



# JUDICIAL COUNCIL OF CALIFORNIA

COURT TECHNOLOGY  
ADVISORY COMMITTEE

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## JOINT APPELLATE TECHNOLOGY SUBCOMMITTEE

### MINUTES OF OPEN MEETING

July 30, 2015  
3:30 PM – 5:00 PM

Teleconference

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**Advisory Body Members Present:** Hon. Louis Mauro, Chair; Hon. Peter Siggins; Ms. Kimberly Stewart, Mr. Don Willenburg and Mr. Kevin Green

**Advisory Body Members Absent:** Mr. Frank McGuire and Mr. Joseph Lane

**Others Present:** Ms. Katherine Sher, Ms. Tara Lundstrom; Ms. Heather Anderson, Mr. Patrick O'Donnell and Ms. Julie Bagoye

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#### OPEN SESSION

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##### **Call to Order and Roll Call**

Justice Mauro called the meeting to order at 3:30 PM, and roll call was taken. He noted there were no public comments received prior to this meeting.

##### **Approval of Minutes**

The subcommittee reviewed and approved the minutes of the March 16, 2015, Joint Appellate Technology Subcommittee (JATS) meeting.

##### **Item 1**

##### **Recommendations regarding Policy & Rules for E-Access to Appellate Court Records Discussion: Ms. Katherine Sher, Attorney, Legal Services Office**

Ms. Sher led the discussion by reviewing and making recommendations concerning the public comments received on proposed rules, 8.80 through 8.85, California Rules of Court. In particular, in response to the comments received regarding the types of cases in which a judge should have discretion to allow remote access to electronic files, the subcommittee approved a motion to remove the word "criminal" from proposed rule 8.83(d), thereby providing discretion to allow such access in all case types. In addition, the subcommittee approved a motion to delete proposed rule 8.85(b). A motion to recommend the rules as modified was approved.

##### **Item 2**

##### **Recommendations regarding Rule of Court to Allow Electronic Service upon Courts if the Court Consents**

**Discussion: Ms. Tara Lundstrom, Attorney, Legal Services Office**

Ms. Lundstrom led the discussion by reviewing and making recommendations concerning the public comments received on proposed amendments to rule 8.71, California Rules of Court. The staff recommendations regarding the comments were accepted. A motion to recommend the rule amendments (as changed) to ITAC and AAC was approved.

**Item 3**

**Rules Modernization Project – Phase 1 (Annual Agenda Project #13)**

**Discussion: Katherine Sher, Attorney Legal Services Office**

**Ms. Tara Lundstrom, Attorney, Legal Services Office**

Ms. Lundstrom led the discussion on the public comments to the Phase 1 proposals. Among other things, the public comments recommended consideration of indigent appellate litigants. The subcommittee discussed whether and how the proposed changes impact the efforts to allow all or part of the record on appeal to be in electronic form. Ultimately, the subcommittee approved the staff recommendation to withdraw the changes to 8.122, 8.144 and 8.838 (but not to 8.336) as this package moves forward, and to consider these issues further in a future phase.

Discussion was held on removing the words “file-endorsed” and keeping “file-stamped.” The subcommittee agreed to move forward with this change and seek definition of “file-endorsed” in later a future modernization phase. There was also discussion about seeking a rule in future phase defining electronic form/electronic format.

A motion was approved to recommend the proposed amendments, with the approved changes, to ITAC and AAC, and to seek future rule changes to define filed-endorsed and electronic form/format.

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**A D J O U R N M E N T**

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The meeting was adjourned at 5:00 PM.

Approved by the advisory body on November 20, 2015.