



JUDICIAL COUNCIL
OF CALIFORNIA

ADVISORY COMMITTEE ON PROVIDING
ACCESS AND FAIRNESS

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

**ADVISORY COMMITTEE ON PROVIDING ACCESS AND FAIRNESS
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: February 10, 2016
Time: 12:15-1:15 p.m.
Public Call-in Number: 1-877-820-7831 and enter Passcode: 1456449 (Listen Only)

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 January 13, 2016, Advisory Committee on Providing Access and Fairness meeting.

II. PUBLIC COMMENT (CAL. RULES OF COURT, RULE 10.75(K)(2))

Written Comment

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 accessfairnesscomm@jud.ca.gov or mailed or delivered to Judicial Council of California, 455 Golden Gate Avenue, San Francisco, CA 94102, attention: Kyanna Williams. Only written comments received by 12:15 p.m. February 9, 2016 will be provided to advisory body members prior to the start of the meeting.

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

Item 1

Reminders

Item 2

Approve Minutes of PAF January 13, 2016 Meeting

Item 3

Discuss ITAC Legislative Proposals on E-filing, E-service, and E-signatures

Item 4

Annual Agenda

Item 5

Update on Traffic Recommendations

Item 6

Update on Access, Fairness and Diversity Self-Assessment Tool

Item 7

Civil Grand Juries – Expanding Recruitment and Increasing Diversity

Item 8

Updates from Internal Liaisons

Item 9

Open Discussion

IV. ADJOURNMENT

Adjourn



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ADVISORY COMMITTEE ON PROVIDING ACCESS AND FAIRNESS

MINUTES OF OPEN MEETING

January 13, 2016

12:15 p.m. to 1:15 p.m.

Judicial Council of California

Advisory Body Members Present:	<i>Hon. Kathleen O’Leary, Co-chair, Hon. Laurie Zelon, Co-chair, Hon. Sue Alexander, Hon. Craig Arthur, Hon. Diana Becton, Ms. Nancy Eberhardt, Hon. Ginger E. Garrett, Ms. Tammy Grimm, Hon. Maria Hernandez, Hon. Teri Jackson, Hon. Mark Juhas, Hon. Victoria Kolakowski, Hon. Lia Martin, Hon. William Murray, Jr., Ms. Leigh Parsons, Ms. Carol Ross-Burnett, Ms. Snider, Hon. Bobbi Tillmon, Ms. Kimberly Tucker, Hon. Juan Ulloa, Hon. Vanessa Vallarta, and Hon. Erica Yew</i>
Advisory Body Members Absent:	<i>Ms. Cherri Allison, Ms. Deni Butler, Hon. Ana España, Ms. Ana Maria Garcia, Ms. Julie Paik, Mr. Bruce Souplet, and Ms. Rheeah Yoo</i>
Others Present:	<i>Mr. Rod Cathcart, Ms. Bonnie Hough, Ms. Linda McCulloh, Mr. Jason Mayo, Mr. Courtney Tucker, Hon. James Mize, Ms. Julia Weber, and Ms. Kyanna Williams</i>

OPEN MEETING

Call to Order and Roll Call

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

Approval of Minutes

The committee approved the October, 2015 meeting minutes.

DISCUSSION AND ACTION ITEMS (ITEMS 1-9)

Item 1

Update on Access, Fairness and Diversity Self-Assessment Tool

Justice Zelon explained that she will present the tool at the January 21, 2016 TCPJAC/CEAC joint meeting and encourage PJ’s and CEO’s to use the tool in their courts.

Item 2

Update on Economic Access Protocol Recommendations

Justice Zelon explained that PAF members voted to approve recommendations for fully implementing the Judicial Council’s 2001 Economic Access protocol. PAF Chairs recently spoke to Justice Miller, Chair of the Judicial Council’s Executive and Planning Committee (E&P), about the best way to move forward with the recommendations. PAF Chairs now seek to conduct an educational session for the Judicial Council in the spring. During the educational session the Chairs would discuss PAF’s recommendations for fully implementing the economic access

protocol, as well as provide a broader overview of other barriers to access and fairness for low and moderate income court users. Justice Zelon asked PAF members to think of ideas for issues that she and Justice O’Leary should focus on during the potential educational presentation.

Item 3

Update on Traffic Recommendations

Justice O’Leary explained that in December, chairs and staff from PAF, Traffic and Criminal Advisory Committees met to discuss PAF’s draft traffic recommendations and potential collaborations moving forward.

Justice O’Leary advised that she and Justice Zelon will be selecting a PAF member to act as an internal liaison to the Judicial Council’s Traffic Advisory Committee. Justice O’Leary asked for any PAF member interested in serving as liaison to send them an e-mail indicating interest in the position.

Mr. Courtney Tucker, lead staff to the Traffic Advisory Committee provided feedback and suggestions regarding PAF’s draft recommendations. Mr. Tucker provided a brief overview of work related to access and fairness matters in traffic court that are on the Traffic Advisory Committee’s new annual agenda. Mr. Tucker also explained that the Traffic Advisory Committee will discuss PAF’s draft traffic recommendations during their January 26, 2016 committee call.

PAF members discussed the draft traffic recommendations. PAF members then voted to: 1) approve the draft recommendations subject to inclusion of the changes suggested by Mr. Courtney Tucker; and 2) approve giving PAF Chairs final approval over any additional changes that may be necessary as the recommendations are finalized and sent through Copy Editing. All members presented voted YES, with no abstentions.

Item 4

Annual Agenda

Justice O’Leary provided a brief overview, for new members, regarding the purpose of the annual agenda and the annual agenda process. Justice O’Leary asked PAF members for suggestions for projects/proposals/recommendations they would like to see PAF prioritize in its next annual agenda. One member suggested including an annual agenda item that addresses the use of service animals in the courts; the growing use of court facility dogs; how to make a request for use of a court facility dog; and/or what is considered “access” in the use of court facility dogs. Justice O’Leary asked members e-mail any additional annual agenda ideas they may have to Ms. Kyanna Williams before PAF’s February call.

Item 5

Improving Access and Fairness Through Technology

Ms. Kyanna Williams and Judge James Mize (member of the Judicial Council’s Information and Technology Advisory Committee (ITAC)) provided a brief overview of ITAC’s annual agenda item “SRL E-Services”. Ms. Williams and Judge Mize explained that ITAC will be seeking input from other advisory committees, including PAF, on the development of this project in 2016. Judge Mize explained he is ITAC’s liaison to PAF as well as Cochair of the ITAC workstream responsible for this project. Judge Mize suggested that if a PAF member is interested in being part of the workstream, to let him know.

Item 6

Updates from Internal Liaisons

Updates on relevant access, fairness and diversity issues were provided by:

- Commissioner Sue Alexander, PAF liaison to CJER's Judicial Branch Access, Ethics and Fairness Curriculum Committee
- Mr. Rod Cathcart, CJER staff liaison to PAF
- Ms. Linda McCulloh, CJER staff liaison to PAF
- Ms. Julia Weber, lead staff to the Family and Juvenile Law Advisory Committee

Item 7

Approve Minutes of PAF October, 2015 In-Person meeting

Members approved the minutes. Need a member to move to approve the minutes. All members present voted YES, with no abstentions.

Item 8

PAF 2016 In-Person Meeting

Justice Zelon explained that staff are working to secure a date for PAF's 2016 in-person meeting, possibly to be held in May or June, 2016.

Item 9

Open Discussion

PAF members provided opportunity to share other access, fairness and diversity issues of interest to fellow members. This included brief updates on:

- The Judicial Council's Language Access Toolkit, produced as part of the work of the Language Access Plan Implementation Plan Task Force (Justice Laurie Zelon)
- Sacramento County Superior Court's *One Day Divorce; Five Minute Formal Order After Hearing*; and *Separate, Safe and Simultaneous Domestic Violence Mediation* (Judge James Mize)
- Commission on Judicial Performance's work to address complaints related to judicial demeanor, including the Commission's new mentorship program which provides mentorship and monitoring for judges with such complaints (Judge Erica Yew)

A D J O U R N M E N T

There being no further business, the meeting was adjourned at 1:15 p.m.

Pending approval by the advisory body on February 10, 2016.



JUDICIAL COUNCIL OF CALIFORNIA

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MEMORANDUM

Date

February 4, 2016

Action Requested

Please review by February 10 meeting

To

Advisory Committee on Providing Access
and Fairness

Deadline

February 10, 2016

From

Tara Lundstrom, Attorney
Legal Services

Contact

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

Subject

Request for input on legislative proposal re:
e-filing, e-service, and e-signatures

Background

The Information Technology Advisory Committee (ITAC) is developing a legislative proposal that would amend the Code of Civil Procedure provisions governing e-filing, e-service, and e-signatures. The legislative proposal is being developed by ITAC's Rules and Policy Subcommittee. Before presenting the proposal to ITAC, the subcommittee is seeking the input of the Advisory Committee on Providing Access and Fairness, the Family and Juvenile Law Advisory Committee, and the Civil and Small Claims Advisory Committee. The proposal is intended for circulation for public comment during the 2016 spring cycle.

Two changes to Code of Civil Procedure section 1010.6 are especially relevant to the Advisory Committee on Providing Access and Fairness. First, the proposal would *authorize the use of e-signatures for signatures made under penalty of perjury on e-filed documents*. Second, the proposal would *standardize the effective date of e-filing across courts and case types*. To provide for consistency, the Rules and Policy Subcommittee has suggested requiring that all e-filed documents be received by the court by 5:00 p.m. to be deemed filed on that day. This

means that if the e-filed document is received after 5:00 p.m., it would be deemed filed on the following day.

In reviewing the proposal, the Advisory Committee on Providing Access and Fairness should bear in mind that the trial court rules that implement the e-filing and e-service provisions of section 1010.6 already contain significant protections for self-represented litigants. Rules [2.251\(c\)\(2\)\(B\)](#) and [2.253\(b\)\(2\)](#) exempt self-represented litigants from mandatory e-filing and e-service. (See also Cal Rules of Court, rule 2.253(b)(3) [providing that in civil cases where represented parties are required to e-file and e-serve, “each self-represented party is to file, serve, and be served with documents by nonelectronic means unless the self-represented party affirmatively agrees otherwise”].) Under these rules, a self-represented litigant must provide separate affirmative consent both to e-filing and to e-service. Lastly, rule 2.253(b)(6) provides that “[a]ny fees for electronic filing charged by the court or an electronic filing service provider must be waived when deemed appropriate by the court, including providing a waiver of the fees for any party that has received a fee waiver.”

The Rules and Policy Subcommittee has reviewed, but not finally approved, the proposed amendments to Code of Civil Procedure section 1010.6 and the proposed new section 1013b (with the exception of subdivision (a)(1) and a minor change in subdivision (a)(2)(B)). Subdivision (a)(1) of proposed new section 1013b and the proposed amendments to sections 664.5, 1011, and 1013b(a)(2)(B) were subsequently developed by staff and have not yet been submitted to the Rules and Policy Subcommittee for its review. The subcommittee chair concurs with staff that it would be best to put the legislative proposal out for comment in the spring 2016 cycle and approves staff presenting the full proposal to the Advisory Committee on Providing Access and Fairness to solicit its input. Staff will present all recommendations to the Rules and Policy Subcommittee for its review and consideration.

Discussion

The legislative proposal would amend Code of Civil Procedure sections 664.5, 1010.6, and 1011 and would introduce a new section 1013b. The following discussion begins with the proposed amendments to section 1010.6 because these would introduce substantive changes.

Proposed amendments to section 1010.6

The proposed amendments to section 1010.6 would authorize e-signatures on e-filed documents, would provide for consistency in the effective date of filing across courts and case types, and would consolidate the mandatory e-filing provisions.

Authorizing e-signatures on e-filed documents. Section 1010.6(b)(2)(B) currently requires that anyone e-filing a document signed under penalty of perjury must print, sign, and keep the

document indefinitely. These requirements have proved burdensome for litigants, especially government agencies and other high-frequency filers.

The legislative proposal would amend subdivision (b)(2)(B) to provide that e-filed documents may be signed under penalty of perjury by means of an e-signature. The proposed amendment would require that the e-signature satisfy procedures, standards, and guidelines established by the Judicial Council. The language mirrors [Government Code section 68150\(g\)](#), which authorizes e-signatures by judges and the court.

To accommodate those without access to e-signature technology, the proposal would also retain, but modify the procedure required in the current statute. The proposed amendment would still provide for the form to be printed and signed by hand (in lieu of an e-signature); however, it would eliminate the requirement that the original signature be maintained indefinitely. Instead, it would mirror the language in [Assembly Bill 1519](#) (Stats. 2015, ch. 416), which requires retaining the original signed pleadings of local child support agencies only until the relevant records retention period has elapsed.

Providing for a consistent effective date of filing across courts and case types. Section 1010.6 would also be amended to provide for a consistent effective date of filing across courts and case types: all e-filed documents received electronically by the court on or after 5:00 p.m. would be deemed filed on the next court day.

