



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

February 5, 2016

12:10 PM – 1:00 PM

Teleconference

Advisory Body Members Present: Justice Peter Siggins, Judge Ann Jones, Professor Dorothy Glancy, Judge Kyle Brodie, Mr. Don Willenburg, Judge David Chapman, Justice Elizabeth Grimes, Judge Harold Kahn, Ms. Twila White, Ms. Victoria Brizuela, Ms. Kristin Escalante, Mr. William Chisum

Advisory Body Members Absent: Judge Julie Culver, Justice Louis Mauro, Judge Jackson Lucky, Mr. Darrell Parker, Justice Victoria Chaney, Mr. Peter Glaessner, Judge Michael Sacks, Mr. Robert Olson, Mr. Saul Bercovitch

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 12:11 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 voted to recommend the proposal, as modified, to their respective advisory committees, the Information Technology Advisory Committee and the Civil and Small Claims Advisory Committee.*

Ms. Tara Lundstrom presented on the proposed rule amendments in the meeting materials that had either (1) been added since the joint subcommittee meeting on January 14, 2016, in response to concerns raised by the subcommittee members or (2) been deferred for review until the next joint subcommittee.

The subcommittee members reviewed and recommended the following changes to the proposal that had been made subsequent to the January 14 meeting.

1. The proposed amendments would remove the requirement in rule 2.251(i) that the time of electronic service be stated on the proof of electronic service. In speaking with electronic

filing service providers, Ms. Lundstrom had learned that practitioners often do not specify the time on the proof of electronic service because they do not know the exact time when they complete the proof of electronic service and do not wish to perjure themselves.

2. In lieu of an Advisory Committee Comment to rule 2.256, the proposal would amend rule 2.118 to specify that court clerks cannot reject papers for filing based on minimal variations in font size. Ms. Lundstrom confirmed with IT staff that it is common for the font size to change slightly when a document is converted from a word processing format to a PDF.

Based on further discussion, the subcommittees recommended the following additional changes to the proposed amendments in the meeting materials:

1. The proposed amendment to rule 2.118(a)(3) would provide that court clerks could not reject a PDF for filing solely because the font size is not the exact point size required in the rules.
2. The Invitation to Comment for this proposal would include a specific request for comments on whether the rules should be amended to require that exhibits be text searchable to the extent feasible.
3. The proposal would also recommend amending rule 3.1113(d) to specify that the caption page is not counted toward the page limit for memoranda.

The subcommittees then voted to recommend the proposed rule amendments, as modified, to their respective advisory committees.

A D J O U R N M E N T

There being no further business, the meeting was adjourned at 12:51 PM.

Approved by the advisory body on July 12, 2016.