



JUDICIAL COUNCIL OF CALIFORNIA

INFORMATION TECHNOLOGY
ADVISORY COMMITTEE

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INFORMATION TECHNOLOGY ADVISORY COMMITTEE

RULES AND POLICY SUBCOMMITTEE

MINUTES OF OPEN MEETING

March 4, 2016

12:10 PM – 1:00 PM

Teleconference

Advisory Body Members Present: Justice Peter Siggins, Judge Kyle Brodie, Judge Julie Culver, Justice Louis Mauro, Judge Jackson Lucky, Mr. Darrel Parker, Mr. Don Willenburg

Advisory Body Members Absent: Professor Dorothy Glancy

Others Present: Mr. Patrick O'Donnell, Ms. Tara Lundstrom, Ms. Diana Glick

OPEN MEETING

Call to Order and Roll Call

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

DISCUSSION AND ACTION ITEMS (ITEMS 1–3)

Item 1

Legislative Proposal on E-Filing, E-Service, and E-Signatures (Action Required)

Action: *The subcommittee voted to recommend the proposal, as revised, to the Information Technology Advisory Committee (ITAC).*

Ms. Lundstrom explained that the proposal was returning to the subcommittee for its review after having been presented to the following advisory committees for their input: the Civil and Small Claims Advisory Committee, the Advisory Committee on Providing Access and Fairness, and the Family and Juvenile Law Advisory Committee. She then presented the proposed amendments in the meeting materials to the subcommittee, including the input received from the other advisory committees on the proposal.

The subcommittee discussed whether to propose a 5 PM or midnight cutoff time for determining the effective date for e-filing and e-service and decided, based in part on the input from the other advisory committees, to recommend midnight and ask for specific comment on this issue. To incorporate this recommendation the subcommittee recommended:

1. Revising proposed new subdivision (a)(5) to provide as follows: "Any document that is served electronically before midnight on a court day shall be deemed to have been served on that court

day, and any document that is served electronically after midnight on any court day shall be deemed to have been served on the next court day.”

2. Revising the proposed amendment to subdivision (b)(3) to provide: “Any document received electronically by the court before midnight on a court day shall be deemed to have filed on that court day, and any document that is received after midnight is deemed to have been filed on the next court day.”

The subcommittee also recommended revising new subdivision (d)(4) to refer to “unrepresented persons” instead of “unrepresented parties and other persons.” The subcommittee then voted to recommend the proposal, as revised, to ITAC.

Item 2

Legislative Proposal to Authorize E-Service in Probate Proceedings (Action Required)

Action: *The subcommittee voted to recommend the proposal, as revised, to ITAC.*

Ms. Lundstrom presented this proposal to the subcommittee. The subcommittee decided to revise the proposed amendment to Probate Code section 1215(c)(1) to provide that the notice or paper may be e-served on a party or other person “if the person has filed written consent to receive electronic service and provided an electronic service address.” The subcommittee then voted to recommend the proposal, as revised, to ITAC.

Item 3

Legislative Proposal to Authorize E-Service and E-Filing in Juvenile Proceedings (Action Required)

Action: *The subcommittee voted to recommend the proposal to ITAC.*

Ms. Lundstrom presented this proposal to the subcommittee. The subcommittee members discussed whether to provide further guidance in the statute or rules on the use of encryption to preserve and ensure the confidentiality of juvenile records. They concluded that this guidance would be best left for development in the rules. The subcommittee then voted to recommend the proposal to ITAC.

A D J O U R N M E N T

The meeting was adjourned at 1:00 PM.

Approved by the advisory body on July 8, 2016.