



# JUDICIAL COUNCIL OF CALIFORNIA

TECHNOLOGY COMMITTEE

[www.courts.ca.gov/jctc.htm](http://www.courts.ca.gov/jctc.htm)  
[jctc@jud.ca.gov](mailto:jctc@jud.ca.gov)

## JUDICIAL COUNCIL TECHNOLOGY COMMITTEE OPEN MEETING AGENDA

Open to the Public (Cal. Rules of Court, rule 10.75(c)(1))  
THIS MEETING IS BEING CONDUCTED BY ELECTRONIC MEANS  
THIS MEETING IS BEING RECORDED

**Date:** July 13, 2020  
**Time:** 12:00 noon – 1:00 p.m.  
**Connection Info:** <https://jcc.granicus.com/player/event/959?>

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.

### **I. OPEN MEETING (CAL. RULES OF COURT, RULE 10.75(C)(1))**

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

#### **Approval of Minutes**

Approve minutes of the June 8, 2020, Technology Committee meeting(s).

### **II. PUBLIC COMMENT (CAL. RULES OF COURT, RULE 10.75(K)(1))**

#### **Written Comment**

This meeting will be conducted by electronic means with a listen only conference line available for the public. As such, the public may submit comments for this meeting in writing. In accordance with California Rules of Court, rule 10.75(k)(1), written comments pertaining to any agenda item of a regularly noticed open meeting can be submitted up to one complete business day before the meeting. For this specific meeting, comments should be e-mailed to [jctc@jud.ca.gov](mailto:jctc@jud.ca.gov). Only written comments received by 12:00 noon on Friday, July 10, 2020 will be provided to advisory body members prior to the start of the meeting.

### **III. DISCUSSION AND POSSIBLE ACTION ITEMS (ITEMS 1-5)**

#### **Item 1**

#### **Chair Report**

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

Presenter: Hon. Kyle S. Brodie, Chair, Judicial Council Technology Committee

**Item 2**

**Update/Report on Information Technology Advisory Committee (ITAC)**

An update and report on ITAC will be provided; this will include the activities of the workstreams.

Presenter: Hon. Sheila F. Hanson, Chair, Information Technology Advisory Committee

**Item 3**

**Trial Court Rules and Statutes Revisions: Proposal to Add New Section 367.7 to the Code of Civil Procedure (Action Required)**

Consider whether to recommend the Judicial Council sponsor legislation to create Code of Civil Procedure Section 367.7. The proposed code section would provide general statutory authority for courts to allow video appearances in all civil actions and proceedings.

Presenters: Hon. Peter J. Siggins, Co-chair, Joint Ad Hoc Subcommittee on Remote Video Appearances  
Ms. Andrea Jaramillo, Attorney II, Legal Services

**Item 4**

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

Consider whether to recommend the Judicial Council amend the California Rules of Court to indicate that an electronic filing service provider must allow the party to proceed with an electronic filing even if the party does not consent to receive electronic service.

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

**Item 5**

**Judicial Branch Web Template Preview (Information Only)**

Receive a preview of the new court website templates currently being developed by the Judicial Council.

Presenter: Mr. Mark Gelade, Supervisor, Information Technology

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**IV. ADJOURNMENT**

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**Adjourn**



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## JUDICIAL COUNCIL TECHNOLOGY COMMITTEE

### MINUTES OF OPEN MEETING

June 8, 2020  
12:00 – 1:00 PM  
Teleconference

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**Advisory Body Members Present:** Hon. Kyle S. Brodie, Chair; Hon. Hon. Todd C. Bottke, Vice-Chair; Hon. Ming W. Chin; Hon. Jonathan B. Conklin; Hon. Rebecca Wightman; Ms. Nancy Eberhardt; and Ms. Rachel W. Hill

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**Advisory Body Members Absent:** Ms. Andrea K. Rohmann

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**Liaison Members Present:** Hon. Sheila F. Hanson

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**Others Present:** Hon. Michael s. Groch; Ms. Heather L. Pettit; Mr. Mark Dusman; Mr. Andrae Randolph; Mr. Richard Blalock; Ms. Camilla Kieliger; Ms. Jamel Jones; Ms. Jessica Craven; Mr. John Yee; Mr. Lee Evans, Mr. David Koon; Ms. Kathy Fink; Mr. Mark Gelade; Ms. Fati Farmanfarmaian; and Ms. Andrea Jaramillo

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#### OPEN MEETING

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

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

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

The advisory body reviewed and approved the minutes of the May 11, 2020 open meeting.

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#### DISCUSSION AND ACTION ITEMS

##### **Item 1**

##### **Chair Report**

**Update:** Hon. Kyle S. Brodie, Chair, welcomed and thanked everyone for attending. Judge Brodie discussed activities since the last meeting. Judge Brodie also reviewed the agenda topics for the meeting.

**Item 2**

**Update/Report on Information Technology Advisory Committee (ITAC)**

**Update:** Hon. Sheila F. Hanson, Chair of ITAC, provided an update and report on the activities of the advisory committee, its subcommittees, and its workstreams.

**Action:** The committee received the report.

**Item 3**

**Futures Commission Directive: Intelligent Chat for Self Help Services – Status and Final Report (Action Requested)**

**Update:** Judge Michael S. Groch and Mr. John Yee presented the *ITAC Intelligent Chat Workstream Findings and Recommendations Report*. The report represented the work of exploring the use of intelligent chat technology for informational and self-help services, as well as the findings and recommendations.

**Action:** The committee reviewed and discussed the report, as well as asked questions. The committee unanimously voted to accept the report and recommend it for submission to the Judicial Council.

**Item 4**

**Judicial Branch Web Template Preview (Information Only)**

**Action:** The committee decided to defer this item to the next open meeting.

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

There being no further business, the meeting was adjourned.

