

Appellate Advisory Committee
Annual Agenda¹—2018-2019
Approved by RUPRO: October 19, 2018

I. COMMITTEE INFORMATION

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| Chair: | Hon. Louis R. Mauro, Associate Justice of the Court of Appeal, Third Appellate District |
| Lead Staff: | Christy Simons, Attorney, Legal Services |
| <p>Committee’s Charge/Membership: <i>Insert charge from Cal. Rules of Court, or the specific charge to the Task Force. Hyperlink rule number to courts public site. Insert total number of members and number of members by category.</i></p> <p>Rule 10.40 of the California Rules of Court states the charge of the Appellate Advisory Committee (AAC), which is to make recommendations to the Judicial Council for improving the administration of justice in appellate proceedings and to make proposals on training for justices and appellate support staff to the Governing Committee of the Center for Judicial Education and Research.</p> <p>The AAC currently has 21 members. The attached terms of service chart provides the composition of the committee.</p> | |
| <p>Subcommittees/Working Groups²: <i>List the names of each subcommittee or working group, including groups made up exclusively of committee/task force members and joint groups with other advisory committees/task forces. To request approval for the creation of a new subgroup, include “new” after the name of the proposed subgroup and describe its purpose.</i></p> <ol style="list-style-type: none"> 1. Rules Subcommittee 2. Appellate Division Subcommittee 3. Legislative Subcommittee 4. Joint Appellate Technology Subcommittee 5. Privacy Subcommittee (<i>New</i>) – <i>For the last three years, this has been an ad hoc subcommittee charged with addressing issues of personal privacy in appellate opinions. The issues have proven to be evolving and ongoing rather than discrete and of limited duration.</i> | |

¹ The annual agenda outlines the work a committee will focus on in the coming year and identifies areas of collaboration with other advisory bodies and the Judicial Council staff resources.

² California Rules of Court, rule 10.30 (c) allows an advisory body to form subgroups, composed entirely of current members of the advisory body, to carry out the body's duties, subject to available resources, with the approval of its oversight committee.

II. COMMITTEE PROJECTS

| # | New or One-Time Projects ³ |
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| 1. | <p>Project Title: Privacy protection in appellate opinions</p> <p style="text-align: right;">Priority 1(e)⁴ See footnote 4</p> |
| | <p>Project Summary⁵: Address privacy concerns about information included in appellate opinions in light of the ease with which these opinions are searchable online. This includes raising the awareness of justices, court staff, and litigants regarding protecting personal privacy during the appeal and before opinions are filed. It also includes addressing concerns regarding private information contained in opinions that have already been filed. The objective is to better protect individual privacy while ensuring the public’s access to appellate court opinions and developments in case law. The project originated with issues identified by the Family and Juvenile Law Advisory Committee and the Access and Fairness Advisory Committee. Subcommittee: Privacy.</p> <p>Specific Projects:</p> <ul style="list-style-type: none"> • Pilot program to reduce indexing of unpublished opinions. The pilot program concludes at the end of 2018. Review data, evaluate results, draft a report, and develop recommendations to the Administrative Presiding Justices Advisory Committee and/or the Judicial Council. This program was approved by RUPRO in the 2017 and 2018 annual agendas as part of the privacy subcommittee’s charge to consider whether to recommend amendments to the rules of court or other actions to better protect the privacy of victims, witnesses, and others who are described in or otherwise affected by appellate opinions. Completion date of January 1, 2020. • Notice on privacy for court clerks to provide to parties. Consider developing a rule regarding a notice appellate court clerks can send to the parties to bring privacy issues to their attention and provide guidance on safeguarding individual personal privacy. Completion date of January 1, 2020 • Review rule 8.90. Consider whether any amendments to rule 8.90 (which took effect January 1, 2017) should be proposed in order to further its purpose of protecting individual privacy in appellate opinions. Any rule amendment would be a project for a future rules cycle. Completion date of January 1, 2020 |

³ 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.

⁴ 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.

