



JUDICIAL COUNCIL OF CALIFORNIA

COURT TECHNOLOGY
ADVISORY COMMITTEE

www.courts.ca.gov/ctac.htm
ctac@jud.ca.gov

COURT TECHNOLOGY ADVISORY COMMITTEE

OPEN MEETING WITH NONPUBLIC SESSION AGENDA

Open to the Public Unless Indicated as Closed or Not Subject to the Rule
(Cal. Rules of Court, rule 10.75(c)(1))

THIS MEETING IS BEING CONDUCTED BY ELECTRONIC MEANS
OPEN PORTION OF THIS MEETING IS BEING RECORDED

Date:	October 31, 2014	
Time:	10:00 a.m. to 11:20 a.m.	Open Meeting
	11:20 a.m. to 12:00 p.m.	Nonpublic Meeting
Public Call-In Number:	1-877-820-7831	Public Access Code # 4348559

Meeting materials for open portions of the meeting will be posted on the advisory body web page on the California Courts website at least three business days before the meeting.

Agenda items are numbered for identification purposes only and will not necessarily be considered in the indicated order.

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

Call to Order and Roll Call

Approval of Minutes

Approve minutes of the July 18, 2014 Court Technology Advisory Committee public meeting.

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

Written Comment

In accordance with California Rules of Court, rule 10.75(k)(1), written comments pertaining to any agenda item of a regularly noticed open meeting can be submitted up to one complete business day before the meeting. For this specific meeting, comments should be e-mailed to ctac@jud.ca.gov or mailed or delivered to 455 Golden Gate Avenue, 8th Floor, San Francisco 94102, attention: Jackie Woods, Judicial Council. Only written comments received by 10 a.m. at October 30 will be provided to advisory body members prior to the start of the meeting.

III. DISCUSSION AND POSSIBLE ACTION ITEMS (ITEMS 1–6)

Item 1 10:05 a.m. – 10:15 a.m.

Opening Remarks and Chair Report

Presenter: Hon. Terence L. Bruiniers

Item 2 10:15 a.m. – 10:30 a.m.

Judicial Council's (internal) Technology Committee (JCTC) Update

Regular update of the JCTC and the Technology Planning Task Force:

Current topics:

- Governance, Funding, and Strategy Plan Proposal Update
- Sponsorship of rule amendment to formalize Information Technology Advisory Committee (ITAC)
- Initiating the Data Exchange Workstream
- JCTC Membership Update
- AB 2073 Report from Orange Update
[Superior Court of Orange County's Mandatory E-Filing Pilot Project, as required under Code of Civil Procedure section 1010.6\(d\)\(2\)](#)

Presenters: Hon. David De Alba, Vice-Chair, JCTC
 Mr. Patrick O'Donnell, Managing Attorney, Legal Services

Item 3 10:30 a.m. – 10:40 a.m.

Joint Appellate Technology Subcommittee Report

Presenter: Hon. Louis R. Mauro, Chair, Joint Appellate Technology Subcommittee

Item 4 10:40 a.m. – 10:50 a.m.

Rules & Policy Subcommittee Report

Presenters: Mr. Patrick O'Donnell, Managing Attorney, Legal Services

Item 5 10:50 a.m. – 11:00 a.m.

Projects Subcommittee Report

Presenters: Hon. Glen M. Reiser, Chair, CTAC Projects Subcommittee

NOTE: Times are estimated. Actual start and end times may vary.

Item 6 11:00 a.m. – 11:20 a.m.

Liaison Reports

Open discussion for members with liaison assignments to report back any relevant information to promote continuity and collaboration for programs and projects between CTAC and the liaised committee.

The chair will restrict Liaison Reports to 5 min each or less, not to exceed 20 minutes for all reports.

Liaison Committee	Liaison/Presenter
Appellate Advisory Committee	Hon. Terence L. Bruiniers
Advisory Committee on Providing Access & Fairness	Hon. James M. Mize
Center for Judicial Education and Research Governing Committee	Hon. Thomas Hollenhorst
Civil and Small Claims Advisory Committee	Hon. Daniel P. Maguire
Civil Jury Instructions Advisory Committee	Hon. Robert B. Freedman
Criminal Law Advisory Committee	Hon. Emily E. Vasquez
Court Executives Advisory Committee (CEAC)	Ms. Susan Matherly
Trial Court Presiding Judges Advisory Committee	Hon. Glen M. Reiser
Traffic Advisory Committee	Hon. James D. Otto

IV. A D J O U R N M E N T

Adjourn to Nonpublic Session

NOTE: Times are estimated. Actual start and end times may vary.

**ADDITIONAL AGENDA ITEMS FOR NONPUBLIC SESSION
TOPICS NOT SUBJECT TO RULE OF COURT 10.75**

The chair has exercised discretion to publicly agendize the items for this nonpublic session:
i.e., topics not covered by Rule of Court 10.75.

V. ADMINISTRATIVE MATTERS (ACTION REQUIRED)

Approval of Minutes (Action Required)

Approve minutes of the July 18, 2014 Court Technology Advisory Committee nonpublic session.

VI. INFORMATION ONLY ITEMS (NO ACTION REQUIRED) (INFO 1-5)

Info 1 11:30 a.m. – 11:40 a.m.

Branch Update: Judicial Council Changes

- New Administrative Director
- Judicial Council Name Change

Presenter: Mr. Mark Dusman, Director, Information Technology

Info 2 11:40 a.m. – 11:50 a.m.

Key Statewide Technology Initiatives Update

Regular update on the status of key branch/enterprise technology initiatives.

Current topics:

- Appellate E-Filing
- Appellate Document Management System- BCP Effort
- Trial Court Case Management Systems
- Trial Court Document Management System- Master Agreement
- California Court Protective Order Registry (CCPOR)
- California Disposition Reporting Exchange
Formerly CA Disposition Reporting Improvement Project (CA-DRIP)

Presenter: Ms. Kathy Fink, Manager, Information Technology

NOTE: Times are estimated. Actual start and end times may vary.

Info 3 **11:50 a.m. – 11:55 p.m.**

Remote Video Proceedings (RVP) Pilot Update

Review of Fresno Superior Court’s Semiannual Progress Report
(Report #3, January 1 through June 30, 2014).

Facilitator: Mr. Patrick O’Donnell, Legal Services

Info 4 **11:55 a.m. – 12:00 p.m.**

New Business and/or Closing Remarks

Forum for the chair to offer closing remarks and for members to share announcements or raise issues to consider on future CTAC agendas.

Facilitator: Hon. Terence L. Bruiniers, Chair, CTAC

VII. ADJOURNMENT

Adjourn Nonpublic Session

Important Dates:

- November 21 CTAC 2014-2015 Members Orientation (teleconference)
- December 5 CTAC Meeting (in-person)

NOTE: Times are estimated. Actual start and end times may vary.

Court Technology Advisory Committee (CTAC)

Public Business Meeting

October 31, 2014

Teleconference



CTAC Open Meeting

Hon. Terence L. Bruiniers

Chair, Court Tech Advisory Committee



Open Meeting

I. Call to Order, Roll Call

Approval of July 18 Minutes
(Open Session)

II. Public Comment



Item 1: Chair Report

Hon. Terence L. Bruiniers
Chair, Court Tech Advisory Committee



Chair Report: CTAC Farewells

- Hon. Glen Reiser – 9 years
- Hon. Thomas Hollenhorst – 3 years
- Hon. Daniel Maguire – 3 years
- Hon. James Otto – 10 years
- Hon. Emily Vasquez – 12 years
- Ms. Susan Matherly – 4 years
- Ms. Diana Herbert – 4 years

Thank you!

Chair Report: Year Ahead

- Updated Roster
 - 9 new members as of November 1
 - Hon. Robert Freedman as Vice-Chair
- Will begin developing annual agenda in December; and finalize in 2015

Chair Report: CTAC to ITAC Transition

- ITAC name change effective July 1, 2015 (with Rule of Court amendment led by JCTC)
- Key changes
 - ✓ Change to name and charge
 - ✓ Ability to standup limited term, fluid workstreams
 - ✓ Increase court IT representation
- Chairs defining procedures to submit, prioritize, and stand up ITAC projects/workstreams
- Annual agenda process protracted to account for transition

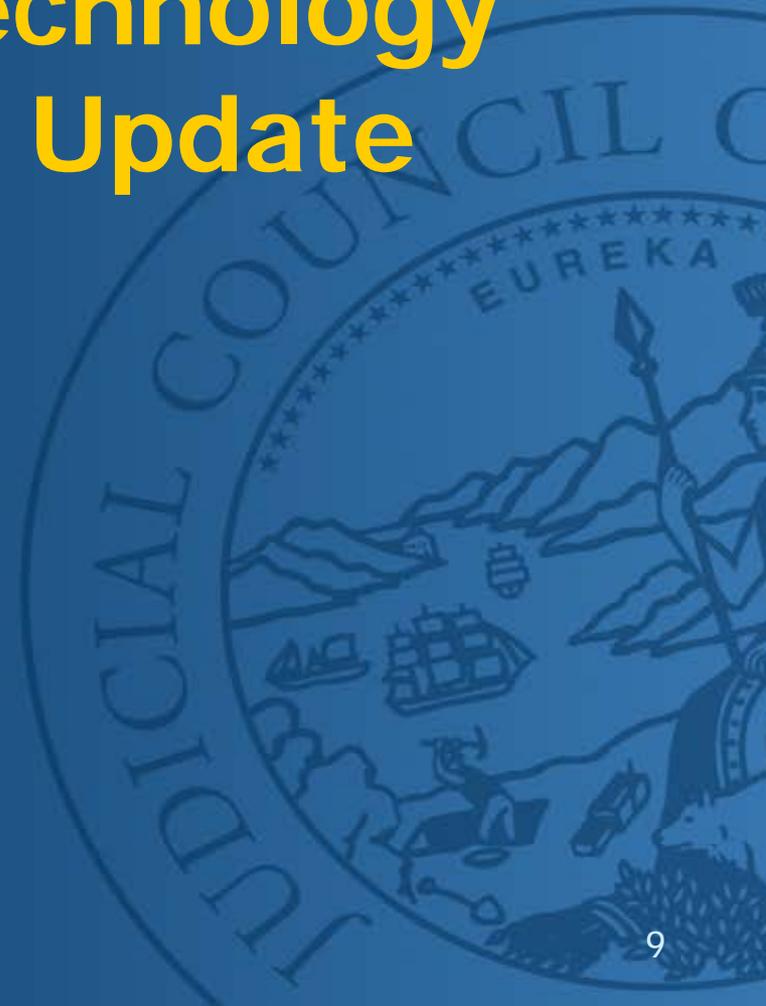
Chair Report: Data Exchange (DX) Workstream

Purpose

1. Identify exchanges that need standards; and
 2. Develop appropriate standards.
- DX Workstream is on an accelerated path.
 - CTAC will be asked to signoff in November.
 - Mr. David Yamasaki appointed as Chair; membership will include CTAC members and CIOs.

Item 2: Judicial Council Technology Committee (JCTC) Update

Hon. David De Alba
Vice-Chair, JCTC



JCTC Update

- Governance, Funding, and Strategy Plan Proposal Update
- Sponsorship of rule amendment to formalize Information Technology Advisory Committee (ITAC)
- Initiating the Data Exchange Workstream
- JCTC Membership Update
- AB 2073 Report from Orange Update*

The next few slides highlight the AB 2073 report contents and will be presented by:

Mr. Patrick O'Donnell, Managing Attorney Legal Services.

AB 2073 Report: Background

- AB 2073 amended CCP section 1010.6 to allow mandatory e-filing
- CCP section 1010.6(d) authorized the OC Superior Court to establish a mandatory e-filing pilot project
- OC Superior Court adopted Local Rule 352, establishing the pilot project, eff. January 1, 2013
- Local Rule 352 requires e-filing in “all limited, unlimited, and complex civil actions,” unless excused by the court

Report to Legislature: CCP section 1010.6(d)(2)

- Judicial Council filed report with the Legislature on 9/30/2014
- Report based on survey of litigants/EFSPs conducted by OC Superior Court

AB 2073 Report: Findings

Cost-Effectiveness for the Court

- Clear cost savings for the court by eliminating staff time spent on data entry, document screening/scanning/filing, mail processing
- 39 fewer staff needed in 2014 (mandatory e-filing in all civil cases) than 2011 (e-filing in only complex civil cases)

Cost of the Program to Participants

- Generally cost-effective
 - Saved time/expenses of traveling to court or mailing documents
 - New expenses include EFSP fee and time spent inputting data
- Limitations to data: costs were not quantified

AB 2073 Report: Findings

Effect on SRLs/Parties with Fee Waivers

- SRLs are generally satisfied with e-filing
- Some reported issues with e-filing, but CRC 2.253 was subsequently amended to exempt all SRLs from mandatory e-filing

Ease of Use for Participants

- Relatively easy to use for represented litigants: more convenient, at least as fast as paper filing, no difference in rejection rates, few had issues with oversized documents