### **Item 3**

#### **Trial Court Rules and Statutes Revisions: Proposal to Add New Section 367.7 to the Code of Civil Procedure (Action Required)**

Consider whether to recommend the Judicial Council sponsor legislation to create Code of Civil Procedure Section 367.7. The proposed code section would provide general statutory authority for courts to allow video appearances in all civil actions and proceedings.

*The materials for this item will be posted and distributed as supplemental materials.*



## JUDICIAL COUNCIL OF CALIFORNIA

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

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# [DRAFT] REPORT TO THE JUDICIAL COUNCIL

*Item No.:*

For business meeting on: September 24-25, 2020

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**Title**

Judicial Branch Technology: Electronic Filer  
Need Not Consent to Electronic Service

**Agenda Item Type**

Action Required

**Effective Date**

January 1, 2020

**Rules, Forms, Standards, or Statutes Affected**

Amend Cal. Rules of Court, rule 2.255

**Date of Report**

July 2, 2020

**Recommended by**

Information Technology Advisory  
Committee

Hon. Sheila F. Hanson, Chair

**Contact**

Andrea L. Jaramillo, 916-263-0991  
[andrea.jaramillo@jud.ca.gov](mailto:andrea.jaramillo@jud.ca.gov)

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### Executive Summary

The Information Technology Advisory Committee recommends the Judicial Council amend rule 2.255 of the California Rules of Court. The proposed amendment would require an electronic filing service provider to allow an electronic filer to proceed with an electronic filing even if the electronic filer does not consent to receive electronic service. The proposal further clarifies procedures for consent to electronic service as permitted by Code of Civil Procedure section 1010.6.

### Recommendation

The Information Technology Advisory Committee (ITAC) recommends the Judicial Council amend rule 2.255 of the California Rules of Court<sup>1</sup> effective January 1, 2021. The proposed amendment would add a new subdivision (g) to rule 2.255 to require an electronic filing service provider to allow an electronic filer to proceed with an electronic filing even if the electronic

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<sup>1</sup> All further references to rules are to the California Rules of Court.

**Commented [JA1]:** This draft report will be updated following the ITAC meeting to reflect direction and comments from ITAC. The draft report will also be proofread by the Judicial Council Editing and Graphics Group before being submitted to the Rules Committee.

filer does not consent to electronic service. The proposed amendment applies only to permissive electronic service, which requires consent, and not to electronic service required by court order or local rule, which do not require consent. The text of the amended rule is attached at page 5.

### **Relevant Previous Council Action**

In response to a legislative amendment to Code of Civil Procedure section 1010.6 (section 1010.6) requiring parties to expressly consent to electronic service, the Judicial Council amended rules 2.251 and 2.255 effective January 1, 2019 and January 1, 2020 to provide procedures for express consent that comply with statute.

### **Analysis/Rationale**

In 2017, the Legislature amended section 1010.6 to state that for cases filed on or after January 1, 2019, electronic service was “not authorized unless a party or other person has expressly consented to receive electronic service in that specific action” unless electronic service was required by local rule or court order. Rule 2.251(b) had previously allowed the act of electronic filing alone to be evidence of consent to receive electronic service for represented persons, but the amendment to section 1010.6 eliminated this option. Section 1010.6 does, however, allow a person to provide express consent electronically by “manifesting affirmative consent through electronic means with the court or the court’s electronic filing service provider, and concurrently providing the party’s electronic address with that consent for the purpose of receiving electronic service.” (§ 1010.6(a)(2)(A)(ii).)

The Legislature did not provide a definition or meaning for “manifesting affirmative consent through electronic means.” To fill this gap, the Judicial Council amended rule 2.251(b) to allow an electronic filer to consent by agreeing to a term with an electronic filing service provider (EFSP) that “clearly states that agreement constitutes consent” to receive electronic service. (Rule 2.251(b)(1)(B)(i).) The rules allow, but do not require, an EFSP to include such a term.

The proposed amendment to rule 2.255 would require an EFSP that includes a term for the electronic filer’s consent to electronic service to allow an electronic filer to proceed with an electronic filing even if the electronic filer does not agree to that term. For example, if an EFSP had a check box that an electronic filer could click to agree to electronic service, the proposed rule would require the EFSP to allow the electronic filer to proceed with the electronic filing even if the electronic filer did not click on the check box.

The proposed amendment would apply only to electronic service by express consent. Accordingly, it would not apply to electronic service required by local rule or court order.

### **Policy implications**

The proposal advances the judicial branch goal of promoting rule changes that facilitate the use of technology. (*Strategic Plan for Technology 2019–2022*, pp. 14–15.) It advances objectives of ensuring rules promote equal access to justice and do not inhibit use of technology. (*Id.* at p. 15.)

## Comments

Nine commenters responded to the invitation to comment including:

1. California Department of Child Support Services
2. California Lawyers Association, Executive Committee of the Family Law Section
3. Child Support Directors Association, Judicial Council Forms Committee
4. Orange County Bar Association
5. Public Law Center
6. Superior Court of Orange County, Family Law Division
7. Superior Court of Orange County, Juvenile Court Division
8. Superior Court of Orange County, Training and Analyst Group
9. Superior Court of San Diego County

Most of the comments supported the proposed amendment, but one court raised concerns about workload and its case management system. ITAC sought specific comments on whether electronic filers should be able to “opt out” of electronic service and this topic generated the most comments. Most commenters agreed that they should, but one court commenter stated they should not. Comments in support included the following reasons for their support:

- Opt-out reduces barriers to using electronic filing.
- Opt-out improves access to courts.
- Electronic filers should be able to use any means legislatively permitted and it should not be up to a service provider that is not a party to the action.
- Electronic filers should be able to select whatever services benefit them.
- Some people may be able to submit an electronic filing, but not have regular access to technology in order to receive electronic service.

The committee members agreed with these points and were particularly concerned about ensuring access to justice for litigants who have limited access to technology or limited knowledge of using technology for court matters.