Under current law, where e-filing is permissive, documents must be e-filed before the “close of business”—which is defined as 5:00 p.m. or the time when the court would not accept filing at its filing counter, whichever is earlier—in order to be deemed filed that day. (Code Civ. Proc., § 1010.6(b)(3).) However, in authorizing the Superior Court of Orange County’s mandatory e-filing pilot project, the Legislature provided that the court “may permit documents to be filed electronically until 12 a.m. of the day after the court date that the filing is due, and the filing shall be considered timely.” (*Id.*, § 1010.6(d)(1)(D).)

With the exception of the Superior Court of Orange County’s mandatory e-filing pilot project, the statute is silent as to when documents must be e-filed for mandatory e-filing cases to be deemed filed that day. (See *id.*, § 1010.6(g)(2).) In adopting uniform rules for mandatory e-filing, the Judicial Council elected to allow courts to provide by local rule for up-until-midnight e-filing in mandatory e-filing cases (the approach provided by the Legislature for the Superior Court for Orange County’s mandatory e-filing pilot project); otherwise, in the absence of such a local rule, the document must be filed by “close of business” to be deemed filed that day. ([Cal. Rules of Court, rule 2.253\(b\)\(7\)](#).) The rules also define “close of business” as “5 p.m. or any other time on a court day at which the court stops accepting documents for filing at its filing counter, whichever is earlier.” ([Id.](#), [rule 2.250\(b\)\(10\)](#).)

Accordingly, the current statute and rules allow for both inter- and intra-court variation in the effective date for e-filing depending on (1) whether e-filing is permissive or mandatory for the case type and (2) what time a court stops accepting filings each day. The potential for variation has increased in recent years as budget concerns have caused many courts to cut back on the hours that their filing counters are open.

To provide for consistency across courts and case types, the Rules and Policy Subcommittee has suggested that the effective date of filing be 5:00 p.m. for both permissive and mandatory e-filing. The following informed the subcommittee's recommendation: (1) the [comments](#) received when the Judicial Council adopted uniform mandatory e-filing rules in 2013, a majority of which favored adopting the close-of-business option for both mandatory and permissive e-filing; (2) the Superior Court of Orange County's [study](#) of its mandatory e-filing pilot project, which reflected that 79 percent of documents were filed before 4:00 p.m. (the time its clerk's office closes); and (3) the [comments](#) submitted last year in response to the rules proposal for phase 1 of ITAC's Rules Modernization Project, which suggest that the varying effective dates across courts and case types remain a source of concern and confusion.

The effective date of e-service is specified in the rules instead of Code of Civil Procedure section 1010.6. Rule 2.251(h)(4) provides that electronic service that "occurs after the close of business is deemed to have occurred on the next court day." Whichever effective date of filing is ultimately selected, this rule should be amended as part of a rules proposal to implement the new legislation to ensure consistency between the effective dates for e-filing and e-service.

Consolidate the mandatory e-filing provisions. The statute currently provides that the Superior Court of Orange County may establish a pilot project to require parties to specified civil actions to e-file and e-serve documents. Because the statutory authorization for the pilot project expired on July 1, 2014, the legislative proposal would amend section 1010.6 to eliminate references to the pilot project and consolidate the provisions governing mandatory e-filing.

Proposed amendment to sections 664.5 and 1011

The proposed amendments to sections 664.5 and 1011 would recognize the application of section 1010.6's e-service provisions. They are intended as technical, clean-up changes. Because staff identified these possible amendments subsequent to the Rules and Policy Subcommittee meeting, they have not yet been reviewed by the subcommittee.

Under section 1010.6(a)(2), a document may be e-served whenever "a document may be served by mail, express mail, overnight delivery, or facsimile transmission." Similarly, subdivision (a)(3) provides that where the parties have consented to e-service, or the court has required e-

service by order or local rule, a court may also e-serve any document issued by the court that is not required to be personally served.

Section 664.5 currently provides for mailing notice of the entry of judgment. To clarify the application of section 1010.6, references to “mail” and “certificate of mailing” would be replaced with the more inclusive term “serve” and “certificate of service.”

Section 1011 recognizes possible means of service. The proposed amendment would add a new subdivision (c) to cross-reference section 1010.6: “Electronic service shall be permitted pursuant to Section 1010.6 and the rules on electronic service in the California Rules of Court.” This language is taken directly from section 1013, which governs service of notices or other papers. (See Code Civ. Proc., § 1013(g).)

Proposed new section 1013b

Proposed new section 1013b would codify the trial court rule governing proof of e-service. Currently, the Code of Civil Procedure addresses proof of service by mailing, but not proof of e-service. (See [Code Civ. Proc., § 1013a](#).) Proof of e-service is addressed only in the California Rules of Court. (See [Cal. Rules of Court, rule 2.251\(i\)](#).) To fix this apparent statutory gap and to assist other advisory committees in their efforts to modernize their statutes,¹ the legislative proposal would add a new section 1013b.

The proposed language for section 1013b(a)(2) is taken directly from rule 2.251(i)(1). In stating the requirements for proof of e-service, rule 2.251(i)(1) incorporates the requirements for proof of mailing in Code of Civil Procedure section 1013a, subject to several exceptions.

The proposed language for section 1013b(a)(2) differs from rule 2.251(i)(1) in one way: it would require only that the proof of e-service list only the date of e-service, not the time and date. In practice, it has been difficult to implement the requirement that the proof of e-service list the time of e-service; the person executing the proof of e-service will not know the exact time of e-service until after it has occurred.

The proposed language for section 1013b(b) is taken directly from rule 2.251(i)(2), which provides that proof of e-service may be in electronic form and may be e-filed with the court.

¹ ITAC is currently leading the Rules Modernization Project, a collaborative, multi-year effort to modernize the statutes and rules to facilitate e-business, e-filing, and e-service. As part of phase 2 of this project, the Probate and Mental Health Advisory Committee is developing a legislative proposal to amend the Probate Code to authorize electronic notices. The Probate Code currently cross-references Code of Civil Procedure section 1013a for proof of mailing. (See Prob. Code, § 1261.) Introducing a new section 1013b on proof of e-service to the Code of Civil Procedure would avoid adding a reference to the rules in the Probate Code.

Proposed section 1013b(c) modifies the language in rule 2.51(i)(4)² to cross-reference the proposed new signature requirements (discussed above) in Code of Civil Procedure section 1010.6(b)(2)(B).

The Rules and Policy Subcommittee reviewed new section 1013b(a)(2) (except for the proposal not to require the time of e-service on the proof of e-service), (b), and (c) during its January 14 meeting. Subsequent to that meeting, and during their review of rule 2.251 for possible amendment during phase 2 of ITAC's Rules Modernization Project, staff learned about the problems with requiring that the proof of e-service list the time of e-service. Staff also discovered that rule 2.251 and the proposal to add section 1013b did not address an important difference between service by mail and e-service.

Code of Civil Procedure section 1013a requires that proof of service by mail be made by affidavit or certificate showing that the "the person making the service" is "not a party to the cause." However, Code of Civil Procedure section 1010.6 allows for e-service by a party. (Code Civ. Proc., § 1010.6(a)(1)(A) ["Electronic service may be performed directly *by a party*, by an agent of a party, including the party's attorney, or through an electronic filing service provider," italics added].) To reflect this difference, staff suggest adding another exception in proposed section 1013b(a) to the general requirement that proof of e-service be made by any of the methods provided in section 1013a for proof of mailing. Proposed section 1013b(a)(1) would recognize that proof of e-service need not state that the party making the service is "not a party to a cause."

Committee's task

The committee is tasked with reviewing the draft legislative proposal and providing any input to ITAC's Rules and Policy Subcommittee.

Attachment

1. Proposed amendments to Code of Civil Procedure sections 664.5, 1010.6, and 1011, and proposed new section 1013b

² Rule 2.251(i)(3) provides that proof of e-service for moving papers must be filed at least five court days before the hearing under rule 3.1300(c). This provision was left out of the draft statute because it cross-references another rule and appears to be better addressed by rule.

Section 1013b of the Code of Civil Procedure would be enacted and sections 664.5, 1010.6, and 1011 would be amended, effective January 1, 2018, to read as follows:

1 **664.5.**
2

- 3 (a) In any contested action or special proceeding other than a small claims action or an
4 action or proceeding in which a prevailing party is not represented by counsel, the
5 party submitting an order or judgment for entry shall prepare and ~~mail~~ serve a copy
6 of the notice of entry of judgment to all parties who have appeared in the action or
7 proceeding and shall file with the court the original notice of entry of judgment
8 together with the proof of service ~~by mail~~. This subdivision does not apply in a
9 proceeding for dissolution of marriage, for nullity of marriage, or for legal
10 separation.
11
- 12 (b) Promptly upon entry of judgment in a contested action or special proceeding in
13 which a prevailing party is not represented by counsel, the clerk of the court shall
14 ~~mail~~ serve notice of entry of judgment to all parties who have appeared in the
15 action or special proceeding and shall execute a certificate of such ~~mailing~~ service
16 and place it in the court's file in the cause.
17
- 18 (c) For purposes of this section, "judgment" includes any judgment, decree, or signed
19 order from which an appeal lies.
20
- 21 (d) Upon order of the court in any action or special proceeding, the clerk shall ~~mail~~
22 serve notice of entry of any judgment or ruling, whether or not appealable.
23
- 24 (e) The Judicial Council shall, ~~by January 1, 1999, adopt a rule of court for the~~
25 ~~purposes of provide~~ by rule of court that, upon entry of judgment in a contested
26 action or special proceeding in which a state statute or regulation has been declared
27 unconstitutional by the court, the Attorney General is promptly notified of the
28 judgment and that a certificate of that ~~mailing~~ service is placed in the court's file in
29 the cause.
30

31 **1010.6**
32

- 33 (a) A document may be served electronically in an action filed with the court as
34 provided in this section, in accordance with rules adopted pursuant to subdivision
35 (e).
36
- 37 (1) For purposes of this section:
38
- 39 (A) "Electronic service" means service of a document, on a party or other
40 person, by either electronic transmission or electronic notification.
41 Electronic service may be performed directly by a party, by an agent of

1 a party, including the party’s attorney, or through an electronic filing
2 service provider.

3
4 (B) “Electronic transmission” means the transmission of a document by
5 electronic means to the electronic service address at or through which a
6 party or other person has authorized electronic service.

7
8 (C) “Electronic notification” means the notification of the party or other
9 person that a document is served by sending an electronic message to
10 the electronic address at or through which the party or other person has
11 authorized electronic service, specifying the exact name of the
12 document served, and providing a hyperlink at which the served
13 document may be viewed and downloaded.

14
15 (2) If a document may be served by mail, express mail, overnight delivery, or
16 facsimile transmission, electronic service of the document is authorized when
17 a party has agreed to accept service electronically in that action.

18
19 (3) In any action in which a party has agreed to accept electronic service under
20 paragraph (2), or in which the court has ordered electronic service under
21 subdivision (c) or (d), the court may electronically serve any document issued
22 by the court that is not required to be personally served in the same manner
23 that parties electronically serve documents. The electronic service of
24 documents by the court shall have the same legal effect as service by mail,
25 except as provided in paragraph (4).

26
27 (4) Electronic service of a document is complete at the time of the electronic
28 transmission of the document or at the time that the electronic notification of
29 service of the document is sent. However, any period of notice, or any right
30 or duty to do any act or make any response within any period or on a date
31 certain after the service of the document, which time period or date is
32 prescribed by statute or rule of court, shall be extended after service by
33 electronic means by two court days, but the extension shall not apply to
34 extend the time for filing any of the following:

35
36 (A) A notice of intention to move for new trial.

37
38 (B) A notice of intention to move to vacate judgment under Section 663a.

39
40 (C) A notice of appeal.

41
42 This extension applies in the absence of a specific exception provided by any
43 other statute or rule of court.