AB 2073 Report

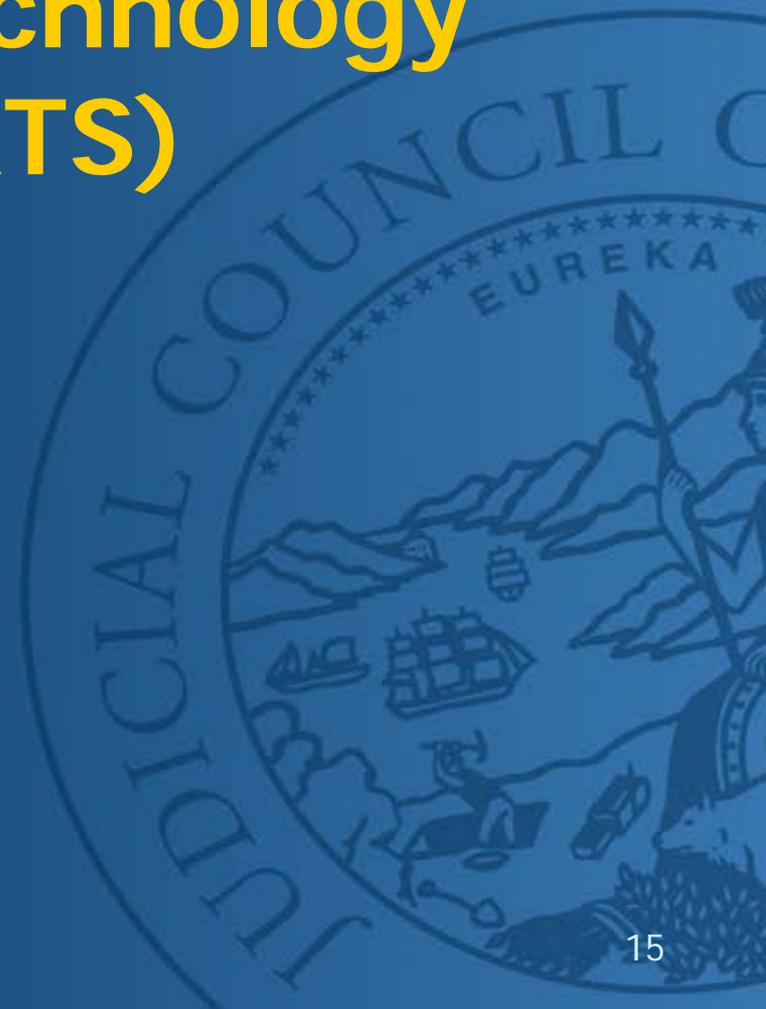
- *Report on the Superior Court of Orange County's Mandatory E-Filing Pilot Project: Report to the Legislature*

Report is posted here:

<http://courts.ca.gov/documents/lr-SC-of-Orange-e-file-pilot-proj.pdf>

Item 3:
Joint Appellate Technology
Subcommittee (JATS)

Hon. Louis R. Mauro
Chair, JATS



Joint Appellate Technology Subcommittee

Status Report Highlights – October 2014

ANNUAL AGENDA PROJECT	STATUS	DELIVERABLES / NOTES
1. Modernize Appellate Court Rules for E-Filing and E-Business	In Progress	The subcommittee approved a proposed amendment to rule 8.71 and forwarded it to CTAC and the Appellate Advisory Committee for review.
2. Develop Branch Policy on Public Access to Electronic Appellate Court Records	In Progress	Work has commenced, with a goal of forwarding proposed rule amendments to CTAC and the Appellate Advisory Committee for review in 2015.
3. Collaborate on Statewide Appellate Court Technology Implementations	In Progress	JATS will work with the appellate courts implementing e-filing as needed.
4. Coordinate with Subcommittees on Rule and Policy Matters Concerning the Appellate Courts	In Progress	JATS will work with subcommittees on action items as needed.

For more information, review the JATS Memo in the Materials section of this binder.

Item 4: **Rules & Policy Subcommittee**

Mr. Patrick O'Donnell

Managing Attorney, Legal Services Office

Rules & Policy Subcommittee

Status Report Highlights – October 2014

ANNUAL AGENDA PROJECT	STATUS	DELIVERABLES / NOTES
1. Organize and sponsor branch summit on court e-filing	On Hold	To be reconsidered for 2015 agenda.
2. Develop branch and model court privacy policies on electronic court records and access	In Progress	Early drafts of topics in progress; will need to reassign work following CTAC Nov 1 membership changes.
3. Modernize trial court rules to support e-business	In Progress	Ad-hoc joint subcommittee completed review of amended titles 2 and 3; CTAC to work with fellow advisory committees to develop amendments for other titles.
4. Develop standards for electronic signatures	In Progress	CEAC ad-hoc subcommittee on e-signatures expected to meet to develop technical standards; staff will pass along R&P research conducted to date. R&P will be involved again when asked for input.
5. Survey and report state of electronic recording in the courts	In Progress	Chair directed staff to create initial draft; will need to reassign work following CTAC Nov 1 membership changes.

For more information, review the R&P Memo in the Materials section of this binder.

Item 5: Projects Subcommittee

Hon. Glen Reiser

Chair, Projects Subcommittee



Projects Subcommittee

Status Report Highlights – October 2014

ANNUAL AGENDA PROJECT	STATUS	DELIVERABLES / NOTES
1. Survey and summarize current state of branch e-filing	Completed	Posted to Serranus
2. Explore opportunities to expand remote interpreting	In Progress	Participating in ad-hoc group exploring possible vendors for pilot
3. Study and identify opportunities to expand remote video appearances	In Progress	Surveyed judicial officers for state of the branch; have preliminary draft report
4. Evaluate the feasibility of branch SRL E-Services portal	On Hold	
5. Evaluate and continue development of e-business webinar series	Completed	July 1 – Launched 1 st E-Business webinar on remote video in courts
	In Progress	Next steps: Evaluate and seek approval for 2 nd installment
6. Maintain and improve branch remote video resource center	In Progress	July 1 – Posted updates to site in conjunction with webinar

For more information, review the Projects Memo in the Materials section of this binder.

Video Remote Technology Survey

- *Preliminary Report of Findings*

Report provided in the Materials section of this binder.

Item 6: Liaison Reports

Oral reports from CTAC members appointed as liaisons to fellow advisory bodies.

Liaisons

Appellate

Access

Center for Judicial
Education & Research

Civil and Small Claims

Civil Jury Instructions

Criminal Law

Court Executives (CEAC)

Trial Court Presiding Judges

Traffic

Hon. Terence L. Bruiniers

Hon. James M. Mize

Hon. Thomas Hollenhorst

Hon. Daniel P. Maguire

Hon. Robert B. Freedman

Hon. Emily E. Vasquez

Ms. Susan Matherly

Hon. Glen M. Reiser

Hon. James D. Otto

End of Presentation (Slides)

Meeting Materials
follow this slide in the binder.

Please refer to the PDF Binder Bookmarks panel (left)
to view and navigate the list of additional materials.



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COURT TECHNOLOGY ADVISORY COMMITTEE

MINUTES OF OPEN MEETING

July 18, 2014
10:00 AM - 10:30 AM
Teleconference

Advisory Body Members Present: Hon. Terence L. Bruiniers, Chair; Hon. Glen M. Reiser, Vice Chair; Hon. Jeffrey B. Barton; Hon. Daniel J. Buckley; Mr. Jake Chatters; Hon. Robert B. Freedman; Prof. Dorothy J. Glancy; Ms. Diana Herbert; Hon. Thomas Hollenhorst; Hon. Daniel P. Maguire; Hon. James Mize; Hon. James D. Otto; Mr. Robert Oyung; Mr. Pat Patterson; Hon. Marsha Slough; Hon. Emily E. Vasquez; Mr. Don Willenburg; Hon. Peter J. Wilson

Advisory Body Members Absent: Hon. Joan Buchanan; Hon. Hannah-Beth Jackson; Ms. Susan Matherly; Hon. Louis R. Mauro; Hon. Theodore M. Weathers

Others Present: Hon. James E. Herman; Mr. Cory Jasperson; Ms. Jessica Craven; Mr. Mark Dusman; Ms. Renea Stewart; Ms. Fati Farmanfarmaian; Ms. Jamel Jones; Mr. Patrick O'Donnell; Ms. Julie Bagoye; Ms. Jackie Woods

OPEN MEETING

Call to Order and Roll Call

The chair called the meeting to order at 10:00 AM, and took roll call.

DISCUSSION AND ACTION ITEMS (ITEMS 1 – 5)

Item 1

Opening Remarks and Chair Report

Update: Hon. Terence L. Bruiniers reminded members that the first part of this meeting is open to the public and being recorded. There will be a closed session for members only following the completion of open meeting items.

There were no public comments submitted.

Justice Bruiniers provided an update on the membership nominations. There were 22 nominations received for 14 positions expiring October 31, 2014. The Chief will review and make final selections. Justice Bruiniers also thanked Judge Daniel J. Buckley for his service. He has been appointed to the Judicial Council. His last day with CTAC will be September 15.

There will be a training held later in July for subcommittee chairs on the new Open Meeting Rules including instructions on the necessary procedures they need to follow for subcommittee meetings going forward.

Item 2

Judicial Council's (internal) Technology Committee (JCTC) Update

Update: Judge Herman and Mr. Oyung provided an update on the Technology Planning Task Force (TPTF). The TPTF technology Governance and Funding Model, the four year Strategic Plan and two year Tactical Plan were submitted for public comment. Comments were generally supportive and language was added to the plans to emphasize that technology should not create barriers to access for the many different court users. Another key change was the role of CTAC to ITAC, Information Technology Advisory Committee. Along with increasing subject matter expertise among membership and strengthening executive sponsorship; the committee would be responsible for technology projects, rules and legislative proposals. This committee would be staffed from the appellate courts, trial courts, and JC staff.

Item 3

Joint Appellate Technology Subcommittee Report

Update: The Joint Appellate Technology Subcommittee did not report.

Item 4

Rules & Policy Subcommittee Report

Update: Hon. Daniel J. Buckley, Chair provided updates on the Rules & Policy Subcommittee's projects.

- Privacy Policies and Terms of Use for Judicial Branch Websites: Progressing with developing a comprehensive statewide privacy policy addressing electronic access and restrictions to court records and data to align with both state and federal requirements. It will outline key contents and provisions to address within a local court's privacy policy. This will be presented to CTAC and subsequently to the Judicial Council.
- Modernization of Trial Court Rules to Support E-Business: This is an ongoing project to determine what amendments are needed to permit courts and litigants to engage in e-business practices. On June 30, 2014, Rules & Policy members joined with members of the Civil and Small Claims Advisory Committee to review draft revisions to Titles 2 (Trial Court Rules) and 3 (Civil Rules) of the California Rules of Court. At the joint meeting, the revision of the two titles was largely completed. The

next step will be to work with other advisory committees to review and modernize the text of other titles of the California Rules of Court. By end of the next year, CTAC and the other committees should complete their review and make recommendations for the modernization of all the rules.

- **State of Electronic Recording in the Courts:** The subcommittee has drafted a survey to identify current usage of electronic recording in the trial courts. I will help define and evaluate areas where recordings are already used, problems with existing practice, and technology available for improved usage. The study is an evaluation of current usage and technology and does not propose expansion.

Item 5

Projects Subcommittee Report

Update:

Hon. Glen Reiser, Chair of the Projects Subcommittee provided an update on their current projects.

- **The *State of the Branch Report on E-Filing*** which outlines the results of the Projects Subcommittee 2014 E-Filing Survey was posted on Serranus at the following location: http://serranus.courtinfo.ca.gov/jc/court_tech.htm.
- **Study and Identify Opportunities to Expand Remote Video Appearances:** The first step is surveying the courts and advisory committees to examine the extent and use of remote video in the courts. Results will be consolidated into the *State of the Branch Report on Remote Video*.
- **Evaluate and Continue Development of the E-Business Webinar Series:** The subcommittee plans to evaluate the effectiveness and use of this first installment of the E-Business Webinar Series and to assess lessons learned by December 2014. The evaluation will go to the JCTC and the subcommittee will seek approval to develop the strategy, model and contents for the second installment on the topic of remote interpreting.

Item 6

Liaison Reports

- **Center for Judicial Education (CJER) Governing Committee:** Hon. Thomas Hollenhorst provided an update on the committee. CJER expanded their online access due to budget constraints for in person trainings. They also did a presentation in British Columbia with live and web content that was very tech savvy.
- **Civil & Small Claims Advisory Committee:** Hon. Daniel P. Maquire provided an update that this committee has been involved in the modernization of trial court rules.
- **Civil Jury Instructions Advisory Committee:** Hon. Robert Freedman advised there was nothing on their current agenda that impacted CTAC, but there were projects that might impact going forward.

- Criminal Law Advisory Committee: Hon. Emily E. Vasquez updated that this committee voted two months ago to support [Assembly Bill 2397](#) to allow either defendant or attorney to not be present for noncritical portions of the trial if they both consent. This would enable the court to use 2-way electronic audio/video communication between defendant and courtroom.
- Court Executives Advisory Committee (CEAC): Ms. Susan Matherly reported that this committee met with the executive office records management group regarding e-signatures and modifying sampling program. The e-signatures plan is to have the full records group together to work on this project.
- Trial Court Presiding Judges Advisory Committee: Hon. Glen M. Reiser reported that at the most recent meeting a joint working group was created with CEAC on subject matter technology and the digital court. Judge Herman will send the link to CTAC members.
- Traffic Advisory Committee: Hon. James Otto reported this committee is meeting to deal with eCitations and rule 4.104 forms.

A D J O U R N M E N T

There being no further business, the meeting was adjourned at 11:10 AM.

Approved by the advisory body on enter date.



Judicial Council of California
ADMINISTRATIVE OFFICE OF THE COURTS

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MEMORANDUM

Date	Action Requested
October 21, 2014	Information for review
To	Deadline
Court Technology Advisory Committee Hon. Terence Bruiniers, Chair	CTAC Meeting, October 31, 2014
From	Contact
Joint Appellate Technology Subcommittee Hon. Louis Mauro, Chair	Julie N. Bagoye, Appellate Court Liaison Information Technology Services Office 415-865-7976 Julie.bagoye@jud.ca.gov
Subject	
Status of Joint Appellate Technology Subcommittee Activities	

The Joint Appellate Technology Subcommittee (JATS) is tasked with improving the administration of justice within the appellate courts through the use of technology; and, for fostering cooperative endeavors to resolve common technological issues within the appellate courts, including developing and/or reviewing rule and related proposals to facilitate and modernize appellate e-filing and e-business. The subcommittee met by teleconference on October 14.