One court commenter opposed opt out and stated “courts need to have the ability to electronically serve the parties with orders, notices, etc. . . . in [electronically filed] cases. If the parties were allowed to [electronically file] and choose not to be electronically served, it would result in courts having to devise systems to serve in two forms, which is costly and difficult for staff.” The committee acknowledged the court’s concerns, but ultimately determined that it should recommend the proposed amendment for adoption by the Judicial Council because facilitating electronic filing should improve access to justice. In addition, one of the committee members investigated at his court how often litigants who electronically file then choose not to receive electronic service. The committee member noted that it was a small minority comprised

**Commented [JA2]:** The committee member comments reflect comments made at the ITAC Rules and Policy Subcommittee meeting on July 1. This section may be revised following the ITAC meeting to add points of discussion.



mostly of self-represented litigants. While there may be some variation in the courts, overall, the committee member expect those electronic filers who opt-out of electronic service will be a minority.

#### **Alternatives considered**

The committee considered the alternative of making no change but found the proposal preferable as it may reduce barriers to electronic filing by ensuring electronic filers are able to opt out of electronic service when electronic service is not otherwise required by the court.

#### **Fiscal and Operational Impacts**

Two courts commented that the proposal would require staff training and updates to case management systems, which would result in increased costs for the training and updates. One of the courts commented there might be minimal savings associated with not having to process paper such as “the costs of stamping conformed copies and the postage required to return them by mail if the postage was not provided by the filing party.”

#### **Attachments and Links**

1. Proposed amendment, Cal. Rules of Court, rule 2.255, at page 5.
2. Chart of comments, at pages 6–18.
3. Link A: Code Civ. Proc., § 1010.6,  
[https://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?lawCode=CCP&sectionNum=1010.6](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=CCP&sectionNum=1010.6)
4. Link B: *Strategic Plan for Technology 2019–2022*,  
<https://www.courts.ca.gov/documents/jctc-Court-Technology-Strategic-Plan.pdf>

Rule 2.255 of the California Rules of Court would be amended, effective January 1, 2021, to read:

1 **Rule 2.255. Contracts with and responsibilities of electronic filing service providers**  
2 **and electronic filing managers**

3  
4 **(a)–(f) \* \* \***

5  
6 **(g) Electronic filer not required to consent to electronic service**

7  
8 (1) An electronic filing service provider must allow an electronic filer to proceed  
9 with an electronic filing even if the electronic filer does not consent to  
10 receive electronic service.

11  
12 (2) This provision applies only to electronic service by express consent under  
13 rule 2.251(b).  
14

**SPR20-28**

**Judicial Branch Technology: Electronic Filer Need Not Consent to Electronic Service** (Amend Cal. Rules of Court, rule 2.255)

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

	<b>Commenter</b>	<b>Position</b>	<b>Comment</b>	<b>DRAFT Committee Response</b>
1.	California Department of Child Support Services by Lara Racine, Attorney III Rancho Cordova, CA	A	<p>The California Department of Child Support Services (DCSS) has reviewed the proposal identified above for potential impacts to the child support program, the local child support agencies (LCSAs), and our case participants. DCSS is in support of the proposal made in this invitation.</p> <p>REQUEST FOR SPECIFIC COMMENTS:</p> <p>1. Does the proposal appropriately address the stated purpose?</p> <p>Yes, the proposal is clear as to intent and purpose. The background section was well stated, especially as to the many iterations of Code of Civil Procedure (CCP) Section 1010.6, the applicable California Rules of Court (CRC), and the proposed amendment to CRC 2.255 as it pertains to electronic filing and electronic service requirements.</p> <p>2. Should electronic filers be able to opt out of electronic service? Why or why not?</p> <p>Yes. Where not required or otherwise ordered, an electronic filer should have the option to decline electronic service. An individual that is filing a document via the electronic process may not know what rules apply to their particular circumstance. If</p>	The committee appreciates the comment and perspective DCSS offers as a regular electronic filer.

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated

**SPR20-28**

**Judicial Branch Technology: Electronic Filer Need Not Consent to Electronic Service** (Amend Cal. Rules of Court, rule 2.255)

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	Commenter	Position	Comment	<b>DRAFT Committee Response</b>
			<p>they fall in the permissive category of e-filing and simply want to submit a document to the court on their case, they should be allowed to do that without also having to serve or accept documents electronically. Allowing a party to opt out of electronic service improves access to the court if that person is not interested in the electronic service process.</p> <p>GENERAL COMMENTS:</p> <p>DCSS agrees that this proposal may reduce barriers to electronic filing by ensuring electronic filers are able to opt out of electronic service when electronic service is not otherwise required by the court. The proposal will ensure litigants always have the option to electronically file at courts where electronic filing is permitted and thus increase access to the court. The proposal also provides clarification as to when the rule applies and to whom.</p> <p>DCSS is a current e-filer with several Superior Courts statewide. When our LCSAs e-file legal documents today, they do so via an established e-filing process vetted and approved by the Judicial Council. However, DCSS also files documents electronically using the</p>	<p>The committee appreciates this point and agrees reducing barriers to electronic filing is an important consideration.</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated

**SPR20-28**

**Judicial Branch Technology: Electronic Filer Need Not Consent to Electronic Service** (Amend Cal. Rules of Court, rule 2.255)

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	Commenter	Position	Comment	<b>DRAFT Committee Response</b>
			<p>electronic filing service providers on the court’s public facing e-filing portals. DCSS works with many e-filing vendors including but not limited to, Tyler, JTI, and in-house information technology staff. While some of our counties are able to accept and process electronic service requests, others do not have a fully established process. Emergency Rule 12 will likely expand the ability of the local counties to accept and serve legal filings electronically, but eventually that rule may expire and the opt in mechanism for electronic service will once again apply.</p> <p>This proposal is more important from an access perspective for those filers that are not represented by an attorney and who are permitted to e-file, although are not required to participate in the process. Allowing this population of users to avail themselves to e-filing but not e-service, and making the rule clear as to intent, encourages the use of technology while not requiring participation in all aspects, which may otherwise deter some users. Further definition regarding the procedures required in CCP 1010.6 is always welcome, and explicit rules of court help facilitate the understanding of the entire electronic process.</p>	<p>The committee appreciates DCSS making this point and agrees that improving access to the courts through electronic filing is an important consideration.</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated

