



JUDICIAL COUNCIL OF CALIFORNIA

INFORMATION TECHNOLOGY
ADVISORY COMMITTEE

www.courts.ca.gov/itac.htm
itac@jud.ca.gov

ITAC: RULES & POLICY SUBCOMMITTEE

MINUTES OF OPEN MEETING

July 2, 2019

12:10 PM – 1:30 PM

Teleconference

Subcommittee Members Present: Hon. Peter J. Siggins; Hon. Julie Culver; Hon. Louis R. Mauro; Hon. Kimberly Menninger; Mr. Darrell Parker

Subcommittee Members Absent: Hon. Samantha Jessner; Mr. Don Willenburg

Others Present: Ms. Fati Farmanfarmaian; Ms. Andrea Jaramillo

OPEN MEETING

Call to Order and Roll Call

The chair called the meeting to order at 12:11 PM and took roll call.

Approval of Minutes

The advisory body reviewed and approved the minutes of the January 22, 2019, Rules and Policy Subcommittee meeting.

There were no public comments for this meeting.

DISCUSSION AND ACTION ITEMS (ITEMS 1 – 4)

Item 1

Trial Court Rules and Statutes Revisions: Proposal to Amend the Penal Code Section 1203.01 (Action Required)

Review public comments and decide whether to recommend the Judicial Council sponsor legislation to amend Penal Code section 1203.01. The proposed amendments provide an electronic alternative to mailing certain statements and reports.

Presenters: Hon. Peter Siggins, Chair, Rules and Policy Subcommittee
Ms. Andrea Jaramillo, Attorney II, Legal Services

Action: Justice Siggins reviewed comments received. San Diego court commented regarding paragraph C1 that it should be in writing or on the record that could be done from prison and not the court. Another item is on page 15 of the PDF materials, there will be some locations that it won't be feasible to send electronic and could entail more work. It's recommended not to change paragraph 2 as it addresses those situations.

Motion to recommend proposed amendments to Penal Code 1203.01 Information Technology Advisory Committee with the addition of “a written or on the record notification” in paragraph C1. Otherwise unmodified.

Approved.

Item 2

Trial Court Rules and Statutes Revisions: Proposal to Amend the Code of Civil Procedure Section 1010.6 (Action Required)

Review public comments and decide whether to recommend the Judicial Council sponsor legislation to amend Code of Civil Procedure section 1010.6. The proposed amendments allow courts to recover actual costs of permissive electronic filing and mandatory electronic filing by court order, just as they can with mandatory electronic filing by local rule, and clarify a provision for signatures made not under penalty of perjury to account for signatures of non-filers.

Presenters: Hon. Peter Siggins, Chair, Rules and Policy Subcommittee
Ms. Andrea Jaramillo, Attorney II, Legal Services

Action: Justice Siggins reviewed comments. Rules of Court will be capitalized to refer to the California Rules of Court. There were no necessary comments or changes to the first item on page 35 of the PDF materials. Comments on page 36 of the materials were supportive, there were some confusion regarding fees the court will be collecting. A proposed change is: “the court may charge fees of no more than the court’s actual cost...”. Another change will be to reorder paragraph 7 before paragraphs 6 and then 8.

Motion to recommend proposed amendments to Code of Civil Procedure 1010.6 Information Technology Advisory Committee making clear in in 2(a) sub 2 that the person must have signed the document pursuant to the Rules of Court. Also, that he court may not charge fees of more than their actual costs and reordered paragraphs.

Approved.

Item 3

Trial Court Rules and Statutes Revisions: Proposed Amendments to the Electronic Filing and Service Rules (Action Required)

Review public comments and decide whether to recommend the Judicial Council approve amendments to the electronic filing and services rules. The proposed amendments to rule 2.251 clarify how notice of consent to electronic service is to be given and provide an advisory comment on consent language. The proposed amendments to rule 2.257 revise language on signatures of opposing parties, and make minor revisions consistent with Code of Civil Procedure section 1010.6.

Presenters: Hon. Peter Siggins, Chair, Rules and Policy Subcommittee
Ms. Andrea Jaramillo, Attorney II, Legal Services

Action: Justice Siggins reviewed proposed amendments to rule 2.251 pertaining to electronic service. The objective of this rule is to comply with Code of Procedure section 1010.6 that a party must manifest consent by giving notice by agreeing to terms of service or filing a consent. There was some concern about the court having to accept and retain these notices, but the concern is more about rule 1010.6 and not this rule. Changes to rule 2.251 will be submitted as is. Clarification will be made to 2.251(b) to express an earlier change so the language tracks with rule 1010.6 at a future time.

Page 63 of PDF to rule 2.255 didn't have substantive changes. Rule 2.257 deals with documents signed under penalty of perjury. Language around when a declaration is invalid, if data is changed a signature may be invalidated by the court. Comments were not supportive of this change. One suggestion, to go back to the original language and place and advisory comment in its place. The advisory comment will be "The requirements for electronic signatures that are compliant with the rule do not impair the power of the court to resolve disputes about the validity of the signature".

Motion to recommend proposed amendments to Information Technology Advisory Committee regarding rule 2.251 and modify the proposed language in rule 2.257 and add an advisory comment.

Approved.

Item 4

Trial Court Rules and Statutes Revisions: Proposed Amendments to the Rules on Remote Access to Electronic Records (Action Required)

Review public comments and decide whether to recommend the Judicial Council approve amendments to the rules on remote access to electronic records. The proposed amendments to rule 2.540 add more clarity and additional local government entities.

Presenters: Hon. Peter Siggins, Chair, Rules and Policy Subcommittee
Ms. Andrea Jaramillo, Attorney II, Legal Services

Action: Justice Siggins advised this change is to add public conservator and public administrator and there were no public comments regarding this change.

Motion to recommend proposed amendments to Information Technology Advisory Committee regarding rule 2.540 to add public conservator and public administrator.

Approved.

One informational item is to remove electronic standards for data from the annual agenda.

A D J O U R N M E N T

There being no further business, the meeting was adjourned at 12:45 PM.

Approved by the subcommittee on October 1, 2019.