- 1
2 (b) A trial court may adopt local rules permitting electronic filing of documents,
3 subject to rules adopted pursuant to subdivision (e) and the following conditions:
4
- 5 (1) A document that is filed electronically shall have the same legal effect as an
6 original paper document.
7
- 8 (2)
- 9
- 10 (A) When a document to be filed requires the signature, not under penalty
11 of perjury, ~~of an attorney or a self-represented party~~, the document shall
12 be deemed to have been signed by ~~that attorney or self-represented~~
13 ~~party~~ the person filing if filed electronically.
14
- 15 (B) When a document to be filed requires the signature, under penalty of
16 perjury, of any person, the document shall be deemed to have been
17 signed by that person if filed electronically and if either of the
18 following conditions is satisfied:
- 19
- 20 (i) That person has signed a printed form of the document ~~has been~~
21 ~~signed by that person~~ prior to, or on the same day as, the date of
22 filing. The attorney or person filing the document represents, by
23 the act of filing, that the declarant has complied with this section.
24 The attorney or person filing the document shall maintain the
25 printed form of the document bearing the original signature and
26 make it available for review and copying upon the request of the
27 court or any party to the action or proceeding in which it is filed.
28 The attorney or person filing the document must maintain the
29 original signature only for the period of time stated in
30 Government Code section 68152.
- 31
- 32 (ii) That person has signed the document using a computer or other
33 technology in accordance with procedures, standards, and
34 guidelines established by the Judicial Council pursuant to this
35 section.
36
- 37 (3) Any document ~~that is electronically filed with the~~ received electronically by
38 the court on or after the close of business 5 p.m. on any day ~~shall be is~~
39 deemed to have been filed on the next court day. “Close of business,” as used
40 ~~in this paragraph, shall mean 5 p.m. or the time at which the court would not~~
41 ~~accept filing at the court’s filing counter, whichever is earlier.~~
42

- 1 (4) The court receiving a document filed electronically shall issue a confirmation
2 that the document has been received and filed. The confirmation shall serve
3 as proof that the document has been filed.
4
- 5 (5) Upon electronic filing of a complaint, petition, or other document that must
6 be served with a summons, a trial court, upon request of the party filing the
7 action, shall issue a summons with the court seal and the case number. The
8 court shall keep the summons in its records and may electronically transmit a
9 copy of the summons to the requesting party. Personal service of a printed
10 form of the electronic summons shall have the same legal effect as personal
11 service of an original summons. If a trial court plans to electronically transmit
12 a summons to the party filing a complaint, the court shall immediately upon
13 receipt of the complaint notify the attorney or party that a summons will be
14 electronically transmitted to the electronic address given by the person filing
15 the complaint.
16
- 17 (6) The court shall permit a party or attorney to file an application for waiver of
18 court fees and costs, in lieu of requiring the payment of the filing fee, as part
19 of the process involving the electronic filing of a document. The court shall
20 consider and determine the application in accordance with Sections 68630 to
21 68641, inclusive, of the Government Code and shall not require the party or
22 attorney to submit any documentation other than that set forth in Sections
23 68630 to 68641, inclusive, of the Government Code. Nothing in this section
24 shall require the court to waive a filing fee that is not otherwise waivable.
25
- 26 (c) If a trial court adopts rules conforming to subdivision (b), it may provide by order
27 that all parties to an action file and serve documents electronically in a class action,
28 a consolidated action, or a group of actions, a coordinated action, or an action that
29 is deemed complex under Judicial Council rules, provided that the trial court's
30 order does not cause undue hardship or significant prejudice to any party in the
31 action.
32
- 33 (d) A superior court may, by local rule, require electronic filing in civil cases. Any
34 superior court that elects to adopt mandatory electronic filing must do so subject to
35 the requirements and conditions stated in subdivision (b) of this section, the rules
36 adopted by the Judicial Council under subdivision (f), and the following conditions:
37
- 38 (1) ~~Notwithstanding subdivision (b), the Orange County Superior Court may, by~~
39 ~~local rule and until July 1, 2014, establish a pilot project to require parties to~~
40 ~~specified civil actions to electronically file and serve documents, subject to~~
41 ~~the requirements set forth in paragraphs (1), (2), (4), (5), and (6) of~~
42 ~~subdivision (b) and rules adopted pursuant to subdivision (e) and the~~
43 ~~following conditions:~~

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- (A) The court shall have the ability to maintain the official court record in electronic format for all cases where electronic filing is required.
- (B)(2) The court and the parties shall have access either to more than one electronic filing service provider capable of electronically filing documents with the court, or to electronic filing access directly through the court. Any fees charged by the court shall be for no more than the actual cost of the electronic filing and service of the documents, and shall be waived when deemed appropriate by the court, including, but not limited to, for any party who has received a fee waiver. Any fees charged by an electronic filing service provider shall be reasonable and shall be waived when deemed appropriate by the court, including, but not limited to, for any party who has received a fee waiver.
- (C)(3) The court shall have a procedure for the filing of nonelectronic documents in order to prevent the program from causing undue hardship or significant prejudice to any party in an action, including, but not limited to, unrepresented parties.
- (D) ~~A court that elects to require electronic filing pursuant to this subdivision may permit documents to be filed electronically until 12 a.m. of the day after the court date that the filing is due, and the filing shall be considered timely. However, if same day service of a document is required, the document shall be electronically filed by 5 p.m. on the court date that the filing is due. Ex parte documents shall be electronically filed on the same date and within the same time period as would be required for the filing of a hard copy of the ex parte documents at the clerk's window in the participating county. Documents filed on or after 12 a.m., or filed upon a noncourt day, will be deemed filed on the soonest court day following the filing.~~
- (2) ~~If a pilot project is established pursuant to paragraph (1), the Judicial Council shall conduct an evaluation of the pilot project and report to the Legislature, on or before December 31, 2013, on the results of the evaluation. The evaluation shall review, among other things, the cost of the program to participants, cost effectiveness for the court, effect on unrepresented parties and parties with fee waivers, and ease of use for participants.~~

1 (e) The Judicial Council shall adopt uniform rules for the electronic filing and service
2 of documents in the trial courts of the state, which shall include statewide policies
3 on vendor contracts, privacy, and access to public records, and rules relating to the
4 integrity of electronic service. These rules shall conform to the conditions set forth
5 in this section, as amended from time to time.

6
7 (f) The Judicial Council shall, ~~on or before July 1, 2014,~~ adopt uniform rules to permit
8 the mandatory electronic filing and service of documents for specified civil actions
9 in the trial courts of the state, ~~which shall be informed by any study performed~~
10 ~~pursuant to paragraph (2) of subdivision (d) and~~ which shall include statewide
11 policies on vendor contracts, privacy, access to public records, unrepresented
12 parties, parties with fee waivers, hardships, reasonable exceptions to electronic
13 filing, and rules relating to the integrity of electronic service. These rules shall
14 conform to the conditions set forth in this section, as amended from time to time.

15
16 ~~(g)~~

17
18 ~~(1) Upon the adoption of uniform rules by the Judicial Council for mandatory~~
19 ~~electronic filing and service of documents for specified civil actions in the~~
20 ~~trial courts of the state, as specified in subdivision (f), a superior court may,~~
21 ~~by local rule, require mandatory electronic filing, pursuant to paragraph (2) of~~
22 ~~this subdivision.~~

23
24 ~~(2) Any superior court that elects to adopt mandatory electronic filing shall do so~~
25 ~~pursuant to the requirements and conditions set forth in this section,~~
26 ~~including, but not limited to, paragraphs (1), (2), (4), (5), and (6) of~~
27 ~~subdivision (b) of this section, and subparagraphs (A), (B), and (C) of~~
28 ~~paragraph (1) of subdivision (d), and pursuant to the rules adopted by the~~
29 ~~Judicial Council, as specified in subdivision (f).~~

30
31 **1011.**

32
33 The service may be personal, by delivery to the party or attorney on whom the service is
34 required to be made, or it may be as follows:

35
36 (a) If upon an attorney, service may be made at the attorney's office, by leaving the
37 notice or other papers in an envelope or package clearly labeled to identify the
38 attorney being served, with a receptionist or with a person having charge thereof.
39 When there is no person in the office with whom the notice or papers may be left
40 for purposes of this subdivision at the time service is to be effected, service may be
41 made by leaving them between the hours of nine in the morning and five in the
42 afternoon, in a conspicuous place in the office, or, if the attorney's office is not
43 open so as to admit of that service, then service may be made by leaving the notice

1 or papers at the attorney's residence, with some person of not less than 18 years of
2 age, if the attorney's residence is in the same county with his or her office, and, if
3 the attorney's residence is not known or is not in the same county with his or her
4 office, or being in the same county it is not open, or a person 18 years of age or
5 older cannot be found at the attorney's residence, then service may be made by
6 putting the notice or papers, enclosed in a sealed envelope, into the post office or a
7 mail box, subpost office, substation, or mail chute or other like facility regularly
8 maintained by the Government of the United States directed to the attorney at his or
9 her office, if known and otherwise to the attorney's residence, if known. If neither
10 the attorney's office nor residence is known, service may be made by delivering the
11 notice or papers to the address of the attorney or party of record as designated on
12 the court papers, or by delivering the notice or papers to the clerk of the court, for
13 the attorney.

14
15 (b) If upon a party, service shall be made in the manner specifically provided in
16 particular cases, or, if no specific provision is made, service may be made by
17 leaving the notice or other paper at the party's residence, between the hours of eight
18 in the morning and six in the evening, with some person of not less than 18 years of
19 age. If at the time of attempted service between those hours a person 18 years of
20 age or older cannot be found at the party's residence, the notice or papers may be
21 served by mail. If the party's residence is not known, then service may be made by
22 delivering the notice or papers to the clerk of the court, for that party.

23
24 (c) Electronic service shall be permitted pursuant to Section 1010.6 and the rules on
25 electronic service in the California Rules of Court.

26
27 **1013b.**

28
29 (a) Proof of electronic service may be made by any of the methods provided in Section
30 1013a, with the following exceptions:

31
32 (1) The proof of electronic service does not need to state that the person making
33 the service is not a party to the cause.

34
35 (2) The proof of electronic service shall state:

36
37 (A) The electronic service address of the person making the service, in
38 addition to that person's residence or business address;

39
40 (B) The date of the electronic service, instead of the date and place of
41 deposit in the mail;

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(C) The name and electronic service address of the person served, in place of that person’s name and address as shown on the envelope; and

(D) That the document was served electronically in place of the statement that the envelope was sealed and deposited in the mail with postage fully prepaid.

(b) Proof of electronic service may be in electronic form and may be filed electronically with the court.

(c) Proof of electronic service shall be signed as provided in Section 1010.6(b)(2)(B).

DRAFT

Under current law, where e-filing is permissive, documents must be e-filed before the ‘close of business’—which is defined as 5:00 p.m. or the time when the court would not accept filing at its filing counter, whichever is earlier—in order to be deemed filed that day. (Code Civ. Proc., § 1010.6(b)(3).) However, in authorizing the Superior Court of Orange County’s mandatory e-filing pilot project, the Legislature provided that the court “may permit documents to be filed electronically until 12 a.m. of the day after the court date that the filing is due, and the filing shall be considered timely.” (Id., § 1010.6(d)(1)(D).)

With the exception of the Superior Court of Orange County’s mandatory e-filing pilot project, the statute is silent as to when documents must be e-filed for mandatory e-filing cases to be deemed filed that day. (See id., § 1010.6(g)(2).) In adopting uniform rules for mandatory e-filing, the Judicial Council elected to allow courts to provide by local rule for up-until-midnight e-filing in mandatory e-filing cases (the approach adopted by the Legislature for the Superior Court of Orange County’s mandatory e-filing pilot project); otherwise, in the absence of such a local rule, the document must be filed by ‘close of business’ to be deemed filed that day. ([Cal. Rules of Court, rule 2.253\(b\)\(7\)](#).) The rules also define ‘close of business’ as “5 p.m. or any other time on a court day at which the court stops accepting documents for filing at its filing counter, whichever is earlier.” ([Id., rule 2.250\(b\)\(10\)](#).)

Accordingly, the current statute and rules allow for both inter- and intra-court variation in the effective date for e-filing depending on (1) whether e-filing is permissive or mandatory for the case type and (2) what time a court stops accepting filings each day. The potential for variation has increased in recent years as budget courts have caused many courts to cut back on the hours that their filing counters are open.

To assist the subcommittee in deciding what recommendations to make regarding amendments to subdivision (b)(3), as well as (d)(1)(D) and (g)(2) below, the following discusses the comments received when the Judicial Council adopted uniform mandatory e-filing rules in 2013, the Superior Court of Orange County’s study of its mandatory e-filing pilot project, and comments submitted in response to the 2015 rules proposal for phase 1 of the Rules Modernization Project.

2013 uniform mandatory e-filing rules proposal

The commentators were divided as to whether the effective date for mandatory e-filing cases should be close of business (as it is for permissive e-filing cases) or midnight (as is authorized for the Superior Court of Orange County’s pilot project). (See [Judicial Council of Cal., Electronic Filing and Service: Rules Allowing the Superior Courts to Mandate Electronic Filing and Service in Civil Cases \(June 21, 2003\), pp. 26–29](#).) A majority favored adopting the close-of-business option for both mandatory and permissive e-filing. (Id. at p. 26.) Most commentators recommended that, whichever option is adopted, it apply uniformly across case types. (Id. at pp. 29–30, 269–270, 272.)

Even though several commentators recommended adopting 5:00 p.m. as the time by which e-filed documents must be received to be deemed filed that day, the Judicial Council recognized that adopting this approach would first require amending Code of Civil Procedure section 1010.6(b)(3). (Id. at p. 28, fn. 22.)

Specific comments are grouped below by the identity of the commentator:

Superior Courts: Five superior courts (Los Angeles, San Diego, Santa Clara, Sacramento, and San Bernardino) submitted comments supporting the close-of-business option, compared to two (Orange and Riverside) in favor of the up-until-midnight option.