**SPR20-28****Judicial Branch Technology: Electronic Filer Need Not Consent to Electronic Service** (Amend Cal. Rules of Court, rule 2.255)

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	<b>Commenter</b>	<b>Position</b>	<b>Comment</b>	<b>DRAFT Committee Response</b>
2.	California Lawyers Association, Executive Committee of the Family Law Section (FLEXCOM) by Justin M. O’Connell, FLEXCOM Legislation Chair Sacramento, CA	A	FLEXCOM agrees with this proposal.	No response required.
3.	Child Support Directors Association, Judicial Council Forms Committee Ronald Ladage, Chair Sacramento, CA	A	<p>The Committee agrees with the proposed revisions to Rule of Court 2.255. The proposed revision to California Rule of Court 2.255 accomplishes the stated purpose in that it allows electronic filers to utilize only the services of the EFSP that they wish to utilize, except when either a local rule of court directs that electronic service is mandatory when filing electronically or is specifically ordered by the court.</p> <p>The Committee believes that the proposal is feasible for the electronic filing service provider to offer a menu of services. Within the menu, the electronic filer should be able to select which services are of benefits to the electronic filed document and should not be mandated to receive services that are of no or limited benefit to the electronic filer.</p>	The committee appreciates the comment.
4.	Orange County Bar Association by Scott B. Garner, President	A	Does the proposal appropriately address the stated purpose?	The committee appreciates the comment.

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	Commenter	Position	Comment	<b>DRAFT Committee Response</b>
			<p>Yes, the proposal will require electronic filing services to update their forms to comply with the statutory changes to Code of Civil Procedure Section 1010.6.</p> <p>Should electronic filers be able to opt out of electronic service? Why, or why not?</p> <p>Yes. Conceivably some persons who are required to utilize electronic filing services may not have regular access to a reliable electronic means to receive service. Also, cyberspace does not always deliver documents properly, and mistakes can be made in attempts to effect electronic service. A party should have the option to avoid these types of problems by withholding consent.</p> <p>For Electronic Filing Service Providers, is the proposal feasible?</p> <p>Yes. It appears all that would be required is for EFSPs to add an additional check box to their forms as to whether or not a party consents to electronic service in those proceedings wherein that option is available.</p>	<p>The committee appreciates these point and agrees ensuring access to electronic filing and allowing a choice are important considerations.</p>
5.	Public Law Center by Leigh E. Ferrin, Director of Litigation and Pro Bono	A	On a regular basis, but particularly over the last three months, PLC has worked with many self-represented litigants who may be	The committee appreciates PLC’s perspective on the impact for self-represented litigants, particularly those without regular access to

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**SPR20-28**

**Judicial Branch Technology: Electronic Filer Need Not Consent to Electronic Service** (Amend Cal. Rules of Court, rule 2.255)

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	<b>Commenter</b>	<b>Position</b>	<b>Comment</b>	<b>DRAFT Committee Response</b>
	Santa Ana, CA		<p>able to file electronically, either through a legal services organization like PLC, or, once the stay-at-home orders are lifted, at a community center or local library.</p> <p>However, these same litigants often do not have regular access to an email address. Some litigants have no email address at all, others may only be able to check their email once a week or less frequently. This is particularly true now, during the stay-at-home orders, as people are more isolated now than ever and legal services is providing more services remotely as well. For instance, PLC currently assists individuals with drafting declarations to support their domestic violence restraining orders. PLC also assists these litigants with filing, in pro per, when the litigant is unable to file on their own. In these instances, it would be particularly valuable for those litigants to still receive service by mail, rather than being required to consent to electronic service.</p> <p>PLC has one additional suggestion, which is to find a way for the filing services to verify the address, maybe through USPS as many online retailers do, to ensure that the address entered in the electronic filing system is a correct address.</p>	technology required in order to receive electronic service.

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**SPR20-28**

**Judicial Branch Technology: Electronic Filer Need Not Consent to Electronic Service** (Amend Cal. Rules of Court, rule 2.255)

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	<b>Commenter</b>	<b>Position</b>	<b>Comment</b>	<b>DRAFT Committee Response</b>
6.	Superior Court of Orange County, Family Law Division by Vivian Tran, Administrative Analyst	NI	<p>Does the proposal appropriately address the stated purpose?</p> <p>Yes</p> <p>Should electronic filers be able to opt out of electronic service? Why or why not?</p> <p>Yes, electronic filers should be able to opt out of electric service. They are entitled to effectuate service by any means as described by the legislature. If there is no requirement per code or by rules of court that mandate electronic service of a document, then the EFSP should not be able to impose this restriction. Some courts have requirements regarding electronic filing. A filer would not be able to comply with the requirements if they were denied the opportunity to file electronically due to their choice not to accept electronic service of documents. The way a party receives service should not be determined by a service provider who is not a party to the action.</p> <p>For EFSPs, is the proposal feasible?</p> <p>Yes, the providers who are impacted by this change can remove the check box that identifies consent to electronic service, or</p>	<p>The committee appreciates these points and agrees with them.</p>

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**SPR20-28**

**Judicial Branch Technology: Electronic Filer Need Not Consent to Electronic Service** (Amend Cal. Rules of Court, rule 2.255)

