



JUDICIAL COUNCIL OF CALIFORNIA

www.courts.ca.gov/civilandsmallclaims.htm
civilandsmallclaims@jud.ca.gov
www.courts.ca.gov/itac.htm
itac@jud.ca.gov

UNLIMITED CASE AND COMPLEX LITIGATION SUBCOMMITTEE

RULES AND POLICY SUBCOMMITTEE

MINUTES OF OPEN MEETING

January 26, 2016

12:10 PM – 1:30 PM

Teleconference

**Advisory Body
Members Present:**

Justice Peter Siggins, Judge Ann Jones, Judge Kyle Brodie, Justice Louis Mauro, Mr. Don Willenburg, Judge Jackson Lucky, Mr. Peter Glaessner, Judge Michael Sacks, Judge Harold Kahn, Mr. William Chisum, Mr. Robert Olson, Ms. Victoria Brizuella, Judge David Chapman

**Advisory Body
Members Absent:**

Professor Dorothy Glancy, Judge Julie Culver, Mr. Darrell Parker, Mr. Saul Bercovitch, Justice Victoria Chaney, Justice Elizabeth Grimes, Ms. Kristin Escalante, Ms. Twila White

Others Present:

Mr. Patrick O'Donnell, Ms. Tara Lundstrom, Ms. Susan McMullan

OPEN MEETING

Call to Order and Roll Call

The chair called the meeting to order at 12:12 pm, and took roll call.

DISCUSSION AND ACTION ITEMS (ITEM 1)

Item 1

Rules Modernization Project (Phase 2) Rules Proposal: Proposed Amendments to Titles 2 and 3 of the California Rules of Court (Action Required)

Action: *The subcommittees deferred voting on final recommendations until the next joint subcommittee meeting.*

Ms. Lundstrom introduced the proposal and led the subcommittee through a discussion of each of the proposed changes to titles 2 and of the California Rules of Court. The subcommittees discussed the proposed rule amendments on pages 3 to 39 of the meeting materials. They deferred discussion of the proposed amendments on pages 40 to 46 until the next joint subcommittee meeting on February 5, 2016. They also deferred voting on final recommendations until that meeting.

In reviewing the proposal, the subcommittees made the following changes:

1. In lieu of recommending new rule 2.101 that would specify that e-filed "papers" must meet the electronic formatting requirements in rule 2.256(b), this requirement would be added to rule 2.100, which addresses the form and format of papers presented for filing in the trial courts.

2. The Invitation to Comment for this proposal would specifically request comment on whether the proposed amendment to rule 2.252 on paper courtesy copies might have the unintended effect of increasing, rather than decreasing, the amount of paper filed in the courts.
3. An Advisory Committee Comment would be added to rule 2.256 to clarify that court clerks may not reject a paper for filing if the font size changed slightly solely because a document in word processing format was converted to PDF.
4. The proposed amendment to rule 3.512 was withdrawn because Judicial Council staff currently does not have the necessary document management system to require electronic submission of documents in complex coordination proceedings.
5. The proposed amendment to rule 3.1110(c) would eliminate any reference to binding or submitting documents together; instead the first sentence would read: "Documents must be consecutively paginated."

A subcommittee member also expressed the following concerns and suggestions during the meeting:

1. Rule 2.251 currently requires that the proof of electronic service specify the time of e-service; however, the person filling out the proof of e-service would not know the exact time of e-service until after it occurred.
2. The proposal would require that "papers" be text searchable; however, practitioners refrain from converting documents in word processing format to PDF because of residual metadata.
3. The proposal should add cross-references to rule 2.551 in rule 2.575 to facilitate updating these rules in the future.

The subcommittees tasked Ms. Lundstrom with researching these concerns and suggestions and reporting back at the next joint subcommittee meeting.

A D J O U R N M E N T

There being no further business, the meeting was adjourned at 1:29 PM.

Approved by the advisory body on July 12, 2016.