⁵ A key objective is a strategic aim, purpose, or “end of action” to be achieved for the coming year.

| # | New or One-Time Projects³ | |
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| | <p>Status/Timeline: Efforts to protect personal privacy in appellate opinions are ongoing. The completion date for each specific project is stated above.</p> <p>Fiscal Impact/Resources: Committee staff</p> <p>Internal/External Stakeholders: None</p> <p>AC Collaboration: None</p> | |
| 2. | <p>Project Title: Advisement of appellate rights in juvenile cases</p> | <p>Priority 1(e) See footnote 4</p> |
| | <p>Project Summary: To clarify the appellate rights available to parties in juvenile law cases, consider revising rule 5.590 to (1) remove the requirement that parents be present at the hearing to receive advisement of their appellate rights and (2) include reference to additional hearing types and the applicable statute. In addition, one of the advisory committee comments is no longer accurate and requires revision. This project is on the current annual agenda as a priority 2 project. The committee determined that the due process implications for parents warrant a priority 1 rating. Subcommittee: Rules.</p> <p>Status/Timeline: Work deferred last year to work more closely with the Family and Juvenile Law Advisory Committee/effective date of January 1, 2020 for rules and forms</p> <p>Fiscal Impact/Resources: Committee staff and Family and Juvenile Law Advisory Committee staff</p> <p>Internal/External Stakeholders: None</p> <p>AC Collaboration: Family and Juvenile Law Advisory Committee</p> | |
| 3. | <p>Project Title: Appointment of counsel in misdemeanor appeals</p> | <p>Priority 1(b), 1(e) See footnote 4</p> |
| | <p>Project Summary: Consider whether to amend rule 8.851 to provide for the appointment of counsel for misdemeanor defendants who are involved in appeals as respondents or pre-conviction appellants. Currently the rule provides for the appointment of counsel for post-</p> | |

| # | New or One-Time Projects³ | |
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| | <p>conviction appellants only. Also, consider whether to revise form CR-133, Request for Lawyer in Misdemeanor Appeal, to clarify that a defendant need not be the appellant to use the form to request appointment of counsel. This project is on the 2017-2018 annual agenda but has been deferred while <i>Gardner v. Superior Court</i> (formerly <i>Morris v. Superior Court</i>) 17 Cal.App.5th 636 is pending in the California Supreme Court. The issue in that case is whether an appellate division of the superior court is required to appoint counsel for an indigent defendant charged with a misdemeanor offense on an appeal by the prosecution. The case is fully briefed; oral argument has not been set. This project is rated priority 2 on the current annual agenda, but a decision in <i>Gardner</i> is expected this year and the committee determined that action is urgently needed. Subcommittee: Appellate Division.</p> <p>Status/Timeline: Deferred pending California Supreme Court action/anticipated effective date of January 1, 2020 for rules and forms</p> <p>Fiscal Impact/Resources: Committee staff</p> <p>Internal/External Stakeholders: None</p> <p>AC Collaboration: None</p> | |
| 4. | Project Title: Oral argument in misdemeanor appeals | Priority 1(e) See footnote 4 |
| | <p>Project Summary: To save resources, consider whether to amend rule 8.885(a) to clarify that oral argument will not be set in cases presenting no issues. Also, consider amending rule 8.885(d) to set forth a procedure for waiving oral argument. These are suggestions from a presiding judge of an appellate division and a member of the committee. This project is on the current annual agenda as priority 1(e); work was started this year but deferred in order to conduct more research into appellate division practices. Subcommittee: Appellate Division.</p> <p>Status/Timeline: Some preliminary research has been done/anticipated effective date of January 1, 2020.</p> <p>Fiscal Impact/Resources: Committee staff</p> <p>Internal/External Stakeholders: None</p> <p>AC Collaboration: None</p> | |

