



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

July 12, 2016

12:10 PM – 1:30 PM

Teleconference

**Advisory Body
Members Present:**

Justice Peter Siggins, Judge Julie Culver, Justice Louis Mauro, Mr. Don Willenburg, Professor Dorothy Glancy, Judge Ann Jones, Mr. Saul Bercovitch, Ms. Victoria Brizuela, Judge David Chapman, Mr. William Chisum, Ms. Kristin Escalante, Justice Elizabeth Grimes, Judge Harold Kahn, Mr. Robert Olsen, Ms. Twila White, Justice Victoria Chaney, Mr. Darrel Parker

**Advisory Body
Members Absent:**

Judge Jackson Lucky, Mr. Peter Glaessner, Judge Michael Sachs

Others Present:

Ms. Tara Lundstrom, Ms. Fati Farmanfarmaian, Ms. Nicole Rosa, Ms. Susan McMullan, Mr. Patrick O'Donnell

OPEN MEETING (CAL. RULES OF COURT, RULE 10.75 (C)(1))

Call to Order and Roll Call

The chair called the meeting to order at 12:10 pm, and roll call was taken.

Approval of Meeting Minutes

Meeting minutes were approved for the following Unlimited Case and Complex Litigation Subcommittee and Rules and Policy Subcommittee joint meetings: January 26, 2016; February 5, 2016.

PUBLIC COMMENT (CAL. RULES OF COURT, RULE 10.75 (K)(2))

WRITTEN COMMENT

No public comments received.

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: *Both subcommittees voted to recommend the proposal to the Information Technology Advisory Committee (ITAC).*

Justice Siggins introduced the proposal, and Ms. Lundstrom presented the public comments received in response to the proposed amendments to titles 2 and 3 of the California Rules of Court. Ms. Lundstrom specifically addressed the comments on rules 2.109, 2.111, 2.118, 2.251, 2.252, 2.256, 2.551, and 3.1110. After reviewing and discussing the public comments, the subcommittees recommended the following changes to the rules proposal:

1. Revising the proposed amendment to rules 2.109, 3.1110(c), and 3.1113(d) on page numbering to add the phrase “may be suppressed”.
2. Adding an advisory committee comment to rule 2.256(b)(3) to state a preference for electronic exhibits that are text searchable for the convenience of the parties and the court.
3. Revising the proposed amendments to rules 2.551(b)(6), 2.577(d)(4), and 3.1302(b) to clarify the process for deleting electronic lodged records and remove the requirement that a notice of sent before permanently deleting the lodged records. The language was revised as follows: “If the court denies the motion or application to seal, the moving party may notify the court that the lodged record is to be filed unsealed. This notification must be received within 10 days of the order denying the motion or application to seal, unless otherwise ordered by the court. On receipt of this notification, the clerk must unseal and file the record. If the moving party does not notify the court within 10 days of the order, the clerk must (i) return the lodged record to the moving party if it is in paper form or (ii) permanently delete the lodged record if it is in electronic form.”
4. Revising the proposed amendment to rule 3.1110(d) to add “the notice of motion and motion” to the list of documents that do not count toward the page limit for memoranda.
5. Revise the proposed amendment to rule 3.1306(c)(2) to provide: “Either make arrangements with the clerk to have the file in the courtroom at the time of the hearing or confirm with the clerk that the file is electronically accessible to the court.”

Motion to approve these changes and recommend the rules proposal to ITAC. Motion passed.

A D J O U R N M E N T

There being no further business, the meeting was adjourned at 1:25 PM.

Approved by the Rules and Policy Subcommittee on August 19, 2016.

Approved by the Unlimited Case and Complex Litigation Subcommittee on August 23, 2016.