- Superior Court of Los Angeles County: “[A]dopting the [close-of-business] standard would provide for a consistent standard for all filings regardless of the process by which they are received.”
- Superior Court of San Diego County: “Our court believes the rules should adopt a close of business standard. With the severe staffing shortages, allowing filing until midnight would backlog items for processing by court staff the next business day and this would make it more difficult to process emergency requests in a timely manner. It would also create inconsistency in the code related to when documents must be filed, which would be unmanageable for court personnel. Our court also believes that this makes it fair for all litigants because some, like self-represented parties, may not have access to e-filing, which would put them on an unequal playing field.”
- Superior Court of Santa Clara County: “We recommend ‘close of business as determined by the court.’ This option provides equal access to justice and ensures consistency at a specific court without imposing a particular time on all courts.”
- Superior Court of Sacramento County: “The ‘close of business’ standard should be adopted for determining the effective date of electronic filings. We disagree with the proposed amendments to Rule 2.259 (c) and propose that the existing rule remain to clarify that a document that is received after the court closes is deemed to have been received the next court day.”
- Superior Court of San Bernardino County: “We recommend the ‘Close of business as determined by the Court’ standard be retained for e-filing. While we concur that this is a somewhat dated standard, the fact that exemptions will be available and granted means that not all parties will be filing electronically. To maintain a fair and level playing field for all parties, a common standard must exist for filing deadlines.”

- Superior Court of Orange County: “There should be a uniform statewide rule permitting the ‘file until midnight’ option This will be a significant benefit to attorneys who will have more time to draft their pleadings, and very little hardship to the local courts.”
- Superior Court of Riverside County: “File until midnight has [the] most appeal because all courts across the state do not close at the same time. This is also a tangible benefit of e-filing for the filers but may put a burden on the court.”

Legal Aid Organizations: Three legal aid organizations recommended the close-of-business option, compared to two that recommended the file-until-midnight option.

- California Family Law Facilitators Association: “[T]here may be an inequality created when a litigant with a paper filing is limited by the fact that the Clerk’s office is closed yet the e-filer can file until midnight.” The Association recommends the close-of-business option “because it is inherently unfair to allow someone with access to a computer to file at midnight but the opposing side—who may be already disadvantaged because of the financial disparity between the parties—must file by ‘close of business’ at the Clerk’s office, which in some counties is as early as 1 or 2 o’clock each day.”
- Los Angeles Center for Law and Justice: “The current standard should be maintained, that is determining that any document e-filed with the court after the close of business (which should be a standard time such as 5pm, since different courts close at different times) on any day is deemed to have been filed on the next court day. This is to ensure fairness to those who do not have the resources to e-file and must do so before the close of business and not give an unfair advantage to those who do have the resources to e-file and may do so before midnight.”
- Public Law Center: “We are suggesting that the cut-off for filing should be the time of the court closure. Setting the cut-off for filing at 11:59 pm may create a challenge for self-represented parties who have opted out of electronic filing and service.”
- Legal Services of Northern California: “Documents should be deemed timely filed if they are transmitted by 11:59 p.m. on the day they are due. The ability to file at any time on the day a document is due is important for low wage workers who often work retail jobs with unconventional hours.”
- Legal Aid Society of Orange County: “LASOC believes that the standard should be file until midnight. This would allow greater access for clients who come in after the close of business, as well as evening clinics, to be able to e-file their documents. This is particularly important for litigants who need to file answers to an Unlawful Detainer action.”

Attorney Organizations: Two-thirds of the State Bar's Committee on the Administration of Justice favored the up-until-midnight option. The State Bar's Standing Committee on the Delivery of Legal Services was divided between the up-until-midnight and up-until-5PM options.

- Majority of the State Bar's Committee on the Administrative of Justice: The 'file until midnight' option would "increase access to the courts, decrease confusion among litigants, and advance the goal of encouraging e-filing. . . . [H]aving a midnight deadline may increase access for working-class litigants. Some attorneys who provide direct services to working-class litigants have expressed their desire to have time to meet with their clients who cannot do so during work hours. Self-represented litigants who can and choose to e-file . . . could also benefit from being able to file documents after work. They will not have to take time off work to travel to and from the court, wait in line, and personally file those documents. . . . [A] number of solo practitioners and attorneys from small firms disagree with the minority's contention below—that a midnight filing deadline will benefit large law firms. According to these practitioners, a midnight standard would actually help attorneys from small firms because they have to juggle numerous matters simultaneously. Thus, for example, while a solo or small firm practitioner is trying a case during the day, a midnight deadline for e-filing will allow that practitioner to work on and electronically file motions for other matters in the evening. Finally, federal courts have long used a midnight deadline with no known problems for the litigants (so far as CAJ is aware), and many practitioners are accustomed to that standard. Using a different standard could create confusion, especially if that standard is not uniformly applied across the state. The close-of-business deadline as defined in Code of Civil Procedure section 1010.6(b)(3), for example, currently requires litigants to file by 4:30 p.m. in one county (Los Angeles Superior Court), while litigants in an adjacent county must file by 4:00 p.m. (San Bernardino Superior Court). Other variations of that deadline exist, depending upon the county and the particular day of the week."
- Minority of the State Bar's Committee on the Administration of Justice: The close-of-business option "provides an even playing field, in which all litigants will have the same filing time, and no one would have the advantage of additional hours in which to prepare and file pleadings. Permitting a later deadline for those who electronically file will probably give practitioners with abundant resources the upper hand, while self-represented litigants without access to computers or lacking in skills, like senior citizens and the underprivileged, would have less time than other litigants to prepare and file pleadings. . . . A number of CAJ's members expressed a concern that a midnight filing time would have a negative impact on law office staff members, who would be asked to remain at work until late hours. In addition, public entities and small law offices may not have the financial resources to keep staff that late at the office (e.g., to pay overtime), thus the extended filing cut-off would effectively expand the time allowed for filing documents for larger private law firms willing and able to extend their hours of operations. Some CAJ members with the minority view do not favor 'close of business' as currently defined in Code of Civil Procedure section 1010.6(b)(3), but do favor 5:00 p.m. as a uniform statewide deadline for e-filing."

- State Bar's Standing Committee on the Delivery of Legal Services: "Ultimately no consensus was reached by SCDLS on how to best answer this question. The Committee was able to see benefits and drawbacks to both allowing for the 'file until Midnight' standard as well as for the 'file until 5 PM' standard. No member of the Committee was in favor of a 'close of business' standard as currently defined in Code of Civil Procedure section 1010.6(b)(3), as this would allow for wide variations in filing times – which continue to change – dependent upon the different courts and different days of the week. Some members felt that allowing for a 'file until Midnight' standard would allow for those assisting low-income litigants to be able to e-file after normal business hours. Yet this would also allow for those opposing low-income litigants to take advantage of e-filing to the detriment of low-income or self-represented litigants. . . . Other members favored a 'file at 5 PM' standard, which would provide less of a difference between the time allowed for paper filing and electronic filing than a midnight e-filing deadline, but would create a uniform statewide deadline for e-filing, unlike the 'close of business' deadline. Yet this standard would deprive those assisting low-income and self-represented litigants the opportunity to e-file after normal business hours."
- State Bar's Litigation Section: "The committee prefers the midnight rule for mandatory electronic filing as stated in the second option for rule 2.253(b)(7). We believe that the midnight rule is practical, consistent with e-filing rules in California appellate courts and in federal courts, and avoids uncertainties caused by inconsistent and changing closing times of filings windows. We also agree with the corresponding change to rule 2.259(c). . . . In response to the question whether the standard as to the effective time of filing should be uniform for voluntary and mandatory e-filing, we believe that the answer is yes. . . . The committee believes that the midnight rule should be adopted for mandatory e-filing effective July 1, 2013, despite the fact that the rule for mandatory e-filing would be inconsistent with the statutory 'close of business' rule for permissive e-filing. We believe that the rule for permissive e-filing should be changed to the midnight rule and believe that the temporary lack of uniformity between the mandatory and permissive rules would be preferable to adopting a close of business rule for mandatory e-filing and later changing it."

Other organizations: The California Judges Association, the Task Force on Self-Represented Litigants, and the Joint Rules Committee of the Trial Court Presiding Judges and Court Executives Advisory Committees supported the close-of-business option.

- California Judges Association: "CJA recommends adopting the 'close of business' rule. It avoids problems that might otherwise arise with the 'up to midnight' rule"
- Task Force on Self-Represented Litigants: "The 'close of business' rule should continue. Allowing until midnight for electronic filers would be unfair to the other side that is not e-filing or does not have access to a computer after work hours."
- Joint Rules Committee: "[T]he effective time [should] be the same as required by the court for any other method of filing."

Legal publishers: One legal publisher favored the close-of-business option, whereas another favored the up-until-5PM option.

- Essential Publishers, LLC (Electronic Filing Service Provider and legal publisher): “[M]idnight filings in electronic filings can and will cause general confusion amongst the entire population. . . . If for example, a county has required electronic filing for all civil cases, optional electronic filing for Probate, and no electronic filing for Family Law cases, how do you expect a law firm staff to deal with two different filing times each day? . . . What will happen if some courts choose the midnight filing cut off and other courts choose the court window hours for cut off? It is not reasonable to expect filers to keep track of these rule variants. They’re just not necessary. . . . [W]e believe there is absolutely no benefit to the filer or the court to extending the filing time beyond window hours.”
- Lawdable Press (legal publisher): “Extending the deadline to midnight cannot be necessary, and I cannot see how it could benefit anyone, particularly the attorneys and staff force to work so late. . . . With today’s court closures and limited service days, [‘close of business’] makes no sense. Surely there is no reason to peg the time to the court’s filing counter in any event. . . . Certainty and uniformity – a 5:00 p.m. eFiling deadline and a 5:00 p.m. eService deadline for all cases – will do just that.”

Ultimately, the Judicial Council opted to provide for flexibility in the rule to allow for experimentation and the collection of courts’ experiences with mandatory e-filing. (Id. at p. 7.) To capture that experience, the rules require courts adopting mandatory e-filing programs to report semiannually to the Judicial Council on the operation and effectiveness of their program. ([Cal. Rules of Court, rule 2.253\(b\)\(8\)](#).) To date, Judicial Council staff has not received any semi-annual reports from courts implementing mandatory e-filing.

2014 Superior Court of Orange County’s study on its mandatory e-filing pilot project

As required by the statute, the Superior Court of Orange County reported to the Legislature on its experience implementing its mandatory e-filing pilot project. Based on data from its case management system and user surveys, it concluded that the option to file up until midnight “was appreciated, but not extensively used.” The peak filing times were between 11:00 a.m. and noon and between 3:00 and 4:00 p.m. Only 21 percent of filings were received by the court after 4:00 p.m. (when its clerk’s office closes). ([See Judicial Council of Cal., Report to the Legislature, Report on the Superior Court of Orange County’s Mandatory E-Filing Pilot Project \(Sept. 30, 2014\) Attachment, p. 5.](#))

2015 Rules Modernization Project – phase 1 rules proposal

Some of the comments received in response to the Rules Modernization Project (Phase I) rules proposal in 2015 suggest that the varying effective dates across courts and case types remains a source of concern and confusion. (See [Judicial Council of Cal., Report to the Judicial Council, Technology: Modernization of the Rules of Court to Facilitate E-Business, E-Filing, and E-Service.](#)) The rules proposal included a technical amendment that added cross-references to [rule 2.253\(b\)\(7\)](#) and [rule 2.259\(c\)](#) in [rule 3.1300\(e\)](#) in order to recognize that the ‘up until midnight’ effective date applies to motions papers that are required to be filed electronically. In response to the proposed amendment, the Superior Court of Sacramento County recommended against “encouraging inconsistency throughout the State.” Reflecting general confusion, another commentator questioned whether Code of Civil Procedure section 1010.6(b)(3)’s ‘close-of-business’ provision applied to the motions that were subject to mandatory e-filing.

Over the past year, various appellate courts have implemented e-filing. Thus far, they have consistently allowed for up-until-midnight filing.

***QUESTION 4:** Does the subcommittee recommend amending subdivisions (b)(3), (d)(1)(D), and (g)(2)? If so, how?

To promote consistency across courts and case types, the subcommittee should consider amending subdivision (b)(3), as well as (d)(1)(D) and (g)(2) below. Possible options include:

1. Allow for up-until-midnight filing in permissive e-filing cases, as is currently allowed in mandatory e-filing cases;
2. Require up-until-midnight filing for both permissive and mandatory e-filing cases;
3. Require close-of-business filing in mandatory e-filing cases, as is currently required for permissive e-filing cases;
4. Define “close of business” more narrowly (e.g., 5:00 p.m.); or
5. Leave as is.

If undecided, the subcommittee may consider circulating more than one option for public comment and specifically requesting comment on which option is preferable. Although comments were previously submitted on this issue in response to the proposal for uniform mandatory e-filing rules, courts and litigants now have more experience with e-filing than they did three years ago.

**Public Comments re. time for e-filing
(Excerpted from Judicial Council report on Mandatory E-filing, 2013)**

Staff recommends promoting consistency across case types and courts to reduce confusion for courts and litigants, but does not have a recommendation regarding the specific cut-off time for the e-filing effective date.

