



# JUDICIAL COUNCIL OF CALIFORNIA

INFORMATION TECHNOLOGY  
ADVISORY COMMITTEE

[www.courts.ca.gov/itac.htm](http://www.courts.ca.gov/itac.htm)  
[itac@jud.ca.gov](mailto:itac@jud.ca.gov)

## ITAC RULES AND POLICY SUBCOMMITTEE

### MINUTES OF OPEN MEETING

November 15, 2017

12:10 PM

Teleconference

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**Subcommittee Members Present:** Hon. Peter J. Siggins; Hon. Julie R. Culver; Hon. Louis R. Mauro; Mr. Darrel Parker; Mr. Don Willenburg

**Subcommittee Members Absent:** Hon. Jackson Lucky

**Others Present:** Mr. Patrick O'Donnell; Ms. Andrea Jaramillo; Ms. Fati Farmanfarmaian; Ms. Jane Whang

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#### OPEN MEETING

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

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

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

The subcommittee reviewed and approved the minutes of the May 23, 2017 ITAC Rules and Policy Subcommittee meeting.

There were no public comments for this meeting.

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#### DISCUSSION AND ACTION ITEMS (ITEMS 1-2)

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##### **Item 1**

##### **Rules and Policy Subcommittee 2017 Project Updates (Discussion Item)**

Report on end of year Rules and Policy Subcommittee 2017 projects.

**Presenters:** Mr. Patrick O'Donnell, Managing Attorney, Legal Services  
Ms. Andrea Jaramillo, Attorney II, Legal Services

**Update:** Ms. Jaramillo advised the 2017 rules that the subcommittee worked on will be going to the Judicial Council on Friday, November 17. It's expected to go through approval without issue.

**Item 2**

**Rules and Policy Subcommittee 2018 Work Plan (Discussion Item)**

Review, prioritize and plan ITAC's 2018 Annual Agenda projects assigned to the subcommittee.

Presenter: Hon. Peter Siggins, Chair, Rules and Policy Subcommittee

**Update:** Justice Siggins advised today's meeting will be to review 2018 subcommittee projects with detailed information on each item in the meeting materials. The projects are listed below:

- Amend Rule 2.251(b) Governing Consent to Accept Electronic Service;
- Create a Form for Withdrawal of Consent for Electronic Service;
- Create a Rule with a Procedure for Electronic Signatures on Electronically Filed Documents where a Signature Must Be Made Under Penalty of Perjury;
- Create Rules to Implement Code Of Civil Procedure Section 1010.6(h), which Requires Compliance with Accessibility Laws and Standards to Ensure Persons with Disabilities Can Access Electronic Filing and Electronic Service;
- Potential Amendments to Rule 2.250(b), which Contains the Definitions Applicable to the Electronic Filing and Electronic Service Rules;
- Do Not Exempt Attorneys Acting In Pro Per from Mandatory Electronic Filing and Service;
- Prohibit EFSPs from Requiring Indigent Users to Have a Credit Card, Debit Card, or Bank Account to Utilize an EFSP's Services;
- Clarify Language in Rule 2.252(e), which Allows for the Electronic Filing of Original Documents;
- Amend Rule 3.1312(c), which Governs Submission of Proposed Orders by Electronic Means, So Courts Have More Flexibility;
- Allow Courts to Electronically Serve a Notice of Non-Payment of Check;
- On Judicial Council Forms for Family Law, Add a Checkbox Near The Signature Line with Text next to the Checkbox that States, "Signature Pursuant To CRC, Rule 2.305(d)".

The members decided on the priority of projects. Priorities are below:

1. Amend Rule 2.251(b) Governing Consent to Accept Electronic Service;
2. Create a Form for Withdrawal of Consent for Electronic Service;
3. Create Rules to Implement Code Of Civil Procedure Section 1010.6(h), which Requires Compliance with Accessibility Laws and Standards to Ensure Persons with Disabilities Can Access Electronic Filing and Electronic Service;
4. Create a Rule with a Procedure for Electronic Signatures on Electronically Filed Documents where a Signature Must Be Made Under Penalty of Perjury;
5. Do Not Exempt Attorneys Acting In Pro Per from Mandatory Electronic Filing and Service;

6. Prohibit EFSPs from Requiring Indigent Users to Have a Credit Card, Debit Card, or Bank Account to Utilize an EFSP's Services;
7. Potential Amendments to Rule 2.250(b), which Contains the Definitions Applicable to the Electronic Filing and Electronic Service Rules.

Deferred projects:

- Clarify Language in Rule 2.252(e), which Allows for the Electronic Filing of Original Documents; **Deferred for the time being.**
- Amend Rule 3.1312(c), which Governs Submission of Proposed Orders by Electronic Means, So Courts Have More Flexibility; **Deferred, staff will inquire with other advisory committees for additional information.**

Allow Courts to Electronically Serve a Notice of Non-Payment of Check;  
**Deferred to see what direction the legislature takes.**

Dropped project:

On Judicial Council Forms for Family Law, Add a Checkbox Near The Signature Line with Text next to the Checkbox that States, "Signature Pursuant To CRC, Rule 2.305(d)". **This change is unnecessary.**

**Motion to approve the prioritization of the subcommittee project items.**

**Approved.**

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

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There being no further business, the meeting was adjourned at 1:00 PM.

Approved by the advisory body on January 22, 2018.