in July.
(b) Outline industry best practices for hosting (including solution matrix with pros, cons, example applications, and costs).	Not Started	Will begin work in July and expect completion in October 2015.
(c) Produce a roadmap tool for use by courts in evaluating options.	Not Started	Expect to develop in November-December 2015.
(d) Consider educational summit on hosting options, and hold summit if appropriate.	Not Started	Expected in January 2016, if needed.
(e) Identify requirements for centralized hosting.	Not Started	Will be proposed as next step for CTAC's 2016 annual agenda.



**Annual Agenda**

**Project 5. Information Security Framework**

**Document and Adopt Court Information Systems Security Policy Framework**

**CTAC Resource(s):**

CTAC Workstream, Executive Sponsor: Rob Oyung

**JCC Staff Resource(s):**

IT (Michael Derr)

*Workstream Project Manager: Rob Oyung*

MAJOR TASKS	STATUS	UPDATES
(a) Finish the work that was started on the Court Information Systems Security Policy Framework.	In Progress	Drafted “How to Use the Framework” document. Updated to include initial comments from CEOs and CIOs. Distributed broadly inside the branch (CEOs, CIOs, PJs, CTAC, JCTC) for input. Comments due July 20 for approval by CTAC and JCTC thereafter.
(b) Initially adopt the framework at a select group of pilot courts.	Completed	The 7 courts participating in the workstream piloted the framework and performed an initial assessment. 75% of the framework is already completely or partially implemented at those courts.
(c) Adopt the framework at the remaining courts, as needed.	Not Started	Expected August 2015.

**Annual Agenda**

**Project 6. Disaster Recovery Framework Assessment**

**Survey and Assessment for Court Disaster Recovery Framework and Pilot**

**CTAC Resource(s):**

CTAC Projects Subcommittee

**JCC Staff Resource(s):**

IT (Fati Farmanfarmaian, Kathy Fink, Raj Talla, Michael Derr)

MAJOR TASKS	STATUS	UPDATES
(a) Survey and provide a disaster recovery needs assessment and gap analysis for the major technology components in the trial and appellate courts.	In Progress	Two-part survey distributed June 1 to Court Information Officers and IT Directors. June 19 deadline extended so that chair could follow-up with courts individually and gain full participation. Request was sent to 53 counties; received 49 responses.
Note: Limited scope due to resource constraints; additional tasks to be considered in future annual agenda.		

**Annual Agenda**  
**Project 7. Privacy Policy**

**Develop Branch & Model Court Privacy Policies on Electronic Court Records and Access**

**CTAC Resource(s):**

CTAC Rules & Policy Subcommittee

**JCC Staff Resource(s):**

IT (Manny Floresca), Legal Services (Patrick O'Donnell, Tara Lundstrom)

MAJOR TASKS	STATUS	UPDATES
(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.	In Progress	Draft model under development. Staff working with Judge Culver on approach. Forming subgroup including members and possibly court volunteers to help draft and review when ready.
(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.	Not Started	

**Annual Agenda**

**Project 8. SRL E-Services Portal**

**Evaluate Feasibility and Desirability of Establishing a Branch Self-Represented Litigants (SRL) E-Services Portal**

**CTAC Resource(s):**

CTAC Projects Subcommittee; workstreams may be required to complete the longer term components

**JCC Staff Resource(s):**

IT (Fati Farmanfarmaian), Legal Services (Patrick O'Donnell, Tara Lundstrom), and CFCC (Karen Cannata, Diana Glick)

MAJOR TASKS	STATUS	UPDATES
(a) Determine and validate both litigant needs (including LEP litigants) and court requirements.	In Progress	TurboCourt Pro Se Portal informational demo completed for chair and subcommittee chair. HotDocs demo to be scheduled.
(b) Identify available existing technology and infrastructure components to leverage.	In Progress	CCFC staff circulated preliminary report to the Projects Subcommittee: "The Critical Role of the State Judiciary in Increasing Access for Self-Represented Litigants: Self-Help Access 360°" chronicling findings and recommendation for next steps.
(c) Identify information resources to assist litigants.	Not Started	
Note: Limited scope due to resource constraints; additional tasks to be considered in future annual agenda.		