Advisory Body Name
Annual Agenda—2016
Approved by E&P/RUPRO/JCTC (select one): E&P

I. ADVISORY BODY INFORMATION

Chair:	Hon. Kathleen E. O’Leary and Hon. Laurie D. Zelon, Cochairs
Staff:	Ms. Kyanna Williams, Lead Counsel; Ms.Carolynn Bernabe, Senior Administrative Coordinator, Center for Families, Children & the Courts
Advisory Body’s Charge: Makes recommendations for improving access to the judicial system, fairness in the state courts, diversity in the judicial branch, and court services for self-represented parties. Recommends to the Governing Committee of the Center for Judicial Education and Research, proposals for the education and training of judicial officers and court staff.	
Advisory Body’s Membership: The advisory body’s current membership is: 28 members with 3 Appellate justices; 13 Trial court judicial officers; 1 Lawyer with expertise or interest in disability issues; 2 Lawyers with expertise or interest in additional access, fairness, and diversity issues addressed by the committee; 2 Lawyers from a trial court self-help center; 1 Legal services lawyer; 1 Court executive officer or trial court manager who has experience with self-represented litigants; 1 County law librarian or other related professional; 2 Judicial administrators; and 2 Public members.	
Subgroups/Working Groups: None	
Advisory Body’s Key Objectives for 2016:	
<ul style="list-style-type: none"> • Coordinate with other Judicial Council advisory bodies to improve access to the courts and improve the public’s perception of fairness in various case-types and across subject matter areas. • Provide recommendations to the Judicial Council for policies that improve access to the courts and improve the public’s perception of fairness in various case-types and across subject matter areas. This includes, but is not limited to, recommendations for best practices, Judicial Council sponsored legislation, Standards of Judicial Administration, California Rules of Court, and Judicial Council forms. • Provide recommendations to the Judicial Council for policies that support the Conference of Chief Justices and State Court 	

Administrator's Resolution 5, Reaffirming the Commitment to Meaningful Access to Justice for All.

http://www.ncsc.org/~media/Microsites/Files/access/5%20Meaningful%20Access%20to%20Justice%20for%20All_final.ashx

- Provide recommendations to the Judicial Council for policies that ensure that “The makeup of California’s judicial Branch will reflect the diversity of the state’s residents”. (Goal I, *The Strategic Plan for California’s Judicial Branch*.) This includes diversity in judicial officer, court leadership, court staff, and court volunteer positions.

II. ADVISORY BODY PROJECTS

#	Project ¹	Priority ²	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
1.	<p>Collaborate and Provide Subject Matter Expertise:</p> <p>a) Serve as lead/subject matter resource for issues of access, fairness and diversity for other advisory groups to avoid duplication of efforts and contribute to development of recommendations for council action. Such efforts may include providing expertise and review to working groups, advisory committees, and subcommittees as needed on items under the committee’s charge.</p> <p>b) Serve as subject matter resource for other stakeholders on subjects under the committee’s charge so as to increase efficiency and avoid duplication of services within the branch.</p> <p>c) Provide education and technical assistance to the court self-help centers in legal substance and procedure, useful technology and efficient business practices, and cultural awareness and sensitivity; make recommendations to the</p>	1	<p>Judicial Council Direction: Committee Charge.</p> <p>Origin of Project: Respective advisory bodies</p> <p>Resources: To be determined (This item may include collaboration with various Judicial Council advisory bodies, including, but not limited to: Traffic; Criminal Law; Civil and Small Claims; Information Technology; CJER Access, Ethics and Fairness Curriculum Development Committee; Family and Juvenile Law; Collaborative Court; Trial Court Presiding Judge; and Court Executive Officer.</p>	Ongoing	Coordination to ensure that matters under the committee’s charge are systematically addressed across subject matter areas; to lend the committee’s depth of expertise; and to avoid duplication of resources throughout the Judicial Council and the branch.

¹ All proposed projects for the year must be included on the Annual Agenda. If a project implements policy or is a program, identify it as *implementation* or a *program* in the project description and attach the Judicial Council authorization/assignment or prior approved Annual Agenda to this Annual Agenda.

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

#	Project ¹	Priority ₂	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
	Judicial Council, as needed, regarding updates to the “Guidelines for the Operation of Self-Help Centers in California Trial Courts” as provided by CRC 10.960(e).		Key Objective(s) Supported: 2, 3, and 4		
2.	<p>Education</p> <p>a) Collaborate with CJER staff on improving and expanding educational resources in areas under PAF’s charge. This may include, but is not limited to:</p> <ul style="list-style-type: none"> i. Explore with CJER staff ways to improve and expand educational resources that educate judicial officers, temporary judges, court employees, and/or court volunteers on unconscious bias. ii. Explore with CJER staff, emerging access and fairness challenges that court-users with disabilities may face. iii. Discuss with CJER staff what educational resources are available to judicial officers, temporary judges, court staff, and the public on the appropriate and varying uses of animals in courts. Consider whether additional education may be appropriate to address the differences between service animals, emotional support animals, and court-house dogs. iv. Collaborate with CJER staff and the Traffic 	1	<p>Judicial Council Direction: Committee Charge; Strategic Plan for the Judicial Branch, Goal I.</p> <p>Origin of Project: Committee Charge; prior annual agendas.</p> <p>Resources: CFCC staff; CJER staff.</p> <p>Key Objective(s) Supported: 2, 3 and 4</p>	Dec. 2016	2(a) - Improved and expanded education for judicial officers, temporary judges, court employees, and court volunteers.

#	Project ¹	Priority ²	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
	<p>Advisory Committee in exploring ways to improve education on traffic court processes for judicial officers, temporary judges, and court clerks who work with traffic litigants.</p> <p>b) Make a recommendation to Judicial Council staff to expand information in the following areas when updating the publication “Benchguide for Judicial Officers on Handling Cases Involving Self-Represented Litigants”.</p> <ul style="list-style-type: none"> i. Expand information about counteracting unconscious bias. ii. Expand information about working with LGBTQIA litigants. iii. Expand information about cultural awareness and sensitivity. 				<p>2(b) – Updated and expanded information in the areas of unconscious bias, working with LGBTQIA litigants, and cultural awareness and sensitivity in the publication, “Benchguide for Judicial Officers on Handling Cases Involving Self-Represented Litigants”.</p>
3.	<p>Diversity</p> <p>a) Consider ways to implement the recommendations outlined in PAF’s report, “Judicial Branch: Summit Report to Promote Diversity in the California Judiciary”. http://www.courts.ca.gov/documents/jc-20150728-itemF.pdf This work may include, but is not limited to:</p> <ul style="list-style-type: none"> i. Explore strategies for sharing 		<p>Judicial Council Direction: Strategic Plan for the Judicial Branch, Goal I.</p> <p>Origin of Project: Accepted by the Judicial Council at its July 28, 2015 business meeting; Follow-up from the 2006 diversity summit</p>	Dec. 2016	<p>3(a)(i) – The committee will have gathered useful information about existing pipeline programs.</p>

#	Project ¹	Priority ²	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
	<p>information with courts about existing diversity pipeline programs that encourage judicial branch careers (ex. careers as attorney's, judicial officers, Court Executive Officers, and court-staff). (Page 4, Judicial Branch: Summit Report to Promote Diversity in the California Judiciary")</p> <p>ii. Recommend that Judicial Council staff update the Judicial Resource Network to include information about how judicial officers, court leadership and court staff can participate in or support the creation of law academy programs in the high schools in their jurisdictions. (Page 4, Judicial Branch: Summit Report to Promote Diversity in the California Judiciary")</p> <p>b) Review and consider ideas and recommendations that may come out of the October, 2016 Judicial Diversity Summit. (The summit is being planned by the Interagency Judicial Summit Planning Committee, which consists of representatives from the State Bar's Council on Access and Fairness, the Judicial Council, the California Judges Association, and staff from the State Bar and Judicial Council).</p>		<p>held by the Judicial Council in collaboration with the State Bar of California.</p> <p>Resources: To Be Determined</p> <p>Key Objective(s) Supported: 1, 2, 3 and 4</p>		<p>3(a)(ii) - New information on law academy programs, which represent a critical and growing part of the judicial diversity pipeline, being made available to courts via the Judicial Resources Network.</p> <p>3(b) – Committee discussion about and consideration of ideas and recommendations from the October 2016 Judicial Diversity Summit.</p>

#	Project ¹	Priority ²	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
4.	<p>Improving Access and Fairness through Technology:</p> <p>a) Coordinate with the Judicial Council’s Information Technology Advisory Committee (ITAC) on developing a Self-Represented Litigant E-Portal. (See item #5 on ITAC’s 2016 Annual Agenda (attached)); (See also, “The Critical Role of the State Judiciary in Increasing access for Self-Represented Litigants: Self-Help Access 360” attached. http://www.courts.ca.gov/documents/ctac-20150710-report-addendum.pdf)</p> <p>b) Discuss and explore with ITAC other intersections between access, fairness, and technology.</p>	2	<p>Judicial Council Direction: Committee Charge</p> <p>Origin of Project: Committee Charge, ITAC Annual Agenda, and prior annual agenda.</p> <p>Resources: CFCC staff and ITAC staff</p> <p>Key Objective(s) Supported: 2, 3 and 4</p>	Ongoing	<p>4(a) – ITAC will receive PAF’s expertise on issues of access and fairness for self-represented litigants throughout the development and implementation of the Self-Represented Litigant E-Portal.</p> <p>4(b) - Establishment of an ongoing relationship between PAF and ITAC on intersecting issues related to access, fairness, and technology.</p>
5.	<p>Improving Access and Fairness for SRLs in Traffic Court: Consider ways to implement the recommendations outlined in PAF’s report, “Improving Access and Fairness for Self-Represented Litigants in Traffic Court”. (See attached.) This will include ongoing collaboration with the Traffic Advisory Committee, Criminal Law Advisory Committee, and other relevant Judicial Council advisory bodies and staff and will be conducted through the Judicial Council’s ordinary processes for policy adoption,</p>	1(e)	<p>Judicial Council Direction: Strategic Plan for the Judicial Branch, Goal I; Strategic Goal 3: Modernization of Management and Administration; Committee charge.</p> <p>Origin of Project: Prior annual agenda; Judicial</p>	Dec. 2017	Approval and/or implementation of PAF’s policy recommendations for improving access and fairness for self-represented litigants in traffic court.

#	Project ¹	Priority ₂	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
	<p>rulemaking and legislative proposals. This work may include, but is not limited to:</p> <ul style="list-style-type: none"> a) Support and/or sponsor legislation establishing that all traffic infraction penalties be established at a state level; work with counties to explore standardizing statewide penalties associated with traffic infractions. b) Support and/or sponsor legislation to amend Penal Code section 1463.007 or create rules of court adopting a statewide system of debt collection procedures. c) Support and/or sponsor legislation to provide community service as an option to all litigants who may be unable to pay their fines, penalties, and fees with a consistent statewide formula to convert traffic sentences to community service hours. d) Adopt a rule of court setting forth procedures with respect to local courts retaining jurisdiction over traffic matters and clarifying the situations in which they may use outside collection agencies. e) Adopt a court rule regarding the sending of courtesy notices in traffic matters, having the rule outline the minimum requirements for each 		<p>Council’s Statewide Action Plan For Serving Self-Represented Litigants.</p> <p>Resources: None</p> <p>Key Objective(s) Supported: 1, 2, 3 and 4.</p>		

#	Project ¹	Priority ₂	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
	<p>county in sending the notices; the content of the notices; and the timeliness of the notices.</p> <p>f) Adopt a court rule regarding individual traffic courts' use of high quality materials prepared by the Judicial Council to educate litigants when they appear in court.</p> <p>g) Develop high quality informational materials to be disseminated to all counties.</p> <p>h) Provide additional education to judicial officers hearing traffic matters, with an emphasis on how judicial offices should exercise their discretion in considering one's ability to pay before imposing traffic penalties.</p> <p>i) Evaluate the possibility of a statewide electronic Traffic Information Portal.</p>				
6.	<p>Low and Moderate Income Court Users (Economic Access):</p> <p>a) Work with stakeholders to build stronger collaborations between courts and legal aid providers, with the goal of improving access and fairness for low income court users and other vulnerable court-user populations.</p> <p>b) Co-sponsor one or more conferences with the Legal Aid Association of California (LAAC), and/or other relevant stakeholder(s), for court</p>	2	<p>Judicial Council Direction:</p> <p><i>Strategic:</i> Goal I, Access, Fairness, and Diversity; and Goal IV, Quality of Justice and Service to the Public.</p> <p><i>Operational:</i> Goal I, Objective 2: Identify and eliminate barriers to court access at all levels of service; ensure interactions with the</p>	Dec. 2016	<p>6(a) – Ongoing discussion and collaboration with branch stakeholders.</p> <p>6(b) – Co-sponsorship of one or more conferences</p>