The following is the status of our progress on the subcommittee's annual agenda assignments:

1. Collaborate on statewide appellate court technology implementation. The subcommittee received a status report on the First Appellate District's e-filing implementation and the plan for the rollout of e-filing to three other Court of Appeal districts in 2015: the Fifth District (Fresno), the Third District (Sacramento) and the Sixth District (San Jose).

2. Modernize appellate court rules for e-filing and e-business. The subcommittee considered a draft proposal to amend rule 8.71, relating to electronic service in appellate court proceedings, to clarify that a court may be served electronically if the court consents to electronic service. The subcommittee made some changes to the draft proposal and, with those changes, approved a motion to refer the proposal to CTAC and the Appellate Advisory Committee with a recommendation that they seek approval to circulate the proposal for public comment. Meanwhile, the subcommittee asked staff to research and report back to the subcommittee about whether companion amendments might be needed in either Code of Civil Procedure section 1010.6, relating to electronic filing and service, or in rule 8.25, relating to service in the appellate courts. In addition, it was noted that, to maintain consistency between the trial and appellate rules relating to electronic service, it may be appropriate for CTAC's rules and policy subcommittee to consider recommending circulation of an amendment to rule 2.251, relating to electronic service in the trial courts, clarifying that a court may be served electronically if the court consents to electronic service. JATS will inform CTAC and the Appellate Advisory Committee if it determines that such additional related changes are recommended.

3. Develop branch policy on public access to electronic appellate court records. The subcommittee began a discussion of possible policies relating to public access to electronic appellate court records. The subcommittee considered the history and structure of the rules on public access to electronic trial court records and factors that may impact what is the most appropriate approach to this issue at the appellate level. The subcommittee's initial conclusion was that any proposed policy on this topic should embody the following features:

- It should maintain public access to those appellate court records that are currently made available to the public in electronic format via the California courts website;
- For those appellate court records not currently available to the public electronically, any policy should be consistent with the trial court rules to the extent possible.

The subcommittee plans to meet again before the end of the year to consider draft rules that reflect these initial conclusions and anticipates a proposal will be ready for review by CTAC and the Appellate Advisory Committee early next year. If approved by the committees, the proposal can then be submitted to the Judicial Council's Rules and Projects Committee for possible circulation for public comment during the regular annual rules comment period in spring 2015.

I look forward to talking with you at our upcoming CTAC meeting.

Cc: Mr. Mark Dusman, Director, Information Technology Office
Ms. Renea Stewart, Senior Manager, Information Technology Office
Ms. Jamel Jones, CTAC Lead Staff, Information Technology Office



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MEMORANDUM

Date	Action Requested
October 17, 2014	For Your Review
To	Deadline
Members of the Court Technology Advisory Committee	CTAC Meeting, October 31, 2014
From	Contact
Rules and Policy Subcommittee	Manuel Floresca, 415-865-4070, Manuel.floresca@jud.ca.gov Patrick O'Donnell, 415-865-7665, patrick.o'donnell@jud.ca.gov Tara Lundstrom, 415-865-5540. tara.lundstrom@jud.ca.gov
Subject	
Subcommittee Updates: 1) Rules Modernization Project: Draft Amendments to Titles 2 and 3 of the California Rules of Court; 2) E-Signature Project; and 3) Privacy Policy	

Subcommittee Update

This memorandum provides an update on the status of several projects on which the Rules and Policy Subcommittee of the Court Technology Advisory Committee (CTAC) is working. Although the full subcommittee has not met since the last full CTAC meeting on July 18, 2014, several developments have taken place.

Rules Modernization Project

Members of CTAC and the Civil and Small Claims Advisory Committee (CSCAC) formed a joint working group charged with the task of revising the California Rules of Court to support e-business at the courts.

On June 30, 2014, the joint working group met by telephone to review proposed amendments to titles 2 and 3 of the California Rules of Court. While participants considered several substantive changes during the meeting, such as making the e-filing of coordination petitions mandatory, the

group agreed to address more substantive changes separately and to focus their current efforts instead on offering technical, noncontroversial changes to the rules. As a result of the meeting, the group was able to develop a draft of proposed changes to titles 2 and 3 of the California Rules of Court.

The working group's proposed amendments to titles 2 and 3 are attached for review by the members of CTAC. The changes to the rules in titles 2 and 3 will be shared with the Civil and Small Claims Advisory Committee and will be distributed to other advisory committees working on the rules modernization project in 2014-2015. These draft rules will, in effect, be models for other advisory committees to follow as they revise titles 4, 5, 7, 8, and 10 during the next year.

The next step will be for members of the Rules and Projects Subcommittee to work with members of other advisory committees to review and modernize the text of other titles of the California Rules of Court. All the major subject advisory matter committees (e.g., civil, criminal, family and juvenile law, probate, etc) have included rules and statutory modernization in their approved agendas for the next two years. By the end of next year, CTAC and the other committees should complete their review and make recommendations for the modernization of all the rules.¹

E-Signature Project

The Rules and Policy Subcommittee has been working on developing guidelines for electronic signatures used by judicial officers and the courts. These guidelines will implement Government Code section 68150(g), which provides:

Any notice, order, judgment, decree, decision, ruling, opinion, memorandum, warrant, certificate of service, writ, subpoena, or other legal process or similar document issued by a trial court or by a judicial officer of a trial court may be signed, subscribed, or verified using a computer or other technology in accordance with procedures, standards, and guidelines established by the Judicial Council pursuant to this section. Notwithstanding any other provision of law, all notices, orders, judgments, decrees, decisions, rulings, opinions, memoranda, warrants, certificates of service, writs, subpoenas, or other legal process or similar documents that are signed, subscribed, or verified by computer or other technological means pursuant to this subdivision shall have the same validity, and the same legal force and effect, as paper documents signed, subscribed, or verified by a trial court or a judicial officer of the court.

¹ To accomplish this goal, the Rules Modernization Project should remain on CTAC's Annual Agenda for next year, so that this undertaking can be completed. In addition, the staff to other advisory committees have been asked to remind the committees to include the rules modernization project in their proposed 2015 Annual Agendas.

The subcommittee has gathered information about current practices of California trial courts that use electronic or digital electronic signatures on court-signed documents and has started developing operational guidelines for digital and electronic signatures in California courts. In developing the guidelines, subcommittee members will work with members of Court Records Management Working Group of the Court Executive Advisory Committee (CEAC).

The CEAC working group is planning to meet separately in late October or early November 2014 to consider e-signature issues. The CEAC group will draw on the expertise of the information technology staffs in the trial courts to identify appropriate technical standards that can provide guidance to the courts on electronic signatures. The results of the CEAC working group's effort will be reported back to the CTAC Rules and Policy Subcommittee, so that the two bodies can then work collaboratively on developing the draft guidelines.

Privacy Policy

The Rules and Policy Subcommittee has progressed in developing a comprehensive statewide privacy policy addressing electronic access and restrictions to court records and data to align with both state and federal requirements. The model court privacy policy under development by the subcommittee will outline key contents and provisions to address within a local court's privacy policy.

The subcommittee has investigated and discussed various privacy policies adopted by a variety of government justice agencies, as well as courts. By utilizing a United States Department of Justice Policy Development Template that outlines privacy policy concepts and topics, the Subcommittee plans to draft a model privacy policy tailored to the needs and practices of California trial courts.

Subcommittee members have begun to prepare drafts of the template's privacy policy topics that will provide minimum standards for the model local policy for trial courts. These materials will be shared with the entire subcommittee. In a collaborative effort, the drafts will be reviewed by subcommittee members and a model policy will be developed. The subcommittee will then present the policy to CTAC for discussion and recommendation to the Judicial Council Technology Committee, and subsequently to the Judicial Council.

Attachments

Proposed amendments to titles 2 and 3 of the California Rules of Court

Title 2 of the California Rules of Court, rules 2.3, 2.10, 2.102, 2.103, 2.104, 2.106, 2.107, 2.108, 2.111, 2.113, 2.114, 2.115, 2.117, 2.130, 2.133, 2.134, 2.150, 2.550, 2.551, 2.577, 2.816, 2.831, 2.1055, and 2.1100, would be amended to read:

1 **Title 2. Trial Court Rules**

2
3 **Rule 2.3. Definitions**

4
5 As used in the Trial Court Rules, unless the context or subject matter otherwise requires:

- 6
7 (1) “Court” means the superior court;
8
9 (2) “Papers” includes all documents, except exhibits and copies of exhibits, that are
10 offered for filing in any case, but does not include Judicial Council and local court
11 forms, records on appeal in limited civil cases, or briefs filed in appellate divisions,
12 ~~and~~ Unless the context clearly provides otherwise, “papers” need not be in a
13 tangible or physical form but may be in an electronic form.
14
15 (3) “Written,” and “writing,” ~~“typewritten,” and “typewriting”~~ include other methods
16 of printing letters and words equivalent in legibility to ~~typewriting~~ printing on a
17 word processor.

18 * * *

19 **Rule 2.10. Scope of rules [Reserved]**

20
21 These rules apply to documents filed and served electronically as well as in paper form,
22 unless otherwise provided.

23
24 **Rule 2.102. One-sided paper**

25
26 When papers are not filed electronically, ~~On papers,~~ only one side of each page may be
27 used.

28
29 **Rule 2.103. Size, quality, and color, ~~and size of paper~~**

30
31 All papers filed must be 8½ by 11 inches. All papers not filed electronically must be on
32 opaque, unglazed paper, white or unbleached, of standard quality not less than 20-pound
33 weight, ~~8½ by 11 inches.~~

34
35 **Rule 2.104. Printing; type size**

36
37 All papers not filed electronically must be ~~printed or typewritten~~ or be prepared by a
38 photocopying or other duplication process that will produce clear and permanent copies
39 equally as legible as printing in type not smaller than 12 points.

40
41 * * *

1 **Rule 2.106. Font color of print**

2

3 The font color of ~~print~~ must be black or blue-black.

4

5 **Rule 2.107. Margins**

6

7 The left margin of each page must be at least one inch from the left edge of ~~the paper~~ and
8 the right margin at least 1/2 inch from the right edge of ~~the paper~~.

9

10 **Rule 2.108. Spacing and numbering of lines**

11

12 The spacing and numbering of lines on a page must be as follows:

13

14 (1)-(3) * * *

15

16 (4) Line numbers must be placed at the left margin and separated from the text of ~~the~~
17 ~~paper~~ by a vertical column of space at least 1/5 inch wide or a single or double
18 vertical line. Each line number must be aligned with a line of type, or the line
19 numbers must be evenly spaced vertically on the page. Line numbers must be
20 consecutively numbered, beginning with the number 1 on each page. There must be
21 at least three line numbers for every vertical inch on the page.

22

23 * * *

24 **Rule 2.111. Format of first page**

25

26 The first page of each paper must be in the following form:

27

28 (1)-(2) * * *

29

30 (3) On line 8, at or below 3 1/3 inches from the top of the ~~paper~~ page, the title of the
31 court.

32

33 (4)-(11) * * *

34

35 * * *

36 **Rule 2.113. Binding**

37

38 Each paper not filed electronically must consist entirely of original pages without riders
39 and must be firmly bound together at the top.

40

41 **Rule 2.114. Exhibits**

42

1 Exhibits submitted with papers not filed electronically may be fastened to pages of the
2 specified size and, when prepared by a machine copying process, must be equal to
3 ~~typewritten~~ computer processed materials in legibility and permanency of image.

4
5 **Rule 2.115. Hole punching**

6
7 When papers are not filed electronically, each paper presented for filing must contain two
8 prepunched normal-sized holes, centered 2½ inches apart and 5/8 inch from the top of the
9 paper.

10 * * *

11 **Rule 2.117. Conformed copies of papers**

12
13 All copies of papers served must conform to the original papers filed, including the
14 numbering of lines, pagination, additions, deletions, and interlineations except that, with
15 the agreement of the other party, a party -serving papers by non-electronic means may
16 serve that other party with papers printed on both sides of the page.

17
18 * * *

19 **Rule 2.130. Application**

20
21 The rules in this chapter apply to Judicial Council forms, local court forms, and all other
22 official forms to be filed in the trial courts. The rules apply to forms filed both in paper
23 form and electronically, unless otherwise specified.

24
25 * * *

26 **Rule 2.133. Hole punching**

27
28 All forms not filed electronically must contain two prepunched normal-sized holes,
29 centered 2½ inches apart and 5/8 inch from the top of the form.

30
31 **Rule 2.134. Forms longer than one page**

32
33 **(a) Single side may be used**

34
35 If a form not filed electronically is longer than one page, the form may be printed
36 on sheets printed only on one side even if the original has two sides to a sheet.

37
38 **(b) Two-sided forms must be tumbled**

39
40 If a form not filed electronically is filed on a sheet printed on two sides, the reverse
41 side must be rotated 180 degrees (printed head to foot).

1 (c) **Multiple-page forms must be bound**

2
3 If a form not filed electronically is longer than one page, it must be firmly bound at
4 the top.

5 * * *

6
7 **Rule 2.150. Authorization for computer-generated ~~or typewritten~~ forms for proof**
8 **of service of summons and complaint**

9
10 (a) **Computer-generated ~~or typewritten~~ forms; conditions**

11
12 Notwithstanding the adoption of mandatory form *Proof of Service of Summons*
13 (form POS-010), a form for proof of service of a summons and complaint prepared
14 entirely by word processor, ~~typewriter~~, or similar process may be used for proof of
15 service in any applicable action or proceeding if the following conditions are met:

16
17 (1)–(4) * * *

18
19 (5) The text of form POS-010 must be copied in the same order as it appears on
20 ~~the printed~~ form POS-010 using the same item numbers. A declaration of
21 diligence may be attached to the proof of service or inserted as item 5b(5).

22
23 (6) Areas marked “For Court Use” must be copied in the same general locations
24 and occupy approximately the same amount of space as on the ~~printed~~-form
25 POS-010.