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	Commenter	Position	Comment	<b>DRAFT Committee Response</b>
			<p>they can change the functionality of the box so that it does not preclude the processing of documents if the box remains unchecked.</p> <p>Would the proposal provide cost savings? If so, please quantify.</p> <p>No, any potential cost savings is likely minimal. It is a possibility that the proposed change would increase the number of electronic filings received by the court and reduce the number of paper filings received by mail. This could save on the costs of stamping conformed copies and the postage required to return them by mail if the postage was not provided by the filing party.</p> <p>Would there be implementation requirements for courts? If so, what would they be— for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), or modifying case management systems?</p> <p>Case management system may need updates to capture or record who is opting out of e-service. Additionally, as a result of any system updates staff training will be needed.</p>	<p>The committee appreciates the comments on costs and implementation requirements and will report the information to the Judicial Council.</p>

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**SPR20-28**

**Judicial Branch Technology: Electronic Filer Need Not Consent to Electronic Service** (Amend Cal. Rules of Court, rule 2.255)

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	<b>Commenter</b>	<b>Position</b>	<b>Comment</b>	<b>DRAFT Committee Response</b>
7.	Superior Court of Orange County, Juvenile Court Division by Linda Contreras, Administrative Analyst I	NI	<p>Does the proposal appropriately address the stated purpose?</p> <p>Yes.</p> <p>Should electronic filers be able to opt out of electronic service? Why or why not?</p> <p>Yes, electronic filers should be able to opt out of electric service. It may reduce the barriers to electronic filing.</p> <p>For EFSPs, is the proposal feasible?</p> <p>Yes, the providers who are impacted by this change can remove the check box that identifies consent to electronic service, or they can change the functionality of the box so that it does not preclude the processing of documents if the box remains unchecked.</p> <p>Would the proposal provide cost savings? If so, please quantify.</p> <p>None identified at this time.</p> <p>Would there be implementation requirements for courts? If so, what would they be— for example, training staff (please identify position and expected hours of training), revising processes and procedures</p>	<p>The committee agrees with the comment that reducing barriers to electronic filing is an important consideration.</p> <p>The committee appreciates the comments implementation requirements and will report the information to the Judicial Council.</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated

**SPR20-28**

**Judicial Branch Technology: Electronic Filer Need Not Consent to Electronic Service** (Amend Cal. Rules of Court, rule 2.255)

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	Commenter	Position	Comment	<b>DRAFT Committee Response</b>
			<p>(please describe), or modifying case management systems?</p> <p>Case management system may need updates to capture or record who is opting out of e-service. Additionally, as a result of any system updates staff training will be needed.</p>	
8.	Superior Court of Orange County, Training and Analyst Group	NI	<p><b>General Comments</b></p> <p>This ITC proposal was requested in part by OCSC.</p> <p><b>Request for Specific Comments</b></p> <p>1. Does the proposal appropriately address the stated purpose?</p> <p>Yes</p> <p>2. Should the electronic filers be able to opt out of electronic service? Why or why not?</p> <p>We defer to the Information and Technology Advisory Committee</p> <p>3. For EFSPs, is the proposal feasible?</p> <p>Yes, it is feasible as it would only require minimal system updates.</p>	

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**SPR20-28****Judicial Branch Technology: Electronic Filer Need Not Consent to Electronic Service** (Amend Cal. Rules of Court, rule 2.255)

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

	Commenter	Position	Comment	<b>DRAFT Committee Response</b>
			<p>4. Would the proposal result in costs or savings to the court? If so, please quantify.</p> <p>The court would have to implement a mechanism for monitoring parties who opt out of e-service. This would result in additional costs to update the case management system and to train staff accordingly.</p> <p>5. What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems?</p> <p>This would require staff training and system updates to ensure notice is provided according to preference.</p>	<p>The committee appreciates the comments on costs and implementation requirements and will report the information to the Judicial Council.</p>
9.	Superior Court of San Diego County by Mike Roddy, Executive Officer	NI	<p>Does the proposal appropriately address the stated purpose?</p> <p>Yes.</p> <p>Should electronic filers be able to opt out of electronic service? Why or why not?</p>	

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated

**SPR20-28**

**Judicial Branch Technology: Electronic Filer Need Not Consent to Electronic Service** (Amend Cal. Rules of Court, rule 2.255)

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

Commenter	Position	Comment	<b>DRAFT Committee Response</b>
		<p>No. The courts need to have the ability to electronically serve the parties with orders, notices, etc..., in efile cases. If the parties were allowed to efile and choose not to be electronically served, it would result in courts having to devise systems to serve in two forms, which is costly and difficult for staff.</p> <p>For EFSPs, is the proposal feasible?</p> <p>Defer to EFSPs.</p> <p>Would the proposal provide cost savings? If so, please quantify.</p> <p>No, as set forth above, if parties were able to choose manner of service, it would increase costs to the court and defeat the savings from efilng.</p> <p>Would there be implementation requirements for courts? If so, what would they be—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), or modifying case management systems?</p> <p>Would the consent to service only apply to the parties or the court communication as</p>	<p>The acknowledges the concerns raised by the court about impact to its workload and case management system updates. The committee discussed the matter, but decided to recommend the proposal for adoption by the Judicial Council because facilitating electronic filing improves access to justice. The committee expects that parties choosing to electronically file, but opting not to receive electronic service will be a minority.</p> <p>The committee appreciates the comments on costs and implementation requirements and will report the information to the Judicial Council.</p> <p>The provision would apply to service, but not other forms of communication. This is a</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated

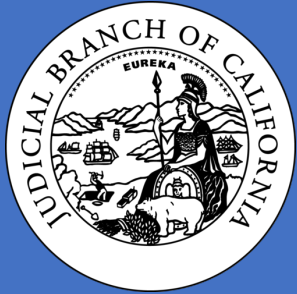
**SPR20-28**

**Judicial Branch Technology: Electronic Filer Need Not Consent to Electronic Service** (Amend Cal. Rules of Court, rule 2.255)

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

	Commenter	Position	Comment	<b>DRAFT Committee Response</b>
			well? If it applies to service between the parties, minimal impact. However, if it applies to court communication, we would need to have development added to CCMS V-3 that would allow the recording of expressed consent somewhere on the participants' tab, which would result in a significant impact. It would also increase costs in cases because staff would have to serve in potentially two forms, which will take training, time, and significantly add to the costs incurred by the court to provide notice.	statutory requirement. Under Code of Civil Procedure section 1010.6(a)(3), if the court is required to serve a party with a document and electronic service is not mandated by court order or local rule, then the party must have consented to receive electronic service in the case before the court can electronically serve them. To ensure courts would have a way of knowing an electronic filer had consented to electronic service through electronic filing service provider rather than through filing a form, the Judicial Council amended rule 2.255 last year to require the electronic filing service providers to transmit that information to the court.