| # | New or One-Time Projects³ | |
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| 5. | Project Title: CEQA rules | Priority 1(a) and 1(c) <i>See footnote 4</i> |
| <p>Project Summary: Assembly Bills 1826, 734, and 987 add new projects to those for which expedited procedures are set forth under the rules of court (rules 3.2200 et seq. in the trial court and rules 8.700-8.705 in the appellate court) for challenges made under CEQA. The pertinent rules must be amended as appropriate to include the new projects. Subcommittee: Rules.</p> <p>Status/Timeline: Two statutes have a July 1, 2019 deadline for amending the rules; the other has a September 1, 2019 deadline. Rules to circulate during the Winter Cycle with a July 1, 2019 effective date.</p> <p>Fiscal Impact/Resources: Committee staff, staff to Civil and Small Claims Advisory Committee, Governmental Affairs</p> <p>Internal/External Stakeholders: None</p> <p>AC Collaboration: Civil and Small Claims Advisory Committee</p> | | |
| 6. | Project Title: Rules modernization: Uniform formatting rules for electronic documents | Priority 1(e) <i>See footnote 4</i> |
| <p>Project Summary: All appellate courts have implemented e-filing, but local rules for the format of electronic documents are often incomplete or inconsistent among the districts, resulting in burdens for litigants, attorneys, and appellate courts. The goal of this project is to develop uniform formatting rules for electronic documents filed or otherwise submitted to the appellate courts. This project originated with suggestions for rules regarding exhibits and bookmarking, and was expanded in scope to include uniform formatting for all electronic documents at the suggestion of Justice Mauro, chair of the committee. Subcommittee: JATS.</p> <p>Status/Timeline: New project/Completion date of January 1, 2020</p> <p>Fiscal Impact/Resources: Committee staff and Information Technology Advisory Committee staff</p> <p>Internal/External Stakeholders: None</p> | | |

| # | New or One-Time Projects³ | |
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| | <i>AC Collaboration:</i> Joint project with the Information Technology Advisory Committee | |
| 7. | <i>Project Title:</i> Standards for record retention and preservation | <i>Priority 2(b)</i> See footnote 4 |
| <p><i>Project Summary:</i> Consider amending rule 10.1028 to extend the time for keeping reporters’ transcripts in criminal appeals. The rule currently requires that the original reporter’s transcript be kept for 20 years, but this is not long enough to account for longer sentences. Also consider whether to amend the rule to remove the requirement that appellate courts must follow the Trial Court Records Manual (TCRM) in storing their records. A Court of Appeal that is planning to scan and store records electronically, and that needs to put procedures in place to comply with the rules, has found the requirement of complying with the TCRM to be burdensome and not helpful. These suggestions are from a Court of Appeal justice, a clerk/executive officer, and an assistant clerk/executive officer at three different districts. Subcommittee: Rules.</p> <p><i>Status/Timeline:</i> Current priority 2 project combined with new project/Completion date of January 1, 2021</p> <p><i>Fiscal Impact/Resources:</i> Committee staff</p> <p><i>Internal/External Stakeholders:</i> None</p> <p><i>AC Collaboration:</i> None</p> | | |
| 8. | <i>Project Title:</i> Time for trial court clerk to provide notice of appeal to court reporter | <i>Priority 2(b)</i> See footnote 4 |
| <p><i>Project Summary:</i> To avoid delay in the preparation of the reporter’s transcript, consider whether to amend rules to provide a time frame within which the trial court clerk must provide notice of appeal and record designation to the court reporter. There are time frames within which the court reporter must prepare the transcript after receiving notice, but no time frame within which that notice must be given. The suggestion specifies rule 8.714 (appeal from an order dismissing or denying a petition to compel arbitration), but this project also includes consideration of rule 8.702 (appeals in CEQA cases) and the general rules regarding the court clerk’s duty to provide notice to the court reporter. This project is expanded in scope from the project listed on the committee’s current annual agenda. Subcommittee: Rules.</p> | | |

