



JUDICIAL COUNCIL OF CALIFORNIA

INFORMATION TECHNOLOGY
ADVISORY COMMITTEE

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

ITAC RULES AND POLICY SUBCOMMITTEE

MINUTES OF OPEN MEETING

November 4, 2019
12:10 PM – 1:20 PM
Teleconference

Advisory Body Members Present: Hon. Peter J. Siggins; Hon. Louis R. Mauro; Hon. Kimberly Menninger; Mr. Don Willenburg, Mr. Darrel Parker

Advisory Body Members Absent: Hon. Julie Culver; Hon. Samantha Jessner

Others Present: Judicial Council Staff

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 October 1, 2019, TAC Rules and Policy Subcommittee meeting.

There were no public comments received.

DISCUSSION AND ACTION ITEMS (ITEMS 1-2)

Item 1

Rules and Policy Subcommittee 2019 Project Updates

Report on end of year Rules and Policy Subcommittee 2019 projects.

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

Discussion: Justice Siggins gave a recap of subcommittee workplan for 2019. Currently there are two statutory legislative proposals before the Judicial Council for their consideration at the November 2019 meeting. They are amendments to the Code of Civil Procedures to section 1010.6 and the second is a clarification to allow mailing and electronic submission of certain Penal Code section 1203.01.

The proposals to amend electronic filing and service and remote access rules were approved by the Judicial Council at their September meeting and are now complete.

Another item on the subcommittee workplan was electronic court records as data, following the Court Executive Advisory Committee's lead (CEAC). CEAC has determined they won't need and rules or revisions from this subcommittee. They will add a definition in the Trial Courts Record Manual to make clear that trial court records will include records that are in the form of data.

Also completed and published is the Privacy Resources Guide and is available on the internet. Justice Siggins will discuss with ITAC chairs how the ongoing maintenance will be handled going forward. Mr. Richard Blalock, Judicial Council staff spoke with executive leadership about future guide ownership. They shared that the guide has benefits to trial and appellate courts and perhaps a joint ownership may work or collaborative effort between several committees. It might be helpful to get an idea of how often the guide will need to be updated, for instance, it was accessed 186 times on website in the past year. Mr. Rob Oyung suggested to the ITAC chairs that this guide should be managed by an advisory committee. Justice Siggins feel's having staff resources to do the actual updates is critical and he will reach out to Mr. Oyung. This conversation will continue at the ITAC December meeting.

Item 2

Rules and Policy Subcommittee 2020 Work Plan

Review, prioritize and plan ITAC's 2020 Annual Agenda projects assigned to the subcommittee.

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

Discussion: Justice Siggins advised members that RUPRO has suggested priority levels for new projects. They are category 1, items that are urgent and category 2 is for items that are useful, but not urgent.

There are two project suggestions for the 2020 workplan. The first is to amend the California Rules of Court to indicate that an electronic filing service provider must allow the party to proceed with an electronic filing even if the party does not consent to receive electronic service. Justice Siggins and Justice Mauro both suggested this item be added to the workplan with a priority 2a.

Motion to recommend ITAC add to its annual agenda a proposal to amend the California Rules of Court to require an electronic service provider to allow the party to proceed with an electronic filing even if the party does not consent to receive electronic service. Item to be added to the Rules & Policy Subcommittee workplan under priority 2a.

Approved.

The second workplan item is to devise a form to capture changes to Penal Code 1203.01 as part of the suggestions to the legislature and currently with the Judicial Council for

approval. This item is a result of suggestions received during the public comment period. Justice Siggins believes this item is premature since statutory changes have not yet been enacted. Members agreed, and this item will not be added at this time. The subcommittee will review again once that has been done.

Judge Menninger expressed concerns regarding confusion on Rule 2.540 being a CCPOR record and not a judicial council record. Her suggestion to quickly resolve confusion is to amend the rule to specially state it is for CCPOR. This will be explored at a future meeting and to discuss if it needs to be added to the workplan.

A D J O U R N M E N T

There being no further business, the meeting was adjourned at 12:32 PM.

Approved by the advisory body on January 22, 2020.