26
27 (7)–(8) * * *

28
29 (9) Material that would have been ~~typed~~ entered onto the ~~printed~~-form POS-010
30 must be ~~typed~~ entered with each line indented 3 inches from the left margin.

31
32 (b) **Compliance with rule * * ***

33
34 **Advisory Committee Comment**

35
36 This rule is intended to permit process servers and others to prepare their own shortened versions
37 of *Proof of Service of Summons* (form POS-010) containing only the information that is relevant
38 to show the method of service used.

39
40 * * *

1 **Rule 2.550. Sealed records**

2
3 **(a) Application * * ***

4
5
6 **(b) Definitions**

7
8 As used in this chapter:

9
10 (1) “Record.” Unless the context indicates otherwise, “record” means all or a
11 portion of any document, paper, exhibit, transcript, or other thing filed or
12 lodged with the court, by electronic means or otherwise.

13
14 (2)–(3) * * *

15
16 **(c)–(e) * * ***

17
18 * * *

19
20 **Rule 2.551. Procedures for filing records under seal**

21
22 **(a) * * ***

23
24 **(b) Motion or application to seal a record**

25
26 (1) *Motion or application required* * * *

27
28 (2) *Service of motion or application*

29
30 A copy of the motion or application must be served on all parties that have
31 appeared in the case. Unless the court orders otherwise, any party that already
32 ~~possesses copies of~~ had access to the records to be placed under seal must be
33 served with a complete, unredacted version of all papers as well as a redacted
34 version. Other parties must be served with only the public redacted version.
35 If a party’s attorney but not the party had access to the record, only the
36 party’s attorney may be served with the complete, unredacted version.

37
38 (3) *Procedure for party not intending to file motion or application*

39
40 (A) * * *

41
42 (B) If the party that produced the documents and was served with the notice
43 under (A)(iii) fails to file a motion or an application to seal the records

1 within 10 days or to obtain a court order extending the time to file such
2 a motion or an application, the clerk must promptly remove all the
3 documents in (A)(i) from the envelope, ~~or~~ container, or secure
4 electronic file where they are located and place them in the public file.
5 If the party files a motion or an application to seal within 10 days or
6 such later time as the court has ordered, these documents are to remain
7 conditionally under seal until the court rules on the motion or
8 application and thereafter are to be filed as ordered by the court.

9
10 (4) *Lodging of record pending determination of motion or application* * * *

11
12 (5) *Redacted and unredacted versions*

13
14 If necessary to prevent disclosure, any motion or application, any opposition,
15 and any supporting documents must be filed in a public redacted version and
16 lodged in a complete, unredacted version conditionally under seal. The cover
17 of the redacted version must identify it as “Public—Redacts materials from
18 conditionally sealed record.” The cover of the unredacted version must
19 identify it as “May Not Be Examined Without Court Order—Contains
20 material from conditionally sealed record”.

21
22 (6) *Return of lodged record*

23
24 If the court denies the motion or application to seal, the clerk must return the
25 lodged record to the submitting party and must not place it in the case file
26 unless that party notifies the clerk in writing ~~within 10 days after the order~~
27 ~~denying the motion or application~~ that the record is to be filed. Unless
28 otherwise ordered by the court, the submitting party must notify the clerk
29 within 10 days after the order denying the motion or application.

30
31 (c) * * *

32
33 (d) **Procedure for lodging of records**

34
35 (1) A record that may be filed under seal must be transmitted to the court in a
36 secure manner that preserves the confidentiality of the records to be lodged.
37 If the record is transmitted in paper form, it must be put in an envelope or
38 other appropriate container, sealed in the envelope or container, and lodged
39 with the court.

40
41 (2) The materials to be lodged under seal must be clearly identified as
42 “CONDITIONALLY UNDER SEAL.” If the materials are transmitted in

1 paper form, the envelope or container lodged with the court must be labeled
2 “CONDITIONALLY UNDER SEAL.”

- 3
4 (3) The party submitting the lodged record must affix to the electronic filing, the
5 envelope, or the container a cover sheet that:

6
7 (A)–(B) * * *

- 8
9 (4) * * *

10
11 **(e) Order**

- 12
13 (1) If the court grants an order sealing a record, the clerk ~~must substitute on the~~
14 ~~envelope or container for the label required by (d)(2) a label prominently~~
15 ~~stating “SEALED BY ORDER OF THE COURT ON (DATE),” and must~~
16 ~~replace the cover sheet required by (d)(3) with a filed-endorsed copy of the~~
17 ~~court’s order. In addition, if the confidential record is in paper format, the~~
18 ~~clerk must substitute on the envelope or container for the label required by~~
19 ~~(d)(2) a label prominently stating “SEALED BY ORDER OF THE COURT~~
20 ~~ON (DATE),” and If the sealed record is in an electronic format, the clerk~~
21 ~~must place the record ordered sealed in a secure electronic file clearly~~
22 ~~identified as sealed by court order on a specified date.~~

- 23
24 (2) The order must state whether—in addition to the sealed records ~~in the~~
25 ~~envelope or container~~—the order itself, the register of actions, any other court
26 records, or any other records relating to the case are to be sealed.

- 27
28 (3) * * *

- 29
30 (4) Unless the sealing order provides otherwise, it prohibits the parties from
31 disclosing the contents of any materials that have been sealed in anything that
32 is subsequently publicly filed records or papers.

33
34
35 **(f)–(g) * * ***

36
37 **(h) Motion, application, or petition to unseal records**

- 38
39 (1)–(2) * * *

- 40
41 (3) If the court proposes to order a record unsealed on its own motion, the court
42 must ~~mail~~ give notice to the parties stating the reason for unsealing the record
43 ~~therefor.~~ Unless otherwise ordered by the court, any party may serve and file an

1 opposition within 10 days after the notice is mailed ~~or within such time as the~~
2 ~~court specifies.~~ and any other party may file a response within 5 days after the
3 filing of an opposition.

4
5 (4) * * *

6 (5) The order unsealing a record must state whether the record is unsealed entirely
7 or in part. If the court’s order unseals only part of the record or unseals the
8 record only as to certain persons, the order must specify the particular records
9 that are unsealed, the particular persons who may have access to the record, or
10 both. If, in addition to the records in the envelope, ~~or~~ container, or secure
11 electronic file, the court has previously ordered the sealing order, the register of
12 actions, or any other court records relating to the case to be sealed, the
13 unsealing order must state whether these additional records are unsealed.

14
15 * * *

16
17 **Rule 2.577. Procedures for filing confidential name change records under seal**

18
19 (a)–(c) * * *

20
21 **(d) Procedure for lodging of petition for name change**

22
23 (1) The records that may be filed under seal must be lodged with the court. If
24 they are filed on paper, they must be placed in a sealed envelope. If they are
25 filed electronically, they must be transmitted to the court in a secure manner
26 that preserves the confidentiality of the documents to be lodged.

27
28 (2) If the petitioner is filing on paper, the petitioner must complete and affix to
29 the envelope a completed *Confidential Cover Sheet—Name Change*
30 *Proceeding Under Address Confidentiality Program (Safe at Home)* (form
31 NC-400) and in the space under the title and case number mark it
32 “CONDITIONALLY UNDER SEAL.” If the petitioner is filing
33 electronically, the first page of the electronic filing must be a completed
34 *Confidential Cover Sheet—Name Change Proceeding Under Address*
35 *Confidentiality Program (Safe at Home)* (form NC-400) with the space under
36 the title and case number marked “CONDITIONALLY UNDER SEAL.”

37
38 (3) On receipt of a petition lodged under this rule, the clerk must endorse the
39 ~~affixed~~ cover sheet with the date of its receipt and must retain but not file the
40 record unless the court orders it filed.

41
42 (4) * * *

1 (e) * * *

2
3 (f) **Order**

4
5 (1)–(3) * * *

6
7 (3) For petitions filed on paper, if the court grants an order sealing a record, the
8 clerk must strike out the notation required by (d)(2) on the *Confidential*
9 *Cover Sheet* that the matter is filed “CONDITIONALLY UNDER SEAL₂”
10 ~~and~~ add a notation to that sheet prominently stating “SEALED BY ORDER
11 OF THE COURT ON (DATE),” and file the documents under seal. For
12 petitions filed electronically, the clerk must replace the cover sheet with a file
13 endorsed copy of the court’s order and place the record in a secure electronic
14 file clearly identified as sealed by the court on a specific date.

15
16 (4)–(5) * * *

17
18 (g)–(h) * * *

19 * * *

20
21 **Rule 2.816. Stipulation to court-appointed temporary judge**

22
23 (a)–(d) * * *

24
25 (e) **Application or motion to withdraw stipulation**

26
27 An application or motion to withdraw a stipulation for the appointment of a
28 temporary judge must be supported by a declaration of facts establishing good
29 cause for permitting the party to withdraw the stipulation. In addition:

30
31 (1)–(2) * * *

32
33 (3) The application or motion must be served and filed, and the moving party
34 must ~~mail or deliver~~ provide a copy to the presiding judge.

35
36 (4) * * *

37 * * *

38
39 **Rule 2.831. Temporary judge - stipulation, order, oath, assignment, disclosure, and**
40 **disqualification**

41
42 (a)–(e) * * *

1 (f) **Motion to withdraw stipulation**

2
3 A motion to withdraw a stipulation for the appointment of a temporary judge must
4 be supported by a declaration of facts establishing good cause for permitting the
5 party to withdraw the stipulation, and must be heard by the presiding judge or a
6 judge designated by the presiding judge. A declaration that a ruling is based on
7 error of fact or law does not establish good cause for withdrawing a stipulation.
8 Notice of the motion must be served and filed, and the moving party must ~~mail or~~
9 ~~deliver~~ provide a copy to the temporary judge. If the motion to withdraw the
10 stipulation is based on grounds for the disqualification of the temporary judge first
11 learned or arising after the temporary judge has made one or more rulings, but
12 before the temporary judge has completed judicial action in the proceeding, the
13 provisions of rule 2.816(e)(4) apply. If a motion to withdraw a stipulation is
14 granted, the presiding judge must assign the case for hearing or trial as promptly as
15 possible.

16 * * *

17
18 **Rule 2.1055. Proposed jury instructions**

19
20 (a) * * *

21
22 (b) **Form and format of proposed instructions**

23
24 (1)–(3) * * *

25
26 (4) Each set of proposed jury instructions filed on paper must be bound loosely.

27
28 (c)–(e) * * *

29
30 * * *

31
32 **Rule 2.1100. Notice when statute or regulation declared unconstitutional**

33
34 Within 10 days after a court has entered judgment in a contested action or special
35 proceeding in which the court has declared unconstitutional a state statute or regulation,
36 the prevailing party, or as otherwise ordered by the court, must ~~mail~~ serve a copy of the
37 judgment and a notice of entry of judgment ~~to~~ on the Attorney General and file a proof of
38 service with the court.

Title 3 of the California Rules of Court, rules 3.254, 3.544, 3.670, 3.815, 3.823, 3.827, 3.931, 3.1010, 3.1109, 3.1110, 3.1113, 3.1202, 3.1300, 3.1302, 3.1304, 3.1320, 3.1326, 3.1327, 3.1330, 3.1340, 3.1346, 3.1347, 3.1350, 3.1351, 3.1352, 3.1354, 3.1700, 3.1900, and 3.2107, would be amended to read:

Title 3. Civil Rules¹

* * *

Rule 3.254. List of parties

(a) Duties of first-named plaintiff or petitioner

Except as provided under rule 2.251 for electronic service, if more than two parties have appeared in a case and are represented by different counsel, the plaintiff or petitioner named first in the complaint or petition must:

- (1) Maintain a current list of the parties and their addresses for service of notice on each party; and
- (2) Furnish a copy of the list on request to any party or the court.

(b) Duties of each party

Except as provided under rule 2.251 for electronic service, each party must:

- (1) Furnish the first-named plaintiff or petitioner with its current address for service of notice when it first appears in the action;
- (2) Furnish the first-named plaintiff or petitioner with any changes in its address for service of notice; and
- (3) If it serves an order, notice, or pleading on a party who has not yet appeared in the action, serve a copy of the list required under (a) at the same time as the order, notice, or pleading is served.

Rule 3.524. Order assigning coordination motion judge

(a) Contents of order

An order by the Chair of the Judicial Council assigning a coordination motion judge to determine whether coordination is appropriate, or authorizing the presiding

¹ Footnotes in these rules are not part of the rules but are intended simply to provide background information about the proposed rule changes.

1 judge of a court to assign the matter to judicial officers of the court to make the
2 determination in the same manner as assignments are made in other civil cases,
3 must include the following:

- 4
- 5 (1) The special title and number assigned to the coordination proceeding; and
 - 6
 - 7 (2) The court's address or electronic service address for submitting all
8 subsequent documents to be considered by the coordination motion judge.
 - 9

10 **(b) * * ***

11
12
13 **Rule 3.544. Add-on cases**

14
15 **(a) Request to coordinate add-on case**

16
17 A request to coordinate an add-on case must comply with the requirements of rules
18 3.520 through 3.523, except that the request must be submitted to the coordination
19 trial judge under Code of Civil Procedure section 404.4, with proof of ~~mailing~~
20 service of one copy ~~to~~ on the Chair of the Judicial Council and proof of service as
21 required by rule 3.510.