#	Project ¹	Priority ₂	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
	<p>administrators, self-help center attorneys, family law facilitators, legal aid attorneys and paralegals, court and legal services information and technology experts, and other appropriate court and legal services staff on issues related to self-represented litigants and to encourage sharing of resources and best practices.</p> <p>c) Provide an educational presentation to the Judicial Council on access and fairness for low and moderate income persons.</p> <p>d) Host an educational meeting on access and fairness for low and moderate income persons. PAF members, key members of other judicial council advisory bodies, and select stakeholders and subject matter experts to be invited.</p> <p>e) Consider ways to implement the recommendations outlined in PAF’s report, “Recommendations for Fully Implementing the Judicial Council’s Economic Access Protocol”. These recommendations include, but are not limited to:</p> <ul style="list-style-type: none"> i. Pilot test a change to the Judicial Council’s Invitation to Comment form. ii. Improve outreach and education for Invitations to Comment. iii. Encourage individuals working with low and moderate-income communities to 		<p>court are understandable, convenient, and perceived as fair; Goal IV, Objective 1: Foster excellence in public service to ensure that all court users receive satisfactory services and outcomes.</p> <p>Origin of Project: Previous Annual Agenda.</p> <p>Resources: CFCC staff; To be determined.</p> <p>Key Objective(s) Supported: 1, 2 and 4</p>		<p>with LAAC and/or other relevant stakeholder(s) on issues related to self-represented litigants.</p> <p>6(c) – Conduct an educational presentation for the Judicial Council.</p> <p>6(d) – Host educational meeting for PAF members, key members of other judicial council advisory bodies, select stakeholders and subject matter experts.</p> <p>6(e) – Approval and/or implementation of PAF recommendations outlined in the report, “Recommendations</p>

#	Project ¹	Priority ₂	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
	<p>apply for Judicial Council advisory body positions.</p> <p>iv. Coordinate with the Legal Aid Association of California to video-record one or two webinars on the Invitation to Comment process and the work of Judicial Council advisory bodies.</p> <p>v. Educate court executive officers and presiding judges about the Conference of Chief Justices Resolution on 100% Access to civil legal services. (See, http://www.ncsc.org/~media/Microsites/Files/access/5%20Meaningful%20Access%20to%20Justice%20for%20All_final.ashx).</p>				<p>for Fully Implementing the Judicial Council’s Economic Access Protocol”.</p>

III. STATUS OF 2015 PROJECTS:

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

#	Project	Completion Date/Status
1.	<p>Gender Fairness/Women of Color in the Courts Focus Groups: The former Access and Fairness Advisory Committee conducted focus groups to gather information on the experiences of women, including women of color, in the branch. PAF will develop policy recommendations based on the focus group findings and will disseminate the focus group information to CJER and to relevant stakeholders, including other advisory groups, with an emphasis on incorporating the data into educational programming. As part of this work, PAF will share information about the Judicial Council’s Pilot Mentoring Program for Trial Court Staff and the accompanying Toolkit which was recently completed and is now on Serranus at http://www.courts.ca.gov/27486.htm.</p>	<p>Project completed January, 2016.</p> <p>Overview of work completed: A small group of PAF members met regularly throughout 2015 to compile, review and discuss the data collected in the Focus Groups on Gender Fairness/ Women of Color in the Courts. The project group found that focus group participants identified areas of access, fairness, and diversity where they felt courts had significantly improved in the last few decades. The project group also found, however, that participants had serious concerns about lack of education in many areas, including unconscious bias, cultural sensitivity, effective communication with self-represented litigants, and diversity in various jobs throughout the court system. The project group determined that more education was needed, at all levels of the courts, to address these and other access, fairness and diversity concerns.</p> <p>The “Access, Fairness and Diversity Self-Assessment Toolkit” was created by staff to address the project group’s recommendation for more education responsive to the access, fairness and diversity concerns identified in the focus group data. The toolkit addresses many of the concerns raised in the focus group data and provides links to high quality educational materials relevant to many of the identified concerns. Although the toolkit is a staff-initiated resource, staff sought PAF committee input throughout development of the toolkit because the committee had identified the need for greater education in many of these areas and because of the committee’s knowledge base on access, fairness and diversity issues.</p> <p>Courts may use the tool to conduct private, voluntary self-</p>

		<p>assessments of how well the court is addressing a number of access, fairness, and diversity issues. The self-assessments would be private and the courts would not be asked to share the results of any self-assessment with others. Where the court has identified a need for additional in-house education on a particular access, fairness, or diversity issue, the accompanying links make it easy for the court to identify useful educational resources to share with judicial officers and/or staff. The tool is not intended to provide an exhaustive list of access, fairness and diversity concerns that a court may want to consider. Rather, the tool highlights <i>common</i> access, fairness and diversity concerns that courts may have. Staff will periodically update the tool to reflect new access, fairness and diversity concerns and to include updated educational resources.</p> <p>PAF Cochair Justice Laurie Zelon shared the toolkit at the January 21, 2016 joint meeting of the Trial Court Presiding Judge Advisory Committee and Court Executive Officer Advisory Committee. Having received no negative feedback about the toolkit, staff finalized the toolkit.</p> <p>Since then, Justice Laurie Zelon shared the toolkit with Judicial Council members in a February, 2016 educational presentation. Staff are now preparing to put the toolkit onto the Judicial Resource Network so that it can be accessible to all courts.</p> <p>A copy of the Access, Fairness and Diversity Self-Assessment Toolkit is attached.</p>
2.	<p>Review Court Processes Affecting Self-Represented Litigants: The Judicial Council directed PAF to consider an access and fairness review of court processes affecting self-represented litigants.</p>	<p>Project Completed March, 2016.</p> <p>Overview of work completed: Throughout 2015 a small group of PAF members met to discuss court processes that affect access and fairness for self-represented litigants. Initially, the project group discussed various court processes that impact high numbers of self-represented litigants,</p>

		<p>including traffic, small claims, and family court matters. The project group eventually decided to focus its energies on court processes related to traffic infractions. Thereafter, the project group gathered a wealth of information about current court processes throughout the state, read and considered the report entitled <i>Not Just a Ferguson Problem: How Traffic Courts Drive Inequality in California</i>, and discussed the various issues facing self-represented litigants in traffic infractions. Lead staff from the Traffic Advisory Committee participated in project group discussions of the recommendations.</p> <p>The project group developed a series of recommendations, which were presented to the full PAF committee on October 14, 2015. The committee approved the recommendations in concept, subject to suggested revisions. On December 09, 2015, the project group presented a revised draft of the recommendations to the full committee, which was approved subject to the inclusion of several suggested revisions made during the meeting.</p> <p>On January 25, 2016, the Traffic Advisory Committee met to review the revised recommendations and provide additional feedback to PAF. Those recommendations have been incorporated. (NOTE: TAC's suggestions have not been incorporated yet). PAF will now focus on the process for implementing these recommendations.</p> <p>PAF's "Recommendations for Improving Access and Fairness for Self-Represented Litigants in Traffic Court" are attached.</p>
<p>3.</p>	<p>Economic Access: PAF will examine whether there are economic barriers to litigants' abilities to enforce legal rights and/or to comply with legal obligations and will identify promising practices. As part of this work, PAF will consider the access and fairness impacts of fines and fees on court users, including self-represented litigants. PAF will share educational information about economic barriers with CJER and relevant</p>	<p>Project Completed October, 2015.</p> <p>Overview of work completed: A small group of PAF members met regularly throughout 2015 to discuss issues affecting access to the courts and fairness in the judicial branch for low and moderate income Californians, also known as "Economic Access". The project group discussed a</p>

	<p>stakeholders, including other advisory bodies.</p>	<p>variety of issues affecting low and moderate income families, including: The impact of court-closures and reduced court hours; best practices for how courts can consider public transportation services when determining where to locate court services and what time to begin calendars; The need for increased self-help services in certain substantive areas of law affecting low and moderate income people; and policies and practices related to collection of court-ordered debt.</p> <p>Ultimately, the project group decided to focus on making recommendations for fully implementing the Judicial Council’s 2001 “Economic Access Protocol”. The policies are designed to identify and address existing barriers as well as to prevent actions, rules, standards, and forms adopted by the council from creating additional barriers to participation by low and moderate income litigants. Although progress has been made since 2001, the Economic Access Protocol was never fully implemented.</p> <p>The project group worked with staff to identify actions that had been taken to implement the various provisions in the economic access protocol and whether those actions had been successful. The project group then identified which parts of the protocol had not been implemented and developed a series of recommendations for fully implementing those provisions.</p> <p>The project group presented its recommendations to the full PAF committee on October 15, 2016, which the committee approved. PAF’s “Recommendations for Fully Implementing the Judicial Council’s Economic Access Protocol” are attached.</p>
<p>4.</p>	<p>Judicial Diversity: The Judicial Council and the State Bar convened a summit on judicial diversity where participants developed recommendations to further the goal of a more diverse bench and issued a final report and recommendations. The Judicial Council reviewed those recommendations and</p>	<p>Project Completed July, 2015</p> <p>Overview of work completed: Justice Laurie Zelon, PAF cochair, presented the proposed recommendations to TCPJAC and CEAC during their</p>

<p>directed the Access and Fairness Advisory Committee (now, Advisory Committee on Providing Access and Fairness) to initiate the review and approval process for those recommendations that merit council action. PAF presented its recommendations to E&P, which then directed PAF to solicit Presiding Judge and CEO input on the various recommendations in the report. PAF presented its recommendations at the January 29, 2015 TCPJAC/CEAC meeting. PAF requested comments from both committees and will consider those comments before reporting back to E&P. PAF will continue its work on the review and approval process.</p>	<p>January 29, 2015 joint meeting and members of those committees were invited to submit written comments on the recommendations. On June 4, 2015, TCPJAC and CEAC chairs provided a joint statement indicating their committees' support for the recommendations in PAF's report.</p> <p>PAF Cochairs submitted the recommendations to the Judicial Council; the Judicial Council accepted the recommendations during its July 28, 2015 meeting. PAF's report, "Judicial Branch: Summit Report to Promote Diversity in the Judiciary" is available at: http://www.courts.ca.gov/documents/jc-20150728-itemF.pdf</p> <p>In furtherance of these recommendations, Judicial Council staff: Participated in pipeline programs designed to encourage high school students to consider careers in the law, including the judiciary; and served on the interagency Judicial Summit Planning which is planning the 2016 Judicial Diversity Summit.</p> <p>As part of PAF's October 2015 in-person meeting, a small group of PAF members coordinated to educate members on state-wide and local court diversity pipeline initiatives.</p>
<p>5. Benchcards on LGBTQ Issues: PAF will contribute to the development of one or more benchcards to provide information to judicial officers on sexual orientation and gender identity terminology, effective communication with LGBTQ court-users, and common needs of LGBTQ litigants in different case types. PAF will also consider whether recommendations should be made for updating the existing publication "Bench Reference Guide: What Do I Need to Know about Lesbian, Gay, bisexual, Transgender, Questioning (LGBTQ) Youth in Juvenile Court?"</p>	<p>This project has been removed from the annual agenda.</p> <p>Overview: The following publication does not need to be updated at this time: "Bench Reference Guide: What Do I Need to Know about Lesbian, Gay, bisexual, Transgender, Questioning (LGBTQ) Youth in Juvenile Court?"</p> <p>The PAF committee determined that item #2(b)(ii) above provided a better opportunity to address judicial officer education on the needs of LGBTQ court-users.</p>
<p>6. Consider Mental Health Issues Implementation Task Force</p>	<p>This project has been removed from the annual agenda.</p>

	<p>Referrals: Review and consider recommendations referred by the Judicial Council following the task force’s final report to the council. Recommend appropriate action within PAF’s purview.</p>	<p>PAF has not received any recommendations from the Mental Health Issues Implementation Taskforce.</p>
<p>7.</p>	<p>Rules Modernization Project: Each advisory committee has been asked to include in their annual agenda for 2015 an item providing for the drafting of proposed amendments to the California Rules of Court related to their subject matter areas. This effort would be undertaken in coordination with CTAC, which is responsible for developing and completing the overall rules modernization project.</p>	<p>This project has been removed from the annual agenda.</p> <p>Overview: This item is most appropriate to Judicial Council advisory bodies whose work primarily focuses on rule-making.</p>
<p>8.</p>	<p>Subject Matter Resource:</p> <p>a) Serve as lead/subject matter resource for other advisory groups to avoid duplication of efforts and contribute to development of recommendations for council action. Such efforts may include providing expertise and review to working groups, advisory committees, and subcommittees as needed on access to the judicial system, fairness in the state courts, diversity in the judicial branch, and court services for self-represented parties.</p> <p>b) Serve as subject matter resource for other stakeholders on subjects under the committee’s charge so as to increase efficiency and avoid duplication of services within the branch.</p> <p>c) Provide education and technical assistance to the court self-help centers in legal substance and procedure, useful technology and efficient business practices, and make recommendations to the Judicial Council regarding updates to the “Guidelines for the Operation of Self-Help Centers in California Trial Courts” as provided by CRC 10.960.</p>	<p>This project is ongoing. See item #1 above.</p> <p>Overview of work completed: See description of project #1 above. PAF members used their expertise in access and fairness, to review court-processes affecting self-represented litigants in traffic court and make recommendations for improving those processes. PAF collaborated with the Traffic Advisory Committee, as well as chairs and staff for the Traffic and Criminal Law Advisory committees. Inter-committee member liaisons were also assigned as a result of these collaborations.</p>
<p>9.</p>	<p>Educational Recommendations:</p>	<p>9(a) This project is ongoing. See item #2(a) above.</p>