**Annual Agenda**  
**Project 9. E-Signatures**

**Develop Standards for Electronic Signatures**

**CTAC Resource(s):**

CTAC Rules & Policy Subcommittee

**JCC Staff Resource(s):**

IT (Manny Floresca), Legal Services (Patrick O'Donnell, Tara Lundstrom)

MAJOR TASKS	STATUS	UPDATES
(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.	In Progress	Standards drafted in cooperation with CEAC subgroup. Expecting approval from CEAC in coming weeks, with plans to share with CTAC in August.
(b) Recommend rule proposal incorporating standards into Rules of Court, as appropriate.	Not Started	
<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>		

**Annual Agenda**

**Project 10. Tactical Plan for Technology**

Update Tactical Plan for Technology for Effective Date 2016-2018

**CTAC Resource(s):**

Chair and full committee

**JCC Staff Resource(s):**

IT (Jamel Jones)

MAJOR TASKS	STATUS	UPDATES
(a) Review and update the Tactical Plan for Technology.	On Hold	Expect to begin this work in 2016.
(b) Circulate for branch and public comment.	On Hold	
(c) Finalize and submit for approval.	On Hold	

**Annual Agenda**

**Project 11. Policy & Rules for E-Access to Appellate Court Records**

**Develop Branch Policy and Rules on Public Access to Electronic Appellate Court Records**

**CTAC Resource(s):**

Joint Appellate Technology Subcommittee

**JCC Staff Resource(s):**

IT (Julie Bagoye), Legal Services (Patrick O'Donnell, Tara Lundstrom)

MAJOR TASKS	STATUS	UPDATES
(a) Develop a comprehensive statewide policy addressing reasonable public access to electronic appellate court records to align with access rules for the trial courts.	In Progress	JATS' recommendations for rules on access to electronic court records is complete. Rule proposals are in progress (see below).
(b) Draft rule proposal to incorporate standards into Rules of Court, as appropriate.	In Progress	JATS developed proposed rules (8.0-8.5) on electronic access to appellate court records. CTAC reviewed and recommended public comment circulation, which closed June 17. CTAC will consider responses in August.
Note: This project corresponds to the Appellate Advisory Committee agenda item #8.		

**Annual Agenda**

**Project 12. Rules for Electronic Service**

**Evaluate Amendment to Rules of Court to Allow Electronic Service Upon Courts if the Court Consents**

**CTAC Resource(s):**

Joint Appellate Technology Subcommittee and the CTAC Rules & Policy Subcommittee

**JCC Staff Resource(s):**

IT (Julie Bagoye, Manny Floresca), Legal Services (Patrick O'Donnell, Tara Lundstrom)

MAJOR TASKS	STATUS	UPDATES
(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.	In Progress	In January, CTAC recommended amendments to rules 2.251 and 8.71 be circulated for public comment, which closed June 17. CTAC will consider responses in August.
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.		



**Annual Agenda**

**Project 13. Modernize Rules of Court**

**Modernize Trial and Appellate Court Rules to Support E-Business**

**CTAC Resource(s):**

CTAC Rules & Policy Subcommittee and the Joint Appellate Technology Subcommittee

**JCC Staff Resource(s):**

IT (Manny Floresca, Julie Bagoye), Legal Services (Patrick O'Donnell, Tara Lundstrom)

MAJOR TASKS	STATUS	UPDATES
(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).	In Progress	Rule proposal circulated for public comment; that cycle closed in June. CTAC will review comments during August meeting.
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.		

**Annual Agenda**

**Project 14. Collaborations and Information Exchange**

**Liaise with Advisory Bodies and the Branch on Technology Initiatives, Rules and Implementations**

**CTAC Resource(s):**

Liaisons

**JCC Staff Resource(s):**

IT (Jamel Jones)

MAJOR TASKS	STATUS	UPDATES
(a) Share the Judicial Branch Technology Report with advisory bodies and attend liaison committee meetings.	In Progress	Liaisons are in progress of attending meetings, as appropriate.
(b) Identify opportunities to collaborate and share liaison feedback to CTAC, the JCTC, the Judicial Council, and the branch, as appropriate.	In Progress	Liaisons will provide oral reports during the July CTAC meeting.