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated



# Trial Court Responsive Web Templates

*June, 2020*



# JCC Digital Services Platform

## JCC Digital Services Platform

Drupal 8 Multi-Site WCMS (Drupal as PaaS) + Design Pattern System

Intelligent Forms



Chat Bot



Guided Interview/  
Triage



Document  
Assembly



Identity  
Management



E-Filing



Courts.ca.gov



Judicial Resources  
Network (JRN)



New SRL Portal



Trial Court  
Websites



JCC  
Intranet



## Summary of Project Goals

- Deliver a modernized visual design
- Deploy a 'Mobile-First' Responsive framework

## Benefits to Courts

- Accessible & Responsive websites
- Direct control over content updates
- Shared library of UI components
- Secure, managed website hosting

Note: a more in-depth UX process including user surveys, user research is a potential Phase II effort, should courts wish to leverage JCC resources to undertake such.



Global Nav



County-contextual  
imagery/or solid color



WELCOME TO THE  
**Superior Court of Alameda**

What would you like to do?

Customizable  
Featured links and  
buttons



Jury Service Traffic Tickets E-filing Case Information

Tentative Rulings Calendar Attorney Portal

Easily updatable News  
& Notices



HIDDEN

News, Updates & Notices

Feb 04, 2020

The Superior Court of Alameda County will be closed on Wednesday, February 12, 2020 for Lincoln's Birthday.

READ MORE



Jan 20, 2020

Juror Eligibility Changes

Per CA SB 310, effective January 1, 2020, some persons with prior felony convictions will be eligible for jury service.

READ MORE



Dec 04, 2019

The Court's Local Rules and General Directives have been updated

Nov 20, 2019

The Superior Court of Alameda County announces the opening of a new, limited jurisdiction civil department.

Nov 04, 2019

Invitation to Comment on Proposed Court Budget Fiscal Year 2019-2020

More News

HIDDEN

## Hearings, Sessions, and Events

FEB  
26

The Superior Court of Alameda County announces the opening of a new, limited jurisdiction civil department.

Per CA SB 810, effective January 1, 2020, some persons with prior felony convictions will be eligible for jury service.



JAN  
05

Traffic walk-in calendars at the Wiley W. Manuel Courthouse in Oakland will be CLOSED on March 1, 2020

Registration for Walk-in Court is on a first come, first serve basis. To ensure registration for that day, it is recommended that you arrive at least 1 hour before registrations begins.



Full Calendar

Modular Content Components; with or without images.



Court locations plus clickable directions from iPhones.



### Locations

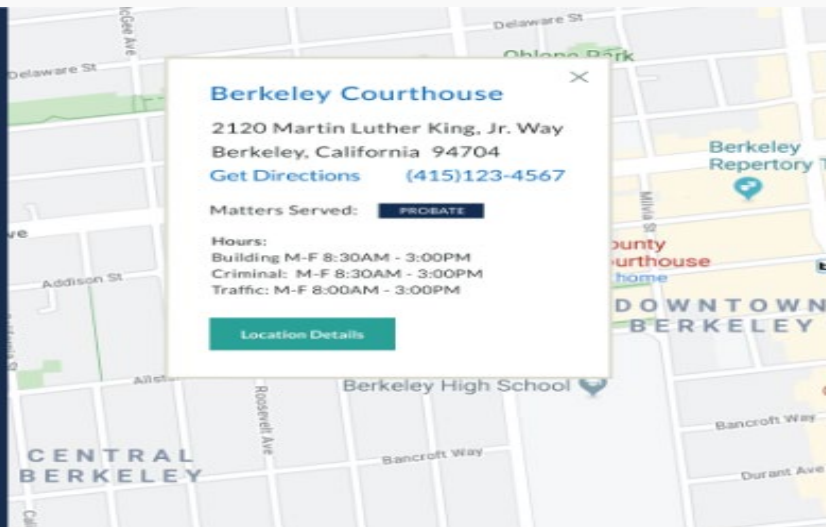
There are 9 Court Locations in the County of Alameda

**Alameda**  
2233 Shore Line Drive  
Alameda, CA 94501

**Berkeley**  
2120 Martin Luther King, Jr. Way  
Berkeley, California 94704

**Dublin**  
5151 Gleason Drive  
Dublin, CA 94568

**Fremont**



Another example of Content Component



## About the Court

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The court consists of thirteen judges and two commissioners. The judiciary, under a single presiding judge, hears all cases filed with the court.

### Mission

*"Uphold the law and provide equal justice for all."*

### Vision

*"The Court will resolve disputes fairly, in a manner that promotes public trust and confidence. We will be innovative, efficient, and provide equal and meaningful access to justice.*

*"Judicial officers and employees will stand together with a united court culture, where all are able to achieve their very best to serve the needs of the Court and the community."*

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### COMMUNITY OUTREACH

To schedule a speaker, tour, or for more information about Community Outreach projects or the Strategic Plan, contact Michael Powell, Court Executive Officer, at (805) 706-3615.

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### LOREM IPSUM

Nullam at semper mauris, at rhoncus purus.