	<p>a) Make recommendations to the CJER Governing Committee for educational programming for judicial officers and court staff on methods of improving access to the judicial system, fairness in the state courts, diversity in the judicial branch, and court services for self-represented parties. Many of the educational recommendations are likely to relate to the subject-matter of items 1-6 above and item 9(b) below.</p> <p>b) Make recommendations regarding updates to the “Benchguide for Judicial Officers on Handling Cases Involving Self-Represented Litigants”.</p>	<p>In 2015 PAF brainstormed suggestions for improving access, fairness, and diversity and submitted those recommendations to CJER staff. In 2015 a PAF member and PAF’s lead staff acted as liaisons to CJER’s Judicial Branch Access, Ethics and Fairness Curriculum Development Committee. PAF staff also acted as liaison to CJER’s Qualifying Ethics 6 Planning Committee.</p> <p>9(b) This project is still in progress. See item #2(b) above.</p>
<p>10</p>	<p>Court Technology: PAF will remain available to provide information and subject-matter expertise to the Court Technology Advisory Committee as requested.</p>	<p>This project is ongoing. See item #4 above.</p>
<p>11</p>	<p>Encourage Pro Bono: Coordinate with the State Bar on ways the judicial branch can encourage pro bono service by attorneys. With CFCC staff assistance, the “Judicial Officer Pro Bono Toolkit” was updated in celebration of the 2014 National Pro Bono Month and presented by PAF cochair Hon. Kathleen E. O’Leary as part of her October 28, 2014 presentation to the Judicial Council on the final report of the Taskforce for Self-Represented Litigants. http://www.courts.ca.gov/partners/56.htm and http://www.courts.ca.gov/documents/jc-20141028-itemP.pdf. PAF will continue to educate judicial officers about the toolkit and make appropriate recommendations for updates to Judicial Council pro bono resolutions.</p>	<p>This project has been removed from the annual agenda.</p>
<p>12</p>	<p>Self-Represented Litigants in Family Law Conference: Cosponsor conference with the Legal Aid Association of California (LAAC) for court administrators, self-help center attorneys, family law facilitators, legal aid attorneys, and</p>	<p>This project is ongoing. See item #6(b) above.</p>

	<p>appropriate court staff on issues related to self-represented litigants in family law and domestic violence and to encourage sharing of resources and best practices.</p>	
<p>13</p>	<p>Language Access and Interpreters in the Courts: PAF cochair Hon. Laurie D. Zelon is a member of the Judicial Council's Language Access Plan Implementation Task Force (ITF) which advises the council on implementation of the recommendations issued by the Joint Working Group for California's Language Access Plan (2013–2015). PAF will remain available to provide information and subject-matter expertise to ITF as requested.</p>	<p>This project has been removed from the annual agenda.</p>

Draft

Subgroups/Working Groups - Detail

Subgroups/Working Groups: *[For each group listed in Section I, including any proposed “new” subgroups/working groups, provide the below information. For working groups that include members who are not on this advisory body, provide information about the additional members (e.g., from which other advisory bodies), and include the number of representatives from this advisory body as well as additional members on the working group.]*

Subgroup or working group name:

Purpose of subgroup or working group: None

Number of advisory body members on the subgroup or working group: N/A

Number and description of additional members (not on this advisory body): N/A

Date formed: N/A

Number of meetings or how often the subgroup or working group meets: N/A

Ongoing or date work is expected to be completed: N/A

**Access, Fairness, and Diversity:
Toolkit of Educational Resources for California Courts**

Background Information

Goal 1 of the Judicial Branch’s Strategic Plan is to ensure access, fairness and diversity in California’s courts. This is also a key goal in some local court strategic and operational plans. Ensuring access, fairness and diversity can be a challenging undertaking for any court. The attached “Access, Fairness and Diversity Self-Assessment Toolkit” is designed to help courts: 1) voluntarily look at how they are working to achieve access, fairness and diversity in their court; 2) get ideas about other aspects of access, fairness, and diversity they may want to improve on; and 3) obtain links to existing educational and training resources that may help courts achieve their goals of improving access, fairness and diversity.

The toolkit was largely inspired by concerns that judicial officers, court personnel, and members of the bar raised during a series of focus groups conducted by the Advisory Committee on Providing Access and Fairness (PAF). While the focus groups were designed to solicit information about the experience of women of all races in the court system, the comments collected addressed a variety of intersecting access, fairness and diversity concerns. PAF’s working group on Gender Fairness/ Women of Color Focus Groups compiled and reviewed the focus group comments. On a positive note, they found that focus group participants identified areas of access, fairness, and diversity where they felt courts had significantly improved in the last few decades. They also found, however, that participants had serious concerns about lack of education in many areas, including unconscious bias, cultural sensitivity, effective communication with self-represented litigants, and diversity in various jobs throughout the court system. The working group determined that more education was needed, at all levels of the courts, to address these and other access, fairness and diversity concerns.

The Access, Fairness and Diversity Self-Assessment Toolkit addresses many of the concerns raised in the focus group data and provides links to high quality educational materials relevant to many of these concerns. Working group members provided input and feedback on the toolkit. The toolkit will be made available to all courts via the Judicial Resources Network. Judicial Council staff will also use the toolkit as a handout in court-related education.

Toolkit

Introduction: Goal 1 of the Judicial Branch’s Strategic Plan is to ensure access, fairness and diversity in California’s courts and is also a key goal in some local court strategic plans. Ensuring access, fairness and diversity can, however, be a challenging undertaking for any court. The checklist and links to materials below make it easy for courts to access the information they may need in their ongoing efforts to make California courts accessible and fair to everyone.

This toolkit is intended for Presiding Judges, Court Executive Officers, and a variety of court staff, including those involved in management, information technology, education, and self-help services. This toolkit will be periodically updated to ensure that relevant and timely educational resources are provided that address the changing needs of California’s courts.

Access, Fairness, and Diversity Checklist: You can use this checklist to ensure that your court has considered access, fairness and diversity from many angles. Visit the resources page or click on the links throughout the document to access related educational resources.

- Court Operations:** ⁱ
 - Access, Fairness and Diversity are considered in our court’s
 - Strategic Plan and Operational Plan
 - Process for adopting new rules, standards or forms
 - Review of proposed statewide rules, forms and policiesⁱⁱ

- Education:**
 - Education Modules - Access, Fairness and Diversity considerations are incorporated into all of our court’s education modules.ⁱⁱⁱ

 - Judicial Officers - All court Judicial Officers receive the following trainings
 - Unconscious Bias^{iv}

(Unconscious Bias (also known as “implicit bias” or “implicit social cognition”) is a growing aspect of mind science. Unconscious bias refers to the unconscious attitudes and stereotypes that each of us harbor, causing us to unintentionally form positive and negative associations about other people based on a variety of characteristics including race, gender or gender-identity, sexual orientation, and age. Education in this area should include exploration of what unconscious bias is, how it operates in our subconscious minds, and strategies for counteracting these unconscious biases.)
 - Cultural Sensitivity^v
 - Sexual Harassment Prevention^{vi}
 - Handling Cases with Self-Represented Litigants and Effective Communication with Self-Represented Litigants^{vii}

- Court Employees - All court employees and security officers receive the following trainings
 - Unconscious Bias^{viii}
 - Cultural Sensitivity^{ix}
 - Sexual Harassment Prevention^x

- Effective Communication with Self-Represented Litigants
- Court Volunteers - All court volunteers receive the following trainings
 - Unconscious Bias^{xi}
 - Cultural Sensitivity
 - Sexual Harassment Prevention
 - Effective Communication with Self-Represented Litigants
- Access to the Courts for Persons with Disabilities^{xii}:**
 - Our court regularly assess its
 - physical accessibility throughout court facilities
 - technological accessibility for persons with disabilities (ex. accessibility of phone, website, computer-based court forms)
 - accessibility for pregnant and/or lactating court-users
 - restroom accessibility for all persons who may not feel comfortable using a gendered restroom. (This includes people with caregivers or personal attendants who are a different gender from them; parents/caregivers whose children are a different gender from them; people who are transgender/ gender nonconforming)
- Effectively Responding to Public Concerns:**
 - Our court has developed procedures where members of the public can address concerns regarding potential misconduct or mistreatment by a judicial officer^{xiii}, court staff member, or court security person.
 - These procedures include mechanisms for effective follow-up on a complaint
 - Information about these procedures is made available to the public
- Effective Community Collaboration and Outreach:**
 - Legal Services/Legal Aid
 - Our Court regularly works with Legal Services/Legal Aid to^{xiv}:
 - Discuss issues related to low-income and vulnerable populations of court-users
 - Collaborate on:
 - Educational programming and resources
 - Improving self-help services
 - Strategies for improving referrals between our court and local legal services provider
 - Obtaining grants / expanding funding for courts and legal services^{xv}
 - Community Organizations
 - Our court regularly coordinates with or conducts community outreach to Community-Based Organizations^{xvi} that address the needs of:

- Racial or ethnic minority community members
 - Local Native American tribes (where applicable)^{xxvii}
 - Persons with disabilities
 - LGBTQ persons
 - Senior Citizens
 - Our court regularly discusses the following issues with community organizations
 - Improving court processes for self-represented litigants
 - Local strategies for improving racial or ethnic disparities within the court system^{xxviii}
 - Making the court a welcoming environment for all court-users
- Bar Associations
 - Our court regularly coordinates with or conducts community outreach to
 - Local Bar Associations
 - Specialty Bar Associations (including Minority, Women, and LGBT Bar)^{xxix}
 - Our court regularly discusses the following issues with bar associations
 - Improving attorney civility in and out of the courtroom^{xxx}
 - Developing or improving pro bono assistance programs^{xxxi}
 - Developing or improving modest-means assistance programs
 - Education about and encouragement of limited scope representation
- Diversity In Our Court** - Our court proactively addresses diversity in
 - Judicial Officer
 - Assignment^{xxxi}
 - Outreach^{xxxi}
 - Employee^{xxiv}
 - Hiring
 - Recruitment
 - Promotions
 - Mentorship
 - Volunteer
 - Recruitment
 - Outreach
 - Court-Appointed Counsel, Mediator Panel, Temporary Judges, and other Court-Connected Service Providers
 - Recruitment
 - Outreach
 - Civil Grand Jury^{xxv}
 - Outreach and Advertisement

- Maintenance of database on the court's civil grand jury demographics
(See California Rule of Court 10.625)
 - Make the court's civil grand jury demographic data accessible and available to the public
-

Links to Educational Resources

i Court Operations:

Judicial Branch Strategic Plan:

http://www.courts.ca.gov/documents/Strategic_Plan_text_2006_2016.pdf; and

<http://www.courts.ca.gov/4629.htm>

ii Statewide Policies:

Judicial Council Invitation to Comment: <http://www.courts.ca.gov/policyadmin-invitationstocomment.htm>

Judicial Council Informational Sheet - “How a Proposal Becomes a Rule”:

<http://www.courts.ca.gov/documents/howprerule.pdf>

iii Access, Fairness and Diversity – General Education Modules

Helping Courts Address Implicit Bias: Resources for Education – National Center for State Courts

<http://www.ncsc.org/ibeducation>

CJER Fairness and Access Bench Handbook (2010):

<http://www2.courtinfo.ca.gov/protem/pubs/Fairness&Access.pdf> (See §§ 1.1; 1.5; 2.2; and 3.3)

CJER Judicial and Executive Officer Education – Access, Ethics and Fairness Toolkit:

<http://www2.courtinfo.ca.gov/cjer/judicial/1022.htm>

CJER Leadership and Court Staff Education – Access, Ethics and Fairness Toolkit::

<http://www2.courtinfo.ca.gov/cjer/492.htm>

iv Unconscious Bias Educational Resources – General Education and Judicial Officer Resources

CJER Fairness and Access Bench Handbook (2010):

<http://www2.courtinfo.ca.gov/protem/pubs/Fairness&Access.pdf>

The Neuroscience and Psychology of Decisionmaking, Part 1: A New Way of Learning (video)

<http://www2.courtinfo.ca.gov/cjer/judicial/1011.htm>

The Neuroscience and Psychology of Decisionmaking, Part 2: The Media, the Brain, and the

Courtroom (video): <http://www2.courtinfo.ca.gov/cjer/judicial/1014.htm>

The Neuroscience and Psychology of Decisionmaking, Part 3: Dismantling and Overriding Bias

(video): <http://www2.courtinfo.ca.gov/cjer/judicial/1015.htm>

Implicit Association Test - Harvard University-Project Implicit:

<https://implicit.harvard.edu/implicit/takeatest.html>

Implicit Bias: A Primer for Courts – Professor Jerry Kang – Prepared for the National Campaign to Ensure the Racial and Ethnic Fairness of America’s State Courts (August 2009).
http://www.americanbar.org/content/dam/aba/migrated/sections/criminaljustice/PublicDocuments/unit_3_kang.authcheckdam.pdf

^v Cultural Sensitivity/ Cultural Responsiveness – Judicial Officer Educational Resources

Tools for Understanding: The Real Meaning of Court Users’ Verbal Communication:
<http://www2.courtinfo.ca.gov/cjer/845.htm>

Cultural Competency and Court Culture: <http://www2.courtinfo.ca.gov/cjer/944.htm>