| # | New or One-Time Projects³ | |
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| | <p>Status/Timeline: Newly expanded project/Completion date of January 1, 2021</p> <p>Fiscal Impact/Resources: Committee staff</p> <p>Internal/External Stakeholders: Joint Rules Subcommittee of the Trial Court Presiding Judges Advisory Committee and the Court Executives Advisory Committee (Joint Rules Subcommittee)</p> <p>AC Collaboration: None</p> | |
| 9. | <p>Project Title: Civil commitment cases—rule for the normal record on appeal and form notice of appeal</p> | <p>Priority 2(b) See footnote 4</p> |
| | <p>Project Summary: To provide guidance and ensure that the record is complete, consider developing a rule setting forth the contents of the normal record on appeal and a form notice of appeal for civil commitment cases. Civil commitment cases include extensions for those found not guilty by reason of insanity (Pen. Code, § 1026 et seq.) and those found incompetent to stand trial (Pen. Code, § 1367 et seq.). They also include commitments under the Mentally Disordered Offenders Act (Pen. Code, § 2962 et seq.), Lanterman-Petris-Short Act (Welf. & Inst. Code, § 5000 et seq.), Developmentally Disabled Persons Act (Welf. & Inst. Code, § 6500 et seq.), and Sexually Violent Predators Act (Welf. & Inst. Code, § 6600 et seq.). Subcommittee: Rules.</p> <p>Status/Timeline: Second year of a current priority 2 project/Completion date of January 1, 2020</p> <p>Fiscal Impact/Resources: Committee staff</p> <p>Internal/External Stakeholders: Joint Rules Subcommittee</p> <p>AC Collaboration: Consulting with staff to the Probate and Mental Health Advisory Committee and the mental health subcommittee of the Collaborative Courts Advisory Committee</p> | |
| 10. | <p>Project Title: Expand the record on appeal to include PowerPoint presentations, visual aids, digital media, emails, and other materials in their native format</p> | <p>Priority 2(b) See footnote</p> |

| # | New or One-Time Projects³ | |
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| | <p>Project Summary: Increasingly, prosecutors and defense attorneys are relying on, and making objections to, PowerPoint presentations and other forms of digital or electronic media at jury trials. Consider amending the rules to include as part of the normal record on appeal the PowerPoint presentations, electronic communications, and other digital or electronic media used at trial. Subcommittee: Rules.</p> <p>Status/Timeline: New project/Tentative completion date of January 1, 2021</p> <p>Fiscal Impact/Resources: Committee staff</p> <p>Internal/External Stakeholders: Joint Rules Subcommittee</p> <p>AC Collaboration: This will involve collaboration with ITAC, and specifically the Digital Evidence Workstream, which may take the lead in developing technical requirements.</p> | |
| 11. | Project Title: Word limit for briefs in civil cases | Priority 2(b) See footnote 4 |
| | <p>Project Summary: In light of daunting caseloads and limited resources, consider whether to amend the rules to decrease the permitted length of appellate briefs in civil cases. This project was suggested by Kevin Green, committee member, Justice Ikola, former committee chair, and Justice Rylaarsdam. Subcommittee: Rules.</p> <p>Status/Timeline: Second year of a current priority 2 project/Completion date of January 1, 2020</p> <p>Fiscal Impact/Resources: Committee staff</p> <p>Internal/External Stakeholders: None</p> <p>AC Collaboration: None</p> | |
| 12. | Project Title: Format of motions and applications filed in the appellate division | Priority 2(b) See footnote 4 |

| # | New or One-Time Projects³ | |
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| | <p>Project Summary: To resolve uncertainty and provide clarity, amend rule 8.817 to provide that either superior court rules (rules 2.100-2.118) or appellate rules (rules 8.40, 8.44, and 8.204) regarding formatting apply to motions and applications filed in the appellate division. Generally, the appellate rules do not apply because they apply only in cases pending in a reviewing court, and the appellate division is not defined as a reviewing court under rule 8.10(6). Subcommittee: Appellate Division.</p> <p>Status/Timeline: Second year of a current priority 2 project/Completion date of January 1, 2020</p> <p>Fiscal Impact/Resources: Committee staff</p> <p>Internal/External Stakeholders: None</p> <p>AC Collaboration: None</p> | |
| 13. | Project Title: Rule for timely filed amicus briefs in the appellate division | Priority 2(b) See footnote 4 |
| | <p>Project Summary: The rule regarding service and filing in the appellate division does not address applications for filing amicus briefs. This has caused confusion when counsel instead relied on the rule regarding timeliness for such applications filed in the Court of Appeal or the Supreme Court. Subcommittee: Appellate Division.</p> <p>Status/Timeline: Second year of a current priority 2 project; no work to be done in 2019 due to resource constraints/Completion date of January 1, 2021</p> <p>Fiscal Impact/Resources: Committee staff</p> <p>Internal/External Stakeholders: None</p> <p>AC Collaboration: None</p> | |
| 14. | Project Title: Revise statement on appeal forms | Priority 2(b) See footnote 4 |

