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JUDICIAL COUNCIL
OF CALIFORNIA

INFORMATION TECHNOLOGY
ADVISORY COMMITTEE

JOINT APPELLATE TECHNOLOGY SUBCOMMITTEE

MINUTES OF ACTION BY EMAIL BETWEEN MEETINGS
FEBRUARY 22, 2016

Email Proposal

At its February 11th, 2016 meeting, the Joint Appellate Technology Subcommittee (JATS) reviewed draft language for the Phase 2 Appellate Rules Modernization proposal, including changes to numerous appellate forms, and for the rules revised in the Appellate E-Filing proposal. The subcommittee recommended that certain changes be made in each of these proposals. In the Rules Modernization proposal, JATS recommended that information on the proposed new proof of service forms be included in the existing information sheets on proof of service instead of creating new information sheets, as had been done in the draft forms considered by JATS at the February 11th meeting. In the Rules-Practice Consistency proposal, JATS recommended the following: that new language be drafted for rule 8.77 regarding the procedures to be followed when technical difficulties prevent a litigant from e-filing a document; that language be added in rule 8.78 to state that nonparties are subject to the rule when they have agreed to or have been ordered to accept electronic service; and that in rule 8.79 (a), paragraph (2)(B) be deleted. JATS directed that staff draft the specific language for the recommended revisions to both proposals for JATS's consideration.

Because JATS needed to act in time for the revised proposals to be considered at the next Appellate Advisory Committee meeting, JATS members agreed that the draft revisions should be considered and voted on in an action by e-mail. If the revisions were approved, the revised proposals would be sent to the Appellate Advisory Committee and Information Technology Advisory Committee to determine whether they should be circulated for public comment during the spring rules cycle.

Due to timing constraints, the subcommittee did not have the opportunity to schedule a meeting to consider the proposals. Accordingly, the Chair concluded that prompt action by email was necessary.

Notice

On February 18, 2016, a public notice was posted advising that JATS was proposing to act by email between meetings under California Rules of Court, rule 10.75(o)(1). The materials describing the changes to be considered by JATS and the draft revised forms and rules were posted with the notice.

Public Comment

Because the action by email concerned a subject that otherwise must be discussed in an open meeting, JATS invited public comment on the proposals under rule 10.75(o)(2). The public comment period began at 4:00 p.m., Thursday, February 18, 2016, and ended at 4:00 p.m., Friday February 19, 2016. No comments were received.

Action Taken

After the public comment period ended, JATS members were asked to submit their votes on the revisions to the proposals by 4:00 p.m. on Monday, February 22, 2016. Six (6) committee members voted to recommend that the forms revisions be included in the Phase 2 Appellate Rules Modernization proposal, and one (1) member did not vote. Six (6) committee members voted to recommend that the rule revisions be included in the Rules-Practice Consistency proposal, and one (1) member did not vote. Both proposals, with the approved revisions, are recommended by JATS to the Appellate Advisory Committee and Information Technology Advisory Committee for circulation for public comment.

Approved by the advisory body on June 30, 2016.