Becoming a Culturally Competent Court, article (2007):
<http://www.courts.ca.gov/partners/documents/CultComp.pdf>

Considering Cultural Responsiveness in Domestic Violence Cases (2011):
<http://www2.courtinfo.ca.gov/cjer/judicial/1118.htm>

In the Interest of Justice (2001, video on cultural awareness, focusing on aspects of the Southeast Asian Culture. Produced by the Superior Court of San Joaquin County.):
<http://www2.courtinfo.ca.gov/cjer/judicial/1591.htm>

^{vi} Sexual Harassment – Judicial Officer Education

Preventing and Responding to Sexual Harassment (For Judges and Subordinate Judicial Officers): <http://www2.courtinfo.ca.gov/cjer/judicial/1549.htm>

Sexual Harassment Prevention (Training materials for courts that wish to conduct their own training in the area of sexual harassment prevention):
<http://www2.courtinfo.ca.gov/cjer/judicial/1409.htm>

^{vii} Communication with Self-Represented Litigants – Judicial Officer Education

Handling Cases Involving Self-Represented Litigants: A Benchguide for Judicial Officers (2008):
http://www2.courtinfo.ca.gov/protem/pubs/self_rep_litigants.pdf

Equal Access Project: Self-Represented Litigant Service Delivery Model Resources Website:
<http://www.courts.ca.gov/partners/58.htm>

Equal Access Project: Self-Help Center Staff Resources:
<http://www.courts.ca.gov/partners/54.htm>

Judicial Communication with Self-Represented Litigants (Video, 2008, designed for Judicial Officers, including Judges Pro Tem): <http://www2.courtinfo.ca.gov/cjer/judicial/1210.htm>

Communicating with Self-Represented Litigants (Judge Pro-Tem Guided Self-Study Course): <http://www2.courtinfo.ca.gov/protem/courses/srl/>

Self-Represented Litigants: Special Challenges (Judge Pro-Tem Guided Self-Study Course): <http://www2.courtinfo.ca.gov/protem/courses/srl-2/>

Effective Communication with Self-Represented Litigants (Video, 2010, designed for Judicial Officers, including Judges Pro Tem): <http://www2.courtinfo.ca.gov/cjer/judicial/1364.htm>

^{viii} **Unconscious Bias Educational Resources – Court Personnel**

Overcoming Implicit Bias: Guidance for Court Personnel

<http://www2.courtinfo.ca.gov/cjer/939.htm>

The Neuroscience and Psychology of Decisionmaking, Part 1: A New Way of Learning (video): <http://www2.courtinfo.ca.gov/cjer/857.htm>

The Neuroscience and Psychology of Decisionmaking, Part 2: The Media, the Brain, and the Courtroom (video): <http://www2.courtinfo.ca.gov/cjer/863.htm>

The Neuroscience and Psychology of Decisionmaking, Part 3: Dismantling and Overriding Bias (video): <http://www2.courtinfo.ca.gov/cjer/864.htm>

Implicit Association Test - Harvard University-Project Implicit:

<https://implicit.harvard.edu/implicit/takeatest.html>

^{ix} **Cultural Sensitivity / Cultural Responsiveness – Court Personnel Educational Resources**

Making Life Easier for Court Staff: Better Understanding the Variations in Non-Verbal

Communication with Court Users: <http://www2.courtinfo.ca.gov/cjer/936.htm>

^x **Sexual Harassment – Court Personnel Education**

Sexual Harassment: Understanding Your Rights and Responsibilities (video for court employees in non-supervisory roles): <http://www2.courtinfo.ca.gov/cjer/877.htm>

^{xi} **Unconscious Bias Educational Resources – Court Volunteers**

The Neuroscience and Psychology of Decisionmaking, Part 1: A New Way of Learning (video) <http://www2.courtinfo.ca.gov/cjer/857.htm>

The Neuroscience and Psychology of Decisionmaking, Part 2: The Media, the Brain, and the Courtroom (video) <http://www2.courtinfo.ca.gov/cjer/863.htm>

The Neuroscience and Psychology of Decisionmaking, Part 3: Dismantling and Overriding Bias (video) <http://www2.courtinfo.ca.gov/cjer/864.htm>

Implicit Association Test - Harvard University-Project Implicit:
<https://implicit.harvard.edu/implicit/takeatest.html>

^{xii} **Access to the Courts for Persons with Disabilities**

Handling a Request for Disability Accommodation (Video, 2012):
<http://www2.courtinfo.ca.gov/cjer/judicial/1722.htm>

The Role and Responsibility of Court Leaders in Handling ADA Issues (Video, 2010):
<http://www2.courtinfo.ca.gov/cjer/judicial/1236.htm>

Disability Terminology Chart (2012):
<http://www2.courtinfo.ca.gov/cjer/judicial/documents/secured/ada-terms.pdf>

Developmental Disability (Video, 2012): <http://www2.courtinfo.ca.gov/cjer/judicial/1516.htm>

ADA Update (Video, 2012): <http://www2.courtinfo.ca.gov/cjer/judicial/985.htm>

ADA Awareness: Nonapparent Disabilities (Video, 2014):
<http://www2.courtinfo.ca.gov/cjer/judicial/1991.htm>

ADA Awareness: Court Users Who Are Deaf or Hard of Hearing (Video, 2013):
<http://www2.courtinfo.ca.gov/cjer/judicial/981.htm>

Lactating and Nursing Jurors, Attorneys and Court Users (Video, 2014):
<http://www2.courtinfo.ca.gov/cjer/judicial/2113.htm>

Transcript of Video – Lactating and Nursing Jurors, Attorneys and Court Users:
<http://www2.courtinfo.ca.gov/cjer/judicial/documents/secured/6982-transcript.pdf>

Sample notice of lactation feeding room, Orange County:
<http://www2.courtinfo.ca.gov/cjer/judicial/documents/secured/6982-orange-county.pdf>

Sample Gender Neutral Restroom Sign: http://www.uua.org/sites/live-new.uua.org/files/images/things/signs/asset_upload_file61_287336.png

^{xiii} **Handling Public Complaints – Judicial Officer Performance**

A Dialogue with the Commission on Judicial Performance (Video, 2011):
<http://www2.courtinfo.ca.gov/cjer/judicial/1244.htm>

Commission on Judicial Performance: <http://www.courts.ca.gov/5360.htm>; and <http://cjp.ca.gov/>

Filing a Complaint – Commission on Judicial Performance: http://cjp.ca.gov/file_a_complaint.htm

Commission on Judicial Performance – Compendiums (Summaries of private and public discipline for different types of judicial misconduct): <http://cjp.ca.gov/compendiums.htm>

^{xiv} **California Legal Services Programs**

Legal Aid Association of California (Learn about the work of California’s legal aid programs and search for programs by region): <http://www.laaonline.org/>

LawHelp (Search for legal aid programs by region and type of case handled. Also a resource to refer court-users to): <http://lawhelpca.org/>

^{xv} **Obtaining Grants / Expanding Funding for Courts and Legal Services**

California State Bar - Partnership Grant Information: <http://www.calbar.ca.gov/AboutUs/LegalAidGrants/PartnershipGrants.aspx>

Legal Services Corporation – Technology Initiative Grant Program: <http://www.lsc.gov/grants-grantee-resources/our-grant-programs/tig>

JusticeCorps Program: <http://www.courts.ca.gov/justicecorps.htm>

United States Department of Justice – Access to Justice Initiatives: <http://www.justice.gov/atj>; and U.S. D.O.J. Access to Justice Grants: <http://www.justice.gov/atj/grant-information>

^{xvi} **Community Engagement**

Judicial Council’s Efficient and Effective Trial Court Programs – Community Outreach webpage. (Includes information, submitted by courts, about successful and replicable community engagement programs. Includes background information and supporting documents available for use by other courts interested in replicating the program.):

<http://serranus.courtinfo.ca.gov/reference/innovation/trialcourtprograms/communityoutreach/>

San Joaquin County Superior Court – Community Outreach webpage (Includes links to the Courtroom to Schoolroom program; Court – Community Leadership and Liaison program; and the Community-Focused Planning Team.): <https://www.sjcourts.org/general-info/community-outreach/>

Santa Clara County Superior Court – Flyer on Court Visits; Mock Trial; and Speaker’s Bureau:
http://www.scscourt.org/documents/community/Community_Court.pdf

Los Angeles Superior Court - Court-Clergy Conference. (A number of courts hold similar conferences, designed to engage local clergy on issues related to the community and educate clergy on the justice system.):
http://www.lacourt.org/generalinfo/communityoutreach/GI_CO002.aspx

^{xvii} **Community Engagement Re. Tribal Issues and Concerns**

Indian Child Welfare Act (ICWA) Stakeholder’s Roundtable – Los Angeles Superior Court:
<http://serranus.courtinfo.ca.gov/reference/innovation/trialcourtprograms/tribal/LosAngeles-IndianChildWelfareAct.htm>

Riverside Superior Court – Tribal Alliance:
<http://jrn.courts.ca.gov/reference/innovation/trialcourtprograms/tribal/Riverside-TribalAlliance.htm>

^{xviii} **Addressing Racial and Ethnic Disparities**

Keeping Kids in School and Out of Court program – Chief Justice’s program addressing racial and ethnic disparities in California schools and courts: <http://www.courts.ca.gov/23902.htm>

State Interagency Team Workgroup to Eliminate Disparities:
<https://sites.google.com/site/sitwged/home>

From Oscar Grant to Trayvon Martin—A Dialogue about Race, Public Trust, and Confidence in the Justice System (This broadcast is intended as a dialogue between experts about race and the justice system focusing on the role that courts may play in reducing racial bias, disparity, and disproportionality in the criminal justice system.):
<http://www2.courtinfo.ca.gov/cjer/judicial/1916.htm>

^{xix} **California Specialty Bar Associations**

State Bar of California, Minority Bar Associations:
http://members.calbar.ca.gov/search/ba_browse.aspx?c=Minority;

State Bar of California, Women’s Bar Associations:
http://members.calbar.ca.gov/search/ba_browse.aspx?c=Womens.

State Bar of California, LGBT Bar Associations:
https://members.calbar.ca.gov/search/ba_results.aspx?txtan=&txtln=&County=&District=&ClassTypes=L

^{xx} **California Bar Resources Re. Attorney Civility**

Civility Toolbox: http://ethics.calbar.ca.gov/Portals/9/documents/Civility/Atty-Civility-Guide-Revised_Sept-2014.pdf

Attorney Civility and Professionalism – Guidelines:

<http://ethics.calbar.ca.gov/Ethics/AttorneyCivilityandProfessionalism.aspx>

^{xxi} **Pro Bono Services**

Judicial Council Pro Bono Toolkit for Judicial Officers:

<http://www.courts.ca.gov/partners/56.htm>

^{xxii} **Judicial Officer Assignments**

Making Judicial Assignments: Considerations for Presiding Judges and Supervising Judges -

http://www2.courtinfo.ca.gov/cjer/judicial/documents/secured/piceo-2014-04_assignments.pdf

^{xxiii} **Increasing Diversity in the Judiciary**

Judicial Branch: Summit Report to Promote Diversity in the California Judiciary (Accepted by Judicial Council, 2015): <http://www.courts.ca.gov/documents/jc-20150728-itemF.pdf>

Pathways to Achieving Judicial Diversity in the California Courts: A Toolkit of Programs Designed to Increase the Diversity of Applicants for Judicial Appointment in California (2010):

<http://www.courts.ca.gov/documents/Judicial-Diversity-Toolkit.pdf>

^{xxiv} **Mentorship – Court Personnel**

Model Mentoring Program for Trial Court Staff (2014) – website:

<http://serranus.courtinfo.ca.gov/reference/innovation/trialcourtprograms/admin/Solano-ContraCosta-ModelMentoringProgram.htm>;

Training Tools (Model Mentoring Program for Trial Court Staff):

http://serranus.courtinfo.ca.gov/jc/documents/mentoring_program_training_tools.pdf

Report to Judicial Council (Model Mentoring Program for Trial Court Staff):

<http://www.courts.ca.gov/documents/jc-20131025-itemF.pdf>

^{xxv} **Civil Grand Jury Resources**

Civil Grand Jury Resources Page: <http://serranus.courtinfo.ca.gov/reference/grandjury.htm>

“Recruiting Grand Juries: A Guide for Jury Commissioners and Managers”. Handbook. (2009):

<http://serranus.courtinfo.ca.gov/reference/documents/grandjury-guide.pdf>

“Grand Jury Resource Manual for California Courts”. (2005):
<http://jrn.courts.ca.gov/reference/documents/grandjury.pdf>

Civil Grand Jury Demographic Data Collection resources:
<http://serranus.courtinfo.ca.gov/reference/grandjurydatacollection.htm>

Automated Civil Grand Jury Program – Monterey County:
<http://www.courts.ca.gov/14127.htm>; and
<http://jrn.courts.ca.gov/reference/innovation/trialcourtprograms/communityoutreach/Monterey-AutomatedCivilGrandJuryProgram.htm>

Self-Help Information on the Civil Grand Jury process:
<http://www.courts.ca.gov/civilgrandjury.htm>