



# NEWS RELEASE

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Release Number: 43

Release Date: August 14, 2009

JUDICIAL COUNCIL OF  
CALIFORNIA  
ADMINISTRATIVE OFFICE  
OF THE COURTS

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## Judicial Council Takes Action on Electronic Discovery in State Courts

San Francisco – In an action designed to cut the costs of litigation and speed the resolution of disputes, the Judicial Council today approved a rule change that requires parties in civil cases to discuss electronic discovery issues early in the course of litigation. The rule is effective today.

The proposal to amend rule 3.724 of the California Rules of Court supplements the Electronic Discovery Act, historic legislation that was passed as an urgency measure on June 29, 2009. The rule is designed to ensure that the parties and the courts address electronic discovery issues before the first case management conference.

California's Electronic Discovery Act is a response to the global shift from paper documents to information stored in digital form. This change has had a profound impact on civil discovery across the nation, since the volume and number of locations of electronically stored documents are much greater than for paper documents.

The advent of electronically stored information can often increase the amount of time and cost of searching for information. But when electronic discovery is properly managed, it can greatly reduce litigation discovery costs.

Patterned after federal e-discovery rules, California's newly enacted law was jointly sponsored by the Judicial Council, California Defense Counsel, and Consumer Attorneys of California.

### OTHER ACTIONS TODAY

In other actions at a public meeting here, the Judicial Council:

**Judicial Branch Budget:** Approved budget requests for critical service and program needs in fiscal year 2010-2011 for the Supreme Court, Courts of Appeal, Judicial Council/Administrative Office of the Courts (AOC), and state trial courts. In the trial courts, funding will be sought

for court-appointed counsel for children in neglect and abuse cases, court security, court interpreters, and court staff retirement costs. In the Courts of Appeal, funding will be sought for court-appointed counsel who represent indigent defendants. Funding for the appellate courts and AOC also will be sought for data center disaster recovery options.

**Underresourced courts:** On a one-time basis, the council voted to reduce the impact of unallocated budget reductions on the Superior Court of San Joaquin County, a very underresourced trial court that also has minimal fund balances. The council also directed the AOC Finance Division to monitor the financial situation of eight other severely underresourced trial courts.

**Trial Court Facilities:** Approved several changes to the *Site Selection and Acquisition Policy for Judicial Branch Facilities*, which has guided site selection and acquisition for nine new courthouse projects initially funded in fiscal year 2007–2008 as well as future projects. The policy changes are designed to identify the conditions under which sites with certain characteristics may or may not be considered, selected, or acquired for construction projects. The changes also clarify the responsibilities of the AOC and the Project Advisory Group selected by each court, in site evaluation and selection. The intent of these changes is to enable the site acquisition process to proceed with more clarity of roles and procedures, thereby reducing the risk of delays to this process.

**National Pro Bono Week:** Adopted a resolution that recognizes the first National Pro Bono Week Celebration October 25-31, 2009. The council also approved distribution of a Pro Bono Toolkit that will provide guidance on ways state judges can encourage pro bono service by California attorneys. The purpose of Pro Bono Week, sponsored by the American Bar Association, is to recognize the valuable pro bono contributions made by attorneys and to focus attention on the need for more services of this kind. California Chief Justice Ronald M. George is an honorary co-chair of national Pro Bono Week events.

**Equal Access Fund:** Approved a request by the State Bar Legal Services Trust Fund Commission to distribute \$14.625 million according to the statutory formula set out in the state budget. The funding will help support legal services for thousands of Californians who cannot afford legal representation. The Budget Act authorizing the Equal Access Fund provides that the Judicial Council must approve the commission's recommendations if the council determines that the awards comply with statutory and other relevant guidelines.

**Jury Instructions:** Approved publication of revisions and additions to the Judicial Council of California Criminal Jury Instructions (CALCRIM), which will improve the clarity, accuracy, and breadth of the instructions. Additions included new instructions in several subject areas, including sex crimes against minors and misuse of personal identifying information. The revisions were primarily based on comments from CALCRIM users and new case law.

**Judicial Administration Rules:** Approved revisions to the rules of court to be consistent with its governance policies, as adopted in June 2008. The governance policies include the council's internal operating guidelines on how it makes policy; how it is organized; the responsibilities of its members, offices, and committees; its relationship with advisory committees and task forces; and its relationship with the Administrative Office of the Courts.

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*The Judicial Council is the policymaking body of the California courts, the largest court system in the nation. Under the leadership of the Chief Justice and in accordance with the California Constitution, the council is responsible for ensuring the consistent, independent, impartial, and accessible administration of justice. The Administrative Office of the Courts carries out the official actions of the council and promotes leadership and excellence in court administration.*