| # | New or One-Time Projects³ | |
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| | <p>Project Summary: Revise several statement on appeal and order forms used in limited civil, misdemeanor, and infraction appeals to make clarifications and corrections, and to make them consistent as appropriate with recently revised settled statement forms used in unlimited civil cases. Historically, the settled statement process and the statement on appeal process in the appellate division were intended to be consistent with each other except where inconsistencies could not be avoided. This project originated with suggestions from a superior court which were deferred to allow work on the settled statement forms to be completed. Subcommittee: Appellate Division.</p> <p>Status/Timeline: New project/Completion date of January 1, 2021</p> <p>Fiscal Impact/Resources: Committee staff</p> <p>Internal/External Stakeholders: None</p> <p>AC Collaboration: None</p> | |
| 15. | <p>Project Title: Rules modernization: See project descriptions below</p> | <p>Priority 2(b) See footnote 4</p> |
| | <p>Project Summary: Modernizing appellate court rules for e-filing and e-business is one of the main charges for JATS. Rules modernization includes projects such as (1) reviewing appellate rules to ensure they are consistent with e-filing practice and considering potential rule modifications where outdated provisions challenge or prevent e-business; (2) considering rule amendments to remove requirements for paper versions of documents; and (3) developing new rules to facilitate e-filing and e-business. Subcommittee: JATS.</p> <p>Specific projects:</p> <ul style="list-style-type: none"> • Numbering of materials in requests for judicial notice. Consider amending rule 8.252, which requires that materials to be judicially noticed be numbered consecutively, starting with page number one. The problem is that such materials are attached to a motion and declaration(s) and are electronically filed as one document, making pagination and reference to those materials in the briefs confusing for litigants and the courts. This project may be addressed by the uniform format rules project. Source of the project: Dan Kolkey, committee member. Second year of a current priority 2 project/completion date of January 1, 2020 | |

| # | New or One-Time Projects³ | |
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| | <ul style="list-style-type: none"> • Method of notice to the court reporter. Consider whether to amend rule 8.405, which governs the filing of an appeal in juvenile cases, to remove or modify the requirement in subdivision (b)(1)(B) that the clerk notify the court reporter “by telephone and in writing” to prepare a transcript. This language may be outdated or inconsistent with other rules requiring notification by the clerk. Source of the project: Tricia Penrose, Director of Juvenile Operations, Los Angeles Superior Court. New suggestion/completion date of January 1, 2021 • Clarify the filing date of an e-filed document. Amend rule 8.77 to clarify that an e-filed document received by the court before midnight that meets the filing requirements is deemed to have been filed that day. This project addresses an ambiguity in the rule that has resulted in inconsistent treatment of e-filed documents that are received after business hours. Source of the project: California Lawyers Association. New suggestion/completion date of January 1, 2021 • Court of Appeal service copy of a petition for review. Amend rule 8.500(f)(1) to remove the requirement of a separate service copy of a petition for review. Once the Supreme Court accepts a petition for review for filing, the Court of Appeal automatically receives a filed/endorsed copy of the petition. The filing of the petition satisfies the service requirements for the Court of Appeal. This project is intended to eliminate an inefficiency. Source of the project: Colette Bruggman, Assistant Clerk/Administrator, Third District Court of Appeal. Second year of a current priority 2 project/completion date of January 1, 2020 • Amend rule 8.70 to clarify content. Consider amending rule 8.70 to clarify the subdivision (c)(2)(B) definition of a document and make subdivision (c)(2)(D) parallel with the rest of (c)(2). Source of the project: Justice Mauro, committee chair. New suggestion/completion date of January 1, 2021 <p>Status/Timeline: The rules modernization effort is ongoing. The completion date for each specific project is stated above.</p> <p>Fiscal Impact/Resources: Committee staff and Information Technology Advisory Committee staff</p> <p>Internal/External Stakeholders: None</p> <p>AC Collaboration: Joint project with the Information Technology Advisory Committee.</p> | |
| 16. | Project Title: E-filing and e-readers for incarcerated individuals | Priority 2(b) See footnote 4 |