Customizable 'Mega' footer



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#### PARENT LINK 1

[Child Link 1 1](#)

[Child Link 1 2](#)

[Sub Child Link 1 2 1](#)

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#### PARENT LINK 2

[Child Link 2 1](#)

[Child Link 2 2](#)

[Sub Child Link 2 2 1](#)

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#### PARENT LINK 3

[Child Link 3 1](#)

[Child Link 3 2](#)

[Sub Child Link 3 2 1](#)

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#### PARENT LINK 4

[Child Link 4 1](#)

[Child Link 4 2](#)

[Sub Child Link 4 2 1](#)



Breadcrumb / [Self-Help Resources](#)

# Self-Help

The Self-Help Center/Family Law Facilitator's Office provides legal information and resources to self-represented court customers. Assistance may be in the form of walk in services, workshops, referrals and/or telephonic assistance.

<p><b>DIVORCE</b> Assistance with divorce or legal separation</p>	<p><b>CHILD SUPPORT</b> Get help preparing forms for support order</p>	<p><b>SELF-REPRESENTATION</b> What Do I Need to Know to Represent Myself?</p>	<p><b>ONLINE-HELP</b> How can I get help filling out court forms?</p>
Traffic	Family	Resource 3	Resource 4
Resource 5	Resource 6	Resource 7	Resource 8

## Services Offered

- Provide information in many languages and explain your legal options
- Provide tools to represent yourself in Court.
- Show you how to fill out legal forms, follow court procedures.

## WE CANNOT HELP WITH

Criminal cases, immigration, bankruptcy, civil appeals, discovery, certain civil cases.

Act as your lawyer (there is no attorney-client relationship).

Sample Landing Page  
w/ Featured Links





What would you like to do?

Jury Service

Traffic Tickets

E-Filing

Attorney Portal

Tentative Rulings

Calendar

Case Information

News, Updates & Notices

ONLINE SERVICES

FORMS & FILING

DIVISIONS

SELF HELP

GENERAL INFORMATION

Jury Service

Traffic Tickets

E-Filing

Attorney Portal

Tentative Rulings

Calendar

Case Information

News, Updates &

ONLINE SERVICES

FORMS & FILING

DIVISIONS

- ALL DIVISIONS
- CIVIL
- JUVENILE
- COLLECTIONS
- PROBATE
- CRIMINAL
- TRAFFIC
- FAMILY

SELF HELP

GENERAL INFORMATION

Case Information

News, Updates &

# As Recap....

- **Accessible & Responsive websites**
- **Direct control over content updates**
- **Shared library of UI components**
- **Secure, managed website hosting**

**Thank You!**





## JUDICIAL COUNCIL OF CALIFORNIA

455 Golden Gate Avenue · San Francisco, California 94102-3688  
Telephone 415-865-4200 · Fax 415-865-4205 · TDD 415-865-4272

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### MEMORANDUM

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**Date**

June 24, 2020

**Action Requested**

Please Review

**To**

Hon. Kyle S. Brodie, Chair  
Hon. C. Todd Bottke, Vice-Chair  
Judicial Council Technology Committee

**Deadline**

N/A

**Contact**

Kathleen Fink, 415-865-4094  
kathleen.fink@jud.ca.gov

**From**

Kathleen Fink, Manager  
Judicial Council Information Technology

**Subject**

Civil Case Management System (V3)  
Replacement Projects: April 28, 2020 – June  
22, 2020

---

**Project:** Civil Case Management System (CMS) (V3) Replacement projects for the Superior Courts of Orange, Sacramento, San Diego, and Ventura Counties

**Status:** Monthly Project Status meetings were held on June 1 and June 22, 2020.

The next Monthly Project Status meeting is scheduled for July 27, 2020.

**Funding V3 Support after June 2020:**

Schedule C is the method that will be used to fund the V3 budget beginning July 1, 2020. Each court's Trial Court Trust Fund allocation will be automatically charged for the resources that are managed by the Judicial Council and required to support V3, such as hosting of environments and contractor services.

**Intra Branch Agreements (IBAs):**

No new activity on Intra-Branch Agreements.

**Ventura Superior Court (Journal Technologies - eCourt):**

Due to the Covid-19 emergency, Civil requirements-gathering and documentation sessions are delayed. The court has now opened by appointment only and subject matter experts needed to continue work on requirements are all dedicated to re-opening and the backlog of cases.

**San Diego Superior Court (Tyler Odyssey):**

The Covid-19 emergency has caused a delay in the project. There is also a risk that the court's return to business will cause additional delays due to the backlog of cases.

Court Operations, Information Technology, and Tyler are in conversion testing.

Development work is continuing with design sprints and developing enhancements.

Small Claims go live is planned for May 2021, and Probate and Civil for May 2022.

**Sacramento Superior Court (Thomson Reuters C-Track):**

The project was paused on March 19 due to the Covid-19 emergency. The court is targeting July 1 to resume work with Thomson Reuters on the V3 civil case types.

**Orange Superior Court (Update CMS V3 for supportability and reliability):**

The Covid-19 emergency has caused a delay in the project. However, Orange is still on track to move off of Judicial Council support by June 2020.

User acceptance testing for the modernized Spring framework (Modernization Phase 1) was paused but re-started on June 15. The new Go live target is July 18, 2020.

Modernization Phase 2 is in development.

The court is continuing to test both Open LDAP and Apache DS in order to select one of them to replace SiteMinder security software.



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Telephone 415-865-4200 • Fax 415-865-4205 • TDD 415-865-4272

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### MEMORANDUM

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<b>Date</b> June 26, 2020	<b>Action Requested</b> Please Review
<b>To</b> Hon. Kyle S. Brodie, Chair Hon. C. Todd Bottke, Vice-Chair Judicial Council Technology Committee	<b>Deadline</b> N/A
<b>From</b> David Koon, Manager Judicial Council Information Technology	<b>Contact</b> David Koon, 415-865-4618 david.koon@jud.ca.gov
<b>Subject</b> Sustain Justice Edition (SJE) Replacement Projects: Status May 23 – June 26, 2020	

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As requested, this communication provides a written update regarding the progress of the nine courts using the Sustain Justice Edition (SJE) case management system which collectively received \$4.1 million in funding for FY 17/18 and \$896,000 in FY 18/19 as a result of submitting a BCP to replace the SJE case management system with a modern CMS platform.