22
23 **(b)–(d) * * ***

24
25
26 **Rule 3.670. Telephone appearance**

27
28 **(a)–(g) * * ***

29
30 **(h) Notice by party**

- 31
- 32 (1) Except as provided in (6), a party choosing to appear by telephone at a
33 hearing, conference, or proceeding, other than on an ex parte application,
34 under this rule must either:
 - 35
 - 36 (A) Place the phrase "Telephone Appearance" below the title of the
37 moving, opposing, or reply papers; or
 - 38
 - 39 (B) At least two court days before the appearance, notify the court and all
40 other parties of the party's intent to appear by telephone. If the notice is
41 oral, it must be given either in person or by telephone. If the notice is in
42 writing, it must be given by filing a "Notice of Intent to Appear by
43 Telephone" with the court at least two court days before the appearance

1 and by serving the notice at the same time on all other parties by
2 personal delivery, fax transmission, express mail, ~~e-mail~~ electronic
3 service if such service is required by local rule or court order or agreed
4 to by the parties, or other means reasonably calculated to ensure
5 delivery to the parties no later than the close of the next business day.
6

- 7 (2) If after receiving notice from another party as provided under (1) a party that
8 has not given notice also decides to appear by telephone, the party may do so
9 by notifying the court and all other parties that have appeared in the action,
10 no later than noon on the court day before the appearance, of its intent to
11 appear by telephone.
12
- 13 (3) An applicant choosing to appear by telephone at an ex parte appearance
14 under this rule must:
- 15 (A) Place the phrase “Telephone Appearance” below the title of the
16 application papers;
17
- 18 (B) File and serve the papers in such a way that they will be received by the
19 court and all parties by no later than 10:00 a.m. two court days before
20 the ex parte appearance; and
21
- 22 (C) If provided by local rule, ensure that copies of the papers are received
23 in the department in which the matter is to be considered.
24
- 25
- 26 (4) Any party other than an applicant choosing to appear by telephone at an ex
27 parte appearance under this rule must notify the court and all other parties
28 that have appeared in the action, no later than 2:00 p.m. on the court day
29 before the appearance, of its intent to appear by telephone. If the notice is
30 oral, it must be given either in person or by telephone. If the notice is in
31 writing, it must be given by filing a “Notice of Intent to Appear by
32 Telephone” with the court and by serving the notice at the same time on all
33 other parties by any means authorized by law reasonably calculated to ensure
34 delivery to the parties no later than the close of business on the court day
35 before the appearance.
36
- 37 (5) If a party that has given notice that it intends to appear by telephone under (1)
38 subsequently chooses to appear in person, the party may appear in person.
39
- 40 (6) A party may ask the court for leave to appear by telephone without the notice
41 provided for under (1)–(4). The court should permit the party to appear by
42 telephone upon a showing of good cause or unforeseen circumstances.
43

1 (i)-(q) * * *

2
3
4 **Rule 3.815. Selection of the arbitrator**

5
6 (a) * * *

7
8 **(b) Selection absent stipulation or local procedures**

9
10 If the arbitrator has not been selected by stipulation and the court has not adopted
11 local rules or procedures for the selection of the arbitrator as permitted under (c),
12 the arbitrator will be selected as follows:

- 13
14 (1) Within 15 days after a case is set for arbitration under rule 3.812, the
15 administrator must determine the number of clearly adverse sides in the case;
16 in the absence of a cross-complaint bringing in a new party, the administrator
17 may assume there are two sides. A dispute as to the number or identity of
18 sides must be decided by the presiding judge in the same manner as disputes
19 in determining sides entitled to peremptory challenges of jurors.
20
21 (2) The administrator must select at random a number of names equal to the
22 number of sides, plus one, and ~~mail~~ send the list of randomly selected names
23 to counsel for the parties.
24
25 (3) Each side has 10 days from the date of ~~mailing~~ on which the list was sent to
26 file a rejection, in writing, of no more than one name on the list; if there are
27 two or more parties on a side, they must join in the rejection of a single name.
28
29 (4) Promptly on the expiration of the 10-day period, the administrator must
30 appoint, at random, one of the persons on the list whose name was not
31 rejected, if more than one name remains.
32
33 (5) The administrator must assign the case to the arbitrator appointed and must
34 give notice of the appointment to the arbitrator and to all parties.
35

36 (c)-(f) * * *

37
38
39 **Rule 3.823. Rules of evidence at arbitration hearing**

40
41 (a)-(c) * * *

1 (d) **Delivery of documents**

2
3 For purposes of this rule, “delivery” of a document or notice may be accomplished
4 manually, by electronic means under Code of Civil Procedure section 1010.6 and
5 rule 2.251, or by mail in the manner provided by Code of Civil Procedure section
6 1013. If service is by electronic means, the times prescribed in this rule for delivery
7 of documents, notices, and demands are increased by two days. If service is by
8 mail, the times prescribed in this rule ~~for delivery of documents, notices, and~~
9 ~~demands~~ are increased by five days.
10

11
12 **Rule 3.827. Entry of award as judgment**

13
14 (a) * * *

15
16 (b) **Notice of entry of judgment**

17
18 Promptly upon entry of the award as a judgment, the clerk must ~~mail~~ serve notice
19 of entry of judgment to all parties who have appeared in the case and must execute
20 a certificate of ~~mailing~~ service and place it in the court’s file in the case.
21

22 (c) * * *

23
24
25 **Rule 3.931. Open proceedings, notice of proceedings, and order for hearing site**

26
27 (a) * * *

28
29 (b) **Notice regarding proceedings before referee**

30
31 (1) In each case in which he or she is appointed, a referee must file a statement
32 that provides the name, telephone number, e-mail address, and mailing
33 address of a person who may be contacted to obtain information about the
34 date, time, location, and general nature of all hearings scheduled in matters
35 pending before the referee that would be open to the public if held before a
36 judge. This statement must be filed at the same time as the referee’s
37 certification under rule 3.904(a) or 3.924(a). If there is any change in this
38 contact information, the referee must promptly file a revised statement with
39 the court.
40

41 (2) In addition to providing the information required under (1), the statement
42 filed by a referee may also provide the address of a publicly accessible Web
43 site at which the referee will maintain a current calendar setting forth the

1 date, time, location, and general nature of any hearings scheduled in the
2 matter that would be open to the public if held before a judge.

3
4 (3) The clerk must post the information from the statement filed by the referee in
5 the court facility.

6
7 (c) * * *

8
9
10 **Rule 3.1010. Oral depositions by telephone, videoconference, or other remote**
11 **electronic means**

12
13 (a) * * *

14
15 (b) **Appearing and participating in depositions**

16
17 Any party may appear and participate in an oral deposition by telephone,
18 videoconference, or other remote electronic means, provided:

19
20 (1) Written notice of such appearance is served by personal delivery, e-mail, or
21 fax at least three court days before the deposition;

22
23 (2) The party so appearing makes all arrangements and pays all expenses
24 incurred for the appearance.

25
26 (c)–(e) * * *

27
28
29 **Rule 3.1109. Notice of determination of submitted matters**

30
31 (a) **Notice by clerk²**

32
33 When the court rules on a motion or makes an order or renders a judgment in a
34 matter it has taken under submission, the clerk must immediately notify the parties
35 of the ruling, order, or judgment. The notification, which must specifically identify
36 the matter ruled on, may be given by serving electronically or mailing the parties a

² Given the reference to “mailing” in section 664.5, it may also be advisable to seek the amendment of that statute to expressly authorize clerks to service notices electronically. There is a strong argument that such a statutory change is not necessary when a party has agreed to electronic service or the court has ordered electronic service. (See Code Civ. Proc., § 1010.6(a)(2)-(3).) Nonetheless, to avoid ambiguity and maximize the availability of electronic service of notices, section 644.5 should probably be amended.

1 copy of the ruling, order, or judgment, and it constitutes service of notice only if
2 the clerk is required to give notice under Code of Civil Procedure section 664.5.

3
4 (b) * * *

5
6 (c) **Time not extended by failure of clerk to give notice**

7
8 The failure of the clerk to give the notice required by this rule does not extend the
9 time provided by law for performing any act except as provided in rules 8.104(a) or
10 ~~8.824~~8.822(a).

11
12
13 **Chapter 2. Format of Motion Papers**

14
15 **Rule 3.1110. General format**

16
17 (a)–(d) * * *

18
19 (e) **Binding**

20
21 For motions filed on paper, all pages of each document and exhibit must be
22 attached together at the top by a method that permits pages to be easily turned and
23 the entire content of each page to be read.

24
25 (f) **Format of exhibits**

26
27 For motions filed on paper, each exhibit must be separated by a hard 8½ x 11 sheet
28 with hard paper or plastic tabs extending below the bottom of the page, bearing the
29 exhibit designation. For all motions, an index to exhibits must be provided. Pages
30 from a single deposition and associated exhibits must be designated as a single
31 exhibit.

32
33 (g) * * *

34
35
36 **Rule 3.1113. Memorandum**

37
38 (a)–(h) * * *

39
40 (i) **Copies of authorities**

41
42 (1) A judge may require that if any authority other than California cases, statutes,
43 constitutional provisions, or state or local rules is cited, a copy of the

1 authority must be lodged with the papers that cite the authority and tabbed or
2 separated as required by rule 3.1110(f).

3
4 (2) If a California case is cited before the time it is published in the advance
5 sheets of the Official Reports, the party must include the title, case number,
6 date of decision, and, if from the Court of Appeal, district of the Court of
7 Appeal in which the case was decided. A judge may require that a copy of
8 that case must be lodged and tabbed or separated as required by rule
9 3.1110(f).

10
11 (3) Upon the request of a party to the action, any party citing any authority other
12 than California cases, statutes, constitutional provisions, or state or local rules
13 must promptly provide a copy of such authority to the requesting party.

14
15 **(j)-(l) * * ***

16
17 **(m) Proposed orders or judgments**

18
19 If a proposed order or judgment is submitted, it must be lodged and served with the
20 moving papers but must not be attached to them. The requirements for proposed
21 orders, including the requirements for submitting proposed orders by electronic
22 means, are stated in rule 3.1312.

23
24
25 **Rule 3.1202. Contents of application**

26
27 **(a) Identification of attorney or party**

28
29 An ex parte application must state the name, address, e-mail address, and telephone
30 number of any attorney known to the applicant to be an attorney for any party or, if
31 no such attorney is known, the name, address, e-mail address, and telephone
32 number of the party if known to the applicant.

33
34 **(b) * * ***

35
36
37 **Rule 3.1300. Time for filing and service of motion papers**

38
39 **(a) In general**

40
41 Unless otherwise ordered or specifically provided by law, all moving and
42 supporting papers must be served and filed in accordance with Code of Civil

1 Procedure section 1005 and, when applicable, the statutes and rules providing for
2 electronic filing and service.³

3
4 **(b)–(d) * * ***

5
6 **(e) Computation of time**

7
8 A paper submitted before the close of the clerk’s office to the public on the day the
9 paper is due is deemed timely filed. Under rule 2.259(c), a court may provide by
10 local rule that a paper filed electronically before midnight on a court day is deemed
11 filed on that court day.⁴

12
13 [
14 **Rule 3.1302. Place and manner of filing**

15
16 **(a) Papers filed in clerk’s office**

17
18 Unless otherwise provided by local rule or specified in a court’s protocol for
19 electronic filing, all papers relating to a law and motion proceeding must be filed in
20 the clerk’s office.

21
22
23 **(b) Requirements for lodged material**

24
25 Material lodged physically with the clerk must be accompanied by an addressed
26 envelope with sufficient postage for mailing the material. Material lodged
27 electronically must clearly specify the electronic address to which the materials
28 may be returned. After determination of the matter, the clerk may mail or send the
29 material back to the party lodging it.

30
31
32 **Rule 3.1304. Time of hearing**

33

³For example, rule 2.251(c)(2) currently provides that, except when personal service is otherwise required by statute or rule, a party that is required to file documents electronically in an action must also serve and accept service of documents electronically, with certain exceptions. The Civil and Small Claims Advisory Committee is also considering a proposal to amend Code of Civil Procedures section 1005 to expressly provide for electronic service.

⁴ Although the original statement remains technically correct, it may be misleading because of recent changes in the law. Under Code of Civil Procedure section 1010.6(d)(1)(D) and rule 2.259(c), courts may provide by local rule that a paper filed electronically before midnight on a court day is deemed timely filed in that court day. So far, only one court has so provided.

1 (a) **General schedule**

2
3 The clerk must post electronically and at the court house a general schedule
4 showing the days and departments for holding each type of law and motion
5 hearing.

6
7 (b)–(d) * * *

8
9
10
11 **Rule 3.1320. Demurrers**

12
13 (a)–(b) * * *

14
15 (c) **Notice of hearing**

16
17 A party filing a demurrer must serve and file therewith a notice of hearing that must
18 specify a hearing date in accordance with the provisions of Code of Civil Procedure
19 section 1005 and, if service is by electronic means, in accordance with the
20 requirements of Code of Civil Procedure section 1010.6(a)(4) and rule 2.251(h)(2).
21 ⁵

22
23 (d)–(j) * * *

24
25
26 **Rule 3.1326. Motions for change of venue**

27
28 Following denial of a motion to transfer under Code of Civil Procedure section 396b,
29 unless otherwise ordered, 30 calendar days are deemed granted defendant to move to
30 strike, demur, or otherwise plead if the defendant has not previously filed a response. If a
31 motion to transfer is granted, 30 calendar days are deemed granted from the date the
32 receiving court ~~mails~~ sends notice of receipt of the case and its new case number.

33
34
35 **Rule 3.1327. Motions to quash or to stay action in summary proceeding involving**
36 **possession of real property**

37
38 (a) **Notice**

39

⁵ If the proposal to amend Code of Civil Procedures section 1005 being developed by the Civil and Small Claims Advisory Committee is approved and enacted, this rule amendment may not be necessary.