| # | New or One-Time Projects³ | |
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| | <p>Project Summary: The recent amendment of Code of Civil Procedure section 271 provides that a reporter’s transcript will be produced in electronic format unless requested in paper. Defense counsel have reported enthusiasm for the prospect of electronic transcripts, but they must often request paper because in many instances their clients cannot use electronic versions. Other jurisdictions have made e-filing and electronic tablets available to incarcerated individuals in ways that are safe, permit access to electronic documents, but do not provide incarcerated individuals with internet access. This project involves exploring options with the California Department of Corrections and Rehabilitation (CDCR) and potentially recommending to the Judicial Council the development of a pilot program with one prison and one court to test promising options. Justice Mauro, committee chair, suggested this project. Subcommittee: JATS.</p> <p>Status/Timeline: New project/completion date of January 1, 2021</p> <p>Fiscal Impact/Resources: Committee staff and Information Technology Advisory Committee staff. Also, there may be costs involved in a pilot program and any subsequent implementation, to be determined. However, the expectation is that such costs would be more than offset by the elimination of paper in appeals involving incarcerated individuals.</p> <p>Internal/External Stakeholders: Stakeholders include CDCR and the court(s) that participate(s) in any pilot program.</p> <p>AC Collaboration: Joint project with the Information Technology Advisory Committee; also will involve working with the Court Executives Advisory Committee</p> | |
| 17. | <p>Project Title: Rules regarding certification of electronic records, electronic signatures, and paper copies of electronically filed documents</p> | <p>Priority 2(b) See footnote 4</p> |
| | <p>Project Summary: The Information Technology Advisory Committee is considering rules for trial courts governing certification of electronic records, standards for electronic signatures, and whether parties should have to submit paper copies of documents when filing electronically. (In the trial courts, some of these changes will require legislation where there are statutory requirements for the trial courts regarding electronic filing, service, and signatures. (See Code Civ. Proc., § 1010.6.) JATS will offer input on changes proposed for trial courts that affect appellate courts. In addition, after ITAC has resolved these issues for trial courts, JATS may wish to consider proposing changes to the appellate rules on these issues. This project originated with ITAC. Subcommittee: JATS.</p> <p>Status/Timeline: This project is ongoing in that the work by JATS must wait until the project is moved forward by ITAC. An estimated completion date is January 1, 2021.</p> <p>Fiscal Impact/Resources: Committee staff and Information Technology Advisory Committee staff</p> | |

| # | New or One-Time Projects³ | |
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| | <p data-bbox="174 253 680 285"><i>Internal/External Stakeholders:</i> None</p> <p data-bbox="174 326 1299 358"><i>AC Collaboration:</i> Joint project with the Information Technology Advisory Committee</p> | |
| 18. | Project Title: Appellate document management system | Priority 2(b) |
| | <p data-bbox="174 526 1911 667">Project Summary: The committee will receive status updates and provide feedback to Judicial Council Information Technology (JCIT) staff on implementation of a new document management system in the appellate courts. Phase 1 is in progress. The Third Appellate District and the Fifth Appellate District are piloting the initial implementation. This is JCIT’s implementation project; the project originated with ITAC. RUPRO previously approved AAC’s involvement on October 24, 2017. Subcommittee: JATS.</p> <p data-bbox="174 708 1911 773">Status/Timeline: This project is ongoing in that implementation across the appellate courts will take years. The timing of JATS’s work will depend on the phases of implementation. Tentative completion date is 2021.</p> <p data-bbox="174 813 1446 846">Fiscal Impact/Resources: Committee staff and Information Technology Advisory Committee staff</p> <p data-bbox="174 886 680 919">Internal/External Stakeholders: None</p> <p data-bbox="174 959 1299 992">AC Collaboration: Joint project with the Information Technology Advisory Committee</p> | |