**Project:** Sustain Justice Edition (SJE) Replacement project for the Superior Courts of Humboldt, Lake, Madera, Modoc, Plumas, San Benito, Sierra, Trinity, and Tuolumne counties.

**Status:** Judicial Council staff and the SJE courts met on June 17, 2020 for the June monthly status meeting. At these meetings, the SJE courts review the status of the deployments of the new case management system. Six courts (Humboldt, Madera, Plumas, Sierra, Lake and Modoc) have gone live on the new eCourt case management system.

Due to the COVID-19 health emergency and related shelter-in-place orders, the eCourt vendor, Journal Technologies, Inc. (JTI) is providing project deliverables such as training and data conversion remotely. Additionally, JTI is offering remote support instead of on-site support for go-live activities for those which are scheduled to go-live while COVID-19 travel restrictions remain in place.

The Modoc Court was the first court to utilize the support model where JTI provides remote support during go-live. The Modoc court went live on May 18, 2020. The Trinity court has also utilized JTI's remote support for their go-live on June 22, 2020. The remaining two courts are also considering using a remotely supported go-live model; however, Tuolumne would prefer an onsite support for go-live if possible. The tentative schedule for the remaining two courts to go live on eCourt is presented below:

Tuolumne Superior Court – target go-live July 27, 2020

San Benito Superior Court – target go-live August 31, 2020

**Next Steps:** Judicial Council staff and the SJE courts will continue to meet monthly with the SJE courts to review progress and upcoming milestones.



## JUDICIAL COUNCIL OF CALIFORNIA

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Telephone 415-865-4200 · Fax 415-865-4205 · TDD 415-865-4272

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### MEMORANDUM

---

**Date**

June 26, 2020

**Action Requested**

Please Review

**To**

Hon. Kyle S. Brodie, Chair  
Hon. C. Todd Bottke, Vice-Chair  
Judicial Council Technology Committee

**Deadline**

N/A

**Contact**

David Koon, 415-865-4094  
David.koon@jud.ca.gov

**From**

David Koon, Manager  
Judicial Council Information Technology

**Subject**

FY19-20 CMS BCP Projects Status Update  
May 23 – June 26, 2020

---

As requested, this communication provides a written update regarding the progress of the ten courts that are replacing their case management system through FY 19/20 CMS BCP. These ten courts collectively received \$23.1 million in funding for FY 19/20. There is also funding expected in future fiscal years related to this BCP which includes \$6.7 million in funding for FY 20/21, \$3.1 million in funding for FY 21/22, \$413,000 in funding for FY 22/23 and \$347,000 in funding for FY 23/24.

**Project:** Replacement of legacy case management systems for ten courts with a modern case management system. The ten courts are Amador, Colusa, Contra Costa, Lassen, Marin, Mariposa, Mono, Nevada, Shasta, and Solano.

**Status:** Judicial Council staff and the ten courts meet on a monthly basis to discuss the status of the case management system deployment and discuss any issues/risks which the courts are encountering as part of their deployment. The most recent meeting with the Judicial Council and the courts was held on June 18, 2020.

Each of these ten courts has entered into an intra-branch agreement (IBA) with the Judicial Council. The IBA's are used to disburse BCP funding to each of the courts as specific disbursement milestones specified within the IBA are met.

These 10 courts have been focused on selecting a CMS vendor and negotiating a participating addendum (PA) and statement of work (SOW) to leverage the provisions of the Judicial Council's CMS master service agreements. As such, courts are in the early process of their case management system deployments. Most of the courts have a targeted go-live date for their project which will be updated as needed as the deployments progress. A few courts are still in the process of developing a go-live date and will be included in this report once those target go-live dates are available. The Judicial Council will continue to meet with the courts and evaluate the impact the current health emergency may have on the court deployments.

Listed below, by CMS vendor, is a more detailed status of each of the ten trial courts grouped by CMS vendor:

#### **Journal Technologies, Inc. (JTI) – eCourt:**

Four of the FY 19/20 CMS BCP courts have selected and signed a PA/SOW with the Journal Technologies, Inc. to deploy eCourt as a replacement to their legacy CMS. These courts are:

Amador Superior Court – target go-live March 2021.

Mono Superior Court – target go-live July 2021.

Nevada Superior Court – target go-live March 2022.

Solano Superior Court – target go-live May 2022.

The courts have reported they are continuing to make progress with their deployment activities with Journal Technologies providing project support remotely.

Additionally, the staff of the Marin Superior Court are in the final stages of reviewing and executing their PA/SOW with JTI.

#### **Tyler Technologies, Inc. – Odyssey**

Four of the FY 19/20 CMS BCP courts have selected the Odyssey case management system from Tyler Technologies, Inc. as a replacement of their legacy case management systems. The four courts have each executed their PA/SOW with Tyler.

Colusa Superior Court – target go-live tbd

Contra Costa Superior Court – target go-live January/February 2022

Mariposa Superior Court – target go-live March 2022.

Shasta Superior Court – target go-live August 2021.

June 26, 2020

Page 2

The courts are continuing to make progress with their deployment activities during the COVID-19 health emergency with remote support from Tyler.

### **Justice Systems, Inc. (JSI) – FullCourt Enterprise (FCE)**

The Lassen Superior Court has selected FullCourt Enterprise from Justice Systems, Inc. for their new case management system.

Lassen Court – target go-live August 2021.

The Court is working on data mapping for their data conversion and is completing the layout for their data tables.

**Next Steps:** Judicial Council staff and the ten courts will continue to meet monthly to review progress and upcoming milestones.