1 In an unlawful detainer action or other action brought under chapter 4 of title 3 of
2 part 3 of the Code of Civil Procedure (commencing with section 1159), notice of a
3 motion to quash service of summons on the ground of lack of jurisdiction or to stay
4 or dismiss the action on the ground of inconvenient forum must be given in
5 compliance with Code of Civil Procedure sections 1010.6 or 1013 and 1167.4.
6

7 (b) * * *

8
9 (c) **Written opposition in advance of hearing**

10
11 If a party seeks to have a written opposition considered in advance of the hearing,
12 the written opposition must be filed and served on or before the court day before
13 the hearing. Service must be by personal delivery, electronic service, facsimile
14 transmission, express mail, or other means consistent with Code of Civil Procedure
15 sections 1010, 1010.6, 1011, 1012, and 1013, and reasonably calculated to ensure
16 delivery to the other party or parties no later than the close of business on the court
17 day before the hearing. The court, in its discretion, may consider written opposition
18 filed later.
19
20

21 **Rule 3.1330. Motion concerning arbitration**

22
23 A petition to compel arbitration or to stay proceedings pursuant to Code of Civil
24 Procedure sections 1281.2 and 1281.4 must state, in addition to other required
25 allegations, the provisions of the written agreement and the paragraph that provides for
26 arbitration. The provisions must be stated verbatim or a copy must be physically or
27 electronically attached to the petition and incorporated by reference.
28
29

30 **Rule 3.1340. Motion for discretionary dismissal after two years for delay in**
31 **prosecution**

32
33 (a) * * *

34
35 (b) **Notice of court's intention to dismiss**

36
37 If the court intends to dismiss an action on its own motion, the clerk must set a
38 hearing on the dismissal and ~~mail~~ send notice to all parties at least 20 days before
39 the hearing date.
40

41 (c) * * * *
42

1 **Rule 3.1346. Service of motion papers on nonparty deponent**

2
3 A written notice and all moving papers supporting a motion to compel an answer to a
4 deposition question or to compel production of a document or tangible thing from a
5 nonparty deponent must be personally served on the nonparty deponent unless the
6 nonparty deponent agrees to accept service by mail or electronic service at an address or
7 electronic service address specified on the deposition record.
8

9 **Rule 3.1347. Discovery motions in summary proceeding involving possession of real**
10 **property**

11
12 **(a) Notice**

13
14 In an unlawful detainer action or other action brought under chapter 4 of title 3 of
15 part 3 of the Code of Civil Procedure (commencing with section 1159), notice of a
16 discovery motion must be given in compliance with Code of Civil Procedure
17 sections 1010.6 or 1013 and 1170.8.
18

19 **(b) * * ***

20
21 **(c) Written opposition in advance of hearing**

22
23 If a party seeks to have a written opposition considered in advance of the hearing,
24 the written opposition must be served and filed on or before the court day before
25 the hearing. Service must be by personal delivery, electronic service, facsimile
26 transmission, express mail, or other means consistent with Code of Civil Procedure
27 sections 1010, 1010.6, 1011, 1012, and 1013, and reasonably calculated to ensure
28 delivery to the other party or parties no later than the close of business on the court
29 day before the hearing. The court, in its discretion, may consider written opposition
30 filed later.
31
32

33 **Rule 3.1350. Motion for summary judgment or summary adjudication**

34
35 **(a)–(d) * * ***

36
37 **(e) Documents in opposition to motion**

38
39 Except as provided in Code of Civil Procedure section 437c(r) and rule 3.1351, the
40 opposition to a motion must consist of the following documents, separately ~~stapled~~
41 combined and titled as shown:
42

- 1 (1) [*Opposing party's*] memorandum in opposition to [*moving party's*] motion
2 for summary judgment or summary adjudication or both;
- 3
- 4 (2) [*Opposing party's*] separate statement of undisputed material facts in
5 opposition to [*moving party's*] motion for summary judgment or summary
6 adjudication or both;
- 7
- 8 (3) [*Opposing party's*] evidence in opposition to [*moving party's*] motion for
9 summary judgment or summary adjudication or both (if appropriate); and
- 10
- 11 (4) [*Opposing party's*] request for judicial notice in opposition to [*moving*
12 *party's*] motion for summary judgment or summary adjudication or both (if
13 appropriate).

14
15 (f)–(i) * * *

16
17 **Rule 3.1351. Motions for summary judgment in summary proceeding involving**
18 **possession of real property**

19
20 (a) **Notice**

21
22 In an unlawful detainer action or other action brought under chapter 4 of title 3 of
23 part 3 of the Code of Civil Procedure (commencing with section 1159), notice of a
24 motion for summary judgment must be given in compliance with Code of Civil
25 Procedure sections 1010.6 or 1013 and 1170.7.

26
27 (b) * * *

28
29 (c) **Written opposition in advance of hearing**

30
31 If a party seeks to have a written opposition considered in advance of the hearing,
32 the written opposition must be filed and served on or before the court day before
33 the hearing. Service must be by personal delivery, electronic service, facsimile
34 transmission, express mail, or other means consistent with Code of Civil Procedure
35 sections 1010, 1010.6, 1011, 1012, and 1013, and reasonably calculated to ensure
36 delivery to the other party or parties no later than the close of business on the court
37 day before the hearing. The court, in its discretion, may consider written opposition
38 filed later.

39
40
41 **Rule 3.1352. Objections to evidence**

42

1 A party desiring to make objections to evidence in the papers on a motion for summary
2 judgment must either:

- 3
4 (1) Submit objections in writing under rule 3.1354; or
5
6 (2) Make arrangements for a court reporter to be present at the hearing.
7
8

9 **Rule 3.1354. Written objections to evidence**

10
11 **(a)–(b) * * ***

12
13 **(c) Proposed order**

14
15 A party submitting written objections to evidence must submit with the objections a
16 proposed order. The proposed order must include places for the court to indicate
17 whether it has sustained or overruled each objection. It must also include a place
18 for the signature of the judge. The court may require that the proposed order be
19 provided in electronic form. The proposed order must be in one of the following
20 two formats:

21
22 ***(First Format):***

23 **Objections to Jackson Declaration**

24
25 **Objection Number 1**

26
27 “Johnson told me that no widgets were ever received.” (Jackson declaration, page 3, lines
28 7–8.)

29
30 **Grounds for Objection 1:** Hearsay (Evid. Code, § 1200); lack of personal knowledge
31 (Evid. Code, § 702(a)).
32

Court’s Ruling on Objection 1:	Sustained: _____ Overruled: _____
---------------------------------------	--------------------------------------

33
34 **Objection Number 2**

35
36 “A lot of people find widgets to be very useful.” (Jackson declaration, page 17, line 5.)

37
38 **Grounds for Objection 2:** Irrelevant (Evid. Code, §§ 210, 350–351).
39

Court’s Ruling on Objection 2:	Sustained: _____ Overruled: _____
---------------------------------------	--------------------------------------

1
2
3
4
5

(Second Format):

Objections to Jackson Declaration

Material Objected to:	Grounds for Objection:	Ruling on the Objection
1. Jackson declaration, page 3, lines 7–8: “Johnson told me that no widgets were ever received.”	Hearsay (Evid. Code, § 1200); lack of personal knowledge (Evid. Code, § 702(a)).	Sustained: _____ Overruled: _____
2. Jackson declaration, page 17, line 5: “A lot of people find widgets to be very useful.”	Irrelevant (Evid. Code, §§210, 350–351).	Sustained: _____ Overruled: _____
Date:	_____	_____ Judge

6
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23

Rule 3.1700. Prejudgment costs

(a) Claiming costs

(1) Trial costs

A prevailing party who claims costs must serve and file a memorandum of costs within 15 days after the date of ~~mailing~~ service of the notice of entry of judgment or dismissal by the clerk under Code of Civil Procedure section 664.5 or the date of service of written notice of entry of judgment or dismissal, or within 180 days after entry of judgment, whichever is first. The memorandum of costs must be verified by a statement of the party, attorney, or agent that to the best of his or her knowledge the items of cost are correct and were necessarily incurred in the case.

1 (2) * * *

2

3 **(b) Contesting costs**

4

5 (1) *Striking and taxing costs*

6

7 Any notice of motion to strike or to tax costs must be served and filed 15
8 days after service of the cost memorandum. If the cost memorandum was
9 served by mail, the period is extended as provided in Code of Civil Procedure
10 section 1013. If the cost memorandum was served electronically, the period is
11 extended as provided in Code of Civil Procedure section 1010.6(a)(4).

12

13 (2)-(4) * * *

14

15

16 **Rule 3.1900. Notice of renewal of judgment**

17

18 A copy of the application for renewal of judgment must be physically or electronically
19 attached to the notice of renewal of judgment required by Code of Civil Procedure
20 section 683.160.

21

22

23 **Rule 3.2107. Request for court order**

24

25 **(a) Request before trial**

26

27 If a party files a written request for a court order before the hearing on the claim,
28 the requesting party must mail, ~~or~~ personally deliver, or if agreed on by the parties
29 electronically serve a copy to all other parties in the case. The other parties must be
30 given an opportunity to answer or respond to the request before or at the hearing.
31 This subdivision does not apply to a request to postpone the hearing date if the
32 plaintiff's claim has not been served.

33

34 **(b) Request after trial**

35

36 If a party files a written request for a court order after notice of entry of judgment,
37 the clerk must ~~mail~~ send a copy of the request to all other parties in the action. A
38 party has 10 calendar days from the date on which the clerk ~~mailed~~ sent the request
39 to file a response before the court makes an order. The court may schedule a
40 hearing on the request, except that if the request is to vacate the judgment for lack
41 of appearance by the plaintiff, the court must hold a hearing. The court may give
42 notice of any scheduled hearing with notice of the request, but the hearing must be
43 scheduled at least 11 calendar days after the clerk has ~~mailed~~ sent the request.



JUDICIAL COUNCIL OF CALIFORNIA

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MEMORANDUM

Date	Action Requested
October 23, 2014	Please Review
To	Deadline
Court Technology Advisory Committee Hon. Terence L. Bruiniers, Chair	CTAC Meeting, October 31, 2014
From	Contact
CTAC Projects Subcommittee Hon. Glen M. Reiser, Chair	Fati Farmanfarmaian Information Technology, Administrative Division 415-865-4908 phone fati.farmanfarmaian@jud.ca.gov
Subject	
Status Report on CTAC Projects Subcommittee Activities	

This memo summarizes the activities of the Projects Subcommittee since the last Court Technology Advisory Committee (CTAC) meeting in July 2014, specifically as it relates to two of the projects assigned from CTAC's annual agenda:

- Explore Opportunities to Expand Remote Interpreting; and
- Study and Explore Opportunities to Expand Remote Video Appearances

1. Explore Opportunities to Expand Remote Interpreting

Partnership with the Joint Working Group for California's Language Access Plan

The Joint Group for California's Language Access Plan (CLAP), which is comprised of members of the [Court Interpreters Advisory Panel](#) (CIAP) and the [Advisory Committee on Providing Access and Fairness](#), was established in June 2013 to create a comprehensive statewide Language Access Plan (LAP) to serve all of California's limited-English-proficient (LEP) court users.

Highlights of progress since July include:

- CLAP submitted the draft *Strategic Plan for Language Access in the California Courts* to the council at their July meeting. Following the formal public comment process, which had a deadline of September 29, 2014, they are on track with their goal of having it adopted in December 2014.
- Fresno demoed their Region 3's video remote interpreting (VRI) implementation on July 10, 2014 at the request of CTAC's chair. Justice Bruiniers, Judge Reiser and staff were present.
- CourtCall demoed their CourtCall Courtroom Video Conferencing solution on September 22, 2014 to CLAP and staff was present. CourtCall has created a popular turn-key telephonic court appearance system; their solution now extends to video appearances.

Next step for the subcommittee is to recommend a state-of-the-art pilot to establish remote video interpreting in at least one spoken (foreign) language in at least one (1) court.

2. Study and Identify Opportunities to Expand Remote Video Appearances

In September through October, the Projects Subcommittee surveyed 1845 judges, commissioners and referees on the use of Video Remote Technology (VRT) in their courtrooms. Of the 58 counties, 45 counties were represented, with 170 respondents representing the north of the state and 163 the south. Only one county with a countywide population in excess of 95,000 (Merced) failed to have any judge weigh in.

The subcommittee is submitting a preliminary report of the results to CTAC for their review. Please refer to the attached document.

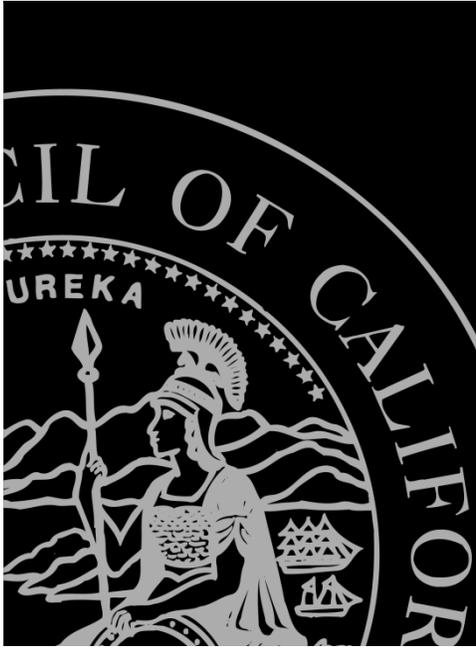
Conclusion

Thank you for reviewing this memo and for your attention to this subcommittee's work. We look forward to speaking with you at our next CTAC meeting.

Cc: Mr. Mark Dusman, Director, Information Technology Services Office
Ms. Renea Hatcher, Senior Manager, Information Technology Services Office
Mr. Patrick O'Donnell, Managing Attorney, Office of General Counsel
Ms. Jamel Jones, CTAC Lead Staff
Ms. Fati Farmanfarmaian, CTAC Projects Subcommittee Staff

Attachment:

Survey and Findings Report: Video Remote Technology in the Courtroom (October 2014)



Video Remote Technology in California Courts Survey and Findings Report

October 2014

DRAFT



JUDICIAL COUNCIL
OF CALIFORNIA

COURT TECHNOLOGY
ADVISORY COMMITTEE

Judicial Council of California
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San Francisco, California 94102-3688

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Background

The Video Remote Technology (VRT) in California Courts Survey was intended to ascertain whether California trial court judges (including commissioners and referees) have used or are using VRT in their courtrooms and, if so, to leverage those experiences to benefit judicial colleagues statewide who are either considering or being asked to integrate VRT into their courtroom practices. Additionally, and with respect to trial court judges who have never used VRT in their courtroom(s), the survey also sought to gauge the level of interest or disinterest in potentially utilizing VRT.

