



JUDICIAL COUNCIL OF CALIFORNIA

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MEMORANDUM

Date January 12, 2016	Action Requested For Your Review
To ITAC's Rules and Policy Subcommittee	Deadline January 14, 2016
From Tara Lundstrom Attorney, Legal Services	Contact Tara Lundstrom 415-865-7650 phone tara.lundstrom@jud.ca.gov
Subject E-Signatures & E-Filing: Proposals To Add Code of Civil Procedure Section 1013b and To Amend Section 1010.6	

Background

During its December 2015 meeting, the Information Technology Advisory Committee (ITAC) recommended that several projects from its 2015 Annual Agenda be carried over to this year. Three are relevant to the subcommittee's meeting on January 14, 2016. The first involves a legislative proposal to amend Code of Civil Procedure section 1010.6 to authorize e-signatures on e-filed documents. The second involves reviewing the e-filing provisions in Code of Civil Procedure section 1010.6. The third involves ITAC's multi-year effort to modernize the statutes and rules to facilitate e-business, e-filing, and e-service.

Because the legislative proposals to authorize e-signatures on e-filed documents and to review the e-filing provisions both involve possible amendments to the same statute—Code of Civil Procedure section 1010.6—they are combined in the attached draft for the subcommittee to review and discuss together. However, they would be circulated for public comment as separate legislative proposals.

As part of this year's modernization efforts, the Probate and Mental Health Advisory Committee will be considering whether to recommend amending the Probate Code to authorize electronic notices of hearing in probate proceedings. To facilitate that effort and to fill a current gap in the statute, the attached materials for the subcommittee's meeting include a proposal to add new Code of Civil Procedure section 1013b.

Before any legislative proposal recommended by the subcommittee is reviewed by ITAC, it would first be circulated to the Civil and Small Claims Advisory Committee and the Family and Juvenile Law Advisory Committee for their input.

Subcommittee's Task

The subcommittee is tasked with reviewing the draft proposal to add new Code of Civil Procedure section 1013b and to amend Code of Civil Procedure section 1010.6 and:

- Asking staff or group members for further information and analysis; or
- Advising ITAC to recommend that all or part of the proposal be circulated for public comment during the spring rules cycle; or
- Rejecting the proposal.

Attachment

1. Draft amendments to Code of Civil Procedure sections 1013a and 1010.6 with drafter's notes and specific questions for the subcommittee members.