



JUDICIAL COUNCIL OF CALIFORNIA

INFORMATION TECHNOLOGY
ADVISORY COMMITTEE

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INFORMATION TECHNOLOGY ADVISORY COMMITTEE

MINUTES OF OPEN MEETING

July 2, 2018

10:00 AM to 12:00 PM

CONDUCTED BY ELECTRONIC MEANS AND RECORDED

Advisory Body Members Present: Hon. Sheila F. Hanson, Chair; Hon. Louis R. Mauro, Vice Chair; Mr. Brian Cotta; Hon. Julie R. Culver; Hon. Tara Desautels; Hon. Samantha P. Jessner; Hon. Kimberly Menninger; Mr. Snorri Ogata; Mr. Darrel Parker; Hon. Alan G. Perkins; Hon. Peter Siggins; Hon. Bruce Smith; Ms. Jeannette Vannoy; Mr. Don Willenburg; Hon. Daniel J. Buckley; Mr. David H. Yamasaki

Advisory Body Members Absent: Assemblymember Marc Berman; Mr. Jason Galkin; Ms. Alexandra Grimwade; Hon. Michael S. Groch; Mr. Paras Gupta; Hon. Jackson Lucky; Mr. Terry McNally; Hon. James Mize; Hon. Joseph Wiseman

Others Present: Mr. Rob Oyung; Mr. Mark Dusman; Mr. Patrick O'Donnell; Mr. Ms. Jamel Jones; Ms. Fati Farmanfarmaian; Ms. Nicole Rosa; Ms. Jackie Woods; and other JCC staff present

OPEN MEETING

Call to Order and Roll Call

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

Approval of Minutes

No minutes approved at this meeting.

No public comments received.

DISCUSSION AND ACTION ITEMS (ITEMS 1-4)

Item 1

Chair's Opening Remarks

Presenter: Hon. Sheila F. Hanson, Chair

Updates: Judge Hanson did not have any updates to provide. This special meeting is to consider rules and forms proposals following their circulation for public comment.

Item 2

Rules & Policy Subcommittee—Modernization Project Rules Proposal: Proposed Amendments to Title 2, Division 3, Chapter 2 of the California Rules of Court

Review public comments received and decide whether to recommend the Judicial Council approve amendments to title 2, division 3, chapter 2 of the California Rules of Court. The proposed amendments respond to new requirements in Code of Civil Procedure section 1010.6, amend definitions in the rules, and ensure indigent filers are not required to have a payment mechanism to create an account with electronic filing service providers.

Presenters: Hon. Peter J. Siggins, Chair

Ms. Andrea Jaramillo, Attorney II, Legal Services

Action: Justice Siggins reminded members these rules were designed to facilitate legislative amendments to Code of Civil Procedure section 1010.6. They relate to electronic service and electronic filings, requiring express consent for electronic service for disability access. Four comments received, one comment was clarified when Ms. Jaramillo spoke with Los Angeles Superior Court, they were satisfied that they could use local rules on electronic filing concerning exhibits. There were also comments regarding the affirmative consent requirement, the subcommittee has been vigilant in tracking the statutory language and expanding, so didn't see any need to create an amendment for this comment.

Motion to request to Approve the recommendation that the Judicial Council adopt the proposed amendments to Title 2, Division 3, Chapter 2 of the California Rules of Court in Code of Procedure 1010.6 as amended and be referred by ITAC to JCTC for further evaluation and implementation.

Approved.

Item 3

Rules & Policy Subcommittee—Modernization Project Rules Proposal: Form Proposal, Withdrawal of Consent to Electronic Service (Action Requested)

Review public comments received and decide whether to recommend the Judicial Council approve Judicial Council form EFS-006, Withdrawal of Consent to Electronic Service. The purpose of the proposal is to comply with Code of Civil Procedure section 1010.6(a)(6), which requires the Judicial Council to create such a form by January 1, 2019. This is a joint proposal with the Civil and Small Claims Advisory Committee.

Presenters: Hon. Peter J. Siggins, Chair

Ms. Andrea Jaramillo, Attorney II, Legal Services

Action: Justice Siggins advised this is another means to implement changes to Code of Civil Procedure section 1010.6 in conjunction with Civil and Small Claims Advisory Committee, who did a form proposal for public comment regarding withdrawal of consent for electronic service. The Rules & Policy subcommittee added additional text to the notice on the form "not be used for mandatory electronic service". Civil and Small Claims has

concurred with this addition. There were minor suggested editorial changes to the document prior to submission to the Judicial Council.

Motion to Approve the recommendation that the Judicial Council adopt the proposed Form Proposal, Withdrawal for Consent to Electronic Service.

Approved.

Item 4

Joint Ad Hoc Subcommittee on Remote Access—Remote Access to Electronic Rules Proposal: Proposed Adoption of New Rules and Amendments in Title 2, Division 1, Chapter 2 (Action Requested)

Review public comments received and decide whether to recommend the Judicial Council adopt new rules and approve amendments in title 2, division 1, chapter 2 of the California Rules of Court. The goal of the proposed rules is to facilitate remote access to trial court records by state, local, and tribal government entities, parties, parties' attorneys, and court-appointed persons.

Presenters: Hon. Peter J. Siggins, Chair

Ms. Andrea Jaramillo, Attorney II, Legal Services

Action: Justice Siggins advised an independent workgroup has worked on this group of rules to facilitate remote access and provide a guideline for remote access to port records.

There have been two new articles added to the rules because of the workgroup, these have gone out for public comment with less comments than anticipated.

Rule 2.516 – *Feasibility of providing remote access*: Explained that if a court can do some aspect of electronic access, they should. It's not all or none. Language will be revised.

Rule 2.518 – *Allowing a party to designate user to remotely access a party's electronic record*: If feasible to do at court. Will strike must be 18 years of age and add that person should have the capacity to be the designated user. Removing juvenile wording.

Rule 2.519 – *Allowing undisclosed attorney to remotely access a party's electronic records*: Comments were addressed, and this doesn't pose a risk to court data.

Rule 2.522 – *Allowing a qualified person from a qualified legal service project to remotely access a party's electronic records*: Going to clarify the courts and legal service have flexibility with this rule. This could require a new security layer and courts should base access on feasibility.

Rule 2.523 – *Requiring courts to verify identities of remote access users*: The court should use their own practices to identify party and users.

Motion to Approve the recommendation that the identify verification requirement apply, except for remote access that is provided to a party's designee under Rule 2.518.

Approved

Rule 2.526 – *Audit trails documenting information about user access*: Courts were concerned about storage capacity needs. A new approach is to make it a recommendation for courts to provide audit trail capacity as they can now and have a mandatory end-date in the future. There will be additional editorial changes before it moves forward.

Rule 2.540 – *Provisions for remote access by Department of Child Support Services (DCSS) and local child support agencies*: DCSS wanted several changes that Rules & Policy didn't feel could be made. They did agree that a court in one county could provide remote access in another county.

Rule 2.507 – Andrea will add an amendment for the future rules update.

Motion to Approve with a friendly amendment for Rule 2.526 to reflect the permissive and recommended nature of the Audit Trails and that Article 4 be modified to compliment Article 3 before moving forward to JCTC for consideration then to the Judicial Council for approval.

Approved.

A D J O U R N M E N T

There being no further business, the meeting was adjourned at 11:20 AM.

Approved by the advisory body on enter date.