The survey questionnaire was divided into four sections: Section A: Respondent Information; Section B: Use of VRT in Specific Case Types; Section C: Overall Experience with VRT; and Section D: View of Respondents Having Never Used VRT. The largest portion of the questionnaire focused on use in specific case types, Section B.

Section B asked questions about the use of VRT in case types and hearing types. There were also questions pertaining to the reasons for using VRT and whether there has been a growth in usage since 2010. Finally, Section B sought information about objections heard by judicial officers relative to the use of VRT in their courtrooms and how these objections were handled. The majority of the following summary reports the findings from Section B.

Section C sought the respondent's overall experience and general satisfaction with using VRT in his or her court. Responses to these questions are covered in the following summary.

Also included in Section C were questions about recommendations judges would make to judges considering integrating VRT into their courtrooms. There are numerous responses to these questions, which have not yet been reviewed. A summary of recommendations will come in a later report.

Finally, Section D required the respondent never using VRT in his/her courtroom to state an opinion that describes the respondent's present view of VRT. Responses to Section D are reported in this summary.

Contact

For information about this survey, please contact Hon. Glen Reiser, Chair, CTAC Projects Subcommittee at glen.reiser@ventura.courts.ca.gov.

Summary of Findings:

All judicial officers in California were sent the survey. Out of a possible total of 1788¹, 333 judicial officers responded, a 19% response rate.

Illustration 1: Responses by County

Video Remote Technology (VRT) Survey Responses by County

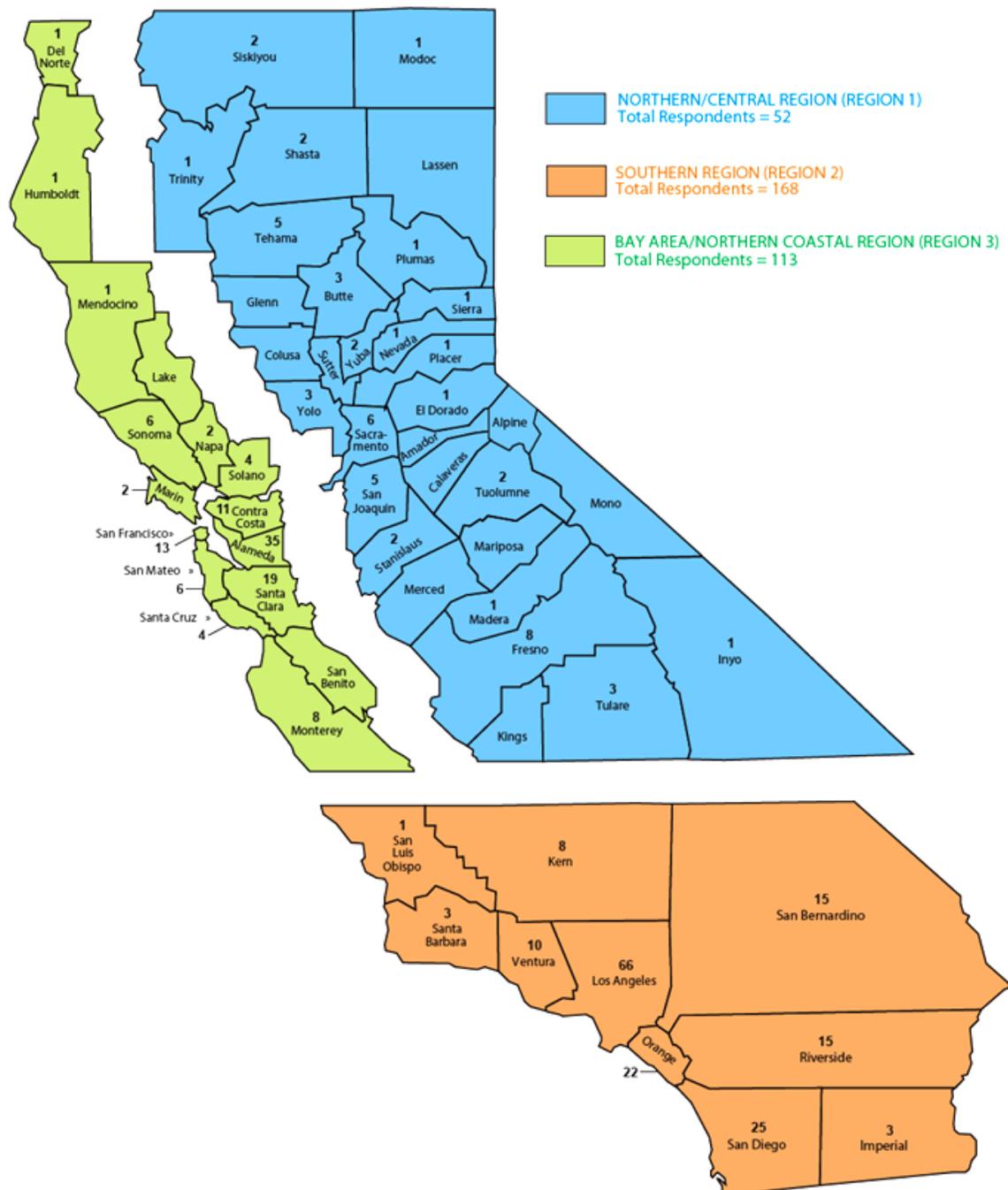


Table 1: Percent of Bench by County

Bench count includes Judges, Commissioners, and Referees but not Vacancies

County	Total Respondents	% of Bench
Alameda	35	43.2%
Butte	3	23.1%
Contra Costa	11	28.2%
Del Norte	1	33.3%
El Dorado	1	14.3%
Fresno	8	16.3%
Humboldt	1	12.5%
Imperial	3	25.0%
Inyo	1	33.3%
Kern	8	19.5%
Los Angeles	66	12.3%
Madera	1	10.0%
Marin	2	16.7%
Mendocino	1	11.1%
Modoc	1	50.0%
Monterey	8	40.0%
Napa	2	25.0%
Nevada	1	14.3%
Orange	22	16.5%
Placer	1	7.1%
Plumas	1	33.3%
Riverside	15	20.8%
Yuba	2	33.3%

County	Total Respondents	% of Bench
Sacramento	6	8.3%
San Bernardino	15	19.0%
San Diego	25	17.0%
San Francisco	13	26.0%
San Joaquin	5	16.7%
San Luis Obispo	1	6.7%
San Mateo	6	20.7%
Santa Barbara	3	13.6%
Santa Clara	19	23.5%
Santa Cruz	4	30.8%
Shasta	2	16.7%
Sierra	1	50.0%
Siskiyou	2	40.0%
Solano	4	17.4%
Sonoma	6	27.3%
Stanislaus	2	9.1%
Tehama	5	100.0%
Trinity	1	50.0%
Tulare	3	15.0%
Tuolumne	2	40.0%
Ventura	10	32.3%
Yolo	3	23.1%



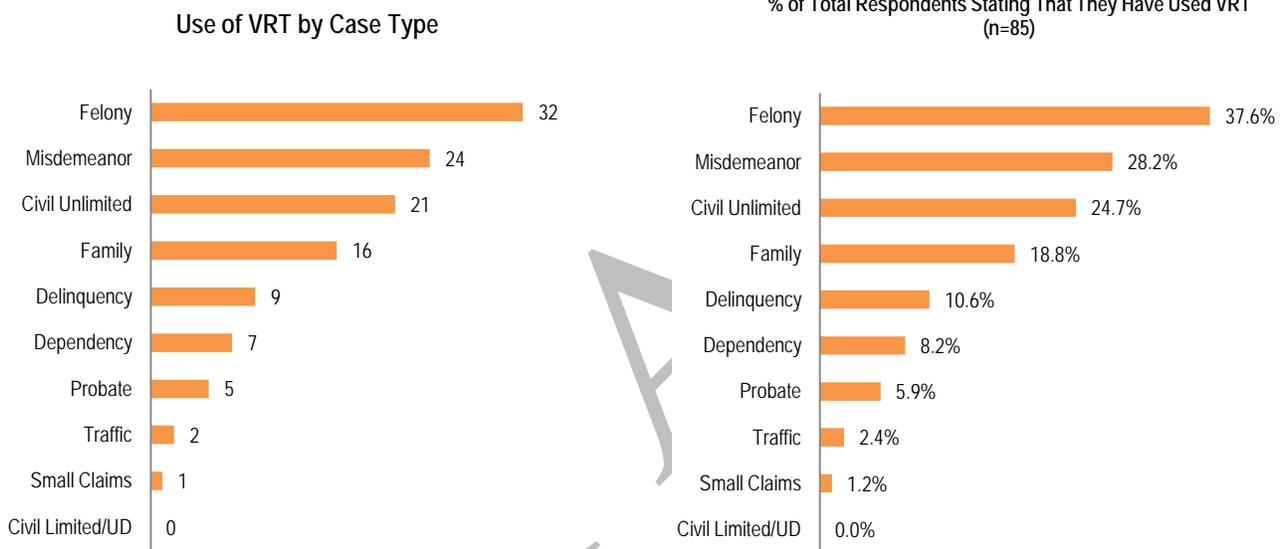
Use of VRT in the Past

Of those responding (331), 25.6% (85) have used VRT in his or her courtroom; 73.4% (243) have not used VRT; and 1% (3) do not recall.

Use of VRT by Case Type

VRT is most often used in felony proceedings followed by misdemeanor and then civil limited proceedings (see Figure 1). Percent of the total respondents saying that they have used VRT is illustrated in Figure 2.

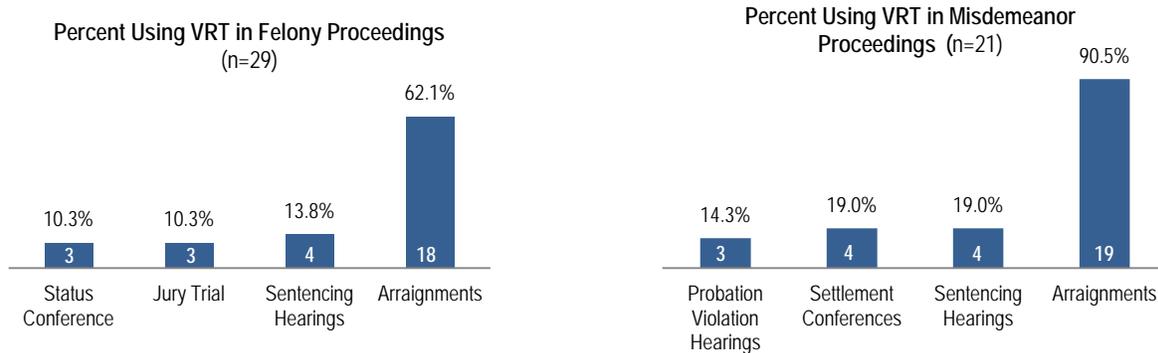
Figure 1 and Figure 2: Use of VRT by Case Type



Use of VRT by Hearing Types

By far, VRT is used most often in arraignment hearings in criminal proceedings. Figures 3 and 4 show the percent of respondents using VRT in the top 4 hearing types in felony and misdemeanor proceedings.

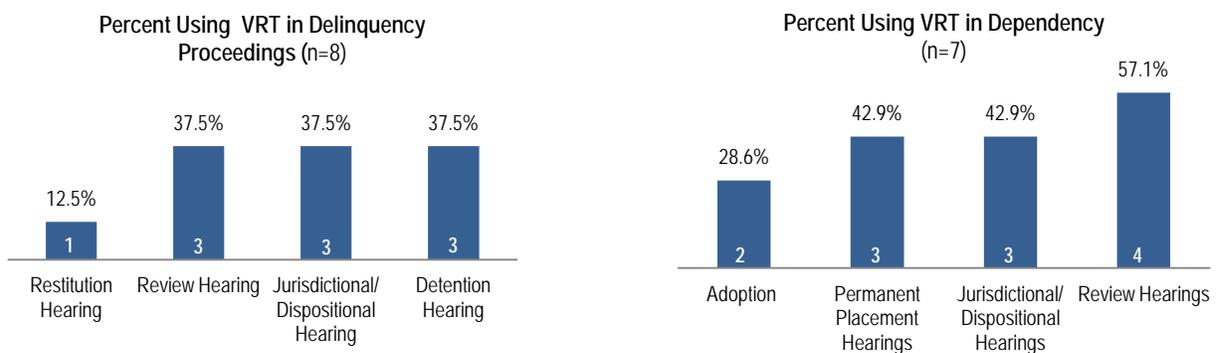
Figure 3 and Figure 4: Percent of Respondents Using VRT in Criminal Proceedings



There were only two respondents that used VRT in traffic proceedings. One respondent used VRT in contested traffic trials and both respondents used VRT in uncontested traffic matters.

Few respondents have used VRT in juvenile proceedings. However, VRT was used in most case types. Figures 5 and 6 show the percent of respondents using VRT in the top 4 hearing types in delinquency and dependency proceedings.

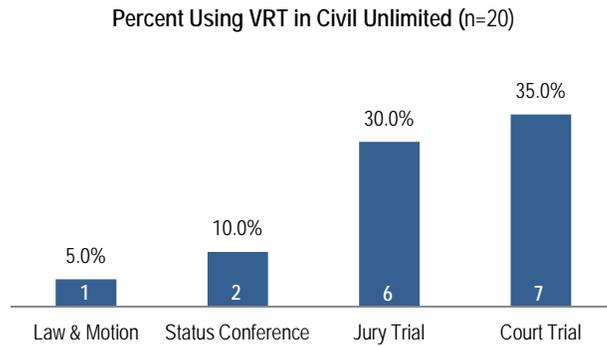
Figure 5 and Figure 6: Percent of Respondents Using VRT in Juvenile Proceedings



As stated above, no respondents used VRT in civil limited or unlawful detainer proceedings. Only one respondent stated using VRT in small claims proceedings. VRT was used for the entire hearing of the small claims. The responding judicial officer had agreed to VRT because one of the parties would have had to travel for several hours to make the hearing, and there was no other scheduled hearing. Additionally, all parties agreed to VRT in that instance.