| # Ongoing Projects and Activities | |
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| 1. | <p><i>Improve Rules and Forms</i></p> <p style="text-align: right;"><i>Priority 1</i> See footnote 4</p> <p><i>Project Summary</i> Working through the Rules Subcommittee, review case law changes that impact appellate courts and appellate procedure and suggestions from committee members, judicial officers, court staff, the bar, and the public concerning appellate rules and forms and appellate administration. Make recommendations to the Judicial Council for necessary changes to appellate rules, standards, and forms (rule 10.21).</p> <p><i>Status/Timeline</i> Ongoing</p> <p><i>Fiscal Impact/Resources:</i> Committee staff; potentially others depending on the project</p> <p><i>Internal/External Stakeholders:</i> Depends on the project</p> <p><i>AC Collaboration:</i> As appropriate, depending on the project</p> |
| 2. | <p><i>Review Pending Legislation</i></p> <p style="text-align: right;"><i>Priority 1</i> See footnote 4</p> <p><i>Project Summary</i> Working through the Legislative Subcommittee, review pending legislation affecting appellate procedure and court administration and make recommendations to the Policy Coordination and Liaison Committee as to whether the Judicial Council should support or oppose the legislation (rule 10.34).</p> <p><i>Status/Timeline</i> Ongoing</p> <p><i>Fiscal Impact/Resources:</i> Committee staff, Governmental Affairs</p> <p><i>Internal/External Stakeholders:</i> None</p> <p><i>AC Collaboration:</i> As appropriate, depending on the project</p> |
| 3. | <p><i>Legislative Implementation</i></p> <p style="text-align: right;"><i>Priority 1</i> See footnote 4</p> |

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| | <p>Project Summary Review all enacted legislation referred to the committee by the Judicial Council’s Governmental Affairs office that may have an impact on appellate procedure and court administration, and, where appropriate, propose to the Judicial Council rules and forms to implement the legislation or to bring rules and forms into conformity with it.</p> <p>Status/Timeline Ongoing</p> <p>Fiscal Impact/Resources: Committee staff, Governmental Affairs</p> <p>Internal/External Stakeholders: Usually none, but depends on the legislation</p> <p>AC Collaboration: As appropriate, depending on the legislation</p> | |
| 4. | <p>Rules and Forms: Miscellaneous Technical Changes Project</p> | <p>Priority 2(a) See footnote 4</p> |
| | <p>Project Summary Develop rule and form changes as necessary to correct technical errors meeting the criteria of rule 10.22(d)(2): “a nonsubstantive technical change or correction or a minor substantive change that is unlikely to create controversy....”</p> <p>Status/Timeline Ongoing</p> <p>Fiscal Impact/Resources: Committee staff, RUPRO staff</p> <p>Internal/External Stakeholders: None</p> <p>AC Collaboration: None</p> | |

III. LIST OF 2017-2018 PROJECT ACCOMPLISHMENTS

[Provide highlights and achievements of completed projects that were included in the 2017-2018 Annual Agenda.]

| # | Project Highlights and Achievements |
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| 1. | Privacy Protection. A pilot program is underway that adds an instruction to the unpublished opinions page of the California courts website directing search engines not to index the opinions on that page is underway. The pilot is authorized to run through the end of 2018. |
| 2. | Settled Statements. Form changes to address the difficulties in preparation and certification of these statements. Approved by the Judicial Council on September 21, 2018; changes take effect January 1, 2019. |
| 3. | Finality in Appellate Division Decisions. Rule changes to ensure that parties have sufficient time to seek review of appellate division decisions. Approved by the Judicial Council on September 21, 2018; changes take effect January 1, 2019. |
| 4. | Sealed and Confidential Records. Rule changes to address records submitted electronically in the Court of Appeal. Approved by the Judicial Council on September 21, 2018; changes take effect January 1, 2019. |
| 5. | Notice on Appeal and Record on Appeal Forms. Revise forms to provide more complete and accurate information, make corrections, and clarify various items. Approved by the Judicial Council on September 21, 2018; changes take effect January 1, 2019. |
| 6. | Rules Modernization. Rule changes to address formatting of electronic reporters' transcripts following enactment of AB 1450, amending Code of Civil Procedure section 271, in October 2017. The amended rule took effect January 1, 2018. |
| 7. | Review Pending Legislation. The committee recommended sponsoring legislation to amend Welfare and Institutions Code section 827 regarding access to juvenile case records. The Legislative Subcommittee considered several rounds of amendments to AB 1617, which was signed by the Governor on September 4, 2018. |
| 8. | Legislative Implementation. The committee recommended rules to implement a bill relating to the formatting of electronic reporter's transcripts. The amendments to rule 8.144 were adopted January 1, 2018 (see item 6). |