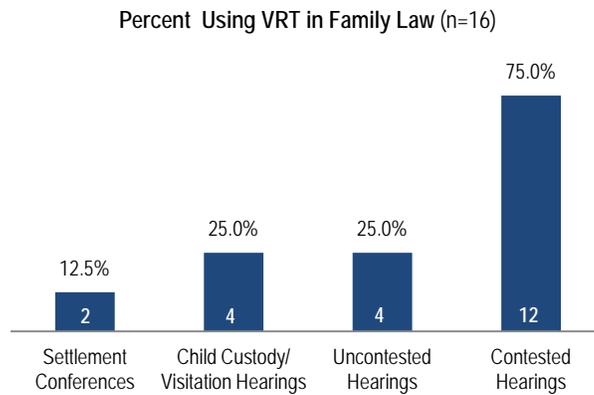
There were 20 respondents using VRT in civil unlimited proceedings. Use was primarily in trial proceedings (see Figure 7).

Figure 7: Percent of Respondents Using VRT in Civil Unlimited Proceedings



In family law matters, VRT was used most in contested hearings (see Figure 8).

Figure 8: Percent of Respondents Using VRT in Family Proceedings

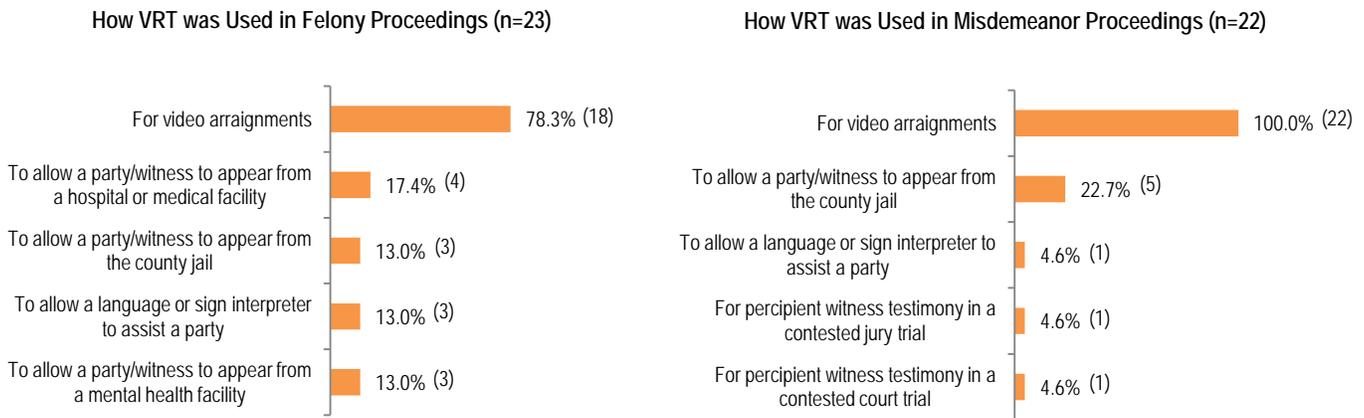


Only 5 respondents used VRT in probate proceedings. The 4 hearing types in which VRT was used included: Contested Probate/Trust Hearings (40%, 2 responses); Conservatorship Proceeding (20%, 1 response); Guardianship Proceeding (20%, 1 response); Mental Health Proceeding (20%, 1 response).

How VRT was Used in the Courtroom

In criminal proceedings, VRT was used most for “video” arraignments. 78% of those responding in felony proceedings used VRT in video arraignments, and 100% used VRT in misdemeanor proceedings. Figures 9 & 10 show how respondents used VRT in criminal proceedings.

Figure 9 and Figure 10: How Respondents Used VRT in Criminal Proceedings



In traffic cases, the 2 respondents said that they used VRT for video arraignments (50%, 1 respondent); for witness testimony in any contested manner (50%, 1 respondent); and to allow a language or sign interpreter to assist a party (50%, 1 respondent).

Uses of VRT in delinquency proceedings include: for video detention hearings, to allow an attorney or minor to appear remotely in an uncontested matter, for witness testimony in any contested matter; and to allow a probation officer to appear remotely (see Figure 11).

In dependency proceedings, respondents (6) used VRT for witness testimony (66.7%, 4 respondents); to allow an attorney or minor to appear remotely in an uncontested matter (66.7%, 4 respondents); and to allow an attorney or minor to appear remotely in a contested matter (50%, 3 respondents).

The 15 respondents stating that they used VRT in civil unlimited proceedings primarily used it for percipient witness testimony in a court trial (see Figure 12).

Figure 11: How Respondents Used VRT in Delinquency Proceedings

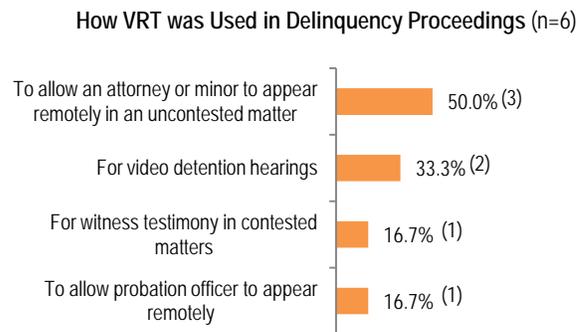
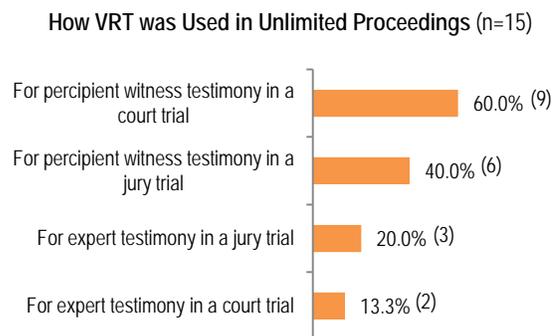


Figure 12: How Respondents Used VRT in Unlimited Civil Proceedings



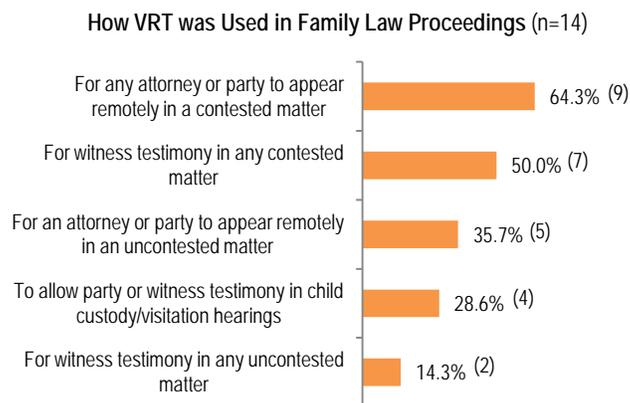
There were no respondents that used VRT in civil limited or unlawful detainer cases. The 1 respondent using VRT in small claims proceedings used it for witness testimony.

In family law proceedings, VRT was used primarily to allow an attorney or party to appear remotely in contested matters (see Figure 13).

How VRT was used in probate proceedings include:

- 1) for witness testimony in contested matters (25%, 1 respondent);
- 2) to allow a conservatee, conservator, or witness testimony in an establishment hearing (25%, 1 respondent);
- 3) to allow a conservatee, conservator, or witness testimony in a post-establishment hearing (25%, 1 respondent);
- and 4) to allow party or witness to appear from a hospital or other medical facility (25%, 1 respondent).

Figure 11: How Respondents Used VRT in Family Law



Why VRT Was Used

Why judicial officers allowed VRT in their courtrooms was varied, but the two most often selected reasons were 1) it was part of court policy/court programs and 2) the lawyer/parties stipulated and the judge approved the request. Table 2 shows the breakdown of reasons for allowing VRT in the courtroom.

Table 2: Why VRT Was Allowed in the Courtroom

	Felony (n=25)	Misd. (n=21)	Delinquency (n=8)	Dependency (n=6)	Civil Unlimited (n=19)	Family (n=16)	Probate (n=5)
It was part of court policy or program	18	20	5	2	1	1	0
The lawyers/parties stipulated and I approved the request	9	4	2	5	10	6	1
A lawyer asked because of his/her distance/transportation issues	1	2	1	1	6	2	1
A lawyer asked because of his/her health or disability	0	0	1	1	1	1	0
A party or witness asked because of his/her distance/transportation issues	4	1	2	2	6	7	1
A party or witness asked because of his/her health, age, or disability	3	0	1	1	3	5	0
A court interpreter asked because of logistical reasons	2	0	0	0	0	0	0
It was my idea because of party, witness, interpreter, or judicial economy	2	1	1	1	3	5	2

VRT Equipment Used

A variety of VRT formats were used in the courtroom. However, many of respondents in each case type were unable to recall what format was used. Table 3 provides an aggregate² of the formats used in each case type. Note that in almost every case type the aggregate VRT format total (the case type column sum) does not match the hearing total (the “n” at the top of the column). For those case types in which the format totals exceeds the hearing type totals, it is likely because the respondent has used more than one VRT format in a hearing type. For those with format types summing to less than hearing type totals, it is probably the result of respondents either not selecting a format type or not remembering the format type and failing to check “Don’t Know”.

Table 3: Types of VRT Formats Used by Case Type

	Felony (n=41)	Misd. (n=36)	Delinquency (n=10)	Dependency (n=15)	Civil Unlimited (n=19)	Family (n=27)	Probate (n=5)
Skype	8	2	4	9	10	10	2
Video Court Call	4	1	2	1	12	7	0
WebEx	0	0	0	0	0	0	2
Cisco TelePresence	0	5	0	0	1	0	1
FaceTime	0	0	0	0	0	0	0
PolyCom Video	3	2	0	2	0	0	0
In-House, Network Based	5	13	2	5	1	5	0
Other	7	1	2	0	5	3	0
Don't Know	13	12	3	3	8	8	2

WebEx was used in one of the two traffic matters captured in the survey, and the one respondent using VRT in small claims used the PolyCom Video format.

Objections to VRT Use

Respondents were asked whether they have heard objections to the use of VRT in the proceeding based on the following:

- Constitution or statute
- Insufficiency or inadequacy of the VRT equipment
- VRT is not secure
- VRT will create calendaring/scheduling problems if it fails
- In sufficient or inadequate control of testimony or exhibits at the remote location.

² The survey asked respondents to identify VRT format by hearing type. These were added up by format type by case type for Table 3. “N” in this table equals the number of hearings in which VRT was used.

Table 4 shows the total responding “Yes” and the total responding to the question. For example, if 5 of the 15 responding judicial officers said that they heard constitutional objections, the table entry would be 5/15 (5 out of 15).

Table 4: Objections Heard by Case Type

	Felony	Misd.	Delinquency	Dependency	Civil Unlimited	Family	Probate
Based on constitutional or statutory grounds	3/29	1/22	0/10	1/7	5/20	0/16	1/5
Based on insufficiency/inadequacy of the VRT equipment	3/28	0/22	0/10	0/7	1/20	0/16	1/5
Based on VRT not being secure	1/27	0/22	0/10	0/7	0/20	0/16	0/5
Based on VRT potentially creating calendaring/scheduling problems if VRT fails	1/27	0/22	0/10	0/7	1/20	0/16	0/5
Based on insufficient/inadequate control of testimony or exhibits at remote location	0/26	0/22	0/10	1/7	3/20	0/16	0/5

One of the 2 respondents having used VRT in traffic proceedings heard an objection based on statute.

Overall Satisfaction and Experience with VRT

Approximately 81% (57) of the respondents (n=70) expressed satisfaction with VRT, 46% (32) expressing that they were very satisfied. 16% (11) were neutral and 2.8% (2) expressed dissatisfaction.

Generally, respondents felt that the technology functioned well (went as planned) and parties/lawyers were satisfied with the use of VRT (51%, 35 respondents). 40.6% (28) said that while there were some technological problems, proceedings went forward and most lawyers/parties were generally satisfied (36.2%, 25). Just 3% (2) said that the technological problems were so great that the proceedings had to continue without VRT.

Those responding to questions about their overall impressions of VRT (n=65), 40% (26) felt it was equivalent to having the entire proceeding and all parties/witnesses in the physical courtroom. 52% (34) felt something was lost by not have everyone in one courtroom, but that the loss did not affect the ultimate result. For one respondent, VRT made it too difficult to do his/her job, and absent extraordinary circumstances, would prefer to have everyone in the courtroom.

Perspective of Those Having Never Used VRT in the Courtroom

Approximately 50% of those respondents having never used VRT said that they would consider mandating VRT in their courtroom, on appropriate occasions, if legally permissible and beneficial to the time and efficient administration of justice (see Table 5).

Table 5: Opinions Best Describing Present View of VRT

Total Population (n=56)

Answer Choices	Responses
I might be amenable to VRT, but only if stipulated by the parties	14.4% (35)
I would be amenable to VRT, regardless of stipulation, if had some confidence in the efficacy of the technology	23.5% (57)
I would consider mandating VRT in my courtroom if legally permissible and beneficial to the timely and efficient administration of justice	48.9% (119)
I would prefer not using VRT in my courtroom	9.1% (22)
Other	3.7% (9)
Decline to state	0.4% (1)

There were several write-ins as well, including but not limited to:

- I would consider it if appropriate and legal.
- I might be amenable depending on the circumstances.
- It depends on the situation. In criminal cases, it is more limited.
- Perhaps a good idea for certain types of scheduling—non-substantive types of hearings.
- I am open to the idea.